

Needs Assessment:
**Counter-trafficking
Response**
in the Republic
of Azerbaijan



International Organization for Migration

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of Azerbaijan

Produced for the
International Organization for Migration (IOM)
by **Marika McAdam**



IOM Development Fund
DEVELOPING CAPACITIES IN MIGRATION MANAGEMENT



International Organization for Migration

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Clean World Public Union
Azerbaijan Children Union
Azerbaijan Red Crescent Society
Woman Initiatives and Support to the Solution of Social Problems Public Union
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"Education" Public Support Association of Youth of Azerbaijan
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ACRONYMS AND ABBREVIATIONS

| | |
|---------------|---|
| CIS | Commonwealth of Independent States |
| CT-NAT | Counter-trafficking Needs Assessment Tool |
| GRETA | Experts on Action Against Trafficking in Human Beings |
| ICMPD | International Centre for Migration Policy Development |
| ILO | International Labour Organization |
| IOM | International Organization for Migration |
| MIA | Ministry of Internal Affairs |
| NAP | National Action Plan |
| NGO | Non-governmental Organization |
| NRM | National Referral Mechanism |
| OSCE | Organization for Security and Co-operation in Europe |
| THB | Trafficking in Human Beings |
| UN | United Nations |
| UNTOC | United Nations Convention against Transnational Organized Crime |

Needs Assessment:

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1. INTRODUCTION

1.1. Research context

This research was commissioned by the International Organization for Migration (IOM) and funded by the Member States through IOM's internal funding mechanism, the IOM Development Fund. The purpose of the study was to:

- collect and synthesize stakeholder views of the current human trafficking landscape and responses thereto in the country/region;
- identify stakeholders' perspectives on the trafficking situation and trends, as well as the gaps in relation to identification and referral, assistance and protection, and prevention and cooperation; and
- arrive at key conclusions and offer recommendations on how to strengthen existing responses, correct inappropriate processes, and address gaps at the domestic and, to the extent possible, regional levels.

The secondary purpose of the study was to develop a rapid needs assessment tool (Counter-trafficking Needs Assessment Tool (CT-NAT)) that can be adapted to different countries and regions, and revise the tool on the basis of the experience using it in the Republic of Armenia, the Republic of Azerbaijan and Georgia.

1.2. Research methodology

The needs assessment involved six key steps: 1) a desk review of key materials for the three countries; 2) development of the needs assessment tool; 3) in-country interviews; 4) dissemination of electronic surveys; 5) data entry, analysis of findings and drafting of the assessment report; and 6) validation of the assessment findings and recommendations at a series of three national workshops held in the study countries.

Desk review

The desk review included key documents on trafficking in human beings (THB) in the three study countries, as well as on needs assessment methodology. Effort was made to select an equivalent number of documents across all three countries. In addition to the author's own research to identify relevant documents, research reports and other assessments, staff from IOM offices in

the Republic of Armenia, the Republic of Azerbaijan and Georgia identified key documents for inclusion in the desk review. Materials that offered insight into needs assessment methodology were reviewed for the purpose of developing the needs assessment tool and frameworks for analysis. Of the 100 documents reviewed, 61 key materials were included in the bibliography (Annex A).

Development of the needs assessment tool

On the basis of the desk review, components of the needs assessment tool were developed for testing in the study countries, including a template to guide the drafting of the assessment report. The tool consists of:

- an in-depth interview guide (Annex C) designed for use during in-person interviews with stakeholders in the three study countries;
- an electronic survey template (Annex D) designed for translation and dissemination via email by IOM support staff in the three countries, to be completed and returned to the independent consultant; and
- a data analysis worksheet designed to guide data analysis, enabling persons carrying out assessments to enter data obtained via the electronic survey and the in-country in-depth interviews, and generate metrics of content. The worksheet also includes a comparative analysis table consisting of both framework and operational indicators across five categories, each containing five criteria, with a view to allowing rapid assessment of counter-trafficking response across countries (Annex E).

Concurrent to the process of developing the CT-NAT, IOM focal points in the Republic of Armenia, the Republic of Azerbaijan and Georgia were invited to identify and approach stakeholders to participate in the in-depth interview process or the survey process.

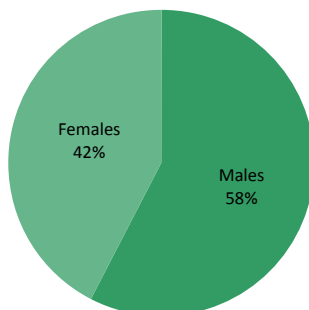
In-country interviews

Between 13 and 25 January 2016, the independent consultant spent three days carrying out a total of 40 interviews that involved 92 people across the three study countries, using the in-depth interview guide.

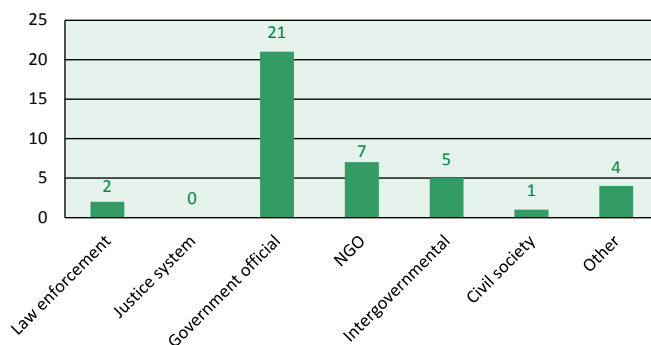
- In the Republic of Armenia, 16 interviews were carried out with 37 people (19 men and 18 women).
- In the Republic of Azerbaijan, 14 interviews were carried out with 36 people (28 men and 8 women).
- In Georgia, 10 interviews were carried out with 19 people (6 men and 13 women).

Of the 92 interview participants, 58 per cent were male (n=53) and 42 per cent were female (n=39), with significantly more male participants in the Republic of Azerbaijan (78% being 28 out of 36 participants). More than half of interviews across the three countries were with government agencies (n=21). The interview template (Annex C) was used in carrying out these interviews, and revised on the basis of lessons learned across the three countries.

Sex of interview respondents

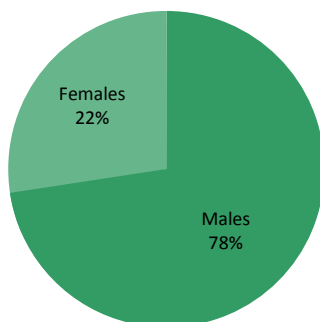


Profile of stakeholder interviews

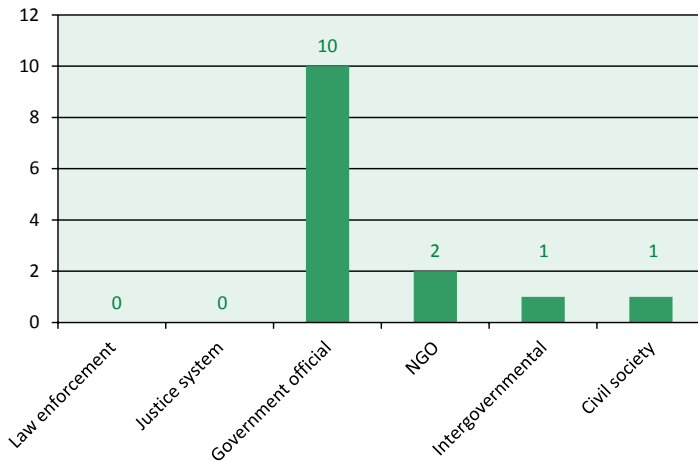


In the Republic of Azerbaijan, 14 interviews were carried out with 36 people over three days in Baku. Of these interviews, 10 were with State agencies/institutions. In addition, seven people from the Republic of Azerbaijan responded to the electronic survey.

Sex of interview respondents in the Republic of Azerbaijan



Profile of entities interviewed in the Republic of Azerbaijan

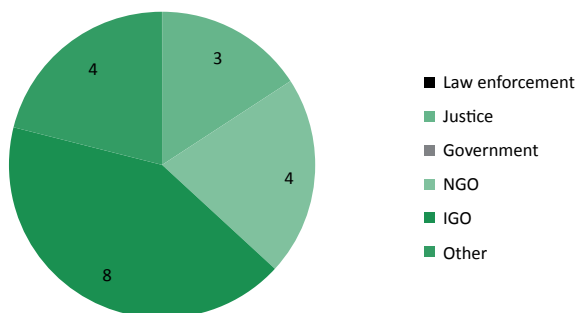


Dissemination of electronic surveys

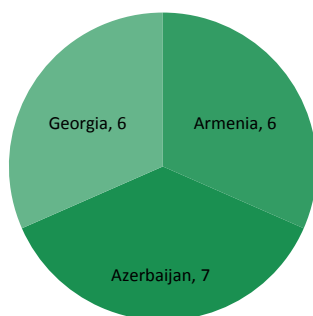
Electronic surveys (Annex D) were translated and disseminated by IOM to relevant stakeholders among people who did not participate in in-depth interviews. IOM focal points were requested to target practitioners outside of the capitals. Participants of in-depth interviews were also invited to suggest stakeholders who may be appropriate to respond to the electronic surveys. This question yielded markedly few suggestions, with the majority of participants confirming that participants of in-depth interviews were the key stakeholders. Recipients of electronic surveys were also invited to share the surveys with others who may be able to offer valuable insights. A deadline of 31 January 2016 was established for submission of completed surveys. IOM colleagues were instrumental in following up with stakeholders to prompt the completion and return of the surveys.

Only 19 responses to the electronic surveys were received, with almost the same number from each country (6 from the Republic of Armenia, 7 from the Republic of Azerbaijan and 6 from Georgia). The majority (68%) of the 19 survey respondents were female (n=13). A significant number of respondents were from intergovernmental organizations. All survey respondents from Georgia were female, in contrast to only one of the seven respondents from the Republic of Azerbaijan. Not all survey respondents answered all questions.

Roles of survey respondents



Survey responses received



Data entry, analysis of findings and drafting of the assessment report

Data for all of the electronic surveys completed and returned to the consultant was entered into the relevant tables for analysis. Similarly, notes for all in-depth interviews were entered into the relevant data entry table. This process aided in the generation of qualitative data and analysis of inputs and perspectives across the study countries. The data generated focused on the frequency and type of emerging themes and allowed the assessor to draw conclusions and gaps against the five key thematic areas and develop recommendations to address them. The metrics that resulted from the data entry and the analysis process were referred to in elaborating the draft assessment report, with several tables, graphs and charts of data included in the assessment report. The Needs Assessment Toolkit was further refined for submission to IOM for future adaptation and use.

Validation of assessment findings

Validation workshops were convened in each of the three study countries for the purpose of sharing the findings of the report and inviting stakeholders to validate the recommendations that were offered for their consideration. A summary presentation of the key findings and recommendations was presented at each workshop, and stakeholders were divided into groups to consider proposed recommendations within each category. The report was finalized on the basis of feedback obtained at the workshop held in Baku on 25 April 2016.

1.3. Research limitations

There are several limitations to this study that must be acknowledged.

Uneven and limited data across the three countries: Some key documents were outdated for some countries and relatively up-to-date in others, skewing the insights gained in the desk review process. In some instances, the documents identified in the desk review process were heavily repetitive across several sources. Another data limitation was evident in the nature of the information identified; the desk review process yielded more content about the trafficking situation and trends, investigation and prosecution and protection and assistance than it did about identification and referral, cooperation among stakeholders and, particularly, prevention. Finally, the documents included in the desk review were limited only to those available in English, potentially excluding valuable sources of information available in other relevant languages.

Only 19 surveys were returned from the three study countries (6 from the Republic of Armenia, 7 from the Republic of Azerbaijan and 6 from Georgia), resulting in limited survey data. Furthermore, while several people participated in the in-depth interviews, only some of them were active participants in the discussions. In the Republic of Azerbaijan, meetings generally included a larger number of participants, but the designated speakers contributed more actively to the discussions. In Georgia, where meetings consisted of the least number of participants (19), most were active contributors to the discussions.

Subjectivity of insights: A key limitation to the rapid needs assessment methodology is its reliance on the subjective views of stakeholders as the primary source of data. The assessment is accordingly vulnerable to subjective knowledge (and knowledge gaps) about the trafficking situation as well as personal views and biases. The desk review process, although suffering from the limitations described above, went some way towards mitigating this limitation. However, ultimately, given the core reliance on in-depth interviews, the final assessment report and the recommendations are more representative of stakeholder perspectives of the effectiveness of the counter-trafficking response than of actualities of effectiveness of the counter-trafficking response.

Convenience sampling and selection bias: Compounding the subjective nature of the insights gleaned through the assessment process is the selection bias inherent in the identification and recruitment of stakeholders. Given the key role of IOM in supporting the needs assessment process, stakeholders and their perspectives may be representative of the IOM approach to counter-trafficking and its particular partnerships rather than a comprehensive survey of views across the study countries. This selection bias may have also impacted on the responses provided. IOM commissioned the report, and IOM staff in the three countries selected participants and in many cases attended meetings.

Data is reflective of capital-level responses and does not reflect the challenges faced by stakeholders in other regions, given that interviews were not conducted with stakeholders outside of capital cities. The survey process was, in part, to address this limitation and invite responses from practitioners working outside of capital cities; however, few surveys were received for each country. Accordingly, the data is not reflective of nationwide challenges and insights and does not address regional and local differences but is heavily skewed towards capital-level responses.

Another limitation of the methodology is that of self-selection bias. It is possible that those who opted to participate in the needs assessment (whether the electronic survey or the in-depth interview) may have particular positive or negative feelings that differ from those who did not opt to participate. Furthermore, subjectivity of insights may have been influenced by the political and social tensions that exist with the particular context of the study countries.

Practical limitations: The time frame for carrying out the needs assessment from conception through to its final delivery was four months, over a period of eight months. One person carried out the assessment, with logistical and interpretational support provided by IOM. The analysis undertaken and the data entry process could have arguably been more in-depth had more man hours been invested in the project. Language considerations posed additional limitations, requiring reliance on IOM to provide interpretation and translation support. The same person conducting the interviews was required to take manual notes during the interviews and no audio recordings were used.

Other limitations: Political tensions between countries of the South Caucasus were reported to have a negative impact on cooperation against trafficking, and also may have influenced the responses provided, where individuals are concerned with ensuring that their country appears relatively stronger than other study countries in assessments carried out. In light of the tensions that exist, the study was reconceived so as not to be comparative, meaning that the comparative capacity of the assessment tool could not be effectively tested.

Ultimately, what was initially envisaged as a report containing findings and recommendations for the three study countries was instead reconceived as three distinct reports.

This report captures findings and recommendations for the Republic of Azerbaijan, with significant inputs from the Government of the Republic of Azerbaijan in the final review process.

2. FINDINGS

The year 2004 was key for anti-trafficking response in the Republic of Azerbaijan. President Ilham Aliyev signed the National Action Plan (NAP) to Combat Trafficking in Persons, which established the Counter-trafficking Main Department within the Ministry of Internal Affairs (MIA), designated a National Coordinator for the fight against trafficking and put up a rehabilitation centre for victims of trafficking. In 2005, the Republic of Azerbaijan Parliament adopted the Law on Combating Trafficking in Human Beings. In the years immediately following these actions, there was a rapid rise in the number of trafficking victims identified and prosecutions mounted (Aze 16, p. 3). The Republic of Azerbaijan's legislation, policies, and institutional and operational responses were strengthened, in general compliance with international standards. Activities in the third and current NAPs for 2014–2018 focus on combating child labour and strengthening legislation.

As a country of origin: The Republic of Azerbaijan is a source country for women and children subjected to sexual exploitation and men and boys exploited for labour in Turkey, the Russian Federation and the United Arab Emirates as well as within the country. Since the late 1990s, Azerbaijani women have been engaging in prostitution in Western Europe and, to a larger extent, in Islamic countries in the East including Turkey, the United Arab Emirates, the Syrian Arab Republic, the Islamic Republic of Iran and occasionally Pakistan, expanding also to India, Jordan and Indonesia (Aze 16, p. 1). There has also been anecdotal evidence to suggest that Azerbaijanis have been trafficked to Pakistan, India and possibly China, and Azerbaijani victims were discovered in Afghanistan in 2011 (Aze 21, p. 17; Aze 16, p. 3). Azerbaijani migrants in the Russian Federation, Turkey, the United Arab Emirates and Germany have been exploited in trade, construction, agriculture, food and packaging, restaurants and catering, domestic services, commercial sex services and oil extraction in Siberia. There have been some claims of Azerbaijanis trafficked for organ removal; however, during the validation period, the Counter-trafficking Main Department stated that they investigate only on cases reported in newspapers or journals and have not yet identified any cases. Azerbaijani women and girls have entered into marriages with men in the Middle East, particularly in territories bordering the Islamic Republic of Iran where poor and pious people are susceptible to offers of Iranian traffickers. The fate of these women and girls is largely unknown in the absence of information on their number in the Islamic Republic of Iran, Afghanistan and other Islamic countries (Aze 16, p. 2). Two interviewees stated that trafficking for

forced marriage is not a significant issue, but one stated that forced and child marriages are both growing problems that can lead to trafficking. Three survey respondents flagged forced marriage as one of the three most common forms of THB in the Republic of Azerbaijan.

Baku is the key source location for trafficked persons, followed by the cities of Sumgayit, Ganja, Mingachevir and Shemaxa; the border regions with the Islamic Republic of Iran (Lankaran and Masalli); and the Gazakh and Sheki regions, which border on neighbouring Georgia (Aze 16, p. 2). The international airport in Baku is a key channel, and victims transported overland are held close to the Turkish border, while others are recruited before being transported into Turkey (Aze 16, p. 2). Intermediaries are often used to facilitate travel from the Republic of Azerbaijan; male victims often pay for services of intermediaries upfront and later incur debts, while female victims generally do not pay upfront but repay debts with prostitution (Aze 21, p. 18). Since 2000, there has been a rise in women trafficked to Turkey via Georgia, resulting in an increase in victims from the Western regions of the Republic of Azerbaijan bordering Georgia (Aze 16, p. 2). Another route has been detected south to the Islamic Republic of Iran and on to other countries in the Middle East.

As a country of transit, destination and internal trafficking: The geographic position of the Republic of Azerbaijan makes it an important transit country for migrants from Afghanistan, the Middle East (the Islamic Republic of Iran, Iraq), South Asia and the Commonwealth of Independent States (CIS) (Aze 21, p. 12). There have been accounts of migrants aiming to be smuggled to Europe, being deceived and exploited in the construction sector in the Republic of Azerbaijan and subsequently deported (Aze 21, p. 13). Interviewees confirmed that the Republic of Azerbaijan is used as a transit country from Central Asia to Turkey, with people flying to Baku and crossing into the Islamic Republic of Iran before crossing into Turkey, often entering the Republic of Azerbaijan with valid visas but travelling to the Islamic Republic of Iran irregularly.

