



# Labour Exploitation and Trafficking in Azerbaijan: An Exploratory Overview

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The report has been written by Blanka Hancilova.

Research team:

Dr. Blanka Hancilova – Lead Author and Research Coordinator, ARCH Vienna  
(blankahancil@gmail.com)

Dr. Azer Allakhveranov – National Researcher, Executive director of the Forum of Azerbaijan NGOs on Migration Issues (FANGOM), Director of the Migration Resource Centre (MRC) Dr. Mehriban Zeynalova – National Researcher, President NGO Clean World Aid to Women Nezaket Khudiyeva – National Researcher, Senior Consultant of the Department of Social services for lonely, disabled and elder persons, Ministry of Labour and Social Security of Population of Azerbaijan Republic

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# 1. Introduction

The report discusses characteristics and determinants of labour exploitation of nationals and foreigners in Azerbaijan and citizens of Azerbaijan abroad. It was prepared in the framework of the project “Development of a comprehensive anti-trafficking response in Southern Caucasus” funded by the European Commission (TACIS) and implemented by the International Labour Organization in partnership with the International Centre for Migration Policy Development (ICMPD) and the Organisation for Security and Cooperation in Europe (OSCE). The project aims to contribute to the prevention and progressive elimination of all forms of trafficking in persons in Azerbaijan by improving the national anti-trafficking response and by systematically including labour market issues in anti-trafficking programmes.

Information gathered so far about trafficking and labour exploitation in Azerbaijan and of Azerbaijani citizens abroad focused mainly and at times exclusively on commercial sexual exploitation, despite indications that labour exploitation of Azerbaijani citizens abroad or of foreigners in Azerbaijan takes place.<sup>1</sup>

The aim of this report is to partially close this gap. To this end, the report explores the issues of labour exploitation and forced labour of Azerbaijanis abroad and of foreigners in Azerbaijan. It documents in more detail than it was done so far that next to women and children, also men are potentially vulnerable to exploitation and that exploitation takes place not only in commercial sex but in many other sectors of the economy.<sup>2</sup>

As of the time of field work (April 2008), all accounts of cases of labour or sexual exploitation in Azerbaijan related to international and internal migrants, i.e. Azerbaijani citizens moving abroad or being trafficked across an international border or within Azerbaijan and foreigners being exploited in Azerbaijan.<sup>3</sup>

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<sup>1</sup> The exploitation of foreigners in Azerbaijan is a relatively new phenomenon, linked to the rapid economic boom of the past decade, which turned Azerbaijan into a country of destination for migrants from less well-off countries.

<sup>2</sup> The report focuses on labour migration of low- and middle-skilled workers, who, according to available information, are more likely to end up in abusive and exploitative situations than highly-skilled migrants. The report does not discuss highly-skilled migrants who often secure legal access to formal labour markets abroad (work permit) and assume a job in the formal economy.

<sup>3</sup> However, several key informants suggested that cases of substandard labour practices, including exploitation, are widespread in Azerbaijan. For example, during the group discussion with journalists held on 10 April 2008, several participants questioned why the ILO is focusing on trafficked persons and migrants only when many other workers are employed in violation of the labour legislation. The participants told of journalists working for newspapers without proper employment contracts in the understanding that an informal probation period of several months will result in a proper employment or paid cooperation. However, when the journalists asked to be paid, the employer made it clear that they do not intend to do so or the journalists in question decided after some time to leave the job and look for a better arrangement elsewhere.

## 2. Clarification of terms

In the report, the term “forced labour” is used in accordance with ILO Conventions 29 and 105. According to ILO Forced Labour Convention No. 29 (1930), article 2.1, “the term ‘forced labour’ shall mean 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”.<sup>4</sup>

The definition comprises two main elements: (1) The menace of penalty and (2) the notion of consent. These pose some definitional challenges which the ILO supervisory bodies have sought to clarify. A “penalty” does not necessarily have to be in the form of a sanction, but can also mean the loss of rights or privileges. Regarding consent, the ILO supervisory bodies determined that cases in which migrant workers are induced by deceit, false promises, retention of identity documents or force to remain at the disposal of an employer should be regarded as cases of forced labour. The ILO also noted that the worker must be free to revoke his consent, in other words, to leave an employment, at any point.<sup>5</sup>

Trafficking in persons is today defined in the United Nations Convention against Transnational Organized Crime (2000), an instrument intended to promote inter-State cooperation in combating transnational organized crime. The Convention is supplemented by three Protocols, one of which is the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. According to article 3 (a) of the Protocol, “trafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs”. Article 3 (c) goes on to state that “the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article”. Thus, in accordance with this definition, the crime of trafficking in persons is a crime against a person, and has three constituent parts: (1) The act (recruitment, transportation, transfer, harbouring or receipt of persons), (2) the means (the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person) and (3) the purpose of exploitation. The Protocol does not define exploitation, nor does it specify the degree and/or nature of coercion or deceit to which a person must be subjected. These should be clarified in the respective national legislations.

The notions of forced labour and trafficking in persons are not identical, but they overlap to a large degree. In general, cases of trafficking for labour and sexual exploitation in which exploitation actually took place are also cases of forced labour, in accordance with the international definition. It is not clear whether cases of trafficking in persons in which exploitation did not take place but the intention to exploit was proven would meet the criteria to be considered cases of forced labour. It should also be noted that it is difficult and often

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<sup>4</sup> The ILO definition of forced labour is used also by other instruments of international law; see, for example, General Comment No. 18 on Article 6 of the ICESCR, paragraph 9.

<sup>5</sup> ILO (2003): Fundamental Rights at Work and International Labour Standards, Geneva, p 36-38.

legally challengeable under national legislation to prove the intention of the perpetrator. These questions can be resolved only by national jurisprudence. Cases of trafficking in persons for the purpose of removal of organs are not considered to be cases of forced labour. It is also not clear whether cases in which migrants that have crossed an international border of their own free will and have subsequently become subjected to forced labour in the host country would be considered cases of trafficking in persons.<sup>6</sup> It would depend on the respective national legislation and jurisprudence.

There are numerous challenges to the philosophical and ethical framing of these issues, to legal definitions and especially to the practical implementation of the international legislation. National laws are too often silent on what exactly constitutes the offence of forced labour, which practices constitute exploitation and what amounts to coercion.<sup>7</sup> While forced labour may be prohibited under the Constitution or labour legislation of a given State, it is often not specified as an offence in the Criminal Code of that State. In many cases, it is also very difficult to distinguish forced labour/labour exploitation and extremely poor working conditions.<sup>8</sup>

The report uses terms ‘trafficked person’ and ‘victim of trafficking’ without prejudice to the status of the trafficked persons as victims and without prejudice to the sex of the trafficked person. In Azerbaijan, the term ‘victim of trafficking’ is used almost exclusively to refer to women trafficked for sexual exploitation. When referring to exploited men, the respondents usually used the term ‘exploitation’ or ‘forced labour’.

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<sup>6</sup> In general, it is also not clear, whether cases of forced labour linked to servile origin would be considered trafficking in persons because some of the elements that constitute the crime of trafficking in persons may be absent. No such cases were identified in Azerbaijan.

<sup>7</sup> The respective national legislations were not covered by this research.

<sup>8</sup> For more details see Rohit Malpani (2005): *Legal Aspects of Trafficking for Forced Labour Purposes in Europe*, ILO Working Paper 48.



### 3. Research on labour exploitation and trafficking in Azerbaijan

In general, information about trafficked persons and persons subjected to labour exploitation in Azerbaijan is very limited. Information gathered so far focuses mainly on commercial sexual exploitation, leaving labour exploitation largely under-researched.

The issue of labour exploitation is conceptualized in Azerbaijan in two discourses: that of trafficking in persons and to a lesser extent that of labour migration. In most cases labour exploitation is discussed in the context of migration and this is also the case in this report. Our limited knowledge suggests that there are exploited workers among migrants. At the same time, it is important to acknowledge that not only migrants are subjected to labour exploitation. As discussed in more detail later, drawing a line between bad working conditions and exploitation is very difficult and it is likely that many of the Azerbaijani citizens are employed in Azerbaijan in conditions which could be considered exploitative.

The discourse on trafficking in persons is to a large extent influenced by the discourse on women rights and discrimination and violence against women. Thus, trafficking in persons is discussed in Azerbaijan from a highly gendered and limited perspective: it is most often understood that the victims of trafficking are women (or girls) who were subjected to commercial sexual exploitation<sup>9</sup> In contrast, the issue of labour exploitation is conceptualized as an issue which is pertinent to men, who have migrated abroad or, increasingly to foreigners, who came to Azerbaijan.<sup>10</sup> Men are less likely than women to be portrayed as victims. Instead, they are understood as ‘hapless’ or ‘unsuccessful’ migrants who happened to get into a bad situation.

Previously, the ILO has conducted research on forced labour in Europe, Russia and Central Asia. This and other ILO research reveals that labour exploitation is likely to be found in informal economy settings where low bargaining power of migrants makes them vulnerable to abuse and exploitation. Especially the research on labour exploitation in the Russian Federation and Central Asia pointed to the fact that forced labour of citizens of Azerbaijan abroad is an issue.

There are only a few research reports on the issue of trafficking in persons in Azerbaijan. Importantly, in August 2002 the IOM Azerbaijan explored the phenomenon in report “*Shattered dreams*”.<sup>11</sup> The report documented several tens of cases of women trafficked for commercial sexual exploitation and five cases of men and boys subjected to labour exploitation. The report concluded that trafficking in men and children from Azerbaijan occurs in a lesser degree than trafficking in women.<sup>12</sup> However, this conclusion seems to be

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<sup>9</sup> In Azerbaijan, some of the identified victims of trafficking were minors (younger than 18 years of age) at the time when they were trafficked and exploited. The law enforcement authorities identified single cases or attempts of illegal adoption of children, but it should be questioned whether these cases did constitute trafficking inasmuch as the purpose of exploitation was not proven. In 2004, the authorities investigated reports that sick children were being taken abroad for medical treatment and adoption and then being used for human transplants. (See: BBC (2004) *Azerbaijan probes child-organ traffickers*, <http://news.bbc.co.uk/go/pr/fr/-/1/hi/world/europe/3513439.stm>, published on 23 February 2004, accessed on 10 May 2008.)

<sup>10</sup> This dichotomy is reproduced also in the IOM (2002) *Shattered Dreams Report on trafficking in persons in Azerbaijan*, p 19, which says: “[T]he interviews enabled a clear distinction to be drawn between trafficking of male migrants for forced labour and female migrants for sexual exploitation.”

<sup>11</sup> IOM (2002) *Shattered Dreams: Report on trafficking in persons in Azerbaijan*.

