

# SHATTERED DREAMS

## REPORT ON TRAFFICKING IN PERSONS IN AZERBAIJAN



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This research has been made possible through funding of UNFPA and the USA Embassy in Azerbaijan.

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August 2002



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IOM International Organization for Migration

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# TABLE OF CONTENTS

<b>Acknowledgements</b>	<b>7</b>
<b>Executive Summary</b>	<b>9</b>
<b>Introduction</b>	<b>11</b>
<b>Chapter One:</b>	
<b>Voices of Trafficked Victims Heard for the First Time</b>	<b>13</b>
Objectives and Methodology	13
Primary Findings	16
Who is trafficked: Where, How and by Whom	17
Survey Conclusions	24
<b>Chapter Two:</b>	
<b>The United Arab Emirates: a Case Study</b>	<b>26</b>
The UAE as a New Destination Country for Women Migrants	26
Dark Nights in Dubai Shed Lights on Trafficking in Women	27
Another World: from Recruitment to Oblivion	30
Conclusions	33
<b>Chapter Three:</b>	
<b>Legislative Framework and Government Response</b>	<b>35</b>
Brief Overview	35
International, Regional and National Initiatives	37
National Counter-Trafficking Legislation and its Implementation	40
Recommendations	46
<b>Chapter Four:</b>	
<b>Assessment of National NGOs and Mass Media</b>	<b>48</b>
The Role of NGOs in Preventing Trafficking in Persons	48
National Mass Media in Raising Public Awareness on Trafficking	52
<b>Chapter Five:</b>	
<b>Developing a Counter-Trafficking Strategy</b>	<b>59</b>
Turn Potential Migrants into Well Informed Migrants	59
International Organizations and National Authorities Join Forces to Address Trafficking in Persons	61
IOM Publications Fill Gaps in the Public's Knowledge	62
<b>Conclusions and Recommendations</b>	<b>63</b>
<b>Bibliography</b>	<b>67</b>
<b>Annexes</b>	<b>69</b>
<b>1. The Azerbaijan Republic Criminal Code Articles related to the Traffic in Persons</b>	
<b>2. Anti-trafficking poll for quick reference</b>	
<b>3. Sampling of IOM publications</b>	



## ACKNOWLEDGEMENTS

Valuable contributions and support from many organizations and individuals made it possible to conduct this first research project on trafficking in persons in Azerbaijan. We extend our gratitude for cooperating in data and information collection to the Ministry of Foreign Affairs, the Ministry of Interior, the Ministry of Justice, the Ministry of Education, the Ministry of Health, State Committee on Statistics and the State Committee on Women's Affairs. Special thanks go to all those who provided insight into official perspectives and assistance in accessing the research target groups. We remain particularly grateful to the Parliament of the Azerbaijan Republic and the Community of Women in the Parliament for their continuous support and assistance in the project implementation, in enhancing cooperation amongst all parties concerned, and in developing a nation-wide counter-trafficking strategy. We extend our gratitude to the Embassy of the Azerbaijan Republic and representatives of Azerbaijani Airlines State Concern in the United Arab Emirates for their invaluable assistance in gathering information and their overall support for our study in the country.

We thank the following national NGOs: Azerbaijan Gender Association *Symmetry*, Azerbaijani-Turkish Women Society, Centre for Legal Assistance to Migrants, HAYAT, Society for the Defence of Women's Rights named after D.Aliyeva, Union of Children of Azerbaijan and Union of Journalists of Azerbaijan *Yeni Nesil*. We extend our gratitude both to those NGOs that assisted the IOM project team in conducting a base-line survey amongst victims and at-risk population groups, and to those that participated in the design and production of printed and visual materials on trafficking in persons. The professionalism, dedication and hard work of the survey interviewers in collecting data and conducting interviews with respondents are very much appreciated. We are grateful to our external consultants for their valuable input, which fortified the research with analytical material and background information. We also thank the editor, translator and designer for assisting in publishing the project report.

Our sincere thanks go to the United Nations Population Fund (UNFPA) mission in Azerbaijan. This project could not have been implemented without their financial support and assistance throughout the project implementation. We extend special gratitude to the US Embassy Small Grants Democracy Programme for the financial contribution and assistance in accomplishing the project.

We appreciate the assistance from our IOM colleagues and partners in the Balkans, Georgia, Italy, Kyrgyzstan, Turkey, and Ukraine, who promptly provided us with requested background information and reference material. Special thanks go to our colleagues at IOM Headquarters for their continuous support during the project implementation from the very first stage to the production of the final report.

Finally, thanks go to many individuals whose support, commitment and professionalism contributed to accomplishing this research.

IOM Azerbaijan



## EXECUTIVE SUMMARY

This report covers research on trafficking in persons in Azerbaijan conducted from November 2001 to July 2002. The project's main objective was to analyse the practice of trafficking in the country, thereby increasing understanding of the phenomenon amongst all concerned parties. The study was conducted by IOM, in close partnership with the United Nations Population Fund (UNFPA), the United States Embassy in Baku, the Parliament of the Azerbaijan Republic, relevant state agencies and national NGOs, all of whom supported the data collection and analysis efforts and contributed to the development of a long-term counter-trafficking strategy at the national level.

A survey conducted among victims and population groups at risk in seven regions of the country indicated that the social group most vulnerable to traffickers in Azerbaijan is that of women aged nineteen to thirty-five, whose education levels do not exceed that of secondary school. Poor social and economic conditions are the primary factors contributing to their vulnerability: almost all of those surveyed travelled abroad for economic reasons. Trafficking in women from Azerbaijan is mainly directed towards Turkey and the United Arab Emirates (UAE). Case studies and in-depth interviews provided additional qualitative data that, along with quantitative indicators, helped assess their needs and increase understanding of the trafficking phenomenon. The report confirms that female migrants depend entirely upon traffickers in their migration abroad, be it voluntarily or not, and as a result, they often suffer from indebtedness, extortion, isolation, violence, health risks, and lack of freedom of movement.

An examination of the government's current response to the problem and of national legislation, reveals gaps in the latter and highlights the need to develop a counter-trafficking legal system to effectively prosecute traffickers and protect their victims. Analysis of counter-trafficking activities carried out by state agencies, as well as an assessment of national NGOs and the mass media, leads to the conclusion that additional efforts are required to enhance their institutional capacities to address the issue.

The research findings have enabled IOM to begin designing a national counter-trafficking strategy through expansion into preventive measures and awareness-raising activities to be carried out in close cooperation with international and national organizations. During the research period, IOM initiated a dialog with national authorities, NGOs, mass media, and international organizations, leading to two roundtable discussions (organized jointly by IOM, UNFPA and Milli Mejlis [Parliament] of the Azerbaijan Republic) on women's migration, with more to follow. In order to bridge gaps in the public's understanding of the subject, IOM produced a number of publications to raise awareness of trafficking issues in the country. In addition, during the research period a pilot migrant consultation service was established, providing firsthand details about the needs of potential female migrants and helping to define target groups for future counter-trafficking projects.