The 2014 report of the Experts on Action Against Trafficking in Human Beings (GRETA) and the Special Rapporteur of the Organization for Security and Co-operation in Europe (OSCE) in 2013 both noted that the Republic of Azerbaijan's economic boom is a pull factor for migrants and thus resulting in trafficking for labour exploitation in construction, agriculture and domestic sectors, and that internal trafficking (for the purposes of sexual exploitation, forced begging and labour exploitation) also occurs. Trafficking for sexual exploitation in the Republic of Azerbaijan has been reported from China, the Russian Federation, Turkey, Uzbekistan, Ukraine and Kyrgyzstan (Aze 21, p. 17). Reportedly, the increase in migration inflows largely stemmed from growth in investment by oil companies, resulting in the recruitment of cheap labour from South-East Asia, initially from Pakistan, but subsequently from China, India, the Islamic Republic of Iran, Bangladesh and Central Asia (mostly Uzbekistan and Turkmenistan) (Aze 17, p. 9). Some interviewees speculated that the present economic crisis

may result in reduced labour migration to the Republic of Azerbaijan; others speculated that it will serve to increase the number of Azerbaijanis seeking work elsewhere, exposing them to the risk of exploitation. Children in the Republic of Azerbaijan have reportedly been subjected to child labour, including in agriculture (production of cotton, tea and tobacco), as well as the worst forms of commercial sexual exploitation (Aze 29, p. 1). Forced begging of children – particularly the Roma – and forced labour as roadside vendors, at teahouses and wedding reception venues have been flagged. One interviewee noted that when children are forced into such situations by their parents, authorities are more hesitant to confront the issue. Domestic servitude, particularly of Filipina women, has been raised as an issue of concern, with reports of the women coming to the Republic of Azerbaijan to work as housemaids and subsequently falling victim to domestic servitude (Gen 1; Aze 30, pp. 11, 31). The Government of the Republic of Azerbaijan further notes that identified victims of trafficking for forced labour are not minors and only one child has been identified as a victim of forced labour.

Profiles of traffickers and victims of trafficking: One interview respondent stated that single or divorced young females are particularly vulnerable to trafficking. Another pointed to the vulnerability of people living in border regions. A study conducted in Baku noted that a significant number of recruiters were female strangers or recruitment agencies, but the recruitment of women for sexual exploitation is noted to be often by persons known or closely related to the victims (Aze 16, p. 2). When recruiters and victims come from the same family or friend network, it can be difficult to differentiate between those who intend to profit from subsequent exploitation and those who do not (Aze 21, pp. 18–19). Of the six interviewees that addressed the issue of the profiles of traffickers, four expressed the view that trafficking is not perpetrated by organized criminals, explaining that there is no organized crime in the Republic of Azerbaijan. However, one interviewee suggested that forced labour is used by companies with influential connections. The key role of informally operating intermediaries linking supply and demand for labour has been noted.

2.1. Identification and referral

The Law on Combating Trafficking in Human Beings specifies that victim identification is the responsibility of the special police unit, at the Counter-trafficking Main Department. According to Article 7 of the Cabinet of Ministers Decision No. 21 of 2008 on Rules on Referring Victims of Human Trafficking to the Special Police Unit on Combating Trafficking in Human Beings, a person suspected of being a victim of trafficking must be referred to the special police unit within 24 hours. The “rights and freedom, honour and dignity” of victims or suspected victims are to be respected in handover, and documents are handed only to assistants on duty in the police authority; handover of victims or suspected victims to other police or law enforcement bodies is prohibited (Aze 7).

Identification process

Main stakeholders in the identification and referral process are the Counter-trafficking Main Department under the MIA, the State Migration Service, the State Labour Inspection Service, the State Border Service, and the Ministry of Labour and Social Protection of the Population (MLSP).¹ The Counter-trafficking Main Department decides whether a referred individual is a victim of trafficking or not. If referral has been initiated by a non-governmental organization (NGO), it may play a part in assessment processes, including interviewing the potential victim, whereas if referral is from elsewhere, the Counter-trafficking Main Department is solely responsible without external input. Section 6 of Decision No. 131 on Rules (Indicators) for Identification of Victims of Trafficking in Human Beings outlines four stages of inquiry, namely initial assistance (section 6.4), inquiry (section 6.5), indicator screening (section 6.6) and implementation of the recovery plan (section 6.7). In section 6.2, special consideration is also given to identification of child victims of trafficking, with the participation of a legal representative, doctor, psychologist, patron or other protecting body if necessary.

Decision No. 131 sets out *proactive measures* for identification through strengthening coordination and information exchange; implementing “complex” law enforcement measures in other countries; raids in establishments used for sexual services; monitoring of construction sites, markets, stations and other places; raids in “black labour exchanges” where migrants are predominantly seen; monitoring of advertisements on mass media, the Internet and elsewhere; informing special police bodies of information gained by labour and social protection, education and health authorities, and NGOs. *Reactive measures* – including raiding and investigating of separate crimes, and appeal of third parties (e.g. NGOs, social workers) obtaining information on mass media – are also set out (Aze 6).

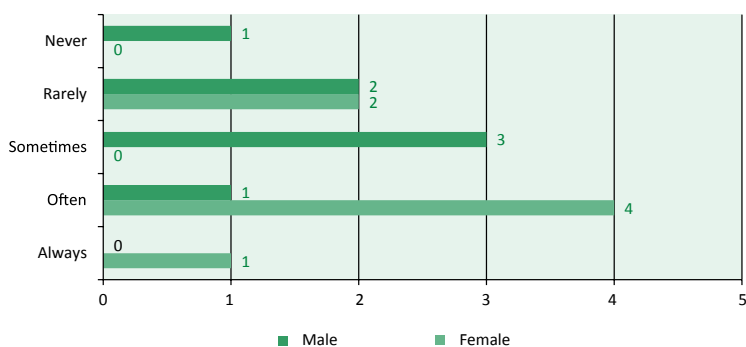
How trafficked persons become known to authorities

In practice, identification is reactionary rather than proactive; two government interview respondents noted that the public is responsible for referring situations of human trafficking to authorities. The International Centre for Migration Policy Development (ICMPD) has noted that identification gaps are partly linked to the lack of proactive identification in places where victims are likely to be, lack of civil society involvement in identification interviews, and lack of willingness of victims to cooperate with investigations (Aze 17, p. 19). The Counter-trafficking Main Department reportedly conducts proactive monitoring of establishments where prostitution is believed to take place, and takes advantage of the need for sex traffickers to advertise to target monitoring work (Aze 18, pp. 25–29).

¹ Under paragraph 2.2 of the NRM, an inter-agency committee consists of ministries, departments and agencies of the Republic of Azerbaijan such as: the Ministry of Internal Affairs; the State Security Service; the Ministry of Education; the Ministry of Health; the Ministry of Justice; the Ministry of Foreign Affairs; the Ministry of Labour and Social Protection of the Population; the Ministry of Youth and Sports; the Ministry of Culture and Tourism; the Prosecutor General’s Office; the State Customs Committee; the State Committee for Women, Children and Family Affairs; the State Border Service; and the State Migration Service.

The majority of cases identified involve Azerbaijani women trafficked for sexual exploitation abroad, who are either identified in the country of destination or upon return, or in some cases self-identify (Aze 30, p. 31). The US Department of State 2015 Trafficking in Persons (TIP) Report noted that the Government of the Republic of Azerbaijan certified 50 women and one girl as sex trafficking victims and three men as labour trafficking victims in 2014, compared with 40 sex trafficking victims and 16 labour trafficking victims in 2013. Of the 54 victims certified, 35 women and 3 men were referred to the MIA-run shelter, where they received legal, medical and psychological support (Gen 1).

Q. 3.2.3. and 3.2.4. Identification and referral of female and male victims of trafficking



Exploitation of labour migrants, forced begging of children and the elderly, domestic servitude and internal trafficking (particularly rural to urban) of male victims, including irregular migrants, have been noted as requiring increased attention (Aze 17, p. 19; Aze 30, pp. 32–33). There have been low levels of detection in the construction, agriculture and domestic service sectors, despite proactive monitoring by the Counter-trafficking Main Department, the State Migration Service and the MLSPP. This may indicate that significant exploitation in these sectors does not exist, and also that further training and capacity-building may contribute to the identification process (Aze 30, p. 33). Survey respondents considered the capacity of competent authorities to identify victims as being “adequate” (n=4), “neither adequate nor inadequate” (n=2) or “inadequate” (n=1). Survey respondents also considered that there was more identification of female victims than male victims. In the case of foreign victims, respondents considered that they are “often” identified (n=3), one considered that they are “sometimes” identified (n=1) and two respondents considered that they are “rarely” identified (n=3).

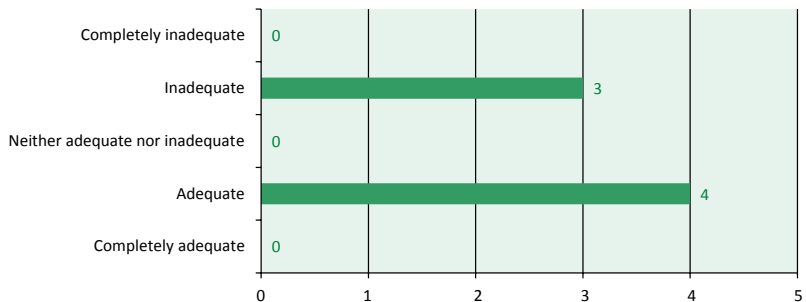
Following the introduction of new legislation in 2011, labour inspectors are only allowed to inspect registered companies and must inform them in advance of inspection. These requirements have been noted as a key obstacle to identification. The State Labour Inspection Service representatives confirmed that they must provide three-day advance notice, and also stated that they can carry out unannounced inspections if they receive a tip-off. However, the US Department of Labor's report, *2014 Findings on the Worst Forms of Child Labor*, stated that the subjects of unannounced child labour investigations are often warned of inspections in advance through unofficial channels (Aze 29). Civil society respondents also raised concerns about a two-year moratorium on labour inspections and the requirement that permission to carry out inspections must be obtained from the Ministry of Justice and the Ministry of Economy and Industry. Civil society respondents and State Labour Inspection Service representatives also mentioned that enterprises that are to be inspected must be registered, and that inspections cannot be made of unregistered businesses. These requirements, combined with a high tolerance of poor working conditions and a perception that labour issues are disputes between employers and employees rather than potential crimes, have meant that potential cases of trafficking are not recognized by law enforcement officials and labour inspectors. During the interviews, the State Migration Service and the State Labour Inspection Service explained that situations they encounter are mostly administrative Labour Code offences but not forced labour exploitation or trafficking, both stating that neither exploitation nor trafficking exists in labour contexts.

In 2014, GRETA was informed that police (including the Counter-trafficking Main Department, occasionally with the State Labour Inspection Service and Azerbaijani entrepreneurs confederation) conducted raids and controls in construction sites and other places employing migrant workers, which hardly resulted in detection of trafficking victims. Following reports of forced labour made to the Counter-trafficking Main Department, inspections of premises found no cases of forced labour (Aze 30, p. 31). Monitoring of tobacco farms to identify forced child labour has also been conducted; authorities reported that over 300 raids in 2010–2011 to uncover child labour have revealed irregularities but there are no cases of trafficking for forced labour (Aze 30, p. 31). In 2013 the Working Group on Combating Human Trafficking, the NGO Coalition against Human Trafficking and other NGOs reportedly monitored 31 farms, 4 factories and 8 road construction sites in 18 regions to identify possible trafficking, but they found no cases (Aze 30, p. 32). GRETA pointed to gaps in identifying child victims of trafficking within the country; street children or children begging in the streets are kept in centres for vagrants and released within three hours without necessarily being screened as to whether they were forced to beg or to work. Authorities also explained that children who work for their parents in agriculture are not necessarily victims of forced labour or trafficking (Aze 30, p. 32). Two survey respondents considered that children are “always” identified and referred, two considered it to happen “often”, one considered it to happen “sometimes” and two considered it to happen “rarely”.

Self-identification

Through the MIA Order No. 590, dated 12 October 2007, the Counter-trafficking Main Department launched a trafficking hotline in October 2007 for supposed, potential and identified human trafficking victims. In 2014, the hotline reportedly received 13,216 calls on a variety of issues, only 28 of which concerned trafficking.² During the assessment, the Counter-trafficking Main Department reported that hotline 152 received more than 13,000 calls in 2015, only 20 of which were related to trafficking. This hotline is reachable within the country only, but there are three more hotlines – one operated by the Victim Assistance Centre of the MLSPP and two by civil society organizations.

Q. 3.1.6. Self-identification mechanisms (e.g. government/NGO hotlines)



Some interviewees expressed the view that public awareness of the hotlines has increased and most victims become known through self-identification, directly approaching the Counter-trafficking Main Department because they trust it. Others had a different view of the effectiveness of the hotlines. The ICMPPD has noted that the hotline numbers are not widely known to the public since they have not been advertised on TV or in the press, nor are they displayed in sea ports and airports or border crossing points (Aze 17, p. 10). Survey respondents considered self-identification mechanisms to be either adequate (n=4) or inadequate (n=3).

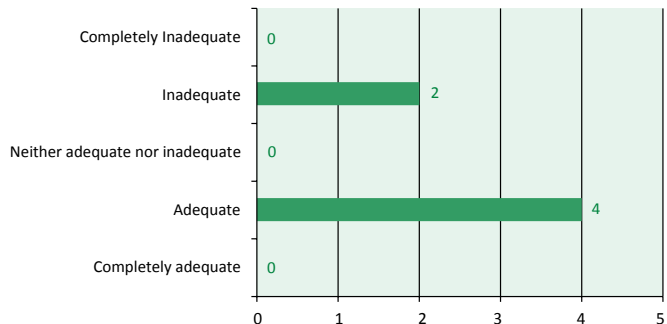
Criteria and indicators for identification

Section 8 of Decision No. 131 on Rules (Indicators) for Identification of Victims of Trafficking in Human Beings describes supplementary material/documents that can be used in carrying out assessments. Section 3 offers general indicators (3.1.1), indicators of child trafficking (3.1.2), indicators of sexual exploitation (3.1.3) and indicators of labour/service exploitation (3.1.4), and indicators of “forced housemaid” (domestic servitude) (3.1.5). Section 5 sets out parameters for analysis in identification, and Section 7 sets out questions to ask victims in order to assess their situation (Aze 6). Gaps in indicators have been recognized in paragraph 13.1.5 of the NAP as part of wider improvements needed for the

² See www.mia.gov.az/index.php?en/content/153/

National Referral Mechanism (NRM). It is noteworthy that the 2014–2018 NAP envisions further improvement of NRM rules and indicators.

Q. 3.1.5. Indicators, screening checklists and other identification tools



Only one interview respondent referred to the 2009 indicators; others did not refer to specific indicators or other tools applied in their work, or only referred to general indicators that are used. Four survey respondents considered that indicators, screening checklists and other identification tools are “adequate” (n=4), with three considering them to be “inadequate” (n=2). Two survey respondents expressed the view that screening methodology and mechanisms should be strengthened. One attributed low identification to the broad nature of the indicators that need to be updated and customized to better reflect trends.

GRETA and others have emphasized that front-line officials (police, prosecutors, other law enforcers) need to be trained on the different steps to follow in referring suspected trafficking cases to the MIA (Aze 30, p. 31). Experts have also stressed the need for training curricula to be developed and delivered for the State Migration Service and the State Labour Inspection Service staff in relation to victim identification interview techniques.

Identification and referral indicators

| | | FRAMEWORK Indicators | | OPERATIONAL Indicators | |
|-----|---|--|--|--|---|
| | | Level 1 | Level 2 | Level 1 | Level 2 |
| 1.1 | National Referral Mechanism (NRM) for trafficking in human beings (THB), specifying roles and responsibilities | NRM specific to THB is in place | NRM outlines stakeholder competencies, coordination, protection and assistance | State and non-State actors are included in an NRM and are aware of their role(s) | State and non-State actors are referring and assisting victims through an NRM framework |
| 1.2 | Formal processes for identification | Formal processes for victim identification are in place | Formal processes for victim identification are linked to referral mechanisms | Formal processes for identification are consistently used | Stakeholders perceive that identification processes increase access to services |
| 1.3 | Indicators, screening checklists and other identification tools | Identification tools are in place, and stakeholders are aware of and have access to them | Identification tools are relevant to trafficking in practice (e.g. all types) | Identification tools are used by some stakeholders (partially effective) | Identification tools are used by all stakeholders (fully effective) |
| 1.4 | Self-identification mechanisms (e.g. hotlines, posters, advertisements) | Self-identification mechanisms are in place | The public is adequately aware of self-identification mechanisms | Some victims self-identify (partially effective) | Stakeholders perceive that self-identification is increasing |
| 1.5 | Link between referral mechanisms and protection and assistance services | Referral mechanisms in place are linked to protection and assistance services | Referrals of victims are delinked from victim cooperation with law enforcement | Referral mechanisms result in services provided to some identified victims | Referral mechanisms result in services provided to all identified victims |

Note: Green background denotes areas identified for potential improvement.

2.2. Assistance and protection

The NAP for 2014–2018 and the Law on Combating Trafficking in Human Beings both include extensive assistance and protection measures. However, it has been indicated that changes made in November 2014 to the Law on Grants, the Law on State Registration of Legal Entities and the State Registry, and the Code of Administrative Offences have effectively prevented civil society organizations from obtaining grants from foreign donors and have exposed them to risk of penalty for violating administrative procedures. Further, government funds, including the Counter-trafficking Main Department's allocated budget for victim assistance, have not been provided to the NGOs that provide shelter and assistance to victims of trafficking. As a result, several NGOs lack funding for core work, with those that remain operational unable to pay staff members, many of whom continue to work without remuneration. These problems are compounded for NGOs outside of Baku, given they have less access to international organizations. In short, NGOs that provide crucial services to victims of trafficking and those at risk of being trafficked indicated that they have limited or no resources to continue their operation. Despite this, the Government of the Republic of Azerbaijan highlighted that the members of the counter-trafficking NGO Coalition against Human Trafficking continue their operation.