<sup>12</sup> IOM (2002) *Shattered Dreams: Report on trafficking in persons in Azerbaijan*, p 25.

drawn in haste: The research focused on women and children who were identified prior to the commencement of the research as the most vulnerable group.<sup>13</sup> It was based on a non-representative sample of respondents and thus its results cannot be generalized to a larger population. These shortcomings notwithstanding, the research tentatively identified a number of determinants of trafficking in persons and pointed out to issues, which require further, more substantive research. Other research touching upon the issue of trafficking in Azerbaijan was legal and policy oriented, often with a focus on women's rights.<sup>14</sup>

It is not possible to tell how many persons from Azerbaijan or in Azerbaijan were or are subjected to labour exploitation. Interestingly, however, there was an agreement among the key informants that the number of Azerbaijanis exploited abroad is going down. Key informants attributed this to rising standards of living which do not necessitate labour migration in numbers that were common several years ago. On the other hand, linked to the oil and construction boom, first cases of exploitation of foreigners in Azerbaijan were identified.<sup>15</sup>

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<sup>13</sup> IOM (2002) *Shattered Dreams: Report on trafficking in persons in Azerbaijan*, p 13.

<sup>14</sup> OSI (2007) *Violence Against Women: Does the Government Care in Azerbaijan?*

<sup>15</sup> Interviews with journalists, with civil society and other key informants.

## 4. Research methodology

The methodology used in this research has been qualitative, due to the nature of the study being exploratory, directed at developing a deeper understanding of the characteristics and determinants of forced labour and trafficking in human beings in Azerbaijan. Given that victims of trafficking and persons subjected to exploitation are disinterested in sharing their experience with researchers and thus are a hidden group, qualitative methods were the most effective route of gathering the data in relation to this group. There is no obvious data source on the total population of trafficked/exploited persons from which to draw a representative sample. The researchers took effort to ensure that the cross-section of interviewees reflects to a degree possible the (known) wider population.

The data for this report was collected by a team of three national researchers and one international research coordinator over a six-week period between April and May 2008. The research results are not statistically representative and hence should not be generalized to a larger population. Though the results need to be interpreted with care, interesting issues and commonalities, which may be applicable to a larger section of the population of trafficked/exploited persons, have emerged from the data.

The research methods used included:

- ❖ Semi-structured interviews with eight identified victims of trafficking and other persons who have been subjected to exploitative labour practices since 1995;
- ❖ Review of reports on trafficking in human beings from the government, civil society organizations and international organizations (OSCE, IOM);
- ❖ Review of media coverage;
- ❖ 14 interviews with key informants from international organizations, NGOs and state authorities' representatives (specialized police department, Ministry of Labour and Social Protection);
- ❖ Group discussion with five civil society representatives active in the field of anti-trafficking and migration;
- ❖ Group discussion with eleven journalists covering topics related to trafficking, migration and labour issues.

Migrants who were subjected to labour exploitation were identified through personal contacts of national researchers. Several other personal stories were adapted from earlier publications on forced labour and trafficking. Victims of trafficking were identified with the help of the NGO Clean World, which runs a shelter for victims of trafficking in Baku and cooperates with the Specialized Police Department on Combating Trafficking in Human Beings and also with the direct assistance of the Department.

## 5. Socio-economic developments and migration flows in Azerbaijan

In the early 1990s, Azerbaijan's economic output declined drastically mainly due to the deterioration of trade relations with the Russian Federation and other former Soviet republics and the conflict with Armenia over Nagorno-Karabakh. The economic situation started to improve since the mid-1990s, when Caspian oil and gas discoveries led to a boom of the oil and also construction industries. This led to a rapid GDP growth, which reached 26 per cent in 2005, 35 per cent in 2006 and 25 per cent in 2007. The unprecedented economic development also led to new employment opportunities in the oil industry and the construction industry, mainly in and around the capital Baku. On the other hand, the fruits of the economic expansion have not been distributed evenly. Many far-away, rural regions of Azerbaijan continue to lack access to resources. Today, there are signs that the Azerbaijani economy suffers from the so-called 'Dutch disease', an uneven development of the economy in which the non-oil economy is losing competitiveness.<sup>16</sup>

The general political and socio-economic developments influenced the migration patterns in Azerbaijan. The conflict in Nagorno Karabakh, which resulted in the expulsion of Azeris from Nagorno Karabakh and adjacent occupied territories and the ethnic homogenization of Armenia, led to large migration flows into and within Azerbaijan. It is believed that in the mid-1990s, the total number of displaced persons in Azerbaijan was about 750 000 persons.<sup>17</sup> While in the late 1980s the main migration movement was inflow of ethnic Azeris mainly from Armenia, the 1990s and to a lesser degree also the 2000s are characterized by labour emigration mainly to Russia and Turkey and also Germany and Iran. There is an ongoing discussion in Azerbaijan about the scale of this outward migration. While the state authorities maintain that about 350 000 Azerbaijanis left to seek work abroad, the opposition put forward a figure of two millions. It is difficult to put forward authoritative figures in the absence of reliable migration data collection, but experts usually maintain that as of 2008 about 800 000 Azerbaijanis are abroad.<sup>18</sup> However, importantly, in the most recent years, coinciding with very high rates of economic growth, Azerbaijan turns increasingly to be a country of destination for migrants from Pakistan, India and China.<sup>19</sup> Importantly, anecdotal evidence suggests that these groups of migrants may be vulnerable to labour exploitation.<sup>20</sup> The geographic position of Azerbaijan makes it also an important transitory country for migrants from Afghanistan, the Middle East (Iran, Iraq), South Asia and the CIS (Chechens).<sup>21</sup>

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<sup>16</sup> Robert Parsons: Hydrocarbon Boom Sparks Fears of Dutch Disease (September 20, 2006), Radio Free Europe/Radio Liberty, <http://www.rferl.org/content/article/1071495.html>, accessed on 20 June 2008.

<sup>17</sup> It should be mentioned too that in the context of the Armenian-Azeri conflict over Nagorno Karabakh many ethnic Armenians had to leave Azerbaijan.

<sup>18</sup> Information from Azer Allakhveranov.

<sup>19</sup> Interview with Aliovsat Aliev, key informant, 6 April 2008 and information from group discussion with journalists, 10 April 2008.

<sup>20</sup> Interview with Aliovsat Aliev, key informant, 6 April 2008.

<sup>21</sup> IOM (2003) *Study on transit migration in Azerbaijan* and also key informants interviews.

## 6. Forced labour and trafficking in persons in Azerbaijan

### 6.1. Situation before migration/trafficking

*Available research on labour exploitation and trafficking suggests that the majority of exploited/trafficked persons choose to go abroad for work.*

#### Who leaves? Socio-economic and gender aspects of migration

The main factor informing the decision to migrate is an unsatisfactory economic situation, in other words the lack of jobs or jobs that pay well enough. All available information points out that in Azerbaijan males are significantly more likely to participate in migration than women. This is, in the view of the respondents, mainly due to cultural preferences. It is widely accepted that women are supposed to stay at home and take care of the household and raise children, while men are responsible for bread winning for the whole family.

The respondents mentioned cases of women-migrants who decided to seek work abroad when the male-breadwinner has died, divorced them or has not provided for the family for other reasons. It seems that this group of women is vulnerable to exploitation and trafficking on account of their desperate economic situation and sex.

Decisions to migrate are discussed in the families. There seem to be differences between men and women in regard of decision-making to migrate. While men take their decision more independently, it seems that all women who were living with their families or husbands at the time of their departure have discussed their decision to migrate with their respective fathers, brothers or husbands. Only once they had agreed to it, the women chose to migrate.

#### Who is vulnerable to trafficking and exploitation?

In general, economically weak and socially marginal groups are more vulnerable to trafficking and exploitation than the general population. The limited information available does not offer many leads as to who among this group is more at risk or what are other characteristics of the 'most-at-risk' groups.

Data collected by IOM in 2002 - 2003 points out that both female and male migrants are vulnerable to exploitation.<sup>22</sup>

Regarding trafficking for sexual exploitation, women and girls are especially vulnerable. Civil society organizations active in the anti-trafficking field noted that lack of public information campaigns and also lack of education for girls and women contributes to their vulnerability.<sup>23</sup> Victims of trafficking for sexual exploitation that came into contact with the Azerbaijani law enforcement were both from Azerbaijan and abroad. In this context, key informants named as countries of origin Ukraine, Russia, Uzbekistan, Kyrgyzstan and pointed out cases of internal trafficking in the sex business.<sup>24</sup>

A large proportion of identified victims of trafficking for sexual exploitation were in fact women, who were in a difficult economic situation due to the fact that their husbands have left abroad, or they were divorced, single parents or widows. In the absence of employment

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<sup>22</sup> IOM (2002) *Shattered Dreams Report on trafficking in persons in Azerbaijan*, p 19.

<sup>23</sup> Interview with Ramella Ibragimkhalilova, information from group discussion with journalists, 10 April 2008.

<sup>24</sup> Group discussion with civil society organizations, 11 April 2008.

opportunities at home they sought other possibilities to provide for themselves and their families and accepted offers of intermediaries/traffickers.<sup>25</sup>

It seems that as in other countries, among the most vulnerable would be minors and graduates of foster care homes. That said, so far none of the identified victims of trafficking was from a foster care home. This however does not mean that there are no trafficked children or graduates from foster care homes: possibly this outcome is due to weak identification or other reasons.

The limited information available points out that children and minors are at risk of internal and external trafficking, mainly for the purpose of organized begging and prostitution.<sup>26</sup>

Recently accounts of exploitation of migrants in Azerbaijan emerged. They point out to the fact that the booming economy attracts workers from less well-off countries and that some migrants, who planned to travel to Europe with the help of smugglers, were deceived and exploited in Azerbaijan in the construction sector. Once the state authorities learned about their whereabouts, they have deported them as irregular migrants.<sup>27</sup>

### **Why Azerbaijanis decide to leave?**

All migrants and experts interviewed confirmed that the single main push factor for Azerbaijanis to seek work abroad is poverty, the lack of decent, sufficiently paying jobs and the absence of employment prospects at home.

Poverty and the lack of employment prospects coupled are the single biggest factor informing the decision to look for work abroad as illustrated by the interviews: *"I am from West Azerbaijan. I am married and have three sons and one daughter. I live in a village. Before I went to Russia, I have also lived in a village. I had a small piece of land and I planted wheat. But I did not earn much. Children were growing. That needed money. So I decided to go to Russia."*<sup>28</sup>

Similarly, another interviewed migrant, who comes from Sumgait [an industrial town in the vicinity of Baku] and who lost his job as deputy director of an industrial company in the early 1990s, described his situation: *"I thought about my family, my children. And they were growing and needed more things. My wife was also unemployed. I tried to take care of my financial problems and worked on minor renovations of apartments. But I understood that the situation is the same in other cities in Azerbaijan and that it would be difficult to find a job there. And the fact that I was earning between 5 and 10 USD in a day, that was too little. So that is why I started to think more and more about leaving abroad."*<sup>29</sup>

Another account of a woman, who left for Europe, provides an insight about her motivation to migrate: *"I was married, but now I am divorced. I have a son, he is ten now. We are from Armenia. We came from Armenia after we were forced to leave. For some time, our family, six people, lived in one small room. Only mother and father worked. They were earning little money. My father was a worker and mother went to better-off families to cook, do the laundry*

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<sup>25</sup> For more details see section on Identification, Return and Reintegration of exploited persons in this report.