The report shows that the public's attitude towards trafficking in persons has gradually changed from an attitude of *laissez-faire* to concern. It also concludes that the time for this issue to be more widely addressed is long overdue. Based on the research findings and the organization's worldwide experience, IOM has offered recommendations for national authorities and other parties concerned. These recommendations aim to create a comprehensive and sustainable approach to the issue through prevention of trafficking in persons, protection of its victims, and prosecution of its perpetrators.



## INTRODUCTION

In March 2002, IOM conducted a quick reference poll to gauge public policy makers' views on trafficking. Some 50 representatives of national authorities, UN agencies, foreign diplomatic missions, NGOs, and the mass media participated in the poll. Nearly 10 per cent of the respondents think that only women can be victims of trafficking; more than 14 per cent are of the opinion that the problem of trafficking in persons is unique to Azerbaijan; and almost half of all respondents either agreed with a statement that potential victims are aware of the risks of trafficking in advance, or were unsure. Although 92 per cent of the respondents believe that improvements in the socio-economic situation will at least partially solve the problem, 33 per cent do not think that trafficking in persons is an indicator of poverty. Oddly enough, while less than half of the poll participants (45%) feel that trafficking in persons is linked to people's ignorance, nearly 96 per cent agree with a proposal to better inform the general public about the issue.

That the results of the poll reveal a lack of understanding of the subject is not surprising, as trafficking in persons is a relatively new phenomenon in NIS<sup>1</sup> countries. As a result, IOM only recently commenced its counter-trafficking activities in this part of the world, although the organization has developed a counter-trafficking program targeting both individual countries and specific regions worldwide. Studies conducted by IOM in a number of NIS countries, namely the Baltic States, Georgia, Kyrgyzstan, Tajikistan and Ukraine, have proven that trafficking in persons, especially that of women and children for the purpose of sexual exploitation, is increasing in those nations.

In November 2001, IOM, in conjunction with UNFPA, initiated a research project on this topic in Azerbaijan. The study of trafficking in Azerbaijan was prompted by research on irregular migration and smuggling conducted by IOM in 2000 and 2001, the results of which indicate a feminization of irregular migration and trafficking from the country. The research methodology was developed on the basis of experience gained from previous studies and adapted to the current project objectives. However, in some cases the methodology was revised, either due to the appearance of new facts, or because of external circumstances.

The current study was undertaken in close cooperation with national authorities, civil society and international organizations, and sought to analyse the practice of trafficking in the country in order to increase understanding of its realities amongst all interested parties. Towards that end, IOM conducted a base-line survey of trafficking victims and at-risk population groups from December 2001 through February 2002 in Baku, Sumgayit, Ganja, Khanlar, Guba, Hachmaz and Nakhchivan. The United States Embassy in Baku funded study to the UAE in May 2002, enabling IOM to obtain additional data and information on trafficking in women from Azerbaijan, thus fortifying the research with concrete facts and evidence. Within the survey, more than 30 victims and some 120 potential victims of trafficking were interviewed and a number of case studies were conducted.<sup>2</sup> The data on victims collected during the survey was used to develop a database to include victims' profiles, recruitment methods, trafficking routes, destination countries, and other areas of import to the research.

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<sup>1</sup> NIS stands for Newly Independent States, formed after the collapse of the USSR.

<sup>2</sup> The survey methodology is described in detail in Chapter II.

Both qualitative (i.e., insightful information on the issue) and quantitative (implying measurement and counting)<sup>3</sup> indicators of trafficking were obtained during the survey revealing victims' experiences and the activities of those involved in trafficking; roundtable meetings with national authorities, NGOs and the mass media; and information collected from independent sources. The survey also provided evidence that Azerbaijan has become a transit country used by criminal gangs trafficking women from Central Asia and Russia to Turkey and the UAE.

A comparative analysis of national and international legislation related to trafficking was made to estimate the adequacy of the latter regarding the criminal prosecution of traffickers and the proper treatment of victims. An assessment of national NGOs was conducted to evaluate their capacity to address the issues of trafficking in persons. Monitoring of the mass media was continued in order to observe trends in advertisements published by private agencies that might be involved in trafficking activities, and to assess its capacity in raising public awareness on the issue.

Although it is impossible to determine the number of women trafficked from Azerbaijan each year owing to the clandestine nature of the business and lack of systematic data collection, interviews with victims have confirmed the existing practice of trafficking in women and minors from the country to be of significant magnitude. The research enabled IOM to initiate a dialog with national authorities and hold two roundtable discussions on the issue. In cooperation with its counterparts, IOM started working towards the development of a comprehensive and sustainable approach to the problem through expansion into preventative measures.

The research also contributed to an increased public awareness of the issue: services to at-risk population groups and the production and dissemination of printed and visual material were undertaken during the project. Within the project implementation, a pilot migrant consultation service that was established in May 2001, was then extended to potential female migrants as a specific target group in December of that same year. It was equipped with all of the necessary materials to educate women on the subject, and provided free services to anyone who was interested. In addition, several publications, including a leaflet for potential female migrants, a brochure for governmental and non-governmental organizations dealing with trafficking in persons, a brochure entitled *Effective Counter-trafficking Practices* and a television documentary were produced in order to raise public awareness on the subject.

Chapter I provides results of the survey conducted among victims of trafficking and at-risk population groups, and Chapter II presents additional data and information gathered during the study in the UAE. A brief overview of the social and economic roots of trafficking in Azerbaijan and the government's response to the issue are presented in Chapter III, which also provides a brief analysis of both international counter-trafficking documents to which the country is a signatory, and relevant national legislation. Chapter IV provides an assessment of the capacity of national NGOs and the mass media to address the problem, and Chapter V outlines the initial results of efforts, undertaken by IOM in cooperation with national authorities and civil society, to design a counter-trafficking strategy through prevention and awareness-raising. Key findings from the research are summarized in the report's conclusions and, finally, the report provides recommendations for the country's policy and opinion makers for follow-up activities aimed at the prevention of trafficking in persons, protection of its victims and prosecution of its perpetrators in Azerbaijan.

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<sup>3</sup> Kelly, Liz. *Conducting Research on Trafficking. Guidelines and Suggestions for Further Research*. A report prepared for the International Organization for Migration (IOM). IOM, Geneva. 2001, p.26.

# CHAPTER ONE: VOICES OF TRAFFICKED VICTIMS HEARD FOR THE FIRST TIME

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## OBJECTIVES AND METHODOLOGY

Reports of studies on trafficking in persons conducted by IOM in many countries indicate that the collection of data related to trafficking is always problematic. As one of the most recent reports states, “[t]he clandestine nature of trafficking, combined with victims’ fear of traffickers, complicates and hinders data collection.”<sup>4</sup> Under such circumstances, gathering concrete evidence from victims is as difficult as it is vital to understanding the phenomenon. In order to obtain such evidence as well as indicators of trafficking in persons in Azerbaijan, IOM conducted a base-line survey amongst victims and at-risk population groups.