Shelters

The MIA runs the State shelter in Baku, which is a closed facility for people who have been recognized as victims of trafficking or who are cooperating in criminal justice processes. Adult males, females and children are accommodated in one building. The shelter has capacity for 54 victims and has accommodated 2 child victims since the child facilities were established on the third floor in 2009 (Aze 17, p. 11). In 2014, the MIA Counter-trafficking Main Department invested USD 120,000 to fully renovate the shelter (Aze 29). Several sources claim that State-run shelters are underused, while NGO-run shelters are underresourced and overcrowded. However, the Azerbaijani MIA indicated that, according to its statistics, 90–95 per cent of victims stay at the State shelters and, if needed, they accommodate victims in rented apartments and provide security. During the present assessment, authorities reported that nearly 400 people have been sheltered since 2006, including 51 people in 2015 (8 men and 43 women). The maximum number of people reportedly accommodated at any one time was 14. At the time of the present assessment, there were five people staying at the State shelter (all male victims of labour exploitation, placed by MLSP), while NGO shelters were almost full to capacity. Several reasons are offered to explain this disparity; although Article 13.3 of the Law of the Republic of Azerbaijan on Trafficking in Persons (hereinafter referred to as the Law on Combating Trafficking in Human Beings) stipulates that victims can stay in shelters for up to 30 days regardless of whether they cooperate with law enforcement agencies, in practice the shelters only accommodate persons who have been formally recognized as victims and/or who agree to cooperate with authorities, only once

criminal proceedings have started (Aze 17, p. 11). The MIA disputed this during the validation process, stating the Ministry accommodates both victims that cooperate and do not cooperate with authorities. Interviewees from NGO shelters confirmed that the State shelter generally does not accommodate victims who do not cooperate with law enforcement. Another reason raised was that NGO shelters better cater to their needs and victims are more at ease in NGO-run shelters (Aze 30, pp. 7, 34). One interviewee reported that victims, particularly women, feel isolated at the high-security State shelter where residents generally do not leave unaccompanied, being under “the protection of the State”, while NGO shelters afford more freedom of movement to residents (Aze 17, p. 11).

The situation of non-State shelters in the Republic of Azerbaijan is dire. Four NGOs provide shelter to victims of trafficking – the Azerbaijan Children Union, the Clean World Public Union, the Azerbaijan Migration Centre (all in Baku) and Tamas (in Ganja). All are struggling to remain operational, relying on the work of volunteer staff. While facing regulatory barriers to funding from local or international donors, these NGOs also struggle to obtain funding from the State. The MLSPP periodically issues tenders for NGO services, but so far shelters have not benefited from them. Grants are only issued for accredited shelters, but there is no clear mechanism in place for anti-trafficking shelters to become accredited, with only the Clean World Public Union achieving accreditation as a shelter for victims of domestic violence. Another potential funding avenue is the Council on State Support to NGOs under the auspices of the President of the Republic of Azerbaijan (NGO Support Council) that calls biannually for tenders for local and foreign NGOs on various thematic areas including anti-trafficking, but so far it has prioritized awareness-raising activities.³

The Azerbaijan Children Union shelter provides accommodation to vulnerable children including victims of trafficking, as well as their mothers if necessary. Several of the 13 children currently staying at the shelter are unaccompanied minors who fall within the guardianship of the NGO’s Chairwoman. During the interview process, the staff explained that the Law on Grants has meant that no funding can be obtained by outside sources, with former international organization funders no longer present in the Republic of Azerbaijan. No financial or in-kind support is provided by the State; applications for funding with the MLSPP have so far been rejected. Against this backdrop, the shelter struggles to pay its rent and relies on charity, which may cease in light of the worsening economic situation in the Republic of Azerbaijan.

The Azerbaijan Migration Centre primarily focuses on irregular migration and has a shelter for exploited male migrant workers and victims of human trafficking. The shelter is essentially a small apartment with capacity for six persons, with an informal arrangement with the landlord. Four persons were reportedly sheltered in 2015. Staff members are effectively now working on a voluntary basis. The

³ See <http://cssn.gov.az/en/>

Clean World Public Union accommodates women who are victims of trafficking or who are at significant risk of being trafficked; men are referred to the Azerbaijan Migration Centre. The Clean World Public Union also does outreach projects for vulnerable populations including sex workers. The shelter, established in a private apartment, has capacity for up to 15 people and is soon to move to a larger space. Significant funding issues have been reported, with staff leaving because they are not paid, and the loss of former donors following funding regulations. The Clean World Public Union does, however, have MLSPP accreditation as a shelter for victims of domestic violence. During the interview, the challenge of obtaining donations owing to stigmatization of former prostitutes and exploited persons was noted, requiring staff and residents to explore alternative sources of funding.

Tamas has been operating a shelter in Ganja since 2013, to accommodate women who are referred from other NGOs or State authorities, or who apply directly. As with other NGOs, staff members are working on a voluntary basis, owing to barriers obtaining funding.

Confusion arises from the fact that some NGO staff also work for State institutions, requiring individuals to balance two sets of responsibilities and interests. For instance, the Chairwoman of the Azerbaijan Children Union was also the Director of the State shelter at the time of the interviews, but she was no longer in her appointment at the State shelter during the validation workshop. Respondents did not raise any potential conflict of interest or suggest that the dual roles could compromise the independence of NGOs; one saw the situation as advantageous. In practice, some individuals would receive no income if not for their work with State institutions. The MIA noted that such participation of NGO staff in special institutions is not against any legislation. During the interviews, State representatives commended the good work of NGOs, and noted that they often refer persons in need to NGO shelters. However, this appreciation and reliance has not amounted to government funding to support NGOs to provide those services. The new legislative framework restricting non-State funding from local and foreign sources, combined with the lack of access to State funding, makes the situation extremely ominous. The continuation of service provision to trafficked victims and other vulnerable people is a remarkable achievement of committed people who are receiving little or no salary for their work, and who depend on alternative sources of employment. This situation is not sustainable and requires urgent solutions.

Reflection period

Article 14-1 of the Law on Trafficking in Persons provides victims with a 30-day reflection period, during which a person cannot be deported. Decision No. 22 of September 2013 on Rules on Repatriation of Victims of Trafficking in Human Beings, states that foreign and stateless victims of trafficking have 30 days of recovery and reflection, during which they cannot be expelled from the Republic of Azerbaijan and may use the services of special institutions prescribed in Article

12 of the Law on Combating Trafficking in Human Beings (Aze 3). As yet there is no specific procedure to administer the reflection period or guidance on how to communicate to victims their right to a reflection period. However, the Counter-trafficking Main Department indicated to IOM after the validation workshop that it is applied in practice and there is a draft of such guidance and it should soon be in place. When victims enter into a 30-day reflection period, NGOs generally provide shelter and assistance. Article 12 of the Law on Combating Trafficking in Human Beings guarantees access of victims exercising their right to a 30-day reflection period; an interviewee confirmed that of the nearly 400 people who have been staying at the State shelter since 2006, three spent their reflection periods there.

Compensation and legal assistance

National legislation foresees three sources of compensation – the Relief Fund for Trafficking Victims (hereinafter referred to as Relief Fund) (Articles 22 and 23 of the Law on Combating Trafficking in Human Beings), through one-time compensation through the State budget, or by filing a civil claim for pecuniary and non-pecuniary damages caused by the trafficker. According to Articles 3.6 and 3.7 of the Rules of National Referral Mechanism on Victims of Trafficking in Human Beings,⁴ compensation is paid through the Relief Fund regardless of whether the victim cooperates with law enforcers. Damages are to be paid from assets of property of traffickers under procedural legislation, and if inadequate, victims are to be compensated under the Relief Fund, which is supposed to be sourced from forfeited property and seized assets but in practice it has been funded from in-kind contributions, charity events and contributions by private donors (Aze 30, p. 38). According to the MIA, the Fund provided material support to 53 victims from 2013 to 2014. Receiving relief from the Fund does not preclude compensation through damages (under Articles 190 and 191 of the Criminal Procedure Code). As stated in Decision No. 152 on Determination of the Amount of Allowance to Be Paid to Victims of Trafficking during Reintegration Period (adopted in 2006, amended in 2010 and 2013), identified victims may receive AZN 400 as one-time compensation (Aze 17, pp. 16–17; Aze 30, p. 39).

The Rules on the National Referral Mechanism entitle victims to free legal assistance. The National Coordinator may apply to the Cabinet of Ministers for grants to finance legal assistance. Article 10 of the Law on Combating Trafficking in Human Beings specifies that NGOs are to provide legal assistance to victims. However, changes to the Law on Legal Assistance requires mandatory membership to the Bar Association for lawyers representing victims in criminal cases, posing an impediment to civil society organizations (Aze 17, p. 16). The Counter-trafficking Main Department refers victims of sexual exploitation to the Clean World Public Union for legal assistance; the Migration Centre provides information and legal assistance to exploited migrants; and the Citizens' Labour Rights Protection League assists migrant workers who have compensation

⁴ Approved by the Cabinet of Ministers Decision No. 123 in August 2009.

claims against employers. However, funding challenges raise concerns about the sustainability of relying on NGOs for legal assistance. Since September 2015, the Counter-trafficking Main Department has been engaging a specialized lawyer to represent cooperating victims of trafficking, which IOM considers an effective practice to address the legal assistance needs of the victims.

Residence, return and repatriation

Article 19 of the Law on Trafficking in Persons sets out the framework for repatriation of Azerbaijanis identified as victims of trafficking abroad, and Article 20 concerns return of foreign or stateless persons from the Republic of Azerbaijan. GRETA reported that in practice, given how few foreign victims of trafficking have been identified, authorities have rarely granted residence permits; it recommends therefore that legislation providing for temporary residence be clarified, including when victims are not in a position to cooperate with authorities (Aze 30, p. 37). The Republic of Azerbaijan adopted the Rules for Repatriation of Trafficking Victims through the Cabinet of Ministers Decision No. 252 in 2013 to coordinate the activities of various State agencies in repatriating foreign and stateless victims of trafficking. The Rules on Referring Victims of Human Trafficking to the Special Police Unit on Combating Trafficking in Human Beings are also relevant. The 2013 Migration Code is also relevant to granting of work and residence permits as well as detention and return. According to Article 17.8 of the Law on Trafficking in Persons, “Foreigners and persons without citizenship, who became victims of human trafficking, shall be provided with protection and assistance equal to the citizens of the Republic of Azerbaijan.”

The effective application of this framework is hard to gauge. Survey respondents found support for victims to return to countries of origin to be “somewhat adequate” (n=4), “adequate for some” (n=1) or “inadequate” (n=2). The 2014 GRETA report pointed out that no undocumented foreigner had been identified as a victim of trafficking (Aze 30, p. 40). Many migrant workers are not recognized as victims of trafficking by the Counter-trafficking Main Department but are considered to have “labour grievances” and are accordingly ineligible for protection. Objective and subjective reasons for a person overstaying are reportedly determined before any deportation is carried out and that irregular migrants are viewed as potential victims of trafficking, but GRETA stated that its inspections had resulted only in identification of labour offence but not exploitation. Another respondent emphasized the need for the State Migration Service to carry out voluntary returns rather than deportations of irregular migrants.

GRETA has emphasized that attention should be given to risk assessment prior to carrying out returns of migrants (Aze 30, pp. 8, 40). A dispute between civil society organizations on the involvement of the Relief Fund in the repatriation in January 2015 of a Filipina domestic worker subjected to forced labour raised concerns about whether Relief Fund resources were being used as intended (Aze 17, p. 18). One interview respondent noted that there are no issues with

repatriation and that this particular case was overblown by the media.⁵ In 2015, IOM agreed with the Government of the Republic of Azerbaijan to implement an assisted voluntary return programme (Aze 17, p. 21). As of this writing, the agreement is under review by the Government.

Rehabilitation and reintegration

Article 15 of the Law on Combating Trafficking in Human Beings provides for the social rehabilitation of victims of trafficking. Pursuant to Articles 12.1 and 14, the MLSPP established the Victim Assistance Centre in 2005, which became operational in 2009. It is a specialized institution providing the same assistance to victims as those offered by the MIA shelter (psychological, medical and legal advice) with the difference being that the former assists in finding employment and continuing education. The Centre can provide legal assistance and representation in court though it is yet to have done so in practice. The Centre is supposed to provide assistance to victims who self-identify and directly approach it. Since 2012, the Counter-trafficking Main Department has referred 142 victims who have received the Centre's services (mainly assistance to find employment and continue education). During validation, the MIA noted that NGOs also refer victims to the Centre for assistance services. NGOs have praised the Victim Assistance Centre for its reintegration services including vocational education, and for its good cooperation with civil society (Aze 17, p. 14).

According to Decision No. 62 of 2006 on Regulations on the Social Rehabilitation of Victims of Human Trafficking, rehabilitation is undertaken by the MIA, the Ministry of Health and the MLSPP. According to Decision No. 123 of 2009, social rehabilitation and reintegration is carried out through specialized institutions in cooperation with government ministries (MIA, Ministry of Health, MLSPP, Ministry of Education). In 2014, the Government reportedly provided 53 victims with a one-time allowance of AZN 400 (USD 250), 24 victims with jobs, and 35 victims with vocational training (Gen 1). Social rehabilitation is covered by the State budget, with the objective of reintegrating victims into society and ensuring their access to legal assistance, education, and psychological, medical and professional rehabilitation, as well as work and residence. There is also a 2014–2016 programme on the social rehabilitation and reintegration of child victims to assist them and their families through monitoring of social integration. The Ministry of Education is a key stakeholder, with two departments and seven divisions to work with trafficking victims, compared with other stakeholders with only one distinct focal point. However, dissatisfaction among civil society organizations has been reported, particularly in relation to children of trafficked victims only being allocated one kindergarten (Aze 17, p. 15). NGOs can also be involved in the rehabilitation and reintegration of victims into society though in practice they do not receive adequate and consistent financial support from the

⁵ The 2015 US Trafficking in Persons Report noted that the perpetrator (a politically connected businesswoman) was found guilty in May 2014 and sentenced to eight and a half years in prison, but that the court replaced the jail term with a suspended sentence of one year.

State to do so. The Ministry of Interior also indicated during validation that the MLSPP Victim Assistance Centre remains underfunded and has limited resources.

Monitoring

Interview respondents noted that annual and five-year reports are prepared for the State shelter, and that a 10-year report is planned. The State Committee for Women, Children and Family Affairs explained that it has authority to monitor NGO shelters, and that 11 State organizations are responsible for monitoring. Though some respondents noted that protection and assistance monitoring is effective and adequate, no monitoring reports could be found. The Counter-trafficking Main Department reports on the implementation of the NAP on its website.⁶ The Office of the Ombudsperson has general monitoring capacity in the context of its annual report, but it does not play a specific role in monitoring service provisions for victims of trafficking.

Protection and assistance indicators

| | | FRAMEWORK Indicators | | OPERATIONAL Indicators | |
|-----|---|---|---|---|---|
| | | Level 1 | Level 2 | Level 1 | Level 2 |
| 2.1 | Funding for protection and assistance (shelter) services | State budget provides allocation for direct protection and assistance services | State budget provides allocation for NGO/ civil society support services | Committed budget allocation partially meets funding needs | Committed budget allocation fully meets funding needs |
| 2.2 | Accessibility of temporary protection and assistance services specific to trafficked persons | Full package of services is available (medical, psychosocial, legal) within a shelter setting | Full package of services (medical, psychosocial, legal) is available to victims not in shelters | Some services are available to most victims of trafficking, with few conditions | All services are available to all victims of trafficking with no conditions |
| 2.3 | Long-term rehabilitation, reintegration and return services | A framework for rehabilitation and reintegration is in place | A framework for residence and return is in place | The State provides adequate support for rehabilitation and reintegration | The State is adequately involved in carrying out safe and voluntary return |

⁶ See www.mia.gov.az/index.php?/en/content/153/

| | | FRAMEWORK Indicators | | OPERATIONAL Indicators | |
|-----|---|---|---|---|---|
| | | Level 1 | Level 2 | Level 1 | Level 2 |
| 2.4 | Differentiation of protection and assistance services | Protection and assistance services are differentiated according to specific needs | Specific needs of children (e.g. best interests determination of the child) and non-citizens (e.g. residency) are addressed | Protection and assistance services meet some specific needs of some persons | Protection and assistance services meet all specific needs of all persons |
| 2.5 | Appropriate standard of protection and assistance services | A minimum standard of protection and assistance services is specified | A framework for monitoring protection and assistance services is in place | Protection and assistance services are monitored by internal evaluation | Protection and assistance services are monitored by external evaluation (including victim feedback) |

Note: Green background denotes areas identified for potential improvement.

2.3. Investigation and prosecution

The Republic of Azerbaijan is party to key international instruments.

| International instrument | Year of ratification/ accession by the Republic of Azerbaijan |
|---|---|
| UNTOC — United Nations Convention against Transnational Organized Crime (2003) | 2003 |
| Trafficking Protocol — Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2003) | 2003 |
| ICCPR — International Covenant on Civil and Political Rights (1976) | 1992 |
| ICESCR — International Covenant on Economic, Social and Cultural Rights (1976) | 1992 |
| ICERD — International Convention on the Elimination of All Forms of Racial Discrimination (1969) | 1996 |

| International instrument | Year of ratification/ accession by the Republic of Azerbaijan |
|--|--|
| CEDAW — Convention on the Elimination of All Forms of Discrimination against Women (1981) | 1995 |
| CAT — Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1987) | 1996 |
| CRC — Convention on the Rights of the Child (1990) | 1992 |
| CRPD — Convention on the Rights of Persons with Disabilities (2008) | 2009 |
| ICRWM — International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990) | 1999 |
| COE Trafficking Convention — Council of Europe Convention on Action against Trafficking in Human Beings [CETS No. 197] (2008) | 2010 (ratified) |
| C029 — Forced Labour Convention 1930 (No. 29) | 1992 |
| C105 — Abolition of Forced Labour Convention 1957 (No. 105) | 2000 |
| C182 — Worst Forms of Child Labour Convention 1999 (No. 182) | 2004 |

Article 8 of the Law on Combating Trafficking in Human Beings calls for the establishment of a specialized police unit for combating trafficking, whose tasks are to be specified in the NAP. The specialized unit is to be subordinated to the National Coordinator.

Legislative framework

The 2005 Counter-trafficking Law and the Criminal Code were amended in 2013 to align the definitions of human trafficking therein. Article 144-1 of the Criminal Code defines human trafficking as:

144-1.1. Trafficking in persons, i.e. recruitment, obtaining, keeping, harbouring, transporting, giving or receipt of a person by means of threat or use of force, intimidation or other means of coercion, abduction, fraud, deception, abuse of power [influence] or a position of vulnerability, or by giving or receiving payments or benefits, privileges or concessions to achieve the consent of a person having control over another person, for purposes of exploitation – shall be punished by imprisonment for the term of five to ten years.

A note in the law additionally defines exploitation and clarifies that victim consent does not mitigate the penalty, and that means are not required in cases where victims are minors.

1. “Human exploitation” referred to in this article shall mean forced labour (servitude), sexual exploitation, slavery and practices similar to slavery and resulting in dependence, illicit transplantation of human organs and tissues, conduct of illicit biomedical researches on the person, use of a woman as surrogate mother as well as engaging in criminal activities.
2. Any preliminary consent to exploitation, life style or immoral behaviour of a victim of trafficking shall not be considered as a fact mitigating the penalty for the person suspected in human trafficking offences.
3. Recruitment, obtaining, keeping, harbouring, transporting, giving or receipt of a minor for purposes of exploitation shall be considered trafficking in persons even if the means set forth in the Article 144-1.1 of the present Code are not used.