<sup>26</sup> *Brief Report on the Survey of Victims of Human Trafficking* conducted by the "Clean World" Social Union for Civil Rights with Assistance of the John Hopkins Institute, [www.stopvaw.org/sites/3f6d15f4-c12d-4515-8544-26b7a3a5a41e/uploads/John\\_Hopkins\\_in\\_english\\_DOC](http://www.stopvaw.org/sites/3f6d15f4-c12d-4515-8544-26b7a3a5a41e/uploads/John_Hopkins_in_english_DOC), accessed on 10 May 2008.

<sup>27</sup> Interview with Aliovsat Aliiev, key informant, 6 April 2008.

<sup>28</sup> Interview with P. M., April 2008.

<sup>29</sup> Interview with D.G., April 2008.

*and clean the house. The only way to improve the financial situation was to get married. So, in 1997, I got married. But the marriage, which was arranged very fast, broke-up in one year. I do not know whether you can call it a divorce, but the problem was that my husband left to work abroad. After some time we learned that he got married there and that he does not intend to come back to Azerbaijan. I was left alone with a small child. I took care for my son for four years. But life, that got more and more tough, forced me to make the decision to leave for abroad. There I could arrange things [future] for my son, give him a good education, and even I would try to arrange my life, to get married with a foreigner.”<sup>30</sup>*

The situations described by migrants interviewed for this research are in line with findings of earlier research on migration and trafficking from Azerbaijan<sup>31</sup> and other countries, including CIS countries. In a situation, where jobs are scarce, many perceive labour migration as the only way to improve their economic situation.

Another factor contributing to the decision to migrate is the desire to get to know other countries, try new things and to prove that the migrant is able to take care of himself or herself or to secure funds for investments. Migrants often wish to change something about their current situation and are ready to take some risks to fulfill their dreams. Dire economic situation alone may not be enough to inform the decision to migrate. Some interviewed migrants had prior to migration small but sufficient income to provide for their families. They migrated because they wanted to improve the economic situation of themselves and their families, for example by securing enough income to make investments into household appliances. In other words, they were not ‘forced’ to migrate out of pure economic necessity; rather they have compared their earning potential at home and abroad and have concluded that migrating abroad for work would be beneficial to them and their families.

### **Situation before migration and trafficking: Tentative conclusions**

The research confirmed that socio-economically disadvantaged groups are vulnerable to labour exploitation and trafficking. The search for work abroad seems to be most often motivated by the wish of the migrants to provide or to provide better for their families, though other factors – such as desire to learn to know other countries – seem to play a role too.

## **6.2. Information and decision-making about migration**

*This section focuses on the information and other factors that inform the potential migrant’s decision to migrate. It explores the ‘pull’ factors - where people want to go and how they decide about it.*

### **What information do migrants have about employment abroad?**

Prospective migrants with no previous migration experience from abroad usually have only the vague idea that going abroad for work will provide them with the opportunity to earn substantial amounts of money quickly and to make investments back home, such as buying a house or a car or to cover medical or educational expenses for a family member.

The economic situation of many households in Azerbaijan does not allow for leisure travel and many prospective migrants have at the onset of the migration project only a very vague

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<sup>30</sup> Interview with K. N., April 2008.

<sup>31</sup> IOM (2002) *Shattered Dreams Report on trafficking in persons in Azerbaijan*, p 19.

(and often incorrect) idea about living abroad. For example, they have very high expectations about employment opportunities and earnings or savings. Some migrants are not sufficiently aware that there are rules for entry and employment in the host countries and how to navigate these. Confronted with the limited channels for legal migration and employment, many migrants are aware that they are likely to violate the residence and employment rules of the host country. They consider this situation a normal part of their migration reality. Often they are also aware that most likely they will not be in a position to secure a job based on their qualifications, but they expect that the earnings even in a low-skill, low-paid job abroad will be better than their earnings in Azerbaijan.

The main sources of information about living and work abroad are usually members of the extended family and friends. At times migrants have some idea what type of work they will be doing abroad: *“in principle, I knew [what I will do in Germany]. I knew that the company in which I will work is a construction company,”*<sup>32</sup> but the information does not seem to be always detailed and accurate.

As a matter of rule, migrants who leave for abroad do not have a written contract prior to their trip abroad. They rely on verbal promises of the intermediaries, or on information from their networks. It is not customary in Azerbaijan to ask for a written contract; in fact, this would be in many situations interpreted as a lack of trust. Also, a written contract would in many cases not ‘protect’ the migrant from abuse in the end since rule of law is not firmly rooted in most of the countries where migrants go or since migrants would be irregular migrants and thus most likely deported before they could present their complaint to a court.

It seems that in a number of cases, migrants are told by the intermediaries that they will sign the employment contract once they are in the destination country. Often, however, this does not happen or they are provided with a document in a foreign language they do not understand. *“They did not sign with me any labour contract. They told me that if I will sign a labour contract, a bigger part of my income will have to be paid to the tax authorities. I was not happy about this. Other workers told me that I do not have to sign a labour contract.”*<sup>33</sup>

The results of the research suggest that both successful migrants and victims of trafficking base their decisions to migrate on very limited information provided mainly by their family networks and/or acquaintances, who are or were working abroad at some point in time.

### **Where do migrants go and why do they choose a particular destination?**

When migrants choose a particular destination country, they base their decision on their perception of how easy it will be to enter the country, how far it is, how costly the travel will be, how demanding it will be to comply with the visa requirements, if any; how easy it will be to stay in the destination country (if need be as irregular migrants) and how easy it will be to secure a job (as a matter of rule clandestinely, in the shadow economy) and what they will be earning and saving. The prime destinations for migrants from Azerbaijan are the Russian Federation, Turkey and also the United Arab Emirates and Europe (especially Germany, also Greece and other countries).

It seems that when migrants go to the EU countries, they are likely to have a valid tourist visa. *“I do not know [what type of visa I had]. I only knew [from the intermediary] that if asked*

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<sup>32</sup> Interview with D.G., April 2008.

<sup>33</sup> Interview with D. G., April 2008.



*why I am going to Germany, I am supposed to say that I go there to buy a car.*"<sup>34</sup> Citizens of Azerbaijan do not need a visa to travel to the Russian Federation, Kazakhstan or Turkey, which are popular destinations for labour migrants.

Migrants going to Russia today follow Azeri diaspora, i.e. Azeris who live in Russia since the days of the Soviet Union or those who have moved there in the 1990s and more recently and decided to stay. Some migrants, who have been migrating to Russia previously, return to their previous employers for seasonal work in construction or agriculture. The fact that especially the older generation speaks some Russian and is relatively acquainted with the Russian culture plays a decisive role. A respondent interviewed for this project, explained when asked why he went to Russia: *"Half of the men from our village work in Russia. Among them are some who earn good money. They have even built a new house in the village and bought a foreign car."*<sup>35</sup>

Similarly, cultural and language ties and the geographical proximity explain to a large degree the popularity of Turkey as a destination of labour migrants from Azerbaijan. *"All young men from our village went to Turkey to work in stone quarry. I knew the work, that is why I went to Turkey."*<sup>36</sup>

The United Arab Emirates and other Persian Gulf countries seem to attract the interest of 'shuttle traders' (*chelnoki* in Russian). These countries are also major destination countries for women working as prostitutes and also for persons trafficked for commercial sexual exploitation.

Though many prospective migrants would like to work in the European Union countries because of the wage differentials, the links with these countries are less developed, perhaps and importantly with the exception of Germany. In many cases when key informants or migrants mentioned migration to Europe, it appeared that Azerbaijanis were migrating to and working in Germany. The links were through the large Turkish diaspora which resides in Germany since the 1960s.<sup>37</sup>

*"My neighbour, who worked at some point in Turkey, told me that from Turkey it is possible to make it to Italy and then to Germany. I heard that in Germany it is easy to get asylum."*<sup>38</sup>

In the recent years, cases of trafficking for sexual exploitation were identified with victims exploited in Pakistan and India.<sup>39</sup> Also, there is anecdotal information that some Azerbaijanis traveled/were taken to China as a guarantee that a debt incurred in trading with Chinese trading partners will be repaid. In the absence of repayment of the debt, they had/have to stay in China for extended periods of time.<sup>40</sup> This information echoes anecdotal accounts about the same practices involving Kyrgyz.<sup>41</sup>

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<sup>34</sup> Interview with D. G., April 2008.

<sup>35</sup> Interview with P. M., April 2008.

<sup>36</sup> Interview with S. R., April 2008.

<sup>37</sup> Due to a labour shortage during the economic boom in the 1950s and 1960s, the government of West Germany signed bilateral recruitment agreements with several countries, including Turkey, which allowed the recruitment of workers in the industrial sector jobs that required few qualifications. This resulted in large-scale migration of Turkish citizens to West Germany.

<sup>38</sup> Interview with K. N., April 2008.

<sup>39</sup> *Human Trafficking Cases Registered in Azerbaijan*, 27 March 2007, <http://news.trendaz.com/print.shtml?newsid=901829&lang=EN>, accessed on 10 May 2008.

<sup>40</sup> Interview with Khalida Novruzova, 10 April 2008.

<sup>41</sup> Blanka Hancilova (2008, mimeo): *Determinants of Forced Labour in Central Asia*. ILO.

### **How migrants finance their trips?**

It seems that many migrants, including those from the most vulnerable groups are able to find funds to cover the cost of migration to the neighbouring countries, such as Russia and Turkey. That said, they often sell their valuables or incur debts with extended family networks or intermediaries, in the hope that their future income will be sufficient to cover these.

In other cases, an intermediary/trafficker covers their travel costs. The amounts mentioned by migrants interviewed for this research who migrated to Germany, were usually in the range of 1000 to about 4000 USD. The initial investments for travel to Germany (or other 'Western' countries) are then higher, but so are the expected returns.

There seems to be a difference between male and female labour migrants in this respect. It seems that men often pay for the services of an intermediary, though some of them happen later to accrue debt and become debt bonded. It seems that almost all women who were trafficked for sexual exploitation did not in fact pay the intermediary upfront. Rather the intermediary suggested to shoulder the initial costs of migration and then used this to impose a debt on the woman and to force her to repay the debt by her engagement in prostitution.

### **Decision-making about migration from Azerbaijan: tentative conclusions**

The extent and quality of social networks abroad, such as family and friends, are among the major factors influencing the potential migrant's decision to migrate abroad. Migrants' knowledge about legal migration channels modifies aspirations as to where to migrate. Migrants take into consideration the 'transaction costs' of securing a visa and travel to their destination country. Usually the fact that a migrant will be in an irregular situation in terms of his/her right to stay or to engage in employment does not seem to play a decisive role in these calculations, it is just one of many factors in the overall cost-benefit analysis.

## **6.3. Organization of migration/trafficking**

*This section focuses on the organization of migration and in particular whether there were any intermediaries facilitating the migration. It attempts to distinguish between organization of successful migration and migration which ends up in an abusive situation.*

### **Do migrants use intermediaries?**

The economic situation of many households does not allow Azerbaijanis to travel for leisure. Many prospective migrants do not have reliable information about life and work abroad and how to arrange their travel. As a result, they rely on information and support provided by intermediaries, persons who facilitate the migration process by providing information and knowledge how to secure necessary travel documents, a visa and job abroad. They play an important, at times decisive, role in the decision making process of migrant workers.