This was the first nation-wide survey to provide specific information about trafficking in the country. The survey objectives, target groups and methodology were based on assumptions about the existence of the problem in Azerbaijan, main trends in trafficking from the country, difficulties in gaining access to target groups, and constraints in data collection. Surveys conducted amongst Azerbaijani migrants by IOM in 2000 and 2001 indicated the existence in trafficking in persons, in addition to the observed increase in women’s migration from the country. They also showed that a more focused study was necessary to assess the nature of trafficking in persons. It was furthermore assumed that such a study should include a base-line survey of population groups identified as being the most vulnerable to traffickers (primarily women and children).

The primary obstacles envisioned were related to access to the target groups (i.e., women in penitentiaries, institutionalized children, returning migrants). It was assumed that it would be particularly difficult to access trafficked victims due to the covert nature of the trafficking process and the reluctance of victims to talk about their painful experiences. To overcome these problems, IOM employed a variety of methods, including conducting a preliminary search for potential survey respondents in cooperation with national ministries, NGOs, the mass media, and independent researchers.

The main objectives of the survey were to identify the following:

- 1) primary factors contributing to people’s vulnerability to trafficking across international borders;
- 2) population groups particularly vulnerable to traffickers;
- 3) means and methods employed by traffickers to recruit and transport their victims;
- 4) profiles of trafficked persons;
- 5) destination countries to which the victims are trafficked;
- 6) working and living conditions of the victims in the destination countries (including methods of control, human rights violations, extortion of money earned, etc.);
- 7) trafficked victims’ repatriation and reintegration processes.

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<sup>4</sup> *Victims Trafficking Balkans*. A study of trafficking in women and children for sexual exploitation to, through and from the Balkan Region. IOM. 2001, p. 56.

An extensive review of research completed to date in other countries and analysis of available information on trafficking in persons in Azerbaijan<sup>5</sup>, helped to define criteria for selecting survey respondents and to identify target groups, which were as follows:

- i) potential migrants, especially young unemployed women, applying to middlemen for assistance in moving abroad; or women engaged in prostitution
- ii) men, women and children who were trafficked within or out of the country
- iii) especially vulnerable children and youth (e.g., particularly homeless children or children in state institutions); and
- iv) returning migrants, as they often look for new emigration opportunities.

The survey was conducted from December 2001 to February 2002 in Baku, Sumgayit, Ganja, Khanlar, Guba, Hachmaz, and Nakhchivan. These regions were selected because of their transportation links to foreign countries and resulting high migration flows. Several methods were combined to gain access to the target groups and obtain both quantitative data for analysis and qualitative data about the respondents' experiences. These methods included structured face-to-face interviews, joint interviews with two or three respondents, in-depth interviews used for case studies, and personal observations made during the survey. The initial respondents were selected from migrants deemed to be at risk for trafficking, and who were identified during previous IOM research,<sup>6</sup> as well as victims and women at risk about whom national NGOs were informed, women detained for prostitution, children in state institutions, and relatives of missing persons. Further selection involved a "snow-ball referral method," implying that interviewed respondents referred the interviewers to those whom they saw as potential respondents.

To facilitate the selection and interviewing processes, both professional sociologists and representatives of NGOs dealing with women's, children's and migration issues were invited to conduct the survey. All interviewers had previous experience in conducting surveys on such sensitive issues as juvenile delinquency, drug addiction amongst youngsters, and engagement of women in prostitution. To equip them with knowledge of trafficking related issues and the survey implementation strategy, IOM organized a one-day interactive training seminar for all interviewers, who also participated in a pilot survey organized to find initial respondents and test a draft questionnaire.

Two different anonymous questionnaires were designed to conduct structured interviews with victims and potential migrants at-risk, allowing for the separate collection and analysis of data on the victims. Both questionnaires included questions designed to create a profile of the respondents and identify their interest in migration opportunities, willingness to resort to middlemen in their attempt to migrate, countries of interest, job expectations, and awareness of trafficking and its inherent risks. The questionnaire for the victims, however, was more elaborate and included additional questions related to their experiences, lessons learned, and the process of trafficking.

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<sup>5</sup> This information was collected from both official and independent sources, such as reports from state agencies and international organizations, mass media publications, legal cases, reports from NGOs, etc.

<sup>6</sup> This includes research on irregular migration from Azerbaijan conducted by IOM in 2001, and a study conducted by IOM in 2002 on the repatriation and reintegration of migrants from the South Caucasus who had immigrated to Western Europe.

On the whole, about 70 victims and more than 190 potential victims were identified and interviewed. However, as not all interviews provided sufficient data, only those of 27 victims and 117 potential victims were used for further examination and for the survey database.<sup>7</sup> Many respondents were very reluctant to disclose details about their experiences, while others did not fit the criteria chosen for their identification as either a victim or a person at risk of being trafficked. Data from five additional interviews with victims conducted during the researchers' trip to the UAE in May 2002 were also included into the final survey database, raising the total number of interviews with victims to 32.

In the meantime, difficulties in the identification of, and gaining access to, the respondents should not be underestimated, as they were enormous. On quite a few occasions, the interviewers were prevented from meeting with victims by their relatives. This happened more often in rural areas, as the victims' relatives felt stigmatized and could not bear the idea of sharing their daughters' or sisters' shame with outsiders. In other cases, the efforts to conduct interviews yielded no results for two main reasons: either the respondents were so strictly controlled that no interviews were possible, or the researchers were denied access to the locations where potential respondents were known to be located (e.g., hotels and bars).<sup>8</sup>

In other cases, during interviews in state institutions, especially in penitentiaries, it became apparent that the respondents felt uncomfortable and did not provide details out of fear that they would be disclosed to officials working in these institutions. Additionally, potential respondents sometimes disappeared prior to being interviewed. On one occasion, two girls, aged ten and twelve, who made ends meet by begging in a Baku subway, were supposedly trafficked to Russia before they were interviewed. A survey interviewer identified them as respondents, not only because they were homeless, but because in their first conversation the girls boasted that "a very nice woman offered to take them to Moscow soon." However, when the interviewer returned to conduct a proper interview, they could not be found and, she was told, had already left the city.

It also should be noted that all personal information collected during the survey was treated as strictly confidential and was never disclosed to any third parties. Moreover, the names of all those whose stories were used for case studies or other purposes were changed to protect their privacy. The human story that emerged from the victims who spoke out is to a large extent attributable to the rapport the interviewers managed to build with the respondents.

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<sup>7</sup> The material collected during the survey (especially from the interviews with potential migrants and other social groups vulnerable to traffickers) was voluminous. Observations made during both interviews and meetings with would-be respondents provided indications of trafficking in persons within, without, and via the country. Unfortunately, these indicators could not be conclusively proven, due to the difficulty in substantiating them by other means. In order to keep the report focused on the indicators supported by concrete rather than indirect evidence, it was decided to exclude all information that was seen as secondary to the survey's main objectives.