Aggravating circumstances are provided for in Article 144-1.2 to include trafficking of two or more persons, and trafficking of a minor, pregnant woman, across borders for organ removal by use of a public position, among other factors. The note on “consent” differs from the international understanding envisaged by the UN Trafficking Protocol, in which the victim’s consent is irrelevant where any of the stipulated “means” have been used. In the Azerbaijani legislation, the presence of consent to “exploitation, life style or immoral behaviour” is not to be considered in sentence mitigation. However, this does not speak to the role of consent in determining whether or not a person has been trafficked. Certain confusions were evident in the interview process. One respondent noted that a key problem is that “many people choose prostitution as a lifestyle and then use the police as a tool to make oppression of their rivals” and that most victims are young girls who were not brought up in a normal family and tend to have a “loose lifestyle” and are cheated and taken to other countries where they are eventually sexually abused, and that “[i]n 90 per cent of the cases, they use prosecutors as a platform to solve problem among themselves”. Complaints made by people who engage in prostitution to make money, and subsequently complain, were explained as not being considered as situations of serious violations of rights.

Article 1 of the Law on Trafficking in Human Beings defines trafficking in persons and human exploitation as follows:

- 1.0.1. Trafficking in persons – recruitment, obtaining, keeping, harbouring, transporting, giving or receipt of a person by means of threat or use of force, intimidation or other means of coercion, abduction, fraud, deception, abuse of power [influence] or a position of vulnerability, or by giving or receiving payments

or benefits, privileges or concessions to achieve the consent of a person having control over another person, for purposes of exploitation (recruitment, obtaining, keeping, harbouring, transporting, giving or receipt of a minor for purposes of exploitation shall be considered trafficking in persons even if the means set forth in this provision are not used).

- 1.0.2. Human exploitation – forced labour (servitude), sexual servitude, slavery, practices similar to slavery and related conditions of servitude, illicit removal of human organs and tissues, illicit conduct of biomedical research on a person, use of a woman as a surrogate mother, recruitment for unlawful activities (including criminal activities), and other forms of human exploitation. The consent of a victim of trafficking in persons shall be irrelevant where any of the means set forth in the Article 1.0.1 have been used.

These definitions make the consent of victims irrelevant where means have been used, but in practice, traffickers are prosecuted under the Criminal Code, which is silent on the irrelevance of consent. In addition to the Law on Trafficking in Human Beings and the Criminal Code, other legislative instruments are relevant to combating trafficking, including the Constitution, the Labour Code, the Migration Code, and the rules and regulations approved by Cabinet of Ministers decisions between 2005 and 2014.

Legislative gaps

During the assessment, four of the six respondents who discussed the legislative framework found it to be comprehensive, with no particular gaps. One respondent emphasized that international law takes precedent over national law where there is any inconsistency between them, but this respondent was unaware that the UN Trafficking Protocol had been ratified by the Republic of Azerbaijan, despite the Republic of Azerbaijan having ratified it in 2003. The relevance of the International Labour Organization (ILO) conventions to which the Republic of Azerbaijan is party is not clear. One respondent was of the view that the national definition of forced labour is vague and that any activities not mentioned in the Labour Code are considered to be forced labour; the respondent was unaware of the relevance of the definition of forced labour in the ILO conventions.⁷ Another noted that legislation on forced labour envisages both criminal offences (via the MIA Counter-trafficking Main Department) and administrative offences (via the MLSPP), creating problems in practice. The same respondent also noted that legislative gaps allow forced labour to occur, including the requirement for a person to leave within 10 days upon the expiration of his or her employment contract, and the fact that work permits are not required for foreign workers

⁷ "Forced labour (service)" is defined by Article 1.0.3 of the Law on Combating Trafficking in Human Beings as "illicit coercion of a person into performing certain labour (service)".

staying in the country for less than three months. The MIA indicated after the validation workshop that while the potential for forced labour is there, this requirement does not necessarily result in forced labour.

Non-criminalization

According to Article 17.7 of the Law on Trafficking in Human Beings, “Persons who have suffered trafficking in persons are exempted from civil, administrative or criminal liability for offenses committed under coercion or intimidation while they were victims of trafficking in persons.” However, in practice, GRETA has noted that there is confusion between sex workers who breach administrative laws on prostitution and victims of trafficking, and it emphasizes the need for relevant actors – including prosecutors and the judiciary – to implement the non-punishment principle (Aze 30, p. 8). Similar confusion exists between irregular migrants and victims of trafficking, who are at risk of being deported without being identified as victims. Migrants found in irregular situations in the Republic of Azerbaijan are required to leave the country within 48 hours and can be detained by the State Migration Service if they fail to do so. The State Migration Service is required to inform these migrants of the remedies available to them, but it is not obliged to grant them access to counselling or legal assistance. GRETA reported that foreigners are often deported without being given access to legal counsel to challenge deportation orders in courts (Aze 30, p. 32). During validation, the MIA noted that it strongly disagreed with these GRETA findings.

Investigations, prosecutions and convictions

According to its report, GRETA was informed that in 2012, 12 criminal cases relating to trafficking (against 22 perpetrators) were opened; 10 of which were initiated under Article 144-1 of the Criminal Code and two under Article 144-2 (which is about forced labour) of the Code. GRETA reported that in the same year, 13 convictions were handed down (8 prison sentences, 5 suspended prison sentences). It was also reported that during the first half of 2013, 17 criminal cases were opened under Article 144-1, and 4 cases under Article 144-2. A total of 16 convictions were handed down (8 prison sentences, 8 suspended prison sentences); there was only 1 conviction related to forced labour (Aze 30, pp. 43–44). GRETA expressed concern that sentences were too lenient and that legal entities have not been prosecuted for trafficking. The 2015 US Department of State Trafficking in Persons (TIP) Report noted that there were a total of 32 trafficking investigations in 2014. On its website, the MIA Counter-trafficking Main Department notes that in 2014: 26 people (18 women and 8 men) were held criminally responsible for crimes relating to THB and forced labour, and 54 persons were identified as victims of trafficking (51 women and 3 men, 3 of whom were foreign citizens); 9 criminal groups and 1 organized crime group involved in THB were “neutralized”; and 23 cases were forwarded to courts and sentences imposed on 21 traffickers. The Department further reported that a total of 176 “criminal facts” relating to human trafficking were registered – 139 with the Counter-trafficking Main Department and 37 in different police stations. A total of 51 persons – 25 accused of human trafficking crimes and

26 others – were wanted; of these people, 35 (including 12 human traffickers) were arrested and handed over to judicial authorities.⁸ However, the 2015 US TIP Report stated that 23 trafficking cases were investigated in 2014, but that the total number of prosecutions was unavailable. In 2014, the Government of the Republic of Azerbaijan reportedly convicted 26 traffickers, compared with 5 in 2013, sentencing 21 to prison (Gen 1). During the interview process, the General Prosecutor’s Office reported that 32 human traffickers were arrested in 2015, in cases involving 63 victims of trafficking, and 18 convictions for trafficking were handed down, of which 14 were for sexual exploitation and 4 were for forced labour. The State Labour Inspection Service noted that no cases of labour violation were identified in 2015. However, the State Border Service reportedly stopped 5 groups of 13 people identified as facilitators of illegal migration; 16 people were identified as victims of trafficking.

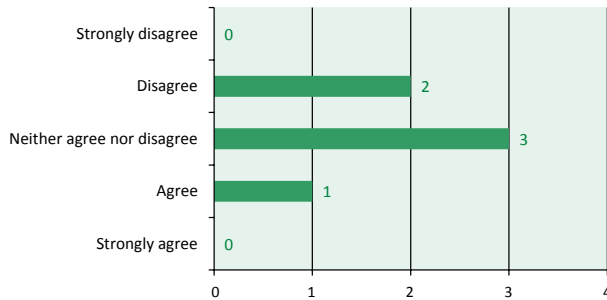
The US Department of State 2015 TIP Report states that, “The government acknowledged difficulties in investigating and prosecuting child labor violations due to conflicting bureaucratic mandates and the lack of mechanisms for effective interagency cooperation.” The report also flagged inadequate investigation of forced labour in the construction sector for fear of recrimination from influential figures, including government officials; there was one case of abuse of authority and forced labour by a former police officer, and another was local police taking bribes and engaging in other actions in exchange for overlooking activities. These issues were not raised by respondents during the interview process, except by one respondent who stated that sentences are often too low and corruption means that mid-level criminals enjoy a certain level of protection. During the validation process, the MIA disputed these particular findings of the 2015 US TIP Report.

Training and capacity-building

The National Action Plan for 2014–2018 does not specify training measures for law enforcers or prosecutors. However, Article 8 of the Law on Combating Trafficking in Human Beings notes that officers employed by the special police unit on combating trafficking shall be trained on obtaining and analysing information, documents, and other items from victims and other sources, and submitting them as evidence; on means to identify victims of trafficking; on the use of appropriate methods of observation and special technical equipment; and on the proper treatment of victims of trafficking. No evidence could be found that the Government of the Republic of Azerbaijan had provided anti-trafficking training to law enforcers, prosecutors or the judiciary. At the validation workshop, the MIA was noted as conducting training, and a police knowledge test was noted as taking place every two years on topics including THB. The MIA further highlighted during the validation process that IOM had developed a curriculum and a handbook on counter-trafficking, recently organized a training of trainers for the Justice Academy and that the developed curriculum was in the process of being institutionalized by the Academy.

⁸ See www.mia.gov.az/index.php?/en/content/153/

Q. 5.1.6. Training and capacity-building mechanisms for law enforcers on trafficking issues are adequate



In 2014, Azerbaijani law enforcement officials received training on best practices in investigating and prosecuting cases of human trafficking; the Embassy of the United States in Baku trained 25 prosecutors, judges, criminal investigators, and trafficking victim shelter personnel on best practices in investigating and prosecuting trafficking cases (Aze 29, p. 1). Interviewees did not mention specific comprehensive training programmes for 2015; rather, it was explained that ad hoc training programmes by international organizations are provided, and that senior State representatives attend relevant training sessions, meetings, or conferences in the Republic of Azerbaijan or countries in Europe. It was not made clear how these ad hoc events result in strengthened capacity of staff throughout the various agencies whose representatives attend them. The General Prosecutor’s Office did not cite specific training that its staff had taken, but it stressed that all police officers are instructed to take trafficking seriously. In responding to the statement that training and capacity-building mechanisms for prosecutors and judges on trafficking is adequate, most “neither agree nor disagree” (n=5) and one “disagree”.

Two interviewees mentioned that there is inadequate understanding of the distinction between forced labour and administrative violations of the Labour Code, resulting in potential THB and/or forced labour being unidentified. Representatives of the State Labour Inspection Service said that they had not encountered exploitation or trafficking but only Labour Code violations. Training of the State Labour Inspection Service staff is considered adequate, and the role played by the State Labour Inspection Service in combating trafficking is more generally considered sufficient.

Victim-witness protection

The Law of the Republic of Azerbaijan on State Protection of Persons Participating in Criminal Proceedings (11 December 1998) and the Rules on Referring Victims of Human Trafficking to the Special Police Unit on Combating Trafficking in Human Beings, approved by the Cabinet of Ministers Decision No. 21 (1 February 2008) are in place. However, no evidence could be found that witness protection mechanisms are in place or are used to protect victims of trafficking before, during or after criminal proceedings. The General Prosecutor's Office expressed the view that such measures are not necessary in the context of trafficking cases, because the police system is well-organized such that victims and witnesses do not need to be specifically protected. The MIA also emphasized during the validation process that despite an absence of existing standard operating procedures on victim-witness protection, standards do exist to ensure safety of victim-witnesses and their families.

Proactive and special investigative techniques

Questions on investigation

| | Strongly agree | Agree | Neither agree nor disagree | Disagree | Strongly disagree |
|---|----------------|-------|----------------------------|----------|-------------------|
| 5.1.4. Investigations of trafficking and related crimes are adequate and effective | | n=2 | n=3 | n=1 | |
| 5.1.5. Investigation of trafficking and related crimes are carried out in accordance with the rights of victims and presumed victims | | n=2 | n=3 | n=1 | |
| 5.1.6. Training and capacity-building mechanisms for law enforcers on trafficking issues are adequate | | n=1 | n=3 | n=2 | |
| 5.1.7. Prosecutions of trafficking and related crimes are adequate and affective | | n=2 | n=2 | n=2 | |

Notes: Total survey respondents: n=7.
Total survey respondents to these questions: n=6.

During the interview process, it could not be confirmed that there is strong understanding of the distinction between proactive investigation and reactive investigation. Investigation seems to be instigated on a reactive basis, with no proactive investigations. Similarly, it could not be ascertained whether special investigative techniques and parallel financial investigations are applied in human trafficking investigations. The need for increased capacity to use special investigative techniques is underscored by the reliance on victim testimony; it was noted that a key impediment to prosecutorial outcomes is victims changing their testimonies.

Investigation and prosecution indicators

| | | FRAMEWORK Indicators | | OPERATIONAL Indicators | |
|-----|--|--|--|---|---|
| | | Level 1 | Level 2 | Level 1 | Level 2 |
| 3.1 | Criminalization of trafficking in persons | Key international instruments (United Nations Convention against Transnational Organized Crime (UNTOC) and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, regional instruments where relevant) are ratified | Trafficking is criminalized in line with the international definition (e.g. key elements; most forms criminalized) | Trafficking law is used to prosecute trafficking cases | Convictions are achieved with sentences commensurate to the gravity of offence enforced |
| 3.2 | Non-criminalization/ Non-punishment of victims of trafficking | Non-criminalization of victims for acts committed while trafficked is codified in legislation | Irrelevance of victim consent to their exploitation is codified in legislation | There is evidence that victims of trafficking are not punished or penalized for acts resulting from trafficking | Awareness among criminal justice practitioners about the irrelevance of consent in trafficking prosecutions |
| 3.3 | Investigations, prosecutions and convictions carried out by competent authorities | Specialized actors/ institutions designated are competent in law or policy framework | Law or policy sets out clear roles of competent law enforcement authorities | Specialized institutions are operationally and strategically competent to carry out reactive investigations | Specialized institutions are operationally and strategically competent to conduct proactive investigation |
| 3.4 | Capacity of criminal justice practitioners | Legal/policy framework mechanism provides for anti-trafficking training | Anti-trafficking training is tailored to national needs and capacity gaps | Criminal justice practitioners receive one-off/occasional training | Criminal justice practitioners receive regular or ongoing training |

| | | FRAMEWORK Indicators | | OPERATIONAL Indicators | |
|-----|---|--|---|---|--|
| | | Level 1 | Level 2 | Level 1 | Level 2 |
| 3.5 | Special investigative techniques | Legislation on the use of special investigative techniques against trafficking | Law or policy guidance on the application of special investigative techniques to human trafficking investigations | Authorities are aware of and/or have occasionally employed special investigative techniques | Authorities regularly/ routinely employ special investigative techniques |

Note: Green background denotes areas identified for potential improvement.

2.4. Prevention

Media and awareness-raising campaigns

The 2014–2018 NAP includes extensive awareness-raising initiatives, including publicity and propaganda (section 4.2); awareness-raising about the hotline (section 4.3); and preparation of teaching materials (section 4.4) (Aze 8). In 2014, the MIA Counter-trafficking Main Department reportedly conducted 65 awareness-raising activities in 60 cities and districts, distributed posters and video clips, and maintained a hotline (Gen 1). GRETA also noted that “considerable efforts” are being made by Azerbaijani authorities in cooperation with NGOs and intergovernmental organizations to raise awareness through campaigns and education in public and in schools, and campaigns targeting particular groups including migrants and stateless persons. Interview respondents noted that many such activities were also undertaken in 2015.

The Counter-trafficking Main Department reported that: 58 educational institutions were engaged in awareness-raising and that awareness was raised in shopping centres, as well as through mass media; seminars and other awareness-raising activities were held in more than 50 regions, reaching some 100,000 people; mass media was involved; and the Counter-trafficking Main Department writes articles and gives interviews, resulting in high awareness of human trafficking throughout the country. The Ministry of Foreign Affairs pointed to the activeness of the MIA in raising awareness, underlined the important role played by NGOs, and noted that it had requested IOM to continue its assistance in raising awareness not only in Baku but also in other regions. The Victim Assistance Centre asserted that it had raised awareness in 20 regions throughout the country. The Office of the Ombudsperson explained that in the context of its National Action Plan on Human Rights, it organizes public hearings, also involving representatives from civil society, NGOs, journalists and others, and sometimes explains human trafficking. The Office of the Ombudsperson also works with the MLSPP and other State actors to warn the Azerbaijanis about

the risks of trusting strangers. Civil society actors mentioned that they target young law enforcers for awareness-raising to give them basic understanding about human trafficking.

Despite these considerable efforts, survey respondents did not respond positively about awareness-raising programmes or media involvement in raising awareness about the risks of trafficking. The US Department of State TIP Report notes that government-supported awareness-raising campaigns mostly targeted Azerbaijani citizens as potential trafficking victims, with an emphasis on international travel and migration, potentially perpetuating the tendency to inadequately address internal trafficking and the Republic of Azerbaijan as a destination country. No respondents offered examples of awareness-raising to address trafficking of foreigners into the Republic of Azerbaijan, or their exploitation within the country, with the exception of information via websites provided to potential migrants and the Victim Assistance Centre disseminating print information (with IOM support), focusing on border regions, to dispel misconceptions among Russians that there are jobs to be found in the Republic of Azerbaijan. During the validation process, the Ministry of Interior indicated that it considers awareness-raising as one of its strongest aspects.

Question on awareness-raising and media involvement in awareness-raising

| | Strongly agree | Agree | Neither agree nor disagree | Disagree | Strongly disagree |
|---|-----------------------|--------------|-----------------------------------|-----------------|--------------------------|
| 6.1.3. Prevention programmes to raise awareness of the risks of trafficking are adequate and effective | | n=1 | n=3 | n=2 | |
| 6.1.4. Media involvement in awareness-raising about the risks of trafficking is adequate and effective | | | n=4 | n=1 | n=1 |

Notes: Total survey respondents: n=7.
Total respondents to these questions: n=6.

Addressing vulnerability and root causes

The NAP for 2014–2018 focuses on preventing trafficking through registration of socially vulnerable families and persons deprived of permanent residence by local executive authorities and directing them to relevant bodies to provide socially beneficial labour, encouraging entrepreneurs to employ them (section 4.7). The State Committee for Women, Children and Family Affairs is responsible for identifying potential victims of trafficking, defined in the Law on Trafficking in Human Beings, as “people practicing vagrancy or begging, those living outcast, immoral life, children who are abandoned, uncared-for (orphans), intentionally

deviating from education, persons who depend on narcotics and psychotropic agents” (Article 1.0.10). Notably, migrant workers – including those in irregular situations – are not included.