In Azerbaijan, intermediaries are an important 'link in the chain' connecting supply of labour force and employer's demand since the early 1990s. There seem to be many intermediaries in the business, both honest and rogue. Some of them act as 'brigadiers' (gangmasters of construction crews) and invite their relatives and neighbours to join them when they leave to work abroad. Others are knowingly supplying persons to be exploited. In many cases it is not possible to tell the difference between those assisting migration (albeit irregularly but without intention to exploit) and those assisting migration with the intention to profit from a

subsequent exploitation of the migrant and the limited scope of research did not allow for researching this issue in detail.

The intermediary business does not seem to be very organized or sophisticated for that matter. Most intermediaries operate informally. They come from family and friends networks of the migrants and trafficked persons.<sup>42</sup> Current information on trafficking in Europe indicates that the majority of trafficked victims approach or are approached by the trafficker and willingly migrate with him/her.

*“I have often heard that many leave for Russia, Germany and Turkey, where they earn good money. (...) One of my close friends, who was also unemployed, but managed more or less to improve his financial situation, told me that he managed this because he went to Germany and lived there for almost two years. In Germany he worked in one of the construction companies, which renovated apartments. At least this is what he told me. He also told me that any person can get the paperwork, sign a contract and go to Germany. But to do so, one has to pay a certain amount, in this is included the cost of the air ticket and the paperwork and so on. (...) And that, what he said, sounded sufficiently trustworthy. I trusted him and that is why I decided to get in touch with the people, who are dealing with the relevant paperwork.(...) And that person then told me that I need to give him some 3000 USD (...) and my passport, 2 photos and visa application.”<sup>43</sup>*

Often, the services of intermediaries have to be purchased in advance. In order to pay these fees, migrants often borrow money from their relatives.<sup>44</sup> When migrants do not have the means to do so, they may accrue debt with the intermediary, against which they have to provide their labour at a later point. This difference may in fact point out whether migrants are less or more likely to end up exploited and what the degree of exploitation may be. It may be of significance that in many cases victims of trafficking did not arrange for their travel abroad on their own, but relied on an intermediary, who provided them with travel documents (if needed forged), paid for their journey and ‘sold’ them to the employer/exploiter.

Currently there are only two officially registered private employment agencies (PrEAs) in Azerbaijan licensed in accordance with Article 14 of the Law on employment to recruit citizens of Azerbaijan for work abroad, however the licensing body (the Ministry of Labour and Social Protection) is “not aware about a single person being provided employment abroad through these official agencies” in compliance with the current legislation.<sup>45</sup> This seems to be mainly due to heavy general licensing requirements for PrEAs wishing to organize employment abroad. In addition to the general licensing requirements, the potential employment abroad would have to fulfill very high standards of labour and social protection. This tends to limit the number of working places abroad that would be suited for official mediation by Azerbaijan’s PrEAs.

The group discussion with journalists and newspaper reports suggested that matching (dating) agencies are used as disguise for trafficking. This opinion was echoed by several key informants. According to the media, also outlets arranging student exchanges and internships are used in this way but this information was not confirmed by any other respondent. On the

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<sup>42</sup> IOM (2002) *Shattered Dreams Report on trafficking in persons in Azerbaijan*, p 19.

<sup>43</sup> Interview with D.G., April 2008.

<sup>44</sup> For example, D.G. interviewed for this research, borrowed 3000 USD to finance his trip from his brother.

<sup>45</sup> Interview with MLSP, April 2008.

other hand, in 2002 IOM concluded that the use of formal travel agencies as outlets facilitating trafficking does not seem to be widespread.<sup>46</sup>

In general, information about the use of various formal and semi-formal outlets such as agencies arranging marriages, travel agencies and private employment agencies is limited and this research did not collect information which would allow make even tentative conclusions about their involvement in trafficking.

### **The role of intermediaries in migration: Tentative conclusions**

The research confirmed that intermediaries play a crucial role in the organization of migration for work abroad. However, these are not formal private employment agencies, but individual persons.

Available information points out that the perpetrators of labour exploitation and trafficking are loosely connected individuals exploiting the weaknesses of effective law enforcement rather than mafia-like organized crime groups.

It seems that those migrants who cannot finance the cost of their migration upfront and incur debt with the intermediary are more likely to end up exploited and may be subjected to worse forms of exploitation than others. This would point out to the fact that extremely poor migrants or migrants with weak social networks that do not allow them to raise the necessary funding for their trip, are more likely to end up in situations of exploitation.

## **6.4. Demand side – sectors in which exploited persons were identified**

*This section focuses on the ‘demand side’. It discusses in which sectors victims of trafficking/labour exploitation were identified, whether or not they are controlled by organized crime, how they were concealed from detection, and how employers link into the trafficking cycle to ensure that the demand for exploitative labour or sexual services is satisfied.*

### **In which sectors and labour market segments are migrants employed/exploited?**

In general, the research suggests that Azerbaijani migrants are most often working in trade, construction, agriculture, food and packaging, restaurants and catering, domestic services and also in commercial sex services.

Available information suggests that both men and women work in retail trade and agriculture. Men also work in construction, where only few women would be found.

Another sector in which migrants from Azerbaijan were exploited is oil extraction in Siberia, Russia.<sup>47</sup> Many women work in domestic and care services, some also in restaurants and catering. It seems that prostitution is the ‘fall back’ option for some women who cannot secure other work. For others, sex work may be a preferred choice of earning a living because it enables them to earn higher amounts of money over a relatively short period of time in

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<sup>46</sup> IOM (2002) *Shattered Dreams Report on trafficking in persons in Azerbaijan*, p 19.

<sup>47</sup> Information from group discussion with NGOs, 11 April 2008.

comparison with other jobs available to them. So far, not a single man from Azerbaijan was identified as a victim of exploitation in the sex business.

The sectors of employment of migrants from Azerbaijan vary from country to country. So, for example, in the Russian Federation, migrants from Azerbaijan would work mainly in trade, especially in open-air retail markets. In these market places, some, most often women, would also work in the restaurant/catering business.<sup>48</sup> They would also work in construction and agriculture, albeit, in the opinion of the respondents, to a lesser degree than in trade. In Turkey, migrants would be working either in trade, often shuttle trade, and relatively often it seems also in commercial sex services. Rarely, they would work in restaurants/catering business. The situation in the United Arab Emirates is similar – here work in the sex industry seems to play an even more important role than in Turkey. In Germany, migrants would work in agriculture, construction and also food production and packaging business and also in the entertainment and sex industry.<sup>49</sup>

In the absence of legal employment opportunities in host countries, the employment opportunities of many migrants are limited. This means that migrants have to accept work in the informal sphere. Often they accept work below their qualification. In relative terms, compared to the labour market in the host country, these jobs tend to be low-paid. However, the remuneration may be quite acceptable to a migrant who is confronted with even lower pay or extended periods of unemployment at home.

### **Who employs (and possibly also exploits) migrants?**

Current research on Azerbaijan and on exploitation in general provides relatively little information on the connections between ‘employers’ in destination countries and the trafficking in persons.

Azerbaijanis are known to be exploited in rather diverse sectors – women often in the sex business, sometimes domestic services, retail trade and agriculture; men in construction, agriculture, retail trade and also food production and oil extraction. In general, it seems that nationals or other ‘free’ workers are not interested in these jobs due to the low level of payment, bad work conditions and low prestige of the jobs.

The research did not provide many leads as to the size, location and visibility of these enterprises and only tentative comments can be made in this place. The visibility of the enterprises differs from country to country, sector to sector and case by case. In some cases, the location of the workplace at which exploitation takes place is right within a town, in a setting where the exploited person communicates or could possibly enter into contact with outsiders (for example retail market place or in a restaurant.) In other situations, the exploited person is very far away from places where other people live (work in distant mountainous villages which cannot be reached by transportation in winter months, work in oil fields in some parts of Siberia). As to the sex business, the visibility of the business differs from country to country, but the trafficked persons have to be in contact with their clients. Several of them have escaped with the help of a sympathetic client, either when he ‘bought’ the

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<sup>48</sup> The restaurant/catering sector in open-air retail market places in the Russian Federation and other CIS countries is not rather simple, low-end. It can consist of preparation of various kinds of baked rolls (pirozhki), tea, coffee or in a more sophisticated set-up – barbecue (shashlik) served with bread, pickles and salad.

<sup>49</sup> Vmeste s rebyonkom oni udalili mne matku, jgli pyatki, virivali noqti...(They eliminated my baby and made hysterectomy, burned heels, pulled out nails), author Ramella Ibrahimkhalilova, printed in newspaper *Ekho* in November 3, 2006, [http://www.echo-az.com/archive/2006\\_11/1442/obshestvo01.shtml](http://www.echo-az.com/archive/2006_11/1442/obshestvo01.shtml)

enslaved woman free<sup>50</sup> or when he allowed her to use his mobile phone and she managed to mobilize external rescue by contacting her family.<sup>51</sup>

### **Links to organized crime**

Also, the research did not provide leads as to whether the sectors are linked to or controlled by organized crime. Probably with the exception of the sex business, which is in many countries to a varying degree linked to organized crime, most other sectors in which migrants from Azerbaijan were exploited do not seem to be particularly prone to being controlled by organized crime. Arguably, in some countries some businesses may be ‘protected’ by corrupt law enforcement. The jobs in which people are exploited would be part of the informal economy, i.e. an economy that violates one or several regulations, such as compulsory government licensing, tax, labour and other laws, but does not make profit by producing or dealing with illegal goods such as drugs or unlicensed weapons.

The limited information available does not provide many pointers as to how employers find new ‘personnel’ to be exploited. It seems that some employers, particularly in the commercial sex business, are linked to the trafficking process from the start by having connections with intermediaries who will bring to them a new person who can be exploited. In some countries (for example, in Russia and Kazakhstan) there are ‘markets’ at which it is possible to ‘acquire’ a new worker. It is likely that these two forms exist in many cases next to each other.

Regarding the exploiters, women trafficked into sexual exploitation seemed to work more often for a so-called ‘Mama Rosa’ (also called ‘Madam’), i.e. female employer/exploiter than for male exploiters. This seems to be also corroborated by data from criminal investigations in Azerbaijan: the majority of persons charged in Azerbaijan with trafficking in persons are women.<sup>52</sup>

It seems that often exploited persons do not really know who is employing them. They do not know whether it is a company or a private person, their real names etc. They also do not know whether they deal with a middle-man or the owner of the enterprise/exploiter himself.<sup>53</sup>

Available information suggests that in some cases all personnel working in a specific enterprise were exploited or trafficked, but in others exploited persons work next to workers in more or less regular employment. According to available information, in the sex business after some time new entrants may climb up the ladder and work on their own account or turn into intermediaries and exploiters themselves.

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<sup>50</sup> IOM (2002) *Shattered Dreams Report on trafficking in persons in Azerbaijan*, p 23.

<sup>51</sup> Interview with A2.