<sup>8</sup> In one case, the interviewers attempted but failed to enter a small bar in Baku, where the owner was reportedly operating a brothel and where several young women were supposedly held for a long time. Apparently, the bar was open for certain visitors only, and the interviewers were not allowed in. Both here and in similar cases, no further attempts to gain access were made for safety reasons.

## PRIMARY FINDINGS

The conclusions of this survey are based on 149 interviews selected for their ability to provide detailed information.<sup>9</sup> The respondents included 87 women, 39 men and 23 children under the age of eighteen. The overwhelming majority of female and male respondents were aged twenty to thirty-five and more than half of the respondents had only primary or incomplete secondary-school education (this number is higher for men and lower for women, especially for women aged nineteen to thirty). More than half of the female respondents are engaged in prostitution,<sup>10</sup> although many of them see prostitution as a way to earn additional money rather than as their primary occupation, and stated that they would discontinue this activity if they could find better paying employment.

Irrespective of age, sex, marital status, employment or educational background, 82 per cent of all respondents state that they consider themselves to be very poor<sup>11</sup> and intend to migrate in order to improve their own and their families' living conditions. Other migrants seek to emigrate permanently; for instance, by marrying foreigners or seeking asylum. Although only 53 respondents have international travel experience (thirty men, fifteen women and eight children), nearly three-quarters of all those interviewed believe that better living and working conditions exist abroad.

The survey results confirm the assumption that friends and acquaintances are the most common sources of information about both life abroad and migration opportunities: 61 per cent of all respondents know people who succeeded in improving their social and economic conditions while working abroad. These same people appear to be the middlemen to whom respondents either did or would apply for assistance in migration: this statement is made by 81 per cent of the interviewees. Turkey and Russia are named as destination countries most often offered by the middlemen to potential victims, although Germany, the Netherlands, Norway, Greece, Italy and the UAE are also among destination countries where potential victims are promised to be sent and employed.

Although general trends were observed across all groups of interviewees, some information specific to women, men or children in terms of profiles, destination countries, and migration expectations was also gathered. Although most of the respondents from all groups are irregular labour migrants, one in ten female respondents is promised marriage to a foreigner: 12 per cent of women interviewed planned to marry foreigners with a middleman's assistance. Women also represent the only group of respondents receiving offers to travel to the UAE (see case study 1).

A difference in the respondents' marital status was also observed. Most of the men are married, while most of the women are either divorced or separated, or live with elderly parents whom they have to support. Men as well as boys are more willing to take risks to obtain any decently paid job, while women would rather be involved in a line of work in which they have some experience. Women engaged in prostitution believe that they can earn money abroad by working as prostitutes if

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<sup>9</sup> Interviews with trafficked victims were further analysed to construct a profile and obtain concrete evidence of recruitment and transportation processes, conditions in which the victims live and work in the destination countries, and reintegration upon their repatriation. Analysis of the information related to victims of trafficking is presented in a subsequent section of this chapter.

<sup>10</sup> It should be reiterated that women engaged in prostitution were identified as one of the survey target groups, which explains the high percentage of female respondents from this social group.

<sup>11</sup> This does not necessarily mean that the respondents belong to those population groups living below the officially defined poverty line. Their statements merely reflect their assessment of their financial, economic and social conditions.

they failed to obtain the job promised to them. As in-depth interviews with both trafficked and at-risk women show, many women seem to accept the fact that they may be treated as commodities and face violence, force, and threats, an attitude which can be attributed to the traditional subordinate status of women and gender inequality in the society. Consequently, women, more often than men and children, name their previous, current or future work abroad as “dirty and dangerous” and say that it involves humiliation and health risks.

There is also a striking, albeit explainable, difference in the levels of awareness amongst men, women and children to the existence of other trafficked victims. Only three of 23 children (less than 13 per cent) know that sometimes people are trafficked abroad, and only one personally knew such an individual. Amongst the 39 men, eight (about 20 per cent) know about the risks of trafficking and only one knew a trafficked victim. Of 87 women interviewed, 29 (more than 25 per cent) know that migrants can be trafficked, but, interestingly enough, even more women (43, or 29 per cent) say that are acquainted with victims of trafficking.

Given that children are more vulnerable to traffickers because they are unprotected, naïve and easy to deceive, they were given additional questions about their motives to go abroad. It appeared that most of them see their trip abroad as an adventure and a chance to escape what they believe to be a miserable life.

One nine-year-old boy, interviewed in a boarding school, said that if somebody would promise to give him five to ten dollars, he would follow this person to the ends of the earth. These attitudes are shared by most of the children, although some of those who had previous migration experience stated that they had contracts before and would prefer to have contracts again. However, these and other statements made by children should be treated with caution, as they often try to present their fantasies as facts.

## WHO IS TRAFFICKED: WHERE, HOW AND BY WHOM

### Profile of trafficked victims

Of the 149 respondents, 32 people, or 21.5 per cent, were identified as victims of trafficking from Azerbaijan. According to the definition provided in the *Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the UN Convention against transnational organized crime* (the Palermo Protocol) and the following criteria:

- a) migration abroad was facilitated by middlemen who profited from the victim’s transportation across international borders;
- b) false job and marriage offers which turned into either forced labour or prostitution;
- c) illegal work was undertaken in the destination country;
- d) exploitative work conditions were experienced and
- e) human rights violations, including the restriction of movement, use of threats, physical abuse, extortion and exposure to health risks, including sexually transmitted diseases (STDs).

## CASE STUDY 1



### *Deceived by her cousin*

Although a medical college graduate, 23-year-old Solmaz discovered that it was incredibly difficult to find a suitable job in Baku. Amongst all of the relatives and friends from whom she asked assistance, only her cousin Ulviya offered to help. Moreover, she promised to take Solmaz to the UAE where, in Ulviya's words, employment opportunities were much better. Solmaz was hesitant, as she knew that her cousin was making money by organizing trips of young women to Dubai. However, Ulviya swore that she had no intention of involving Solmaz in her business.

"She told me that I shouldn't worry, as she wouldn't let anyone offend me. She assured me that she had good contacts there and that she'd be happy to help a relative. I thought I could trust her, since my parents did," recalls Solmaz. From the moment they arrived in Dubai, it was clear that Solmaz had been lied to. Her caring cousin became a cynical woman who immediately told Solmaz that she must work as a prostitute. "There is no other job for you here, and you should be grateful for my help," said Ulviya. Solmaz was then locked in a cheap hotel room, where Ulviya brought the hotel owner.