Article 11 of the Law on Trafficking in Human Beings provides prevention measures including research, targeting social problems, strengthening protection of women and children, employment, raising awareness, preventing circumstances leading to vulnerability, identifying minors who evade education and education programmes. Other indirect efforts that could serve to prevent trafficking are present in the framework of the National Programme for Action to Raise Effectiveness of the Protection of Human Rights and Freedoms in the Republic of Azerbaijan, approved by Presidential Order on 27 December 2011, which addresses unemployment and poverty, access to health care, and child abuse or domestic violence.

During the interview process, one interviewee noted prison-leavers and victims of domestic violence as key vulnerable groups in need of more attention. Another interviewee mentioned the need to address social causes of trafficking and strengthen legislation with respect to risk groups, including single parents, orphans, victims of domestic violence and drug addicts. Another again mentioned the need to ensure that risk groups, such as the Roma, have sufficient identification documentation. One interviewee expressed the view that enough awareness-raising activities had been implemented, and that attention was now needed on addressing social development and economic causes. Survey responses to questions pertaining to root causes and vulnerability were neither overwhelmingly positive nor negative.

Question on addressing root causes and vulnerability

| | Strongly agree | Agree | Neither agree nor disagree | Disagree | Strongly disagree |
|---|-----------------------|--------------|-----------------------------------|-----------------|--------------------------|
| 6.1.1. Prevention programmes to address root causes are improving | | n=2 | n=2 | n=2 | |
| 6.1.2. Prevention programmes to address vulnerability are appropriately targeted to vulnerable populations | | n=1 | n=3 | n=2 | |

Notes: Total survey respondents: n=7.
Total respondents to these questions: n=6.

Research to understand root causes and drivers

Paragraph 4.6 of the 2014–2018 NAP does not mention any specific research or data collection measures, though Article 11 of the Law on Combating Trafficking in Human Beings provides for prevention measures to be carried out under different State programmes, including “Conducting research on the prevention, particularly gender aspects of trafficking in persons” (section 11.2.1). No evidence was presented that any such research has been conducted.

The Counter-trafficking Main Department is responsible for collecting data on victims and offenders – disaggregated according to sex, age, type of exploitation and nationality – from stakeholders into a single database. The Office of the National Coordinator prepares and publishes an annual report on trafficking, containing statistical information collected by the Counter-trafficking Main Department. Article 8 of the Law on Combating Trafficking in Human Beings states that the specialized police unit subordinated to the National Coordinator is to create a single specialized database to register and use information collected during investigation of cases related to THB.

Study findings did not reveal any State-led research in recent years. Three survey respondents agreed that non-State actors conduct adequate research into the root causes of trafficking, in contrast to only one who agreed that State actors do. Although research focusing on sexual exploitation of Azerbaijani women abroad exists, there is an absence of research into exploitation in the construction, agriculture and domestic work sectors, which means that the extent of labour trafficking is not yet known or fully understood (Aze 30, p. 20). Evidence of child labour in tea and tobacco production, as well as in construction, has also been flagged as having insufficient evidence, with the extent of the problem unknown (Aze 29, p. 1). GRETA emphasized the need to improve data collection and research in line with international standards, by compiling reliable statistical information from all main actors, allowing disaggregation (including by sex, age, type of exploitation, country of origin and/or destination, etc.) and focusing on research on trafficking for labour, trafficking in children, trafficking for the purpose of organ removal, and internal trafficking (Aze 30, pp. 22–23, 48–49).

During the interview process, respondents referred to research conducted by the ILO and the ICPMD in 2008, as well as by the American Bar Association and the OSCE, neither of which have presence in the Republic of Azerbaijan any longer. The State Committee for Women, Children and Family Affairs noted that it had conducted research into vulnerable groups and gender-based violence, which also covered trafficking. It was also mentioned that NGOs carry out research and collect data, with the MIA’s analytics division contributing to the process. Two participants noted the need for a comprehensive labour market study to be conducted by the MLSP and other State actors to generate accurate data. Also, the need for more research into routes, tendencies and trends was stressed, with a focus on rural areas where information is particularly lacking.

Question on research and data collection into the root causes of trafficking

| | Strongly agree | Agree | Neither agree nor disagree | Disagree | Strongly disagree |
|---|----------------|-------|----------------------------|----------|-------------------|
| 6.1.5. State authorities conduct adequate research and data collection into the root causes of trafficking | | 1 | 3 | 1 | |
| 6.1.5. Non-governmental authorities and institutions conduct adequate research and data collection into the root causes of trafficking | | 3 | 1 | 1 | |

Notes: Total survey respondents: n=7.
Total respondents to these questions: n=5.

Addressing demand

The US Department of State 2015 TIP Report states that the Government of the Republic of Azerbaijan did not take any new measures to reduce demand for commercial sex or forced labour in 2014, nor did it train diplomats abroad to prevent them from engaging in trafficking (Gen 1). Similarly, GRETA called on authorities to do more to discourage demand for services from trafficked persons, with a particular emphasis on labour exploitation in partnership with civil society and the private sector (Aze 30, pp. 7, 49). During the interview process, it was asserted that requirements for labour contracts to be in place to combat illegal work indirectly prevent trafficking. It was also noted that it is illegal for such persons to work without permission from the State Migration Service, and that no such cases were identified in 2015. In 2014, GRETA reported that changes made to the Administrative Code in 2011 to increase fines for illegally employing migrants or stateless workers did not address exploitation as such, given that migrants are still often deported even where fines (of up to approximately EUR 35,000) are imposed on employers (Aze 30, p. 26). State Labour Inspection Service representatives noted that legislative conditions on labour contracts entered into by minors aged between 15 and 18 also constitute preventative measures, with violations by employers attracting administrative penalties. However, the US report *2014 Findings on the Worst Forms of Child Labor* found limited evidence of the Government of the Republic of Azerbaijan's programmes to address child labour in sectors where it is most prevalent (Aze 29, p. 1).

Using the services of persons while knowing them to be victims of THB is not criminalized, but the MIA Counter-trafficking Main Department noted that there is a plan to amend the Criminal Code to penalize those who will use the services of THB victims. The State Committee for Women, Children and Family Affairs

noted that it had made a recommendation to introduce such a provision into the law, in accordance with the Council of Europe Convention against Trafficking in Persons. No other examples of response to demand were offered. Of the five survey participants who responded to a question about the demand side of trafficking, three neither agreed nor disagreed that prevention programmes are adequate and effective, and two disagreed. Although it discusses prevention, the 2014–2018 NAP does not mention in particular any specific measures to address demand.

Migration management measures

In relation to exploitation of persons in the Republic of Azerbaijan, GRETA reported that the Migration Code seeks to enhance protection of migrants' rights by simplifying issuance of work permits for migrant workers and stateless persons, permanent residents, entrepreneurs, seafarers, asylum-seekers and refugees. According to Article 75, migrant workers, refugees and asylum-seekers enjoy the same labour conditions and remuneration as nationals, and Article 45.0.5 entitles family members of foreigners and stateless persons to temporary or permanent residence. Employers cannot retain passports (Article 63.6 and Article 82.5). Notwithstanding these measures, a key concern raised in GRETA's 2014 report was that the challenge of obtaining and issuing work permits – and migrants' dependence on employers in doing so – encourages illegal work and raises vulnerability of migrants (Aze 30, p. 28). The report noted measures taken by the MIA and the Ministry of Foreign Affairs to inform potential migrants to the Republic of Azerbaijan – through the Counter-trafficking Main Department website and Azerbaijani consulates abroad – about the legal challenges for migration and the dangers of human trafficking. However, it also noted that strict migrant worker quotas and high costs of labour migration encourage illegal work and increases vulnerability. During the interview process, representatives emphasized that the Republic of Azerbaijan is protective of its labour market and selective of labour migrants, with preference given to unemployed Azerbaijani citizens and a current quota of 12,000 for foreign migrant workers. In this context, it was also noted that there was no longer any need for construction workers and that foreign workers in the oil industry are being replaced with local workers. Respondents did not comment on the impact this quota may have on illegal work and vulnerability of migrants working illegally or the sectors they may be diverted to.

In relation to measures to protect Azerbaijanis who migrate abroad, authorities have established a system for licensing recruitment agencies via Article 14 of the Law on Employment. Such agencies seek relevant authorizations through the MLSF. However, GRETA reported that no recruitment agencies have applied or received such a licence, meaning that no employment has been provided through this channel (Aze 21, p. 18; Aze 30, p. 28). The State Migration Service is primarily responsible for preventing irregular migration from and to the Republic of Azerbaijan. In the 2014–2018 NAP, the role of the State Border Service is primarily envisaged as being to identify and prevent trafficking and “taking measures for publicity of persons entering the country on the danger of human

trafficking”. During the assessment, the State Border Service reported that pamphlets in Azerbaijani, English, German and Russian are made available at passport control for people entering and leaving borders.

Prevention indicators

| | | FRAMEWORK Indicators | | OPERATIONAL Indicators | |
|-----|--|--|--|---|--|
| | | Level 1 | Level 2 | Level 1 | Level 2 |
| 4.1 | Prevention programmes to address root causes and vulnerability | Strategy/policy is in place to alleviate economic conditions, discrimination and other root socioeconomic causes | Strategy/policy in place recognizes and targets relevant and specific forms of vulnerability/ specifically vulnerable groups | There is evidence of programmes to address root causes of general vulnerability | There is evidence of prevention programmes targeted to specifically vulnerable individuals and groups |
| 4.2 | Awareness-raising and involvement of media in information dissemination | Strategy/policy is in place to raise awareness of trafficking and establish a hotline | Strategy/policy is in place to engage and empower media to raise awareness | Awareness-raising efforts are undertaken and hotlines are established and operational | Media reporting is accurate and responsible (does no harm) to victims/potential victims/others |
| 4.3 | Research institutions active in research and data collection | State data collection system is in place to collect and disaggregate data on traffickers and victims | Research institutions are formally engaged in data collection and research about trafficking | Research and data collection on the root causes, trends, demand is conducted | There is evidence that prevention strategies are evidence-based (i.e. using data and research) |
| 4.4 | Social and economic programmes to address demand | Policy is in place to address demand including by engaging labour markets to prevent exploitative labour practices | Cooperation agreements/ arrangements with private sector/civil society groups are in place to address demand | There is evidence of increased measures to strengthen monitoring and regulation of labour markets | There is evidence of measures taken to target consumers of services provided by victims of trafficking |

| | | FRAMEWORK Indicators | | OPERATIONAL Indicators | |
|-----|---|--|--|--|--|
| | | Level 1 | Level 2 | Level 1 | Level 2 |
| 4.5 | Border measures and migration governance against trafficking in human beings | Strategy is in place to prevent trafficking and exploitation in the context of border and migration-related controls | Strategy is in place to provide regular migration opportunities to reduce vulnerability to trafficking | There is evidence of increased regular migration opportunities provided to reduce vulnerability to trafficking | There is evidence of measures taken to prevent trafficking and exploitation of migrants (e.g. through registration/information for migrants) |

Note: Green background denotes areas identified for potential improvement.

2.5. Coordination and cooperation

Inter-agency coordination and cooperation

The NAP is the key framework for cooperation against trafficking at the policy level. Paragraph 9.1 of the NAP designates the National Coordinator responsible for implementing and reporting on the NAP, and for establishing a system of mutual cooperation to ensure exchange of information among authorities. The National Coordinator is required to submit an annual implementation report to relevant State agencies, the Parliament and the Office of the Ombudsperson (according to Article 7 of the Law on Combating Trafficking in Human Beings). A working group is also established under the NAP to strengthen legislative response, and is to maintain close cooperation with authorities, civil society and NGOs. According to Article 10 of the Law on Combating Trafficking in Human Beings, State agencies shall cooperate with NGOs on preventing trafficking, and NGOs working on trafficking issues shall be involved in educating potential victims of trafficking, creating specialized units, providing legal assistance and social rehabilitation, with grants issued by a relevant executive agency with the National Coordinator.

Both the 2014 GRETA evaluation report (in paragraph 51) and the 2013 OSCE country report (in paragraph 19 and recommendation 5) comment on the primacy given to law enforcement representation in counter-trafficking response, but the reports consider that responses would be more effective if NGOs were formally inducted into key policy structures. GRETA particularly calls for greater involvement of NGOs, trade unions and civil society in the development and implementation of anti-trafficking policies (Aze 30, pp. 7, 20, 48).

The Rules on the National Referral Mechanism provide that representatives of civil society organizations can be invited to inter-agency meetings, but the extent to which they have been is not clear. One interview respondent suggested that the memorandum of understanding signed by the Counter-trafficking Main Department and the anti-trafficking coalition of 44 civil society organizations results in effective cooperation, and that sometimes the MIA invites NGOs to inter-ministerial working group meetings. However, another interviewee stated that while NGOs used to be invited to meetings, they no longer are. No specific examples of tangible outcomes of this cooperation were raised during the interview process. Civil society organizations have been tasked to undertake several activities in the context of the NAP (as stated in 13.4.6, 13.7.3, 13.8.2, 13.8.3 and 13.8.5 of the NAP) yet they indicated that they do not have full membership. GRETA has also raised concerns about freedoms of civil society groups, particularly in relation to the barriers faced by those who have been vocal about labour exploitation or critical of government responses (Aze 30, p. 19). During the validation period, the Counter-trafficking Main Department did note that the State Council to Support NGOs provided overall NGO projects with AZN 99,000 to implement activities.

Standard operating procedures would serve to operationalize the coordination and cooperation framework offered by the Law on Combating Trafficking in Human Beings, the NRM and the NAP, and make use of resources more efficiently. The status of NGOs and the sustainability of their work are uncertain in light of the issues raised above. Steps to fully engage and empower NGOs are necessary to ensure that partners are properly accredited and funded to provide support for victims. During the interview, it was raised that the Law on Grants does not encourage effective cooperation, and that failure of the State to provide funding to NGOs amount to oppression of civil society. Another interviewee stated that State and non-State cooperation could be considered effective, if not for funding limitations imposed on NGOs. One interviewee noted that cooperation challenges exist not only between State and non-State actors but also between NGOs themselves. It was suggested that an NGO working group be established to discuss roles and responsibilities.

Questions on national coordination between State and non-State actors

| | Strongly agree | Agree | Neither agree nor disagree | Disagree | Strongly disagree |
|--|----------------|-------|----------------------------|----------|-------------------|
| 7.1.1. National Action Plans/policies provide for adequate cooperation between State and non-State actors | | n=4 | n=1 | | |
| 7.1.2. Cooperation between State and non-State actors is adequate and effective | | n=1 | n=4 | n=1 | |

Notes: Total survey respondents: n=7.
Total respondents to these questions: n=6.

In relation to the survey questions about whether State actors cooperate with each other against THB, five respondents stated that they do “sometimes” while one responded that they “never” cooperate. When asked if State agencies invite non-State actors to trafficking-related meetings, all six respondents stated that they do “sometimes”. When asked about the level of difficulty of cooperation between State and non-State actors at the national level, two respondents stated it is “easy”, three stated it is “neither easy nor difficult” and one answered it is “difficult”. In short, more needs to be done to operationalize the cooperation provided for in the Republic of Azerbaijan’s anti-trafficking framework.

International cooperation

The NAP emphasizes the need to strengthen cooperation with other States, especially with law enforcers. Article 26 of the Law on Combating Trafficking in Human Beings also determines that the Republic of Azerbaijan is to cooperate with foreign countries and their law enforcement agencies, as well as international organizations. Additionally, the Republic of Azerbaijan has signed a number of relevant bilateral and multilateral cooperation agreements. Cooperation agreements are in place with relevant institutions in Austria, China, Bulgaria, Egypt, the Islamic Republic of Iran, Latvia, Pakistan, Romania, Turkey, the United Arab Emirates and the United States, as well as with international organizations including UN, OSCE, IOM and Interpol. The Republic of Azerbaijan has reportedly responded to several requests made by Turkey for mutual legal assistance (Aze 30, p. 24). Multilateral agreements relevant to combating trafficking to which the Republic of Azerbaijan is bound include: the Black Sea Economic Cooperation Organization framework for cooperating to combat crime, especially its organized forms; the CIS Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Cases; the agreement between CIS States on cooperation against crime; the agreement between the Republic of Azerbaijan, Georgia and Turkey on cooperation in the fight against terrorism, organized crime and other serious crimes; and the agreement on cooperation among the Member States of the Organization for Democracy and Economic

Development (GUAM – Georgia, Ukraine, Republic of Azerbaijan, Republic of Moldova) in combating terrorism, organized crime and other dangerous types of crime.

None of these arrangements were cited as examples of mechanisms for international cooperation against THB. Interviewees more generally explained that the State participates in all relevant international events. General examples of bilateral cooperation mentioned included cooperation with the United States in relation to its annual US Department of State TIP Report, and one visit from representatives of another country (not a country of origin or destination) who sought to learn from the Azerbaijani approach to combating trafficking. It was also noted that there is no capacity for Azerbaijani authorities to carry out investigations abroad, resulting in missed opportunities to identify victims of trafficking in some countries, but that cooperation with CIS countries is stronger. In general, mutual legal assistance and cooperation between law enforcement agencies was noted to occur on an ad hoc basis, but no tangible examples were raised of such cooperation resulting in arrests of traffickers or identification of victims. Survey respondents considered anti-trafficking cooperation between State actors at the bilateral level to be either “easy” (n=3), “neither easy nor difficult” (n=2) or “difficult”. At the regional level, anti-trafficking cooperation was considered to be “easy” (n=2) or “neither easy nor difficult” (n=4).