<sup>52</sup> According to information by Aliovsat Aliiev, quoted in article “Deyatel’nost’ pravoochranitel’nikh organov v oblasti bor’bi s trgovley lyud’mi neeffektivna” (“The activity of the law enforcement structures in the human trafficking field is ineffective”), written by Ramella Ibrahimkhalilova, printed in newspaper *Ekho* in November 29, 2006, [http://www.echo-az.com/archive/2006\\_11/1458/obshchestvo01.shtml](http://www.echo-az.com/archive/2006_11/1458/obshchestvo01.shtml). In the first nine months of 2006, 58 persons were accused of trafficking in human beings, 47 persons of them were women, similarly in 2007 the majority of traffickers were women. Information from Specialized Police Department.

<sup>53</sup> Interview with S. Q., April 2008.

## Written employment contracts

In most cases migrants do not have employment contracts at any point of their migration project. “[Did you sign an employment contract?] No. [Why?] I did not know it is necessary.”<sup>54</sup> This may reflect several issues: (1) the low level of legal awareness of the worker but possibly also of his/her employer, (2) the widespread belief that a written contract does not bring any advantages over a verbal one, because it would not be enforceable in any case (since the migrant workers are often resident or employed in violation of the immigration and labour regulations and are not provided by the state effective venues to exercise their rights), (3) belief that a written labour contract may rather implicate them in case of encounter with the host state authorities because it would clearly point out to the fact that they are working and thus violating labour and stay regulations of the host country; (4) generally low faith in the judicial systems which is informed by previous experience with the court justice in Azerbaijan.

## Links to final employment: Tentative conclusions

The industries in which migrants from Azerbaijan are exploited are generally diverse location-bound sectors ranging from commercial sex to construction, retail trade, oil industry, and catering. In most cases, migrants have either no written contract or the contract they have signed is not compliant with the labour legislation. In some cases migrants do not know who their employer is.

### 6.5. Daily life of exploited migrants

*This section shall provide information on the conditions of work and the nature of deception, force or coercion used to control victims to facilitate trafficking/exploitation.*

#### What degree of control do exploited persons have over their working conditions?

The degree to which a migrant worker can exercise control over his or her working and living conditions, seems to vary from sector to sector and case by case. As a matter of rule, migrants work long hours. This is often, but not always, with their consent as they believe that they are earning money. “We got up at six in the morning and at seven we started working. 30 minutes for lunch. We worked until eight in the evening. We knew that we need to work [to do work that causes noise] between nine [a.m.] and four [p.m.]. Otherwise the neighbours would call the police because of the noise. Therefore, we did all the noisy work until 4 [p.m.] and then we did silent work, we painted, glued, prepared for the next day and so on. (..) We worked in a bloc of apartments with tenants. Our, so-called company, accepted a contract to do complete renovation of three apartments in parallel.”<sup>55</sup>

Migrants who work in the shadow economy are often at increased risk of work accidents and other negative health outcomes.<sup>56</sup> They also often lack access to medical assistance. “[Regarding occupational safety and health] there were absolutely no trainings or instructions. On the contrary, they told us that if any emergency happens, or if one of us will

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<sup>54</sup> Interview with S. R., April 2008.

<sup>55</sup> Interview with D.G., April 2008.

<sup>56</sup> European Agency for Safety and Health at Work: *Literature Study on Migrant Workers*, Bilbao, 2007.

*get hurt, the company will not cover any expenses. Therefore, all depended on us. We simply did not have a choice.*"<sup>57</sup>

The limited information available suggests that women exploited in the sex business exercised low and possibly the least degree of control over their work conditions and also that involvement in prostitution in comparison with exploitation in other sectors had more detrimental long-term consequences for the exploited persons.<sup>58</sup> Some women coerced into prostitution seem to have been more controlled and coerced in a more brutal way than persons exploited in other sectors. There are, however, accounts of brutal physical violence applied against men (and presumably also women) exploited in other sectors and these will be discussed in more detail below.

The interviews with victims of trafficking conducted in the framework of this research did not focus on the details of the exploitation out of concern for the emotional wellbeing of the victims. These were to a degree covered by previous research, information provided by the key informants and the media in sufficient detail for the purpose of this research. The interviews however did confirm that trafficked women as a matter of rule had no or very limited control over their working conditions and pay.

Available research consulted for this report and the interview conducted did not reveal any contact with the labour inspectors at the place where exploitation took place. Persons trafficked into the sex business were at times in contact with law enforcement agencies. It was reported that some law enforcement representatives in countries of destination as well as in Azerbaijan did not always treat the trafficked persons with respect and also that they were at times corrupt and cooperating with the employers/exploiters.

### **Which means are used to exercise control over the exploited person?**

There are many ways how a person can be controlled or coerced into a situation of exploitation. The same external situation may result in one outcome for a particular migrant and in another one for another one, depending chiefly on the migrant's agency. In most cases, modes of coercion are combined, pointing out to the complex interplay between coercion and agency in a given situation.

#### **❖ Misinformation, manipulation, lack of access to reliable information and support networks**

After arriving in a foreign country, workers are usually without information where to turn for assistance and they lack supportive networks. In this situation, viable alternatives for workers are limited or none. One of the means how migrants can be led into or kept in an exploitative situation is deception and manipulation. Lack of reliable and true information, for example about cost of accommodation and other services, or about the consequences of contacting their Embassy or police, or about the attitudes of the host population towards clandestine migrant workers, may prevent migrants from seeking assistance. In this respect, cultural and language barriers play an important role. Exploited persons who cannot communicate with the local population are at a great disadvantage. The resulting atmosphere of fear is illustrated by the quote from a female asylum seeker who was exploited in Germany: *"I knew I cannot leave the job just like that. (...) Because the owners of the restaurant do not like, when people are not doing what they [the owners]*

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<sup>57</sup> Interview with D.G., April 2008.

<sup>58</sup> Compare section on reintegration of exploited persons in this report.



want. They have close links with all companies and employers in the region. If somebody leaves, they tell all other companies and nobody will give you a new job. The only way [would be] to leave the city, but I could not have done it. [Explanation: Because she was an asylum seeker.]”<sup>59</sup>

#### ❖ Debt dependency, manipulation of debt, money extortion

Available information suggests that debt dependency serves as an important mode of coercion.

*“In the airport (in Germany), one Turk met me, he was the representative of the construction company. He drove me to the apartment in which I lived for quite some time. There were two more Azeris with me there. They also worked for the same company. I did not work for a month or so, they told me that they have not received an order for me and they said it would need some time to formalize the order. (...) I had some money with me, about 1000 USD. (...) I covered the necessary expenses – part of the expenses for the apartment, food, and cigarettes from this money. (...) I started work in some three or four months then. [And where did you get the means to cover your living expenses meanwhile?] From nowhere. The company paid for the apartment, food and cigarettes. But I did not know how much it was. Then, when I got to work, the representative of the company told me, that for some time I will work to re-pay my debt. And how much the debt was, I did not know.”*

In situations of trafficking/exploitation, many prospective migrants are not in a position to cover the initial cost of their trip. The cost of the trip and visa is shouldered by the intermediary, who then usually hands over the person to the employer/exploiter against a payment. The migrant/trafficked person would be informed about the incurred debt only in the country of destination, i.e. at a point, where he or she does not have many ways out. Often, the debt is manipulated.

Migrants/trafficked persons have usually no or only a very limited amount of money with them. Thus they are not able to cover their living expenses and have to rely on financial or in-kind (food, accommodation) assistance of the employer/exploiter. In other cases, they are compelled to find a job quickly and may have to accept ‘any’ job on the market, including jobs with high occupational safety and hazards exposure, jobs in remote places such as high in the mountains or far from other inhabited places or stigmatized jobs, for example in prostitution.

The 2002 IOM research noted that fees charged by traffickers do not appear to depend upon the destination country or upon the necessity of preparing false travel documents or to arrange an entry visa for someone previously deported from the destination country and it concluded that “the fees charged are mainly used as a tool to keep the indebted victim on the hook as long as possible”.<sup>60</sup>

#### ❖ Non-payment of wages

In some cases, the nature of coercion amounted to non-payment of wages which prevented a migrant stripped of all financial means in the host country of meaningful, real possibilities to leave the employer or made the prospects of leaving the employer extremely costly. *“Sometimes we even did not want to do some work, which was too much for us or with too short deadline. [But] they told us that the company will terminate our*

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<sup>59</sup> Interview with K.N, April 2008.

<sup>60</sup> IOM (2002) *Shattered Dreams Report on trafficking in persons in Azerbaijan*, p 22.

*contract and we will get no money. We did not have any choice. There were days, when we did not even go back home, but we stayed at the work place and worked through the night.”*<sup>61</sup> A similar case was reported by an Azeri worker exploited in a construction business in Stavropol, Russia.<sup>62</sup>

Respondent D.G. said: *“We were not getting any pay. They told us that what we earn goes in part to cover our debts [with the company for provision of board and lodging] and in part is sent to our account. We were supposed to get this money once we finish the work. (...) There was a moment, when I needed to send some money to my family, which needed them badly. I was told [by the company] that even though I have worked for seven months already, my debts with them are not settled so far. I discussed the situation with my co-workers and we came to the conclusion that very possibly, they will not give us our earnings. And so it happened.”*

In another case, a group of Azerbaijani workers was ‘trapped’ in an abusive situation when they agreed to work in an oil extraction enterprise in a far-away region in Siberia. The working conditions were substandard and differed significantly from those communicated to them at the time when they were hired. The workers however signed a contract for a period of six months, which stipulated that they would be paid most of the earnings at the end of this period. Due to the geographical remoteness of the enterprise, they could not leave easily.<sup>63</sup>

#### ❖ Retention of documents

Often migrants/trafficked persons do not possess their identity documents (passports), which prevents them from leaving the job. *“I thought about leaving the job. But where could I have gone? Even my passport was with the representative of the company. I feared to lose the earned money and so I stayed and continued working.”*<sup>64</sup>

In cases of trafficking, where the act was premeditated, the intermediary usually keeps the passport of the trafficked person from the onset of the trip and then transfers it to the employer/exploiter. In other cases, migrants hand over the passport at some point to the employer – be it because of paperwork such as registration with the authorities (in Russia and other countries) or because the passport serves as a ‘guarantee’ that they will finish a particular job.<sup>65</sup> When asked whether he had a passport with him, a man who was exploited in stone quarry in Turkey answered: *“[I gave my passport away] right after I came there. The manager took the passport and told me that he needs to get the work permit. Since we were far from town, I did not need my passport.”* Later, when the employee requested his passport back, the employer told him that he had lost his passport.

Some, though only a minority of the trafficked persons, had at times their identity documents with them. Usually, they were provided with the passport for a short period,

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<sup>61</sup> Interview with D.G., April 2008.

<sup>62</sup> Elena Tyuryukanova (2006): *Forced Labour in the Russian Federation Today: Irregular migration and trafficking in human beings*, Case 8, p 121.

<sup>63</sup> Information from group discussion with journalists, Baku, 10 April 2008.

<sup>64</sup> Interview with D.G., April 2008.