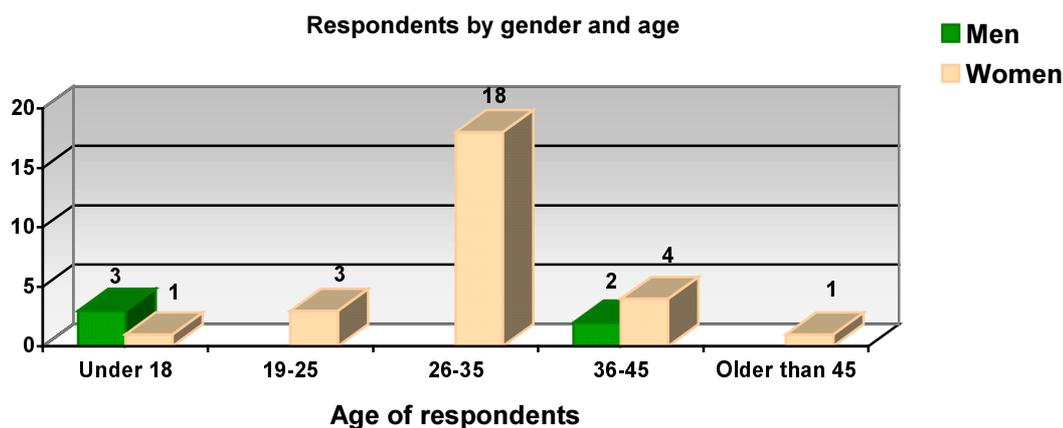
"I was shocked and probably didn't realized what was happening," relates Solmaz. "I was severely beaten and forced to sign a paper in English, which I didn't understand." Then both Ulviya and the hotel owner softened and told her that all of her earnings would be transferred to a special bank account and that Solmaz could withdraw her money later. Ulviya returned to Baku, and Solmaz stayed in the hotel with other girls brought not only from Azerbaijan, but also from Georgia, Russia and Ukraine. Some of them came to Dubai of their own accord, but others were deceived like Solmaz, who to this day is ashamed of her life there. "I still feel humiliated and embarrassed," she says. "Among our clients were Arabs, Indians, and tourists from Russia and other parts of the former Soviet Union. I didn't know when the horror would end or how to escape."

After a few months, the hotel owner gave Solmaz a ticket to Baku and some money. When she dared to ask whether she could get the promised earnings, she was merely told: "Be grateful you're alive." Solmaz never told anyone what happened to her in the UAE. She tried to talk to her cousin, but the conversation ended up in a quarrel. As Solmaz put it, "She couldn't even understand why I was so horrified. Moreover, she offered to take me to Dubai again and told me that I could still make some money there. She also said that my only option in life is to be a prostitute. I hate to think this may be true."

Each of the 32 interviews reveals a unique and often tragic story of someone deceived, trapped, and kept in slavery-like conditions. The victims include five men and twenty-seven women. Three men are under the age of eighteen, and two others fall into a category of respondents aged 36 to 45. A greater diversity is noticed amongst the women's ages: one girl is fifteen-years-old, one woman is older than 45, three are aged nineteen to twenty-five, four are aged 36 to 45, and eighteen (the largest group) are between the ages of 26 and 35 (see Chart 1). Despite the great diversity in the ages and experiences of these trafficked victims, the interviews have supplied invaluable, albeit limited, data providing insight into the extent of, and trends in, trafficking in the country.

The victims do not differ radically from the potential migrants group in terms of education, employment status, economic and social living conditions, plans to migrate, and destination countries. Most of the victims possess either a primary or secondary school education, five have completed higher education, and three have no education at all.

Chart 1.



Most of the victims went abroad for economic reasons, as only five out of 32 victims were employed prior to their travel. Desperate to improve their financial situations, the victims oftentimes eagerly agree to accept any job offer: eight victims went abroad not knowing what type of work was being offered. The recruitment methods of both groups are also similar: the potential victim is initially approached by a relative, a neighbour, a friend or an acquaintance, who offers to arrange the victim's trip and either a job or a marriage abroad (see case study 1). Only in two cases were the offers made by travel agencies.

Despite apparent similarities in the recruitment methods, destination countries and job offers of men and women, the interviews enabled a clear distinction to be drawn between trafficking of male migrants for forced labour and female migrants for sexual exploitation, as no cases of men or boys trafficked for purposes of prostitution were uncovered.

Interviews with two men and three boys indicated that trafficking for forced labour abroad involved illegal work and serious human rights violations, such as deprivation of documents, restriction of freedom of movement, cruel treatment, extortion of money, and physical abuse. All three boys and one man trafficked from Azerbaijan are living in Nakhchivan, and one victim originates from the Hachmaz region. With one exception, they were all trafficked to Turkey,<sup>12</sup> although at different times and to different places.

The only man trafficked to the West was 36-year-old Galib, a native of the Sharur district of Nakhchivan. After graduating from university, he could only find a job as a driver and was looking for emigration opportunities to Europe. A friend of his introduced him to Rashad, an ethnic Azeri living in Germany, who promised to arrange his trip there for US\$1300. The person also assured him that the fee could be paid after Galib had earned some money. In Germany, Galib was brought to a farm where two other men from Romania and Yugoslavia were already working. The farm owner, a German national, paid Galib's earnings to Rashad. Not speaking the language and having been deprived of his documents, Galib had to accept the slavery-like working and living conditions. He was often beaten and abused, and when he got sick he was not allowed to see a doctor. He was deported after nine months, because Rashad, who was detained by police, named him as his

<sup>12</sup> Although the interviews amongst at-risk population groups, both male and female, revealed a high probability of trafficking in persons from Azerbaijan to Russia, no victims trafficked to the Russian Federation were found. Given the limitations of the survey and the difficulties faced by the interviewers in detecting victims, it cannot be assumed that trafficking in persons (including women for sexual exploitation) to Russia does not take place.

accomplice. Galib came back traumatized and with empty pockets. Speaking about his life now, he says: “I don’t know how to live. Who will support my disabled wife and our three children?”

As for trafficked boys, their experiences were much more painful (see case study 2). Coming either from a single-parent household or from a family with several children, the boys sacrificed themselves for their parents, brothers and sisters. They trusted the traffickers, who were brought in by neighbours or relatives, to arrange the trips (none of the boys had a passport) and to provide employment. Unfortunately, after working in Turkey for approximately six to eight months, all three boys had to return home because they were so exhausted that they could no longer be exploited.

## CASE STUDY 2



### *“I feel exhausted.”*

Murad, a seventeen-year-old schoolboy, lives with his parents and three younger sisters in the Sharur district of Nakhchivan. He worked in Turkey for a short period of time, when he was fourteen, and managed to bring home some money (he did not disclose what type of work he performed). Quite naturally, Murad happily agreed to return to Turkey when the opportunity presented itself: a relative brought a stranger to the house, and asked Murad’s parents to send the boy with him. He can now barely discuss his experiences, and not only because he prefers not to. Cruel treatment and a lack of proper food and rest undermined his health, both physically and psychologically, and he almost lost his voice. Although he has been back home for several months, he has not yet recovered and starts whispering when he gets tired.