Cooperation and coordination indicators

| | | FRAMEWORK Indicators | | OPERATIONAL Indicators | |
|-----|---|--|--|---|--|
| | | Level 1 | Level 2 | Level 1 | Level 2 |
| 5.1 | National Action Plan against trafficking | National Action Plan against trafficking in human beings is in place | National Action Plan provides for increased national, bilateral and regional cooperation | Operating procedures are in place to practically guide the implementation of the National Action Plan | Operating procedures are used by stakeholders in implementing the National Action Plan |
| 5.2 | National Coordinator/ Rapporteur | Law/policy designates a National Coordinator/ Rapporteur or similar to coordinate on trafficking | The National Coordinator/ Rapporteur is given clear mandate and monitoring capacity | A National Coordinator/ Rapporteur is appointed | There is comprehensive coordination of all issues concerning trafficking in human beings |

| | | FRAMEWORK Indicators | | OPERATIONAL Indicators | |
|-----|---|--|---|--|---|
| | | Level 1 | Level 2 | Level 1 | Level 2 |
| 5.3 | Cooperation between State and non-governmental organizations (NGOs)/ civil society/ international organizations and other non-State actors | Law/policy provides for cooperation between State and non-State actors (NGOs/ civil society) | Coordination agreements/ mechanisms are in place between State and non-State actors | State and non-State actors meet to cooperate on a case or an ad hoc basis | State and non-State actors cooperate on a routine and proactive basis |
| 5.4 | Bilateral and transnational criminal justice networks against trafficking | Bilateral and transnational criminal justice cooperation agreements are in place | Bilateral/ transnational cooperation agreements with all relevant key countries are in place | There is evidence of bilateral/ transnational criminal justice cooperation against trafficking | Bilateral/ transnational cooperation is proactive (i.e. exceeds ad hoc response to cases) |
| 5.5 | Bilateral and transnational cooperation beyond criminal justice | Agreements are in place to support counter-trafficking cooperation beyond investigation/ prosecution | Bilateral/ transnational agreements specific to assistance and protection/ prevention of trafficking are in place | There is evidence that agreements result in bilateral/ transnational cooperation beyond investigation/ prosecution | There is evidence that agreements result in bilateral/ transnational cooperation to assist and protect/ prevent trafficking |

Note: Green background denotes areas identified for potential improvement.

Needs Assessment:

Counter-trafficking Response in the Republic of Azerbaijan

3. RECOMMENDATIONS

In the survey process, respondents were asked to select their top three priorities. Similarly, validation workshop participants were divided into groups and asked to decide their top three priorities for counter-trafficking response. In the table below, “•” denotes which priorities survey respondents and groups of workshop participants flagged as key priorities for response. While there was a wide range of responses, “J” (raising awareness of risks of trafficking) stands out, being selected as a key priority by three survey respondents and three groups at the validation workshop.

Identification and referral indicators

| Recommendation | Survey | Workshop |
|--|---------------|-----------------|
| A. Strengthening identification and referral mechanisms or their implementation | • • • | |
| B. Expanding the range of assistance and support services available to victims of trafficking | • • • | |
| C. Expanding the range of victims who can access assistance and support services | | |
| D. Strengthening the legal framework against trafficking | • | |
| E. Strengthening the quality of services available for victims of trafficking | | • • • |
| F. Strengthening the legal framework for criminalizing trafficking and prosecuting traffickers | | |
| G. Strengthening the investigation of trafficking in human beings (including by building capacity of law enforcers to investigate and through increased specialization of units) | • • | |
| H. Strengthening the prosecution of trafficking in human beings (including by building capacity of prosecutors and judges) | • | • |
| I. Strengthening efforts to address root causes and vulnerabilities (including socioeconomic factors, discrimination, etc.) | | |

| Recommendation | Survey | Workshop |
|---|--------|----------|
| J. Strengthening efforts to raise awareness of the risks of trafficking (including by increasing the quality of awareness-raising messages and/or by better targeting them to at-risk groups) | • • • | • • • |
| K. Strengthening efforts to address the demand side of trafficking | | |
| L. Strengthening research and data collection about trafficking to better understand trafficking | • | • • |
| M. Improving cooperation between State actors at the national level | • | • |
| N. Improving cooperation between State and non-State actors at the national level | • • | |
| O. Improving cooperation between actors at the bilateral level | | |
| P. Improving cooperation between State actors at the regional level | • | |
| Q. Other | | |

3.1. Identification and referral

To strengthen the role that stakeholders can play under the NRM and in implementing the NAP, and to reduce potential delays in victims accessing assistance and protection, stakeholders are invited to consider:

- developing customized tools and indicators for different forms of exploitation, with a particular focus on child trafficking and forced labour;
- tailoring indicators to the context in which they are used, so that all key actors who may come into contact with victims of trafficking or exploitation (e.g. police, prosecutors, officials of the State Migration Service, the State Committee for Women, Children and Family Affairs, the State Labour Inspection Service and the State Border Service) can apply them in practice;
- developing distinct counter-trafficking standard operating procedures for each relevant stakeholder, to ensure that appropriate procedures are followed when a suspected trafficking case is encountered and in referring potential victims of trafficking to the Counter-trafficking Main Department while ensuring that victims access appropriate assistance and protection as soon as possible;
- developing a child-specific identification and referral mechanism that takes into account special circumstances and needs, involves child protection specialists and upholds best interests of the child in accordance with the Convention on the Rights of the Child;

- convening a working group – consisting of State actors, NGO representatives and relevant representatives from international organizations – to elaborate indicators and operating procedures;
- developing a dissemination plan to ensure that specialized indicators and standard operating procedures are distributed to stakeholders who have a role to play in the NAP and/or the NRM; and
- developing a monitoring and evaluation mechanism to determine whether use of the Rules (Indicators) on Identification of Victims of Trafficking in Human Beings (Decision No. 131 of 2009) and the Rules on the National Referral Mechanism (Decision No. 123 of 2009) can be strengthened.

In order to strengthen identification and referral processes, stakeholders are invited to consider:

- formally including non-governmental stakeholders in identification and referral processes, through a mechanism such as identification of a working group of State and non-State actors;
- strengthening the role that actors such as trade unions, medical staff, migration officers, and others who may encounter human trafficking situations play in identification and referral of victims and suspected victims of trafficking; and
- increasing outreach systems to ensure that persons who are involved in sex work, begging, domestic work, and other activities that may otherwise be “hidden” are accessed and can be appropriately identified and referred.

In order to empower labour inspectors to identify victims of trafficking in labour contexts, authorities are encouraged to consider:

- reviewing and revising the mandate and powers of labour inspectors to allow them to inspect workplaces other than registered companies, specifically to include premises where domestic workers are employed;
- reviewing and revising the mandate and powers of labour inspectors so that they may carry out unannounced visits to premises where victims of trafficking may be exploited; and
- training labour inspectors, specifically on the distinction between labour exploitation, forced labour and trafficking for the purpose of forced labour, and criminal violations from administrative violations of national law, to support their work to identify potential victims of forced labour and trafficking.

3.2. Assistance and protection

In order to address the dire situation of NGOs, stakeholders are invited to consider:

- implementing a system of sustainable and transparent funding for NGOs that provide services to victims of trafficking, including those that run shelters, and making publicly available information about which funding awards can be granted by the MLSP, the process for applying for such grants, eligibility criteria, conditions and time frames for applying for funding, and reasons for awarding or refusing funds;
- clarifying and making guidance available on the implications that the Law on Grants has on the accessibility of foreign funding, and offer advice to NGOs about how they can access grants from diverse donors to be able to provide services to victims and potential victims of trafficking; the public service system and lawyers in notary offices could potentially be engaged to provide advice to applicants to expedite the process of information dissemination;
- clarifying the system of NGO accreditation and ensuring that NGOs that provide services to victims of trafficking and persons vulnerable to trafficking are supported to access funds from the MLSP; and ensuring the accreditation system is transparent so that clear reasons are given why NGOs receive accreditation or not, and free of conflict of interest so that decisions are made on objective grounds.
- reviewing the State budget, as an urgent interim measure, to determine how core activities of NGO shelters that receive referrals from the Counter-trafficking Main Department can be funded;
- including in the next NAP the formal recognition of civil society partners in the NRM, and allowing these partners to directly participate in the elaboration of the NAP; and
- supporting NGOs to map local and foreign donors and potential fundraising possibilities, design fundraising strategies, and document achievements and gaps in funding for dissemination among potential donors.

Once the immediate funding crisis has been resolved, State, NGO and international organization stakeholders are invited to consider:

- undertaking a thorough assessment of services provided to victims in order to identify key capacity-building needs and strengthen standards of services provided;
- implementing standard operating procedures to carry out needs and risk assessments, to put in place rehabilitation and reintegration plans for individual victims;
- implementing minimum standards for shelters and support services in accordance with international best practices, particularly to ensure that all

categories of persons (women, men, children, nationals and non-nationals) are afforded the same level of support in accordance with any special needs, particularly of children; and

- implementing a mechanism for monitoring and evaluating protection and assistance services provided to victims of trafficking by both State and non-State actors, giving consideration to the role that the Ombudsperson may play in monitoring shelters in accordance with minimum standards.

In order to ensure that the requirements laid out in Rules for Repatriation of Trafficking Victims to provide victims with a reflection period are upheld in practice, authorities, in cooperation with NGOs, are encouraged to consider:

- elaborating a procedure for administration of the reflection period, and issuing guidance and rules on who is responsible for communicating the right to a reflection period to victims, and who is responsible for administering the reflection period;
- disseminating guidance on the reflection period to all persons who engage with or may encounter victims of trafficking and who are required to adhere to rules during this period (including police, the State Migration Service, the State Border Service and the Labour Inspection authorities); and
- providing financial and other support to NGOs that provide protection and assistance services to victims during their period of reflection.

In order to strengthen the legal assistance that victims of trafficking receive, stakeholders are invited to consider:

- revising the bar association membership requirement for legal representatives acting in criminal cases to ensure that victims of trafficking are able to receive legal assistance from NGOs.

In order to strengthen monitoring processes and ensure that the results of monitoring exercises have impact, State authorities are invited to consider:

- making monitoring criteria, standards, processes and outcomes publicly available; and
- engaging NGOs in monitoring processes.

3.3. Investigation and prosecution

In order to strengthen anti-trafficking legislation, stakeholders are invited to consider:

- reviewing the legislative framework to ensure that it is adequately robust to respond to the challenges that the Republic of Azerbaijan faces as a country of destination in addition to being a country of origin;

- revising the national definition of forced labour to align with the definition provided in Article 2(1) of the 1930 Forced Labour Convention (ILO Convention No. 29), which the Republic of Azerbaijan has ratified, being “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily”; and
- harmonizing the definition of trafficking across all instruments (including the Criminal Code and the Law on Combating Trafficking in Human Beings) to ensure consistency, particularly in relation to the irrelevance of a victim’s consent where any means have been used.

In order to strengthen victim and witness protection, stakeholders are invited to consider:

- putting in place a mechanism for victim and witness protection before, during and after trial proceedings, which makes clear which stakeholders are responsible for designing, implementing and reviewing protection plans; and
- engaging NGOs to contribute to the design of such mechanisms and engaging them to provide support to victims and witnesses during any criminal justice proceedings victims may choose to participate in.

In order to strengthen criminal justice training and capacity-building to investigate and prosecute THB, stakeholders are invited to consider:

- reflecting criminal justice training and capacity-building mechanisms for law enforcers and prosecutors in the current and next NAPs, focusing on investigators, prosecutors and judges;
- carrying out training needs assessments of investigators, prosecutors and judges in order to develop specialized training programmes that are tailored to the specific roles, functions and capacity of criminal justice practitioners; in this context, the knowledge test undertaken every two years on topics including THB could be directly relied on and built upon;
- continuing efforts and undertaking new efforts to translate, adapt and disseminate existing training material into the Azerbaijani language and context (e.g. *Anti-Human Trafficking Training Manual for Criminal Justice Practitioners* (2008) of the United Nations Office on Drugs and Crime); and
- incorporating anti-trafficking training into criminal justice training syllabi.

In order to ensure that capacity-building measures respond to the training needs of law enforcers, prosecutors and judges, stakeholders are invited to consider:

- reflecting in training material the distinction between forced labour, THB for the purpose of forced labour and/or as a form of forced labour, and violations of the Labour Code and the Migration Code;

- reflecting in training material the irrelevance of the victim's consent to exploitation, including by sensitizing criminal justice practitioners (investigators, prosecutors and judges) to the vulnerability factors that lead people to enter into and remain in exploitative situations;
- applying evidential interviewing techniques to ensure that interviews are conducted in accordance with human rights and the special needs of particular categories of victims, including child-friendly interviewing techniques; and
- applying special investigative techniques and parallel financial investigations to THB cases.

In order to assess the quality of capacity-building measures undertaken, stakeholders are invited to consider:

- implementing a mechanism to conduct pre- and post-training evaluations to determine whether training programmes result in increased criminal justice capacity.

3.4. Prevention

In relation to awareness-raising for prevention, stakeholders are invited to consider:

- conducting impact assessments and further research to ensure that future awareness-raising campaigns are appropriately tailored to target audiences; survey methods could be considered as a means of determining impact of awareness-raising efforts;
- targeting awareness-raising campaigns to prevent and combat human trafficking from, to and within the Republic of Azerbaijan, for instance by cooperating with countries of origin at the State and NGO levels, to warn potential migrants and potential victims of trafficking about the risks of trafficking and exploitation in the Republic of Azerbaijan; and
- implementing awareness-raising campaigns to target migrant workers within the Republic of Azerbaijan, including those in irregular situations, by disseminating information to them about their rights and the remedies available to them.

In order to better identify and address vulnerability factors and root causes, stakeholders are encouraged to consider:

- including stateless persons and migrant workers – including those in irregular situations – as potential victims of THB in Article 1.0.10 of the Law on Combating Trafficking in Human Beings and implement measures, including those to support documentation of such persons, to reduce their vulnerability to exploitation; and

- researching the root causes of specific forms of THB and exploitation, including forced and child marriage and sexual exploitation, to determine whether vulnerability factors are more prevalent in some areas or among some groups in order to better tailor prevention programmes to them.

In order to address demand for exploitative labour and services, stakeholders are encouraged to consider:

- taking steps to criminalize the knowing use of the services of a person who is a victim of trafficking and to implement appropriate legislation;
- strengthening the evidence base for targeted response to demand, by profiling the people who create demand for sexual and other services provided by exploited people and designing social policies to address demand; and
- including measures to address demand for relevant forms of exploitation in THB in the next NAP on the basis of research conducted.

In relation to research into the root causes of trafficking and exploitation, stakeholders are invited to consider:

- conducting research on prevention, particularly gender aspects of THB, in accordance with Article 11 of the Law on Combating Trafficking in Human Beings;
- conducting a mapping exercise to determine the research and data needs of both State and non-State actors (both thematically and geographically) in order to design a strategy to strengthen research and data collection capacity; and
- including research and data collection activities in the next NAP with roles specified for State and non-State actors, with the support of NGOs and international organizations in the design of research methodology and its implementation.

In relation to border and migration management, stakeholders are invited to consider:

- training border staff to proactively use profiling skills to identify persons who should be directly provided with a pamphlet, rather than solely relying on people to independently take pamphlets left at border crossing points;
- researching the impact that migrant labourer quotas have on irregular migration and illegal work in the Republic of Azerbaijan, and the impact that the current financial crisis has on changes in demand and sectors of potential exploitation;
- reviewing the system for licensing recruitment agencies for Azerbaijanis seeking work abroad to incentivize them to register, and to incentivize Azerbaijani migrants to use their services; and

- exploring strategies and channels that can be used to disseminate information about rights and remedies to migrant workers in the Republic of Azerbaijan, including those in irregular situations.

3.5. Coordination and cooperation

In order to strengthen coordination and cooperation against trafficking, stakeholders are invited to consider:

- strengthening the working group under the framework of the NRM and the National Coordinator, consisting of representatives of the MIA Counter-trafficking Main Department, the Victim Assistance Centre, and the State Committee for Women, Children and Family Affairs; and ensuring that relevant NGOs are included as permanent participating members;
- tasking the working group to coordinate protection and assistance activities to better allocate resources and clarify responsibilities, implement standard operating procedures for referrals, outline roles and responsibilities, carry out oversight and monitoring of specific indicators for victim identification, and provide any other guidance the working group considers necessary; and
- formally incorporating NGO stakeholders as full implementing partners in counter-trafficking response, elevating their status from observers to full members with standing invitations to inter-agency commission meetings.

To strengthen monitoring and transparency of counter-trafficking activities, stakeholders are invited to consider:

- including the following in the next NAP: independent monitoring and evaluation of the anti-trafficking activities, indicators for evaluation of impact and sustainability, and sources of funding allocated for each activity;
- exploring whether the dual role that individuals play in State and non-State institutions poses any risk of conflict of interest or compromises independence, and if so, how identified risks can be mitigated; and
- exploring how the independence of civil society organizations can be more effectively achieved and protected.

To strengthen international coordination and cooperation to combat THB, stakeholders are invited to consider:

- mapping key countries of interest as both countries of origin and destination for trafficking; the existing and potential avenues for participation at the State, non-State and international organization levels; and key challenges of international coordination and cooperation; and
- designing a strategy – on the basis of the mapping exercise – to strengthen international coordination and cooperation at the State, non-State and international organization levels.

ANNEXES

A. Bibliography

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| Source # | Reference | Author/s, Date |
|----------|--|--|
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|----------|---|---|
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Notes: Gen = General reference.
Aze = Reference relevant for the Republic of Azerbaijan.

B. Interviewed stakeholders

| REPUBLIC OF AZERBAIJAN | | |
|--|---|-------------------------------------|
| State actor | International organization | Non-governmental organization/Other |
| General Prosecutor's Office | International Centre for Migration Policy Development | Azerbaijan Children Union |
| State Labour Inspection Service | International Labour Organization | Clean World Public Union |
| Ministry of Internal Affairs | | Civil society representatives |
| Ministry of Foreign Affairs | | |
| Office of the Ombudsperson | | |
| State Border Service | | |
| State Committee for Women, Children and Family Affairs | | |
| State Migration Service | | |
| State Shelter for Trafficking Victims | | |
| Victim Assistance Centre of the Ministry of Labour and Social Protection of the Population | | |

C. Interview tool template

Interview Guide Template

Country: **Australia**

Interview No.#: First three letters of country + int + number e.g. AUSint1

Interview Guide Template

Instruction for interviewer:

1. Give the interview a unique code: E.g. first three letters of country + int(erview) + number. E.g. AUSint1).
2. Read the information note to participants before commencing the interview. Offer a hard and/or electronic copy to participants. Ensure that you have enough hard copies on hand.
3. Ask questions 1.1. and 1.2 to determine which sets of questions to ask respondents.
4. Ask each set of questions, using bullet point prompts as necessary.

INFORMATION NOTE

Thank you for taking the time to participate in this study, which I would like to give you some information about before we commence the interview.

Background information

I am an independent consultant carrying out a study commissioned by International Organization for Migration (IOM) [*refer to specific IOM office*].

The purpose of this study is firstly to analyse the counter-trafficking landscape to inform future results-oriented interventions and ensure a more holistic approach to addressing human trafficking at the national, and where possible, the regional level.

The purpose of this interview today is to learn your views about the human trafficking situation and response to it in your country, and how response could be strengthened.

The study will benefit most from your honest responses. You are encouraged to speak as honestly as you can; there are no right and wrong answers.

The interview is expected to take approximately 60 minutes. I will take notes during our conversation.

Risks and benefits of participation

There is a small risk that someone other than the research team may find out about your responses to the questions asked, however we are taking steps to ensure your confidentiality. Your responses will not be shared beyond the research team. Any information you provide will be combined with other information and not attributed to you in any way in the final Assessment Report.