<sup>65</sup> The practice of handing over passports to the employer seems to be quite widespread among building crews in the Russian Federation.

when they had to leave the country (Turkey or United Arab Emirates) in order to re-enter it and renew their visa.<sup>66</sup>

#### ❖ Threats of denunciation to the authorities

Many migrants are in fact staying in the host country from some point onwards in violation of the host country's immigration or employment rules. This makes them vulnerable to denunciation to the authorities, detention and possible deportation. *"They threatened us that if we leave the work, we will not get any money and they will throw us on the street. In addition, they told us that our visas are not valid any longer, which means that we are illegal migrants. If they catch us, then they will for sure deport us and we will be fined for having worked illegally."*<sup>67</sup>

In most cases, migrants/trafficked persons fear the encounter with the authorities. Several issues are of importance in this context: firstly, migrants from Azerbaijan are not used to approach the authorities when they need assistance because their experience from Azerbaijan suggests that the authorities would not help them but may try to 'profit' from their situation and for example, ask for bribes. Secondly, the employers/exploiters tell the migrants/trafficked persons that the authorities are 'bought', i.e. that they act in the interests of the employer/exploiter and that they will return the trafficked person to them. They also warn the migrants/trafficked persons that contact with the authorities will mean that these will detain them and could keep them detained in rather bad conditions for an extended period of time before they will be deported.

The following quote demonstrates that migrants have very good reasons to believe that employers would be in a position to deliver on their threats of deportation. *"After quite some time, I met in Baku one of my former co-workers. So, and he told me that after they have finished their work [on construction site in Germany], the representative of the company did not pay them anything and told them that they need to work on a new project. They refused. One evening police came to them, they detained them, transferred to the migration service, which deported them as illegal migrants."*<sup>68</sup>

In addition to information provided by employers/exploiters, migrants' own experiences and experiences of their co-workers caution them against encounters with the authorities, who indeed may be incompetent and corrupt. This is confirmed by anecdotal evidence from Turkey, Russia and from the United Arab Emirates, major destination countries for victims of trafficking and labour exploitation from Azerbaijan.

#### ❖ Threats of 'hand-over' to criminal groups

When asked about work conditions, a female asylum seeker from Azerbaijan, who was employed clandestinely in a restaurant in Germany said: *"[I had] no normal conditions of work. It was not possible to stop working even for a minute. I had to move all the time. When I stopped working, the boss shouted at us and called us names. He threatened us that if we will not work normally, he will hand-over us to the police or even worse – to mafia group, which is dealing in drugs and keeps brothels.(...) I complained about the work conditions, but they told me that they will not make for me special work conditions. If I want to leave, the doors are open. But I could not have left immediately. I would have had to work at least for a month, until they do not find a replacement for me. Only then I*

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<sup>66</sup> Interview with A1. See also: IOM (2002) *Shattered Dreams Report on trafficking in persons in Azerbaijan*, p 31.

<sup>67</sup> Interview with D.G., April 2008.

<sup>68</sup> Interview with D.G., April 2008.

*could have had settled my accounts. But women, who worked there, told me that I should not even mention [that I consider leaving]. Because in that case, they would not have given me the wage and they would hand me over to “bad people”. I could only stay and endure it. [I have stayed] almost three years. ”*<sup>69</sup>

#### ❖ **Physical violence and threats of violence**

Migrants trapped in exploitative situations can be threatened with and subjected to physical violence. In some cases, there are threats of violence against their family members, as illustrated by the following statement: *(that is, did you feel any specific threat?) Of course I did. But I was not worried for myself, but for my son.*<sup>70</sup> In some cases, traffickers would threaten the exploited person that they will harm their families back home, in their countries of origin.

Women trafficked into prostitution were likely to be subjected to serious physical violence, including rape. Their freedom of movement was restricted. According to information from NGOs, many victims of trafficking also witnessed severe beatings and murders of their colleagues.<sup>71</sup> In addition, they were threatened that should they contact the authorities, they would be either returned to the trafficker and punished, or detained and subsequently deported, as described in more detail above.

Some victims of trafficking for sexual exploitation reported that they were forced to use narcotics and alcohol, while trafficked.<sup>72</sup> Also, they were deprived of food.<sup>73</sup>

#### ❖ **Blackmail and threats to reveal the fact of prostitution**

In case of women coerced into prostitution, fear of shame and rejection by the family, should they learn that a woman worked as a prostitute is an extremely powerful coercion. As a trafficked woman interviewed for the IOM study put it: *“After all, what was I going to do after that? How could I return home? What would I say to my parents?”*<sup>74</sup> A victim of trafficking interviewed for this research chose to contact her family and ask them for assistance only after she had been tortured to a degree that she believed she may die.<sup>75</sup>

### **Daily life of exploited Azeri migrants: Tentative conclusions**

Exploitation of workers is a result of their low bargaining power vis-à-vis their employers. Rogue employers often have at their disposal a wide spectrum of coercion means to impose on the workers living and working conditions to which they actually did not consent. The coercion means range from more ‘subtle’ ones, such as misinformation, to actual physical

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<sup>69</sup> Interview with K.N, April 2008.

<sup>70</sup> Interview with K.N, April 2008.

<sup>71</sup> Vmeste s rebyonkom oni udalili mne matku, jgli pyatki, virivali noqti... (They removed my baby, made hysterectomy, burned heels, pulled out nails), author Ramella Ibrahimkhalilova, printed in newspaper *Ekho* on November 3, 2006, [http://www.echo-az.com/archive/2006\\_11/1442/obshestvo01.shtml](http://www.echo-az.com/archive/2006_11/1442/obshestvo01.shtml).

<sup>72</sup> Information of Clean World NGO quoted in: Vmeste s rebyonkom oni udalili mne matku, jgli pyatki, virivali noqti... (They removed my baby, made hysterectomy, burned heels, pulled out nails), author Ramella Ibrahimkhalilova, printed in newspaper *Ekho* on November 3, 2006, [http://www.echo-az.com/archive/2006\\_11/1442/obshestvo01.shtml](http://www.echo-az.com/archive/2006_11/1442/obshestvo01.shtml).

<sup>73</sup> Vmeste s rebyonkom oni udalili mne matku, jgli pyatki, virivali noqti...(They removed my baby, made hysterectomy, burned heels, pulled out nails), author Ramella Ibrahimkhalilova, printed in newspaper *Ekho* on November 3, 2006, [http://www.echo-az.com/archive/2006\\_11/1442/obshestvo01.shtml](http://www.echo-az.com/archive/2006_11/1442/obshestvo01.shtml).

<sup>74</sup> IOM (2002) *Shattered Dreams Report on trafficking in persons in Azerbaijan*, p 30.

<sup>75</sup> Interview with A2.

violence and restriction of freedom of movement. Importantly, in some instances, the state authorities that are responsible for removal of unauthorized migrants from the territory of the state are in fact lending credibility to some of the threats used by rogue employers, namely the one of detention and deportation. For the migrant, the prospect of removal/deportation is a very costly one because it means that he cannot re-enter the country for a number of years to come.

The threat to reveal that a woman was involved in prostitution (irrespective of whether she was coerced or not) to their families and communities back home is an extremely strong coercion measure. Involvement in prostitution is understood as a shame for the family and may be a ground for disinheritance or even killing by family members to preserve the family 'honor'.

## **6.6. Exit, return, identification and reintegration of exploited and trafficked persons**

*This section explores how exploited persons exited their exploitative employment and how they returned to Azerbaijan, how they were identified and how they are re-integrating into the society.*

### **How does a migrant worker exit exploitative employment and return to Azerbaijan?**

There seems to be a wide array of possibilities how migrants exit a situation of exploitation. For some, the difference between continuing living in an exploitative situation and exit is simply a matter of decision and overcoming psychological 'obstacles' such as their wish to get their unpaid wages or to prevent their family and friends from learning about their negative experiences. Others have to overcome serious physical constraints in order to exit.

*"I told them that I need my passport to send money to my children. After I got my passport I took my things and run away. I did not know how much I have earned or how much I owe them. I just needed to leave the tough conditions. (...) I left Germany, traveled in various European countries, where I was looking for a new job. I was finding some odd-jobs, earned money to cover my daily needs. Somehow I saved money for the trip [back]. (...) [I went] through Bulgaria and Turkey and from there I went by bus to Nakhichevan."*<sup>76</sup>

For others, involvement of external actors, most often law enforcement agencies, is decisive. *"Somehow one day, the body that is in charge of catching illegal migrants, violently entered our restaurant. They arrested me. But after they have learned that I am an asylum seeker, they handed me over to the Federal agency [for refugees]. After this, the respondent eventually opted for "voluntary assisted return".*

*"The [decision making] process [about asylum claim] took few more months. All the court litigants, meetings – I was sick and tired of it. I was depressed. I was afraid what will happen next, not so much with me, but with my son, who did not speak Azeri language, but spoke very well German. (...) One foreigner was in touch with me and he told me that if I will decide to leave voluntarily, they will help me financially and to*

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<sup>76</sup> Interview with D.G., April 2008.

*prepare all the documents. I agreed. They bought a ticket Frankfurt-Baku. In this way, I have returned to Azerbaijan (...) [after] five years.*"<sup>77</sup>

### **What assistance did migrants subjected to labour exploitation get prior or upon their return to Azerbaijan?**

One of the migrants, who worked in Turkey and did not receive his passport back from his employer, when asked whether he turned to police, said: *"The law was not on my side. And that is why I did not contact the police. I would have only created problems for myself."*<sup>78</sup> This seems to be a typical perception of migrants – many of them know that they have violated the law (usually immigration and labour law) and they believe that this renders them without rights. While this is not the case according to the letter of the law, in the majority of cases involving migrant workers who have resided or worked in the host country in violation of the regulations, the state authorities proceed with deporting them without providing them with effective access to justice to remedy possible crimes committed against these migrants.

The situation does not improve much upon return: assistance for returnees to Azerbaijan seems to be non-existent or very limited. When asked whether somebody offered assistance upon return, one interviewee said: *"Nobody helped. To tell the truth, I do not know where to turn for assistance. The fact is that I left there on my own [decision]. I lived in bad conditions. I worked a lot. But all feel that I am to be blamed for what has happened. Nobody thinks about what made me to agree to the job."*<sup>79</sup> When asked what sort of assistance would have been needed most, the same interviewee said: *"I do not know, but I think, the most important is to find a job."*

Importantly, also returned migrants do not seek assistance because they see no good in it. *"(Did you turn to somebody for assistance after you have left your exploitative job?) That would not make any sense. I was an illegal migrant, who had no rights."*<sup>80</sup> Thus there is no demand for services and these are then not provided. As a result, migrants subjected to labour exploitation are rarely ever identified as such and the crime is not recognized.

### **How is a trafficked/exploited person identified?**

In Azerbaijan, experience with identification, return and reintegration seems to be conditioned by the sector of exploitation and/or by sex. Identified victims of trafficking were women exploited in the sex business. No woman exploited in other than the sex business was identified and no man was identified as a victim of trafficking. In general, identification of women exploited in the sex business happens either in the country where they were exploited or upon return to Azerbaijan.

The data collected for this research project suggests that identification upon return to Azerbaijan is more likely than identification in countries where the women were exploited. This is probably linked to the fact that many Azerbaijani victims of trafficking are exploited in Turkey and the United Arab Emirates, which do not have well developed identification mechanisms.

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<sup>77</sup> Interview with K.N, April 2008.

<sup>78</sup> Interview with S. R., April 2008.

<sup>79</sup> Interview with K.N, April 2008.