According to Murad, the first person, who was an Azerbaijani citizen, took him to Turkey, where he sold him to another Azerbaijani. Finally, Murad was given to a rich Turkish citizen, who had a large house and a nice garden. Murad cleaned the house and the yard and guarded the place from six o’clock in the morning until midnight. “I dreamt of having a nap or enough to eat, but I knew I had to obey. I was paid, and however little it was, I sent it all home.” Murad was paid about US\$12 a week, but not regularly. He was often beaten and abused, and was not allowed to leave the house. After seven months Murad returned home, as he could no longer work. “At the end I felt exhausted and very weak. I still feel exhausted and weak,” he says.

Undoubtedly, these five interviews do not provide sufficient data on trafficking in men and under-aged boys for forced labour. However, they allow at least tentative conclusions to be drawn on the subject. Given that only one methodology was used in the search for respondents in all regions covered by the survey, the fact that four of the trafficked male migrants originate from the Nakhchivan region can be seen as symptomatic. It can also be inferred that trafficking in men and minors for forced labour<sup>13</sup> is mainly oriented towards Turkey, and that it is associated with violations of human rights, labour exploitation, and health risks.

<sup>13</sup> Some police officers, who wish to remain anonymous, as well as independent researchers of child labour issues, assert that trafficking in minors for other purposes also occurs. According to their calculus, from 1999 to 2001, about 30 children aged nine to thirteen from Azerbaijan were trafficked to Iran, Pakistan, Russia, and other countries for forced labour or for illegal drugs and weapons trafficking. The same sources estimate that, within this same period of time, about than 50 boys and girls aged nine to fourteen were trafficked for purposes of sexual exploitation to Iran, Germany, Turkey, the UAE and Uzbekistan. However, no confirmation of this data could be obtained from official sources.

## Women trafficked for sexual exploitation

Of 27 female respondents trafficked abroad, twenty were subjected to forced prostitution, irrespective of their professions or what kind of job they were offered: only four (including one fifteen-year-old girl) were engaged in prostitution at home. The survey proved that women are trafficked abroad from all regions of the country, though the largest proportion of victims originated from Baku (seven women). Other regions from which the victims were trafficked include Ganja, Sumgayit, Nakhchivan, Balakan, Geokchay, Jabrayil, Kazakh, Kubadli, Tovuz and Hachmaz. One of the trafficked women is a refugee from Armenia, and one woman is an IDP from Kelbajar.

### CASE STUDY 3



#### *Fifteen-year-old girl forced to obey her traffickers*

Fifteen-year-old Valida, from the Jabrayil district, was working as waitress in a restaurant in Baku until a taxi driver she knew invited her to go to Dubai. He told her that she could earn more than US\$1,000 per week there. Valida agreed, as the money promised to her would help support her mother and two young brothers, aged five and ten. It later became clear that the driver sold her to a trafficker, who then took her to Dubai and resold her to “mama Rosa.”<sup>14</sup> Valida was never charged for her trip. She does not know how they managed to cross the borders, but thinks that the woman accompanying her on the flight prepared false documents, as Valida does not possess a passport.

When they arrived in Dubai, Valida was placed in a hotel. Although none of the people involved in her trafficking told her what work she would be offered, Valida realised that she was trafficked for prostitution. As she was occasionally involved in prostitution before, she did not expect any difficulties, but the experience was dreadful. It was her first trip to a foreign country and she saw “mama Rosa” as her protector and patron. The ‘protector’, however, beat Valida, threatening to kill her if she tried to disobey, and took away more than half of the approximately US\$200 Valida was earning a night, because, as “mama Rosa” kept saying, she had to pay for food and accommodation.

Valida admits that she had to reconcile herself to the situation and stay with her patroness. She did not speak any foreign languages and could not go out into the city, as she was afraid of getting lost. Valida stayed in Dubai for two months, until “mama Rosa” told her that her visa had expired and sent her home. Valida came back with the very small sum of money (she did not report how much she managed to bring with her). She is again working in the restaurant and will soon travel to the UK with a British citizen. According to her, he is very nice. When asked whether or not she is afraid of being trafficked again, Valida nonchalantly answers: “Let it happen. What is awaiting me here?”

The majority of the victims either are unemployed (23 women) or say that they are very poor (twenty respondents). All victims stated that they travelled abroad for economic reasons, whether it be for employment (seventeen women), commercial sex work (seven women),<sup>15</sup> or marriage to a

<sup>14</sup> For unknown reasons, owners of the trafficked victims are referred to by them as “mama Rosa,” regardless of the destination country or status of those “mama Rosas.”

<sup>15</sup> Although these seven women knew that they would be involved in prostitution, they were identified as trafficked victims, because their migration experience met both the requirements established for these respondents and the definition of a victim used in the Palermo Protocol. Almost all of these women were trafficked before they became involved in prostitution (see a case study of Larisa in this chapter).

foreigner (two women).<sup>16</sup> One woman was deceived by a person who promised to smuggle her to the West, via Turkey. Upon arriving in Turkey with a group of 25 other women from Azerbaijan, she was placed in a hotel, forced to work as a prostitute, and held there for nine months until her relatives found and rescued her.

All female respondents were trafficked either to Turkey (fifteen respondents) or to the UAE<sup>17</sup> (eleven respondents), with the exception of one woman, who was trafficked to Norway with a false marriage proposal. The jobs offered by traffickers included positions as a cleaning woman, dancer, masseuse, nurse, servant, shop girl, waitress and weaver. However, of seventeen women who went abroad hoping to find better paying jobs, only six started working in the destination country. Moreover, those six women, in addition to others, were also forced into prostitution.

The salary promised to the victims varies significantly, from US\$30 to US\$3,750 a week. The average promised earnings was US\$100 to US\$200 a week, regardless of the job offered, which is a huge amount of money for those having no financial means at all. Diversity is also observed in the fees charged by traffickers for the trip arrangements, varying from nothing to a symbolic US\$50 to US\$1,500. Cynicism amongst the traffickers, who know that they can make a large profit by selling their victims, and extort money from women desperate to leave the country, is not surprising. The survey results show that the fees charged by traffickers do not appear to depend upon the destination country, even though for Azerbaijani women travel to Turkey is much easier than it is to the UAE.<sup>18</sup> Neither is the amount charged dependent upon the necessity of preparing false documents either to conceal the victim's age or to arrange an entry visa for someone previously deported from the destination country. It can be concluded that the fees charged are mainly used as a tool to keep the indebted victim on the hook as long as possible. Other means of controlling the victims include seizure of documents and money earned, and grave human rights violations such as beating, physical and sexual abuse, restriction of movement, blackmail, threatening to disclose the victim's involvement in prostitution to relatives, and even killing the victim if she disobeys the boss.