There are no direct benefits to you from participating in this study, but we hope you will gain satisfaction from contributing to identification of gaps, needs and priorities and supporting efforts to strengthen counter-trafficking responses.

Further information about the study

- Do you have any questions about the study or this interview?
- Would you like a hard or electronic copy of this information?

If you have any further comments or qualification to make in relation to this interview, please contact [*insert name and contact details for person carrying out in-depth interviews*].

If you have any further questions or complaints about the study, please contact [*insert name and contact details for person overseeing research at IOM*].

INTERVIEW QUESTIONS AND ANSWERS

| | |
|--|--|
| Country: | |
| Interviewer name: | |
| Interviewer organization: | |
| Respondent name (optional): | |
| Respondent organization: | |
| Respondent official title: | |
| Interview date/time: | |
| Interview format: | |
| Number and sex of participants: | |

1. Introductory questions

| | |
|------|--|
| 1. | Respondent profile |
| 1.1. | What is your official title? What are your primary work responsibilities? |
| | <i>Answer</i> |
| 1.2. | What is your work with respect to trafficking in human beings? |
| | <i>Answer</i> |
| Plan | <p>Instructions for interviewer:</p> <p>Based on respondent's answers above, chose 2 to 3 sets of questions (from among 2–6 below) to ask the respondent in addition to 7 and 8. Delete No/Yes as appropriate.</p> <ul style="list-style-type: none"> <input type="checkbox"/> 2. Trafficking situation and trends? No (skip)/Yes (go to Section 2). <input type="checkbox"/> 3. Identification and referral? No (skip)/Yes (go to Section 3). <input type="checkbox"/> 4. Protection and assistance? No (skip)/Yes (go to Section 4). <input type="checkbox"/> 5. Investigation and prosecution? No (skip)/Yes (go to Section 5). <input type="checkbox"/> 6. Prevention? No (skip)/Yes (go to Section 6). <p>Regardless of answers above, all participants should be asked questions under:</p> <ul style="list-style-type: none"> <input type="checkbox"/> 7. Cooperation among stakeholders Yes (go to Section 7). <input type="checkbox"/> 8. Closing questions Yes (go to Section 8). |

2. Trafficking situation and trends

| | |
|------|---|
| 2. | The trafficking situation in the countries of the South Caucasus |
| 2.1. | What trafficking routes exist from, in, through and/or to the country/region, subregion? What are the key source, transit and destination countries/places? |
| | <i>Answer</i> |
| 2.2. | What are the key forms of exploitation you encounter in your work? What key industries are involved (e.g. for what kinds of labour are people exploited)? |
| | <i>Answer</i> |
| 2.3. | What are the key methods traffickers use to involve victims? |
| | <i>Answer</i> |
| 2.4. | What is the key profile of individual or groups of traffickers? |
| | <i>Answer</i> |
| 2.5. | What is the profile of victims (e.g. age, gender, nationality, other)? |
| | <i>Answer</i> |
| 2.6. | How are routes and trends changing? Why do you think they are changing? Do you think trafficking is an increasing or decreasing problem, or neither? Why? |
| | <i>Answer</i> |

3. Identification and referral

| | |
|------|---|
| 3. | The legal and policy framework for identification and referral of (potential) victims of trafficking |
| 3.1. | How do trafficked/exploited persons become known to authorities or organizations who can assist them? <ul style="list-style-type: none"> □ Who identifies them? (e.g. self-identification, friends, family, police, border guards, labour inspectors, consulates) |
| | <i>Answer</i> |
| 3.2. | Which authorities or organizations have authority to officially designate a person as a victim of trafficking? <ul style="list-style-type: none"> □ Where do they get their mandate? E.g. law, policy? □ What does formal/official designation entitle an identified person to (e.g. social assistance and protection? Residence permit? Work permits? Other?) |
| | <i>Answer</i> |
| 3.3. | What criteria (e.g. indicators) are used to identify victims of trafficking? <ul style="list-style-type: none"> □ Are screening checklists or other identification tools used? □ Who uses them and how are the checklists shared? □ How effective are they? Do they adequately capture all victim profiles? □ What indicators are the most effective in your country context? |
| | <i>Answer</i> |

| | |
|------|--|
| 3.4. | <p>What avenues can victims use to self-identify (e.g. hotlines, posters, advertisement)?</p> <ul style="list-style-type: none"> <input type="checkbox"/> How effective are they? <input type="checkbox"/> What proportion of victims is identified through these avenues? |
| | <i>Answer</i> |
| 3.5. | <p>Are referral mechanisms in place in relation to identification, referral and support at the national and regional level?</p> <ul style="list-style-type: none"> <input type="checkbox"/> Which agencies/institutions are involved? <input type="checkbox"/> How are these mechanisms established (e.g. MoUs? legislation?) <input type="checkbox"/> Are mechanisms operational and effective in practice? Why/why not? <input type="checkbox"/> Are statistics available on how many people have been identified? |
| | <i>Answer</i> |

4. Protection and assistance

| | |
|------|--|
| 4. | The legal and policy framework for protecting and assisting victims of trafficking |
| 4.1. | <p>What institutions currently provide protection and assistance to victims of trafficking?</p> <ul style="list-style-type: none"> <input type="checkbox"/> Where do they get their mandate? E.g. law, policy? |
| | <i>Answer</i> |
| 4.2. | How do people in need of services come into contact with providers of assistance and protection? |
| | <i>Answer</i> |
| 4.3. | <p>What protection and assistance services do they provide to trafficked/exploited persons? For instance:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Shelter, medical, psychosocial <input type="checkbox"/> Reflection period <input type="checkbox"/> Legal aid <input type="checkbox"/> Residence rights <input type="checkbox"/> Compensation <input type="checkbox"/> Rehabilitation, return and reintegration (job placement, training) |
| | <i>Answer</i> |
| 4.4. | <p>In what respects are the services provided to victims dependent or differentiated on the basis of:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The type of exploitation they are subject to (e.g. sexual/labour/other) <input type="checkbox"/> Age (e.g. children versus adults) <input type="checkbox"/> Gender (e.g. men versus women) <input type="checkbox"/> Nationality or status (e.g. citizen versus non-citizen, regular versus irregular migrant) or <input type="checkbox"/> Willingness or not to cooperate with authorities <input type="checkbox"/> Other criteria/limitations? (e.g. must victims be in shelters or do those outside shelter system also have access? Must persons be officially designated as victims of trafficking?) |
| | <i>Answer</i> |

| | |
|------|---|
| 4.5. | <p>Are monitoring systems in place to ensure that assistance and protection services are appropriate? (e.g. standards, external evaluation programmes, victim feedback mechanisms)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Against what standards are they measured? <input type="checkbox"/> How effective are they? Are services adequate and relevant to meet needs? <input type="checkbox"/> In what ways are services deficient? What are the gaps? |
| | <i>Answer</i> |
| 4.6. | <p>What are the sources of funding (government, donor, private)? Is funding for these services adequate? Is funding sustainable or time-bound (e.g. tied to a project)?</p> |
| | <i>Answer</i> |

5. Investigation and prosecution

| | |
|------|---|
| 5. | The legal and policy framework for investigating and prosecuting trafficking |
| 5.1. | <p>What institutions are involved in the investigation and prosecution of human trafficking and exploitation?</p> <ul style="list-style-type: none"> <input type="checkbox"/> Are the specialized law enforcement units, prosecutors' offices and other judicial representatives addressing trafficking? <input type="checkbox"/> Where do they get their mandate? E.g. law, policy? |
| | <i>Answer</i> |
| 5.2. | <p>Does the legislative framework adequately address trafficking and related issues (e.g. including exploitation, forced labour, slavery, sexual exploitation, discrimination and violence against women, violations against migrants' rights)?</p> <ul style="list-style-type: none"> <input type="checkbox"/> What are the legislative gaps and challenges? <input type="checkbox"/> What is the relevance of the international legal framework? |
| | <i>Answer</i> |
| 5.3. | <p>How many investigations, prosecutions and convictions for trafficking and related crimes have been carried out in the country?</p> <ul style="list-style-type: none"> <input type="checkbox"/> Is the number increasing or decreasing? Why? |
| | <i>Answer</i> |
| 5.4. | <p>Which legal codes/provisions have mostly been used to prosecute trafficking?</p> <ul style="list-style-type: none"> <input type="checkbox"/> Why do you think these codes have been used? <input type="checkbox"/> What are the key challenges of applying relevant legal provisions? (e.g. understanding definition, understanding irrelevance of consent, etc.) |
| | <i>Answer</i> |
| 5.5. | <p>Are training/capacity-building mechanisms in place to promote understanding of criminal justice practitioners?</p> <ul style="list-style-type: none"> <input type="checkbox"/> Are law enforcers, prosecutors and judges given regular training? <input type="checkbox"/> Is anti-trafficking training incorporated into established curricula for criminal justice practitioners (e.g. police academies, law schools, judicial academies)? <input type="checkbox"/> Is training appropriate and effective? |
| | <i>Answer</i> |

| | |
|------|---|
| 5.6. | Are mechanisms in place to promote cooperation between law enforcement officers, prosecutors and judges, as well as non-governmental service providers to assist and protect victims and witnesses during court proceedings? |
| | <i>Answer</i> |
| 5.7. | Are investigation and prosecution measures adequate and effective? <ul style="list-style-type: none"> <input type="checkbox"/> Are proactive investigations carried out? <input type="checkbox"/> Are special investigative techniques/parallel financial investigations used? <input type="checkbox"/> Are investigation and prosecution measures victim-centred? |
| | <i>Answer</i> |

6. Prevention

| | |
|------|---|
| 6. | The legal and policy framework for preventing human trafficking |
| 6.1. | Which institutions work to prevent human trafficking and related exploitation? <ul style="list-style-type: none"> <input type="checkbox"/> Where do they get their mandate? E.g. law, policy? |
| | <i>Answer</i> |
| 6.2. | Are media and awareness-raising programmes carried out to prevent trafficking? If so, who have they targeted and what has their message been? <ul style="list-style-type: none"> <input type="checkbox"/> How effective have such efforts been? |
| | <i>Answer</i> |
| 6.3. | Are programmes in place to alleviate vulnerability factors and create alternative livelihoods for people at risk (e.g. birth registration, poverty, underdevelopment, discrimination)? <ul style="list-style-type: none"> <input type="checkbox"/> How effective have such efforts been? |
| | <i>Answer</i> |
| 6.4. | Are measures in place to address demand (e.g. for exploitative services)? Are there social and economic programmes in place to counter exploitative labour practices? |
| | <i>Answer</i> |
| 6.5. | Are border governance measures in place to prevent trafficking across borders? Are strategies in place to provide regular migration opportunities to reduce vulnerability to trafficking? |
| | <i>Answer</i> |
| 6.6. | Are research institutions active in strengthening understanding of and research on the root causes and drivers of trafficking in human beings? What are the gaps in research? |
| | <i>Answer</i> |
| 6.7. | Are prevention measures adequate? If not, what are the gaps? In what ways are they deficient? |
| | <i>Answer</i> |

7. Cooperation among stakeholders (partnerships)

| | |
|------|--|
| 7. | National/bilateral/regional/subregional partnerships, networks and collaborations |
| 7.1. | <p>Are mechanisms in place for coordinating, monitoring and evaluating an anti-trafficking strategy at the national level? (e.g. National Plan of Action)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Who is involved? (e.g. government, civil society, trade unions?) <input type="checkbox"/> On what do they cooperate (e.g. identification, referral, protection, assistance, investigation, prosecution, return, reintegration, other)? <input type="checkbox"/> Is implementation of the mechanism monitored and evaluated on a regular basis (e.g. by national human rights institution/ombudsman)? <input type="checkbox"/> Does the Government fund the coordination mechanism? <input type="checkbox"/> Can you give examples of effective cooperation? |
| | <i>Answer</i> |
| 7.2. | <p>Are there bilateral, regional or subregional mechanisms for coordinating, monitoring and evaluating anti-trafficking strategy in place? (e.g. MLA and extradition agreements/MOUs)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Who is involved? (e.g. specialized units, diplomatic staff, NGOs) <input type="checkbox"/> On what do they cooperate (e.g. identification, referral, protection, assistance, investigation, prosecution, return, reintegration, other)? <input type="checkbox"/> Are transnational judicial and law enforcement cooperation agreements assessed regularly? <input type="checkbox"/> Can you give examples of effective cooperation? |
| | <i>Answer</i> |
| 7.3. | How effective and sustainable are these partnerships or not? If not, what are the gaps? In what ways are services deficient? |
| | <i>Answer</i> |

8. Closing questions

| | |
|------|--|
| 8. | Final recommendations |
| 8.1. | What do you think are key challenges and barriers to effective counter-trafficking? (e.g. Lack of resources? Capacity? Policies? Procedures? Protocols? Political will?) |
| | <i>Answer</i> |
| 8.2. | What are your key recommendations for strengthening counter-trafficking response in the areas that we have discussed? |
| | <i>Answer</i> |
| 8.3. | Are there any other questions that you would have liked to have been asked today? How would you answer them? |
| | <i>Answer</i> |
| 8.4. | Can you recommend any colleagues who you think would like to participate in brief (20-minute) self-administered electronic survey along these lines? |

Final instructions for the interviewer:

- Thank the participant for their time.
- Make any other (internal) observations about the interview below.

Interviewer observations/comments/notes (e.g. follow-up reminders to self):

D. Survey tool template

Survey Tool Template

Survey #: First three letters of country + sur + number e.g. AUSsur1

SURVEY TOOL

IOM Needs Assessment of Trafficking Situation in Response in Countries of the South Caucasus

You are invited to participate in a Web-based survey about the human trafficking situation and response in countries of the South Caucasus.

Background and Purpose

This survey is being conducted in the context of a study commissioned by the International Organization for Migration (IOM) Regional Office for South-Eastern Europe, Eastern Europe and Central Asia to analyse the counter-trafficking landscape and identify gaps and needs in national and regional response to human trafficking. The secondary purpose of this study is to develop a rapid needs assessment tool that can be adapted to different regions, and to test and implement the tool in Azerbaijan, Georgia and Armenia.

The purpose of this survey is to learn your views about the human trafficking situation and response in your country, and gather your opinions about how response could be strengthened towards mounting more effective, results-oriented interventions.

Confidentiality

Your responses will be kept confidential; any information you provide will be combined with information collected from other survey responses and will not be attributable to you. You are encouraged to be candid in responding to these questions; the more candid you are, the more useful the information, recommendations and priorities you identify will be.

Instructions

You are invited to complete this survey now, which is estimated to take around 15 to 20 minutes to complete. You have been provided with a copy of the survey translated by IOM (attached); if you are able to complete the survey in English, please do so.

When you have completed the survey, please save it and return it to Dr Marika McAdam (independent consultant) at marika_mcadam@yahoo.com.au. Please also contact Marika if you have any questions or comments about the survey, or would like to qualify any answers provided.

If you have any further questions or complaints about the study, please contact Project Lead, Ms Myra Albu, at the IOM Regional Office for South-Eastern Europe, Eastern Europe and Central Asia, tel.: +43 1 581 22 22 19, malbu@iom.int.

If you know of any colleagues who would also be interested in completing this survey, please forward it to them.

Thank you very much for your participation.

1. Introductory questions

This section asks questions about you and your work.

- 1.1. In which country do you primarily work? Select answer.
- 1.2. Please choose the response that best describes your current position: (Choose one.)
 - Law enforcement – government official
 - Law enforcement – police
 - Law enforcement – border guard
 - Law enforcement – State migration service
 - Justice system – judge
 - Justice system – prosecutor
 - Justice system – other (including defence counsel)
 - Government official – trafficking victim support
 - Government official – social protection and/or health care (not trafficking specific)
 - Government official – labour inspector
 - Government official – other
 - Non-governmental organization – victim support worker (e.g. shelter)
 - Non-governmental organization – other local NGO
 - Non-governmental organization – other international NGO
 - Intergovernmental organization – UN or multilateral organization
 - Intergovernmental organization – IOM
 - Intergovernmental organization – international development agency (IDA)
 - Other – independent counter-trafficking expert
 - Other – academic
 - Other – please specify
- 1.3. How long have you been employed by your current organization? (Choose one.)
 - Less than one year
 - 1 to 3 years
 - 3 to 5 years
 - 5 to 10 years
 - More than 10 years
- 1.4. How long have you worked on counter-trafficking issues? (Choose one.)
 - Less than one year
 - 1 to 3 years
 - 3 to 5 years
 - 5 to 10 years
 - More than 10 years
- 1.5. What is your age? (Choose one.)
 - 18 to 34
 - 35 to 50
 - 51 to 65
 - 66+
- 1.6. What is your gender? (Choose one.)
 - Female
 - Male

2. Trafficking situation and trends

This section asks your opinions about the trafficking situation and trends in the country in which you primarily work.

2.1. How would you describe the country in which you primarily work? (Choose all that apply.)

- Country of origin for victims of trafficking
- Country of transit for victims of trafficking
- Country of destination for victims of trafficking

2.2. Which are the three most common forms of exploitation that people are subject to in the country in which you primarily work? (Choose three.)

- Exploitation in prostitution
- Other forms of sexual exploitation
- Forced labour or services
- Slavery or practices similar to slavery, or servitude
- Removal of organs
- Forced marriage
- Other – please specify:

2.2.1. Of the three you selected, which do you think is the most prominent form?

2.3. Which are the industries/sectors that people are most commonly exploited in, in the country in which you primarily work? (Choose no more than three.)

- Sex industry
- Agriculture
- Cattle breeding
- Construction
- Producing and packaging
- Oil extraction
- Service sector (e.g. restaurants/catering/healthcare/retail)
- In private homes (e.g. domestic servitude/forced marriage)
- On the streets (e.g. for begging/petty crime)
- Other (please specify):

2.4. Please rank the following in order of most to least trafficked group (1 being most trafficked, 4 being least trafficked):

| Group | Rank from 1 (most) to 4 (least) trafficked |
|---------------------------------|--|
| Adult females | |
| Adult males | |
| Female children (<18 years old) | |
| Male children (<18 years old) | |

2.5. Is trafficking a growing or declining problem in the country you work? Select answer.

- Growing
- Declining
- Neither growing nor declining

2.6. Please briefly explain the reasons why trafficking is growing, declining or neither growing nor declining in the country in which you primarily work:

3. Identification and referral

This section asks your opinions about identification and referral mechanisms in the country you primarily work in.