<sup>80</sup> Interview with D.G., April 2008.

Victims of trafficking interviewed within this project either contacted out of their own initiative the Specialized Police Department to Combat Trafficking in Persons or they were contacted by the Specialized Police Department upon their deportation from abroad.

The fact that some victims came forward themselves is in itself important. It suggests that they had access to information about this department and means and resolve to enter into contact with the state authorities. When asked about who contacts the Specialized Police Department, the Deputy Head Mr. Imran Najafov commented: *“The girls who contact us are from better off families. As a minimum, they have had access to some education and they know how to talk to the authorities. They are courageous. They want to see justice. They are ready to go through a hell, because a court, that is a hell for them”*. This suggests that likely the most vulnerable victims, those with low agency are falling through the cracks, because the system of identification works so far only for those who have courage and resolve or those who were deported.

In 2007 the Specialized Police Department reported to have identified 101 trafficked persons from Azerbaijan, Moldova and Uzbekistan. Out of this number, 29 were for some time in the Baku-based shelter. The trafficked persons were exploited in UAE, Turkey, India, Iran and Pakistan (sexual exploitation) and in Russia (labour exploitation). There were no cases of internal trafficking reported.

During 2007, 283 criminal cases were found (defined) in the Republic of - 231 criminal cases were investigated, 300 persons were called to account for their crimes and 101 persons were defined as victims of human trafficking as well.

It seems that women who are deported from abroad for engagement in prostitution are contacted upon arrival to Azerbaijan by the Specialized Police Department. It is remarkable that all women interviewed spoke positively about their experience with staff of this Department. Some of the interviews took place at the premises of the Specialized Police Department, which may have influenced the assessment. However, the complete absence of critical remarks on the work of the Specialized Police Department contrasts with criticism of the work of local (uchastkovye) police departments, where complaints were not taken seriously and victims of trafficking were *“laughed at”* and told *“that I knew where I went and that I should not cry because what happened to me was my fault”*.<sup>81</sup> In this context, it should be also noted that many key informants were rather critical about the work of regular police and voiced concerns about complicity of law enforcement bodies, especially in the context of internal trafficking for sexual exploitation.

Experiences of return and identification are often intertwined. None of the persons interviewed in this research were any longer in the situation of exploitation. Some of them escaped their traffickers when they were back in Azerbaijan to renew their visa<sup>82</sup>, one woman was released by the exploiters after her family threatened the intermediary with court action<sup>83</sup>, others were deported from abroad<sup>84</sup> and one woman decided to press charges against her trafficker/exploiter following encouragement by her friend.<sup>85</sup>

The research did not reveal that exploited persons, irrespective of the sector of exploitation, would have been in touch with workers' associations (trade unions), civil society

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<sup>81</sup> Interview with A2.

<sup>82</sup> Interview with A1.

<sup>83</sup> Interview with A2.

<sup>84</sup> Interview with A3.

<sup>85</sup> Interview with A4 (A4 is friends with A3).

organizations or church groups in their respective host countries. This is in line with information collected in 2002 by IOM. There seem to be two main reasons for this: the network of organizations providing assistance is rather limited and migrants are not aware about their existence. Possibly also, the offered assistance is not relevant to the exploited persons.

Some victims of trafficking, specifically women exploited in the sex business, were put in touch upon their return to Azerbaijan with the NGO Clean World Aid to Women Social Union, which provides assistance to victims of trafficking.<sup>86</sup> In October 2006 the government opened a shelter for victims of trafficking. The shelter is run by the Clean World NGO and financed by the state budget. It can provide psychological, medical, social, legal, and financial aid to victims of trafficking, who are usually staying in the shelter for 30 days. In warranted cases, this initial period can be extended several times. The scope of the research did not allow for an assessment of the provision of assistance.

### **How can trafficked/exploited persons access justice?**

In Azerbaijan, victims of sexual exploitation and victims of labour exploitation continue to experience serious obstacles in claiming their rights. It is not the aim of this report to discuss these in detail but several points are warranted at this place, though more research is needed to confirm or reject these tentative conclusions. The experience of victims of trafficking with courts in Azerbaijan is at best mixed. In the opinion of Aliovsat Aliev, Director of the Center of Legal Assistance to Migrants, *“despite interventions of various international organizations, the attitude of law enforcement and judges to victims of trafficking did not change a bit.”*<sup>87</sup>

It is significant that this research did not reveal a single case of labour exploitation/trafficking for labour exploitation that was heard by the court. This suggests that the legal and judicial system in Azerbaijan may not be sufficiently recognizing and aware about the grievance of labour exploitation.

Victims of trafficking and labour exploitation have limited access to legal assistance. They also do not press civil charges, though under the Code of Civil Procedure and the Code of Criminal Procedure, adopted in 2000, victims can obtain compensation for pecuniary and non-pecuniary damages for suffered harm.

The cases of trafficking in human beings adjudicated so far suggest that during investigation and court hearings only facts connected to sexual exploitation are taken into consideration. In one particular case, the court adjudicated on grievances brought in the connection with sexual exploitation of a victim, but it dismissed claims of labour exploitation in agriculture.<sup>88</sup> There is not a single judgment in cases of labour exploitation in other than the sex business.

The cases are also tried under trafficking charges only. This means that other possibly applicable crimes (such as kidnapping, deprivation of freedom, physical violence, forging of documents and others) are not prosecuted.

There are no known facts of confiscation of criminal property or compensation.

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<sup>86</sup> The limited scope of this research did not allow collecting data which would allow assessing whether all identified victims of trafficking are referred to the shelter, how many of them accept assistance etc.

<sup>87</sup> Interview with Aliovsat Aliev, Director of the Center of Legal Assistance to Migrants, April 2008.

<sup>88</sup> Information from Mehriban Zeynalova, Clean World NGO, April 2008.



The experience of the Clean World NGO, which has been representing several victims of trafficking in court, suggests that the way the courts address victims of trafficking is often inappropriate with judges insulting and humiliating the victim during the court hearings.<sup>89</sup>

### **How can trafficked/exploited persons reintegrate?**

The interviews with persons subjected to labour exploitation suggest that most of them do not have serious problems to reintegrate upon their return, though more research is needed to confirm these tentative conclusions. In this sense, their situation seems to differ diametrically from those who were subjected to sexual exploitation.

When discussing prospects of reintegration for victims of sexual exploitation, one of the NGO representatives illustrated the situation: *“And when the father learnt about his daughter being exploited [in the sex business], his reaction was terrific [‘kolossalnaja’, in ironic meaning] – he sold the house and moved to another region, so that his daughter can never ever find them anymore.”*

Reintegration of victims of sexual exploitation seems to be to a large extent ‘mission impossible’ in Azerbaijan, as suggested by the experience of NGOs working in Azerbaijan in this field and by limited information available about victims of commercial sexual exploitation. All victims of trafficking interviewed within this project were rejected by their husbands (if they had any at the point of trafficking) and/or their fathers and brothers. Some victims said they keep in touch with some female members of the family - their sister, aunt or mother. The rejection seems to be based on strong cultural convictions which dictate that a ‘good’ woman would never succumb/agree to work as a prostitute. Having a ‘prostitute’ in the family is a shame and the cultural codex dictates that the family needs to cut all ties with the ‘black sheep’. Also the Committee on the Elimination of Discrimination against Women pointed out to the *“persistence of patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family and in society in Azerbaijan, in particular in rural areas, which are reflected in women’s educational choices, their situation in the labour market and their low level of participation in political and public life”*.<sup>90</sup>

The rejection by the family de facto means that victims of trafficking are re-victimized and it contributes to the difficulties they experience in return to ‘normal’ life. The NGOs also said that when a victim seeks assistance, it is very often the female members of the family who approach them or the victim herself, but never men.<sup>91</sup>

As a result, trafficked women are left with very few options open: having been brought up and socialized in Azerbaijan, they tend to be convinced that the only meaningful way of life is that of a family life with husband and children. Yet, to lead a ‘normal’ family life is impossible, because the potential husband and his family do not accept the past of the women. Often they do not have the qualifications necessary to find a job in a labour market which discriminates against women. Thus they cannot provide for themselves. For many their options are virtually

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<sup>89</sup> Information from NGO Clean World, quoted in article Pravovoe prosveshchenie zhertv traffickinga (Legal education of victims of trafficking, author Ramella Ibrahimkhalilova, printed in newspaper *Ekho*. [http://www.azeri.ru/papers/echo-az\\_info/12161/](http://www.azeri.ru/papers/echo-az_info/12161/)

<sup>90</sup> Concluding comments of the Committee on the Elimination of Discrimination against Women: Azerbaijan, Thirty seventh session (15 January to 2 February 2007), <http://www.universalhumanrightsindex.org/hrsearch/displayDocumentVersions.do;jsessionid=F2538DF9C9373F7ADC7B7C5D1FD13957?lang=en&docId=1048>, accessed on 12 May 2008.

<sup>91</sup> Group discussion with civil society, 11 April 2008.

two – to work as prostitutes (whether on their own account, with a pimp or being re-trafficked) or to turn into a ‘Madam’ and potentially into traffickers. Symptomatically, among the trafficked women who were assisted by the Clean World NGO, one was re-trafficked, while another one became a trafficker herself.

On whole, the reintegration efforts in Azerbaijan remain extremely limited. The Ministry of Labour and Social Protection is supposed to run a rehabilitation center, but they seem to be short of human and financial resources to do so. In 2006, the Cabinet of Ministers adopted a decision (Decision Nr 152) to provide victims of trafficking with a one-off allowance of 33 Azerbaijani Manat (about 30 euros) as a support to their reintegration. This allowance is clearly not sufficient to play a considerable role in their reintegration.

### **Exit, Return, Identification and Reintegration: Tentative conclusions**

Identification, return and reintegration seem to be conditioned by the sector of exploitation and/or by sex. Identified trafficked persons were in all cases women or girls exploited in the sex business. No woman or child exploited in other than the sex business was identified and no man was ever identified in Azerbaijan as a victim of trafficking.

It seems that the many workers, who were exploited in sectors other than commercial sex, decide at some point to leave their employer. This decision is costly – they are likely to lose all or some of their wage, they may have to travel without documents. Others are deported. As a matter of rule, these exploited migrants do not receive any assistance prior or upon their return to Azerbaijan. They are reluctant to ask for assistance, because this could bring them into yet bigger ‘trouble’ should the authorities in the host country learn about them but also because they simply do not see any reason to ask for assistance where none is forthcoming. This results in a circle, with no demand and no supply of services.

The situation seems to differ for some victims of trafficking for sexual exploitation. Though it is not clear how many are identified of the overall number of victims of trafficking for sexual exploitation, it seems that at least some of them can ask for and receive assistance. Self-identification plays an important role, though it seems that some women repatriated to Azerbaijan from abroad for engagement in prostitution, are interviewed by the Specialized Police Department.<sup>92</sup> In addition, some women come forward on their own decision. To do so, they had to have access to information about the Specialized Police Department and the means and resolve to enter into contact with the state authorities.

Usually it is NGOs that provide assistance to victims of trafficking, but one of them, the Clean World NGO that runs the shelter for victims of trafficking (women), is funded by the state.