According to the survey, threatened victims rarely dare to protest: only five of 27 victims made an attempt to escape and only two of them were successful. Fear of the victims' direct boss, the so-called "mama Rosa," predominates over the fear of higher-ranking bosses, middlemen or clients, as victims entirely depend on this boss in terms of safety, health protection, cover of their illegal status, etc. However, this is not the sole reason for the victims' (with one exception) reticence in seeking assistance from authorities, either in the destination country or back home. The respondents either refused to answer questions about their trust in law enforcement agencies or openly expressed a negative opinion about them. For instance, seven victims complained about the poor treatment they received at the hands of customs officers in Bina airport upon their repatriation. Neither did victims try to apply to non-governmental organizations for aide, and not only because there are no NGOs in the UAE. None of them knew that such organizations exist and are active, for example, in Turkey, where a number of national NGOs provide assistance to stranded immigrants.

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<sup>16</sup> One woman was promised an arranged marriage in Turkey, and another was going to marry a Norwegian citizen, but both were forced to become prostitutes in the destination countries.

<sup>17</sup> For a detailed report about the trafficking of Azerbaijani women to the UAE, and about the IOM study in Dubai, see the subsequent chapter.

<sup>18</sup> A simplified visa regime between Azerbaijan and Turkey allows visitors from the latter to obtain a visa either at the border or upon arrival in the airport for the small sum of ten dollars. As for the UAE, single women from NIS countries under the age of 35 are not allowed to enter the country.

#### CASE STUDY 4



##### *Story told by Larisa, deported from Turkey for prostitution in 2002*

I made my first trip to Turkey in 1995. My mother was very ill and I wanted to earn money for her treatment. I was looking for somebody who could help me find a decent job abroad, and a woman named Nigyar invited me to join her on her trip to Trabzon. I didn't know much about her business, except that she was making money from small trade. It is difficult to imagine now how removed from reality my understanding was of what my work there would entail!

Two other women and I accompanied Nigyar to Turkey by bus via Georgia. Nigyar kept our passports for the trip and in order to arrange our accommodation. As soon as we arrived and were placed in a cheap hotel, Nigyar sent us to the hotel bar to look for clients. I was appalled by her proposal but thought I had no other options: I was without documents or money to pay for my food and accommodation, and I knew nobody to ask for help. I began thinking of escaping that very first day. It was not easy, however, and it took me three months before I had the courage to ask one of the clients for help. Some clients are very sympathetic towards the girls, but others can be very dangerous. We've heard many stories of women taken to isolated areas or the mountains and then disappearing. Who would look for them? Once there was news on a local TV channel about an Azeri girl, murdered in Trabzon, whose corpse was found in a bag. I was so scared that I decided to get away from there as soon as possible.

The man I dared ask for help paid Nigyar to return my passport and even bought me a ticket to Baku. I badly wanted to go home, to see my mom and to lead a normal life. It never happened, though. After I returned, I worked at different places as a cleaning lady and as a labourer, but my wages never rose above US\$70 a month. Then my mom died and my stepfather sold our flat. You may disapprove my decision, but I got tired of staying at friends' places and being poor. I again went to Trabzon, where I had contacts.

This time I was there for more than two years working independently. Although I had to deal with doctors, policemen, hotel owners, and clients myself, I think it was better than being under a pimp's control. Just seeing what was happening to other girls made me suffer. I've witnessed a lot and feel pity for young women who are trapped by women like Nigyar and pimps. They often beat the girls and never protect them if there is a threat of arrest or deportation. We were arrested several times, but they couldn't prove I was a prostitute. The police officers are very rude. They beat the girls and rape them. They don't even let you telephone to anyone. I remember when a group of Ukrainian girls demanded to call their embassy; they were just laughed at.

I've seen numerous women from Georgia, Armenia, Azerbaijan, Russia, and Ukraine coming to Turkey. Although many of them know what is awaiting them, there are still quite a few who have been trapped by traffickers. Some of the girls are trafficked by their parents. I knew one woman who sold her daughter for US\$1000 when she was only fourteen. The girl was then forced to become a prostitute and was earning huge sums for her mother and pimp.

Finally, I was deported with fourteen other women, and they put a stamp in my passport. I'd try to go there again, but in order to do so I would have to obtain a new passport. If I could only find a good job in Baku, I'd never think of going anywhere else.

As for the amount of money earned by the victims, there are indications that those victims who are still in the destination country, namely in the UAE, are under the illusion that they have managed to improve their financial situation. Among five women interviewed in Dubai and other cities, three have been living there for more than two years. They stated that they had earned from US\$4,000 to US\$15,000. At the same time, returning victims confirm that “mama Rosas” and pimps rarely let their victims keep their earnings, which they extort in different ways. Paradoxically, although nineteen victims (more than 70 per cent) returned home with little (less than US\$300) or no money at all, half of all respondents think that their living conditions improved and twenty respondents would be ready to attempt to go abroad again. This can probably be attributed to two main factors: a) better opportunities to earn money abroad, however little it may be, even if these opportunities involve humiliation, insecurity, health risks, and sexual and physical abuse and b) a change in the victims’ self-image. Many of those who were trafficked once see no other future for themselves but as prostitutes (see case study 4).

Depression, psychological and physical trauma, disappointment, exhaustion, loneliness, and fear of traffickers are the main feelings described by victims, even months after their repatriation. As one of the victims put it: “I was betrayed by a person I considered to be a friend. I trust nobody now. I’m still afraid they’ll find me and traffic me again.”

## SURVEY CONCLUSIONS

The base-line survey on trafficking in persons from Azerbaijan has provided, along with anecdotal evidence, substantial information about the existence of the problem in the country. The survey results also allow the following conclusions to be drawn in relation to trafficking in persons:

- Although it is impossible to obtain exact data on the magnitude of trafficking in persons from Azerbaijan due to its clandestine nature, interviews with victims have confirmed the general occurrence of the practice.
- Poor social and economic conditions and a lack of decently paid job opportunities are the main factors contributing to the vulnerability of people to trafficking across international borders, the result of which is oftentimes enslavement and forced prostitution.
- The majority of the victims are women aged nineteen to thirty-five, possessing either a primary or a secondary school education, and who hail mostly from rural areas. Gender inequality and the need to secure income in situations where men often can no longer provide financial support to their families, make women particularly vulnerable to traffickers.
- Trafficking in women from Azerbaijan is mainly directed towards Turkey and the United Arab Emirates.
- Trafficking in men and children from Azerbaijan also occurs, although to a lesser degree than trafficking in women. Children, both those living in institutions and those living on the streets, are at high risk for being lured by traffickers, as are other disadvantaged groups of youth.
- Most of the victims were trafficked by their friends, relatives and acquaintances; however, quite a few private travel and recruitment agencies are also involved in trafficking activities.
- Traffickers in women and minors take advantage of the unequal status of women and children in the countries of origin and destination. They also take advantages of the demand in

destination countries for cheap, unprotected labour in various sectors, such as prostitution, entertainment, domestic servitude, agriculture, and others.<sup>19</sup>

- With one exception, none of the victims have tried to seek assistance from authorities either in the country to which s/he was trafficked or upon his or her repatriation to Azerbaijan. The primary reason for that is a lack of trust in law enforcement agencies.
- All trafficked victims face problems with reintegration upon their repatriation, regardless of whether or not the trafficked victims were deported from the destination country. Most of the women and girls who were trafficked once see no escape from the vicious cycle in which they are trapped. They often end up either being repeatedly trafficked or engaged in prostitution, while quite a few become traffickers themselves.