3.1. Please read the statements below and check the box that best reflects your opinion about the existence and operation of these mechanisms (check only one box per line).

| | Mechanism | Completely adequate | Adequate | Neither adequate nor inadequate | Inadequate | Completely inadequate |
|-------|--|--------------------------|--------------------------|---------------------------------|--------------------------|--------------------------|
| 3.1.1 | National or local referral mechanism | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3.1.2 | Transnational (cross-border) referral mechanisms | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3.1.3 | Formal processes for identifying victims | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3.1.4 | Capacity of competent authorities to accurately identify victims | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3.1.5 | Indicators, screening checklists, other identification tools | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3.1.6 | Self-identification mechanisms (e.g. government/NGO hotlines) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3.1.7 | The link between referral mechanisms and assistance services for victims | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

3.2. Please read the statements below and check the box that best reflects your opinion about the existence and operation of these mechanisms (check only one box per line).

| | Statement | Always | Often | Sometimes | Rarely | Never |
|-------|---|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 3.2.1 | Victims of trafficking are identified | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3.2.2 | Identified victims of trafficking are referred to support services they need | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3.2.3 | Female (adult) victims of trafficking are identified and referred to support services they need | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3.2.4 | Male (adult) victims of trafficking are identified and referred to support services they need | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

| | | | | | | |
|-------|--|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 3.2.5 | Child victims of trafficking are identified and referred to support services they need | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3.2.6 | Foreign victims of trafficking are identified and referred to support services they need | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

4. Protection and assistance

This section asks your opinions about identification and referral mechanisms in the country you primarily work in.

4.1. Please read the statements below and check the box that best reflects your opinion about the existence and operation of these mechanisms (check only one box per line).

| | Mechanism | Fully adequate | Somewhat adequate | Adequate for some victims only | Inadequate | Completely inadequate |
|--------|---|--------------------------|--------------------------|--------------------------------|--------------------------|--------------------------|
| 4.1.1 | Short-term shelter services for victims of trafficking | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4.1.2 | Long-term shelter services for victims of trafficking | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4.1.3 | Medical care services (including physical health) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4.1.4 | Psychosocial care services | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4.1.5 | Risk assessments to determine dangers, threats, security and protection needed by victims | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4.1.6 | Legal support for victims (civil and criminal) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4.1.7 | Education/Job/Skills/Vocational training | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4.1.8 | Support to integrate into the country of destination | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4.1.9 | Support to return to countries of origin | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4.1.10 | Support to reintegrate in countries of origin | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

4.2. Please read the statements below and check the box that best reflects your opinion (check only one box per line).

| | Statement | Strongly agree | Agree | Neither agree nor disagree | Disagree | Strongly disagree |
|--------|---|--------------------------|--------------------------|----------------------------|--------------------------|--------------------------|
| 4.2.1 | Male and female victims of trafficking receive the same level of services | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4.2.2 | Foreign and national victims of trafficking receive same level of services | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4.2.3 | Victims who cooperate with authorities and victims who do not cooperate receive the same level of services | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4.2.4 | Victims of trafficking for sexual exploitation and victims of trafficking for non-sexual forms of exploitation receive the same level of services | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4.2.5. | There are adequate and effective procedures and protocols in place for supporting victims | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

5. Investigation and prosecution

5.1. Please read the statements below and check the box that best reflects how much you agree or disagree with each statement (check only one box per line).

| | Statement | Strongly agree | Agree | Neither agree nor disagree | Disagree | Strongly disagree |
|-------|--|--------------------------|--------------------------|----------------------------|--------------------------|--------------------------|
| 5.1.1 | The national definition of “trafficking in persons” is adequate and appropriate | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 5.1.2 | All forms of trafficking in human beings that occur are effectively criminalized in law | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 5.1.3 | The legal framework to address trafficking and related issues (such as violence against women, migrants, etc.) is adequate and appropriate | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

| | | | | | | |
|--------|--|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 5.1.4 | Investigations of trafficking and related crimes are adequate and effective | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 5.1.5 | Investigations of trafficking and related crimes are carried out in accordance with the rights of victims and presumed victims | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 5.1.6 | Training and capacity-building mechanisms for law enforcers on trafficking issues are adequate | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 5.1.7 | Prosecutions of trafficking and related crimes are adequate and effective | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 5.1.8 | Prosecutions of trafficking and related crimes are carried out in accordance with the rights of victims and presumed victims | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 5.1.9 | Training and capacity-building mechanisms for prosecutors and judges on trafficking issues are adequate | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 5.1.10 | Criminal justice practitioners cooperate adequately and effectively with non-governmental stakeholders | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

6. Prevention

6.1. Please read the statements below and check the box that best reflects how much you agree or disagree with each statement (check only one box per line).

| | Statement | Strongly agree | Agree | Neither agree nor disagree | Disagree | Strongly disagree |
|-------|---|--------------------------|--------------------------|----------------------------|--------------------------|--------------------------|
| 6.1.1 | Prevention programmes to address root causes (e.g. economic disadvantage, discrimination) are improving | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 6.1.2 | Prevention programmes to address vulnerability are appropriately targeted to vulnerable populations | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 6.1.3 | Prevention programmes to raise awareness of the risks of trafficking are adequate and effective | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

| | | | | | | |
|-------|---|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 6.1.4 | Media involvement in awareness raising about the risks of trafficking in human beings is adequate and effective | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 6.1.5 | State authorities conduct adequate research and data collection into the root causes of trafficking | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 6.1.6 | Non-governmental authorities and institutions conduct adequate research and data collection into the root causes of trafficking | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 6.1.7 | Prevention programmes to address the demand side of trafficking are adequate and effective | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 6.1.8 | Programmes to prevent re-trafficking are adequate and effective | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

7. Cooperation among stakeholders (partnerships)

7.1. Please read the statements below and check the box that best reflects how much you agree or disagree with each statement (check only one box per line).

| | Statement | Strongly agree | Agree | Neither agree nor disagree | Disagree | Strongly disagree |
|-------|--|--------------------------|--------------------------|----------------------------|--------------------------|--------------------------|
| 7.1.1 | National action plans/policies provide for adequate cooperation between State and non-State actors at the national level | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 7.1.2 | Cooperation between State and non-State actors is adequate and effective | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 7.1.3 | There are adequate mechanisms in place to provide for cooperation with other countries within the region | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 7.1.4 | Cooperation with other countries within the region is adequate and effective | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

7.2. Please read the statements below and check the box that best reflects what you consider to be the frequency of cooperation (check only one box per line).

| | Statement | Always | Often | Sometimes | Rarely | Never |
|-------|--|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 7.2.1 | Relevant State agencies/ institutions cooperate with each other on trafficking issues | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 7.2.2 | State agencies/institutions invite non-State actors (NGOs, civil society groups, trade unions) to trafficking-related meetings | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 7.2.3 | States invite international organizations to trafficking-related meetings | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 7.2.4 | State and non-State actors implement anti-trafficking activities jointly | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 7.2.5 | There are bilateral meetings (with other countries) on trafficking issues | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 7.2.6 | There are regional and interregional meetings on trafficking-related matters | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

7.3. Please read the statements below and check the box that best reflects what you think about various types of cooperation (check only one box per line).

| | Statement | Very easy | Easy | Neither easy nor difficult | Difficult | Very difficult |
|-------|--|--------------------------|--------------------------|----------------------------|--------------------------|--------------------------|
| 7.3.1 | Between State actors/agencies at the national level | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 7.3.2 | Between State actors/agencies at the bilateral level | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 7.3.3 | Between State actors/agencies at the regional level with other countries in the South Caucasus | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 7.3.4 | Between State and non-State actors at the national level | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

| | | | | | | |
|-------|---|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 7.3.5 | Between State and non-State actors at the bilateral level | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 7.3.6 | Between State and non-State actors at the regional level with other countries in the South Caucasus | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

8. Priorities

8.1. Please choose what you think are the top three priorities for action against trafficking, and rank them according to priority (1 is highest priority).

| | Priority (Choose three) | Rank (from 1 to 3) |
|--|----------------------------|-----------------------|
| A. Strengthening identification and referral mechanisms or their implementation | | |
| B. Expanding the range of assistance and support services available to victims of trafficking | | |
| C. Expanding the range of victims who can access assistance and support services | | |
| D. Strengthening the legal framework against trafficking | | |
| E. Strengthening the quality of services available for victims of trafficking | | |
| F. Strengthening the legal framework for criminalizing trafficking and prosecuting traffickers | | |
| G. Strengthening the investigation of trafficking in human beings (including by building capacity of law enforcers to investigate and through increased specialization of units) | | |
| H. Strengthening the prosecution of trafficking in human beings (including by building capacity of prosecutors and judges) | | |
| I. Strengthening efforts to address root causes and vulnerabilities (including socioeconomic factors, discrimination, etc.) | | |
| J. Strengthening efforts to raise awareness of the risks of trafficking (including by increasing the quality of awareness-raising messages and/or better targeting them to at-risk groups) | | |
| K. Strengthening efforts to address the demand side of trafficking | | |
| L. Strengthening research and data collection about trafficking to better understand trafficking | | |
| M. Improving cooperation between State actors at the national level | | |

| | | |
|---|--|--|
| N. Improving cooperation between State and non-State actors at the national level | | |
| O. Improving cooperation between actors at the bilateral level | | |
| P. Improving cooperation between State actors at the regional level | | |
| Q. Other (please specify): | | |

8.2. Please briefly explain why you chose these top three priorities, and how these priorities should be addressed? What resources exist to address them?

8.3. Are there any other comments/qualifications/recommendations you would like to make?

Please return this survey (as an email attachment) to marika_mcadam@yahoo.com.

Thank you for taking time to participate in this survey.

E. Assessment indicators

Identification and referral indicators

| | | FRAMEWORK Indicators | | OPERATIONAL Indicators | |
|-----|---|--|--|--|---|
| | | Level 1 | Level 2 | Level 1 | Level 2 |
| 1.1 | National Referral Mechanism (NRM) for trafficking in human beings (THB), specifying roles and responsibilities | NRM specific to THB is in place | NRM outlines stakeholder competencies, coordination, protection and assistance | State and non-State actors are included in an NRM and are aware of their role(s) | State and non-State actors are referring and assisting victims through an NRM framework |
| 1.2 | Formal processes for identification | Formal processes for victim identification are in place | Formal processes for victim identification are linked to referral mechanisms | Formal processes for identification are consistently used | Stakeholders perceive that identification processes increase access to services |
| 1.3 | Indicators, screening checklists and other identification tools | Identification tools are in place, and stakeholders are aware of and have access to them | Identification tools are relevant to trafficking in practice (e.g. all types) | Identification tools are used by some stakeholders (partially effective) | Identification tools are used by all stakeholders (fully effective) |
| 1.4 | Self-identification mechanisms (e.g. hotlines, posters, advertisements) | Self-identification mechanisms are in place | The public is adequately aware of self-identification mechanisms | Some victims self-identify (partially effective) | Stakeholders perceive that self-identification is increasing |
| 1.5 | Link between referral mechanisms and protection and assistance services | Referral mechanisms in place are linked to protection and assistance services | Referrals of victims are delinked from victim cooperation with law enforcement | Referral mechanisms result in services provided to some identified victims | Referral mechanisms result in services provided to all identified victims |

Protection and assistance indicators

| | | FRAMEWORK Indicators | | OPERATIONAL Indicators | |
|-----|---|---|---|---|---|
| | | Level 1 | Level 2 | Level 1 | Level 2 |
| 2.1 | Funding for protection and assistance (shelter) services | State budget provides allocation for direct protection and assistance services | State budget provides allocation for NGO/ civil society support services | Committed budget allocation partially meets funding needs | Committed budget allocation fully meets funding needs |
| 2.2 | Accessibility of temporary protection and assistance services specific to trafficked persons | Full package of services is available (medical, psychosocial, legal) within a shelter setting | Full package of services (medical, psychosocial, legal) is available to victims not in shelters | Some services are available to most victims of trafficking, with few conditions | All services are available to all victims of trafficking with no conditions |
| 2.3 | Long-term rehabilitation, reintegration and return services | A framework for rehabilitation and reintegration is in place | A framework for residence and return is in place | The State provides adequate support for rehabilitation and reintegration | The State is adequately involved in carrying out safe and voluntary return |
| 2.4 | Differentiation of protection and assistance services | Protection and assistance services are differentiated according to specific needs | Specific needs of children (e.g. best interests determination of the child) and non-citizens (e.g. residency) are addressed | Protection and assistance services meet some specific needs of some persons | Protection and assistance services meet all specific needs of all persons |
| 2.5 | Appropriate standard of protection and assistance services | A minimum standard of protection and assistance services is specified | A framework for monitoring protection and assistance services is in place | Protection and assistance services are monitored by internal evaluation | Protection and assistance services are monitored by external evaluation (including victim feedback) |

Investigation and prosecution indicators

| | | FRAMEWORK Indicators | | OPERATIONAL Indicators | |
|-----|--|--|--|---|---|
| | | Level 1 | Level 2 | Level 1 | Level 2 |
| 3.1 | Criminalization of trafficking in persons | Key international instruments (United Nations Convention against Transnational Organized Crime (UNTOC) and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, regional instruments where relevant) are ratified | Trafficking is criminalized in line with the international definition (e.g. key elements; most forms criminalized) | Trafficking law is used to prosecute trafficking cases | Convictions are achieved with sentences commensurate to the gravity of offence enforced |
| 3.2 | Non-criminalization/ Non-punishment of victims of trafficking | Non-criminalization of victims for acts committed while trafficked is codified in legislation | Irrelevance of victim consent to their exploitation is codified in legislation | There is evidence that victims of trafficking are not punished or penalized for acts resulting from trafficking | Awareness among criminal justice practitioners about the irrelevance of consent in trafficking prosecutions |
| 3.3 | Investigations, prosecutions and convictions carried out by competent authorities | Specialized actors/ institutions designated are competent in law or policy framework | Law or policy sets out clear roles of competent law enforcement authorities | Specialized institutions are operationally and strategically competent to carry out reactive investigations | Specialized institutions are operationally and strategically competent to conduct proactive investigation |
| 3.4 | Capacity of criminal justice practitioners | Legal/policy framework mechanism provides for anti-trafficking training | Anti-trafficking training is tailored to national needs and capacity gaps | Criminal justice practitioners receive one-off/occasional training | Criminal justice practitioners receive regular or ongoing training |

| | | FRAMEWORK Indicators | | OPERATIONAL Indicators | |
|-----|---|--|---|---|--|
| | | Level 1 | Level 2 | Level 1 | Level 2 |
| 3.5 | Special investigative techniques | Legislation on the use of special investigative techniques against trafficking | Law or policy guidance on the application of special investigative techniques to human trafficking investigations | Authorities are aware of and/or have occasionally employed special investigative techniques | Authorities regularly/ routinely employ special investigative techniques |

Prevention indicators

| | | FRAMEWORK Indicators | | OPERATIONAL Indicators | |
|-----|--|--|---|---|---|
| | | Level 1 | Level 2 | Level 1 | Level 2 |
| 4.1 | Prevention programmes to address root causes and vulnerability | Strategy/policy is in place to alleviate economic conditions, discrimination and other root socioeconomic causes | Strategy/ policy in place recognizes and targets relevant and specific forms of vulnerability/ specifically vulnerable groups | There is evidence of programmes to address root causes of general vulnerability | There is evidence of prevention programmes targeted to specifically vulnerable individuals and groups |
| 4.2 | Awareness-raising and involvement of media in information dissemination | Strategy/ policy is in place to raise awareness of trafficking and establish a hotline | Strategy/ policy is in place to engage and empower media to raise awareness | Awareness-raising efforts are undertaken and hotlines are established and operational | Media reporting is accurate and responsible (does no harm) to victims/ potential victims/others |
| 4.3 | Research institutions active in research and data collection | State data collection system is in place to collect and disaggregate data on traffickers and victims | Research institutions are formally engaged in data collection and research about trafficking | Research and data collection on the root causes, trends, demand is conducted | There is evidence that prevention strategies are evidence-based (i.e. using data and research) |

| | | FRAMEWORK Indicators | | OPERATIONAL Indicators | |
|-----|---|--|--|--|--|
| | | Level 1 | Level 2 | Level 1 | Level 2 |
| 4.4 | Social and economic programmes to address demand | Policy is in place to address demand including by engaging labour markets to prevent exploitative labour practices | Cooperation agreements/ arrangements with private sector/civil society groups are in place to address demand | There is evidence of increased measures to strengthen monitoring and regulation of labour markets | There is evidence of measures taken to target consumers of services provided by victims of trafficking |
| 4.5 | Border measures and migration governance against trafficking in human beings | Strategy is in place to prevent trafficking and exploitation in the context of border and migration-related controls | Strategy is in place to provide regular migration opportunities to reduce vulnerability to trafficking | There is evidence of increased regular migration opportunities provided to reduce vulnerability to trafficking | There is evidence of measures taken to prevent trafficking and exploitation of migrants (e.g. through registration/information for migrants) |

Cooperation and coordination indicators

| | | FRAMEWORK Indicators | | OPERATIONAL Indicators | |
|-----|---|--|--|---|--|
| | | Level 1 | Level 2 | Level 1 | Level 2 |
| 5.1 | National Action Plan against trafficking | National Action Plan against trafficking in human beings is in place | National Action Plan provides for increased national, bilateral and regional cooperation | Operating procedures are in place to practically guide the implementation of the National Action Plan | Operating procedures are used by stakeholders in implementing the National Action Plan |
| 5.2 | National Coordinator/ Rapporteur | Law/policy designates a National Coordinator/ Rapporteur or similar to coordinate on trafficking | The National Coordinator/ Rapporteur is given clear mandate and monitoring capacity | A National Coordinator/ Rapporteur is appointed | There is comprehensive coordination of all issues concerning trafficking in human beings |

| | | FRAMEWORK Indicators | | OPERATIONAL Indicators | |
|-----|---|--|---|--|---|
| | | Level 1 | Level 2 | Level 1 | Level 2 |
| 5.3 | Cooperation between State and non-governmental organizations (NGOs)/ civil society/ international organizations and other non-State actors | Law/policy provides for cooperation between State and non-State actors (NGOs/ civil society) | Coordination agreements/ mechanisms are in place between State and non-State actors | State and non-State actors meet to cooperate on a case or an ad hoc basis | State and non-State actors cooperate on a routine and proactive basis |
| 5.4 | Bilateral and transnational criminal justice networks against trafficking | Bilateral and transnational criminal justice cooperation agreements are in place | Bilateral/ transnational cooperation agreements with all relevant key countries are in place | There is evidence of bilateral/ transnational criminal justice cooperation against trafficking | Bilateral/ transnational cooperation is proactive (i.e. exceeds ad hoc response to cases) |
| 5.5 | Bilateral and transnational cooperation beyond criminal justice | Agreements are in place to support counter-trafficking cooperation beyond investigation/ prosecution | Bilateral/ transnational agreements specific to assistance and protection/ prevention of trafficking are in place | There is evidence that agreements result in bilateral/ transnational cooperation beyond investigation/ prosecution | There is evidence that agreements result in bilateral/ transnational cooperation to assist and protect/ prevent trafficking |