There are serious problems with access to justice for both persons subjected to labour exploitation as well as sexual exploitation. While there has not been a single claim by a person subjected to labour exploitation under the criminal or civil law, victims of trafficking for sexual exploitation continue to experience insults and humiliation during the trial.

Reintegration of persons trafficked for sexual exploitation resembles a Sisyphean task. This is mainly due to prevailing patriarchal attitudes.

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<sup>92</sup> It is not clear whether all or only some women are interviewed, and if only some, which criteria are used to select them from the total number.

## 7. Conclusions

The interviews with migrants and key informants document that next to migrant-women and children, also migrant-men are vulnerable to exploitation. The exploitation of men takes place in many sectors of the economy mainly in the Russian Federation, Turkey and European countries. The main known countries where women from Azerbaijan were exploited are the United Arab Emirates, Turkey and the European countries. It seems that women are most often exploited in commercial sex business, while men are exploited in various sectors, most often, it would seem, in construction. Women are exploited also in other sectors, for example in catering and agriculture.

The findings also suggest that socio-economically disadvantaged groups are vulnerable to labour exploitation and trafficking. However, also young women from middle-class families are known to be trafficked. While the search for work abroad seems to be most often motivated by the wish to improve the economic situation of the migrants and their families, at times other factors – such as desire to learn to know other countries seem to play a role too.

The main sources of information about living and work abroad are usually members of the extended family, friends and acquaintances. The extent and quality of social networks abroad, such as family and friends, is one of the major factors influencing the migrant's decision. Migrants take into consideration the 'transaction costs' of securing a visa (when needed) and the cost of travel to their destination country. Usually, the fact that a migrant will be in an irregular situation in terms of his/her right to stay or to engage in employment abroad does not seem to play a decisive role in these calculations. It is just another factor in the overall cost-benefit analysis, which includes factors such as the probability of finding a job, the pay, the cost of living, security in the host country and many others.

In many cases, intermediaries play a crucial role in the organization of migration. However, as a rule these are not formal private employment agencies, but individual persons. This may be of interest from a policy point of view, because possibly trafficking in persons is run more often by loosely connected individuals exploiting the weaknesses of effective criminal and labour law enforcement rather than sophisticated organized crime networks. It seems that those migrants who cannot finance the cost of their migration upfront and incur debt with the intermediary are more likely to end up exploited and may be subjected to worse forms of exploitation than others. This would point out to the fact that extremely poor migrants or migrants with weak social networks that do not allow them to raise the necessary funding for their trip, are more likely to end up exploited.

In most cases, migrants have either no written contract or the contract they have signed is not compliant with the labour legislation. In some cases migrants do not know who their employer is. Their exploitation seems to be the result of their low bargaining power vis-à-vis their employers due to several factors such as economic vulnerability, irregular migration status and lack of work permit.

Rogue employers have often at their disposal a wide spectrum of coercion means to impose on the workers living and working conditions to which they actually did not consent. The coercion means range from more subtle ones, such as misinformation, to actual physical violence and restriction of freedom of movement. Importantly, in some instances, the state authorities that are responsible for removal of unauthorized migrants from the territory of the state are in fact lending credibility to some of the threats used by rogue employers, namely the one of detention and deportation. For the migrant, the prospect of removal/deportation is a

very costly one because it means that he or she cannot re-enter the country for a number of years to come.

Identification, return and reintegration seem to be conditioned by the sector of exploitation and/or by sex. Identified victims of trafficking were in all cases women or girls exploited in the sex business. No woman or child exploited in other than the sex business was identified and no man was ever identified in Azerbaijan as a victim of trafficking.

It seems that some workers, who were exploited in sectors other than commercial sex, 'decide' at some point to leave their employer despite the high costs involved: they are likely to lose all or some of their wages, they may have to travel without documents, etc. Others are deported once identified by law enforcement, which can be also tipped by the employer. Those subjected to sexual exploitation are in a more precarious situation, because even if and when they would choose to leave, alone the information that they have been subjected to sexual exploitation, is capable of irreparably damaging their future prospects. Therefore they are less likely to leave when this would mean that their exploiters may spread the information about their involvement in prostitution to their family and community.

As a matter of rule, migrants exploited in sectors other than the commercial sex business, do not receive any external assistance prior or upon their return to Azerbaijan. In the host country, they are reluctant to ask for assistance, because this could bring them into yet bigger 'trouble' should the authorities learn about their presence, but also because they simply do not see any reason to ask for assistance where none is forthcoming, whether in the host or home country. This results in a circle, with no demand and no supply of services.

The situation seems to differ for some persons trafficked for sexual exploitation. Though it is not clear how many are identified of the overall number of victims of trafficking for sexual exploitation, it seems that at least some receive external assistance. Self-identification plays an important role, possibly also because family networks are less likely, due to strong patriarchal attitudes, to provide assistance to persons (mainly women) that have been subjected to sexual exploitation. Usually it is NGOs that provide assistance to victims of trafficking. The Clean World NGO that runs the shelter for female victims of trafficking, is funded by the state.

There are serious problems with access to justice for both persons subjected to labour exploitation as well as sexual exploitation. While there have been not a single claim by a person subjected to labour exploitation under the criminal or civil law, victims of trafficking for sexual exploitation continue to experience insults and humiliation during the trial. Reintegration of persons trafficked for sexual exploitation resembles mainly due to prevailing patriarchal attitudes a Sisyphean task.

The research did not specifically aim at assessing the national policies to address trafficking in human beings and thus only very limited conclusions can be drawn. Nonetheless, it is obvious, that the current mechanisms of addressing the issue of trafficking in human beings are better equipped to identify and assist women who have been in forced prostitution abroad than any other group. This leaves many, potentially a bigger group than women trafficked for sexual exploitation, virtually without any redress and assistance. It seems also that only some trafficked women contact ever or are being contacted by law enforcement, which in some cases leads to their identification as victims of trafficking and subsequent referral for assistance. Possibly, many victims of trafficking are not identified because the current identification mechanism is not sensitive to their cases.

On a final note, it has to be reiterated that the scope of the research did allow only for data to be gathered from desk research and from interviews with a limited, non-representative sample

of respondents. Therefore the results are not statistically representative and hence should not be generalized to a larger population and need to be interpreted with care. At the same time, interesting issues and commonalities, which may be applicable to a larger section of the population of trafficked/exploited persons, have emerged from the data.

Clearly, there is a need for further, more both qualitative and representative quantitative research to improve our knowledge and to inform policies to address the issue of trafficking and forced labour in Azerbaijan.

## 8. Policy recommendations<sup>93</sup>

The dearth of information available and too often the only source being anecdotal evidence points clearly to the fact that more qualitative and quantitative research on trafficking and labour exploitation in Azerbaijan is needed. As the research and data collection effort unfolds, priority should be given to assist the government of Azerbaijan to develop its capacity to collect and manage data in order to analyse the situation and draft its policy based on sound data. To this end it is suggested to develop a tool for data collection in cooperation with the Statistical Department of Azerbaijan that would allow sustainable and regular information collection on trafficking and forced labour in the context of labour migration and migration as such.

Efforts should be made to increase the capacity of the relevant bodies at the Government of Azerbaijan and major stakeholders to develop a methodology for a nationally owned database on trafficking in human beings with clearly defined modalities, repositories and mechanisms for its collection and analysis. These efforts could be focused on the victim and/or the trafficker/prosecution angle. The decision should rest with and be in accordance with the priorities identified by the National Coordinator on anti-trafficking in Azerbaijan and the Ministry of Labour and Social Protection (victim-centered).

The future research efforts should be inclusive of internal trafficking as with the current economic forecast it is likely that urban centres within Azerbaijan (Baku, but not only) will become increasingly attractive destinations for people in search of a better life. This dimension alongside with the outflow and inflow of migrants should be further explored.

It is time to deal with the myth of sole prevalence of trafficking for sexual exploitation in Azerbaijan as the current system of identification and referrals is not tuned towards trafficking for labour exploitation. There is a growing interest and recognition of the fact that the anti-trafficking system in Azerbaijan should also tune its antennas towards trafficking for labour exploitation.

In terms of assistance available to victims of trafficking, it becomes clear that efforts to develop and strengthen the National Referral Mechanism (NRM) in Azerbaijan are required. It is recommended that a National Working Group (NWG) composed of both governmental and non-governmental agencies, international and national players be formed under the auspices of the National Coordinator. The task of the NWG should include the development of the NRM in a comprehensive manner now that the hardware (shelters, hotlines etc.) are in place.

Child trafficking as a phenomenon should be further researched.

All of the above points to the fact that more coordination and cooperation by the relevant actors dealing with human trafficking for forced labour in Azerbaijan is required. This might require creation of task forces and/or a working group to deal with specific thematic issues, all being led and coordinated by the National Coordinator of Azerbaijan.

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<sup>93</sup> Prepared by ILO.

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## 10. Annex 1 – Key informants

Key informant	Organization
Mr. Imran Najafov	Deputy Head, Specialized Police Department
Mr. Rauf Musayev	State representative of the Migration service
Ms. Matanat Azizova	Women's Crisis Center
Naila Jafarova, Movement Assistant	IOM Azerbaijan
Ilham Nazanli, Director of Migration Information Center	IOM Azerbaijan
Nuriya Mahmudova, Regional Program Coordinator	IOM Azerbaijan
Kanan Jafarli, Project Coordinator	IOM Azerbaijan
Juliane Markard-Narten, Democratization Officer	OSCE Office in Baku
Hema Kotecha	OSCE Office in Baku
Maryam Haji Imayilzade	OSCE Office in Baku
Rauf Tagiev, Head of Migration Department	Ministry of Labour and Social Protection
Timonthy Faught, Senior Law Enforcement Advisor	Embassy of the United States of America
Alovsat Aliyev, Director	Center of Legal Assistance to Migrants

### Group discussion with journalists – 10 April 2008

Participant	Organization
Allakhveranov Azer – Facilitator	Migration Resource Center
Elnur Nasibov	ILO
Mehriban Zeynalova	Clean World Aid to Women Social Union
Ramella Ibragimkhalilova	“Ekho” newspaper
Khalid Vahidoghlu	“Three Points” newspaper
Samir Gulaliyev	“Olaylar” Information Agency
Zarina Ibrahimkhalilova	1news.az
Agil Latifov	“525 <sup>th</sup> newspaper”
Elchin Zahiroghlu	“Citizen Solidarity”

Nazakat Khudiyeva	The Ministry of Labour and Social Defense of Population
Blanka Hancilova	ILO
Anar Orujov	Caucasus Media Researches Center
Asif Hilaloghlu	“New Life” newspaper
Elshan Mammadaliyeva	“Yeni Musavat”

**Group discussion with civil society – 11 April 2008**

<b>Participant</b>	<b>Organization</b>
Blanka Hancilova	ILO
Nuriya Mahmudova	IOM
Elnur Nasibov	ILO
Maryam Haji-Ismayilova	OSCE
Gular Adigozelzadeh	Azerbaijan Migration Center
Asif Ismayilov	AYAFE
Matanat Azizova	Woman Crisis Center
Aliovsat Aliyev	Azerbaijan Migration Center
Azer Allakhveranov – Facilitator	Migration Resource Center