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<sup>19</sup> As the latest Trafficking in Persons Report indicates, “In many destination countries, commercial sexual exploitation and the demands for inexpensive labour have increased over the past several decades.” (*Victims of Trafficking and Violence Protection Act 2000*. Trafficking in Persons Report. United States Department of State. June 2002, p.4).

## **CHAPTER TWO: THE UNITED ARAB EMIRATES: A CASE STUDY**

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The results of the survey of victims indicated that women from Azerbaijan are often trafficked to Turkey and the United Arab Emirates. For this report, IOM, in cooperation with the national NGO *Azerbaijani-Turkish Women's Society*, conducted a study in the UAE in May 2002. The visit resulted in additional data and qualitative indicators of trafficking in women from Azerbaijan, in addition to fortifying the research with concrete facts and evidence.

A series of meetings was organized with representatives of the Azerbaijani Embassy and Azerbaijani Airlines State Concern (AZAL) in the UAE, as well as with law enforcement agencies in Dubai. Separate meetings were held with Azerbaijani citizens who have been living and working in the UAE for a long period of time and labour migrants from NIS countries. In addition, the researchers visited hotels, restaurants, nightclubs, and airports, in all of which Azerbaijani women purportedly could be found. Those visits helped in the gathering of empirical observations and in conducting a number of case studies and structured interviews with trafficked women.

### **THE UAE AS A NEW DESTINATION COUNTRY FOR WOMEN MIGRANTS**

The development of a free economic zone in Dubai, one of seven emirates in the UAE, boosted the rapid growth in numerous sectors, to include national industry, transportation, and tourism. Due to the resultant demand for cheap labour, the country began attracting not only foreign investors, but also thousands of migrant labourers from all over the world. According to official statistics, there are approximately 1.8 million UAE citizens and more than 2 million foreigners (mainly from other Arab states, India, Pakistan, the Philippines and Sri Lanka) working in the country both short- and long-term. Thousands of tourists and business people visit the UAE every year, increasing the demand for a labour force to provide customer service in resorts, hotels, bars, restaurants, and nightclubs.

Since the disintegration of the USSR, thousands of young women from former Soviet republics have rushed into the country in search of job opportunities. There are two primary catalysts for this phenomenon: first, irregular migration from former Soviet republics has radically increased since the nineties, due to civil conflicts, economic hardships and political instability throughout the region; and second, while male migrants tend to search for labour opportunities in Russia, Turkey and Western Europe, female migration is mainly oriented towards those countries (and the UAE is one of them) where there is a demand for cheap labour in the service and entertainment sectors.

Most of the labour migrants tend to become irregular migrants as they overstay their visas, work without permits, or involve themselves in the commercial sex business, which is prohibited in the UAE by national legislation. In 1999, in a valiant attempt to stem the rising tide of female migrants from NIS countries engaged in prostitution, national authorities adopted a special decree. This decree bans single women from NIS countries under the age of 35 from entering the country, unless accompanied by male relatives or visiting the country for business purposes, which must be confirmed by official documents. On the one hand, it reduced to a certain extent the number of female irregular migrants in the country. On the other hand, it inadvertently gave rise to new illicit

practices both in the NIS and the UAE. In confidential talks with irregular migrants from former Soviet republics, the process was described in great detail. Travel agencies and pimps involved in trafficking in women either recruit men in NIS countries to assume the role of husband or brother to the female migrants, or they pay a UAE citizen to obtain papers documenting false marriages to allow the women entry into the country.

Female Azerbaijani migrants began visiting the UAE in 1995, primarily as tourists. Although they are outnumbered by women from Russia, Ukraine and Uzbekistan, rumours that most of them are engaged in prostitution are wide-spread. Even the casual mention of Azerbaijani women led taxi drivers, police officers and hotel guards to comment on their presence and activities in the country. According to a businesswoman, who has been working in the UAE for more than five years, “I have known decent Azerbaijani women who came here as tourists and stayed as irregular labour migrants: I’m one of them. We all have to work hard to earn money and be successful in our careers. But it is for precisely these reasons that we are not visible, while those walking the streets and frequenting the nightclubs in search of clients are seen by everyone.”

Indeed, it did not take long to notice that there were Azerbaijani women involved in prostitution in the UAE. Observations made in the main cities as well as in several airports, hotels and nightclubs, provided a rough estimation of their numbers in the country at that time and enabled an assessment as to whether or not their presence was associated with trafficking or other criminal activities.

## DARK NIGHTS IN DUBAI SHED LIGHT ON TRAFFICKING IN WOMEN (Excerpts from the NGO researchers’ report)

Despite its status as a free economic zone, all sectors of social life in Dubai, as well as in the other emirates, are regulated by rules, norms and restrictions inherent to Islamic society. Alcoholic beverages are not allowed for sale, purchase, or consumption outside of hotels. This means that all nightclubs, bars and discotheques, where dancing and drinking alcoholic beverages are allowed, are located in the international hotels. Their visitors include UAE nationals, foreign citizens (both tourists and labour migrants), and prostitutes from many countries, ranging from the Philippines to Romania. Their numbers are much higher on Thursday, Friday and Saturday nights, which are not workdays for the majority of the working population.

We visited most of the seven hotels in Dubai where Azerbaijani prostitutes congregate.<sup>20</sup> There are from four to seven bars and nightclubs in each hotel, open from nine o’clock in the evening until four o’clock in the morning. For example, there are Pakistani, English, Arabic, Turkish, and International bars in the *Green Desert* hotel, the first one we visited. As in the other hotels, each of these bars offers the corresponding national music and dance.

We started at a pub on the ground floor, where we noticed many young men clothed in national Arab garb, as well as several young women. Waiters were rushing back and forth with bottles of beer, glasses of wine and hard drinks. Three young girls speaking Azeri were playing computer games and exchanging jokes in English with two Arabs, who occasionally spoke Azeri and who, on

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<sup>20</sup> The hotels are: *Green Desert*, *Imperial Suites*, *Sheraton Deyara*, *Bur Dubai*, *Dubai Park*, *Hyatt Regency* and *Ramada*. It should be noted, though, that these hotels are relatively expensive (the entry fee is up to US\$25) and mostly frequented by Arab nationals and foreign tourists. We did not visit cheaper hotels where irregular migrants from India, Pakistan, Afghanistan and the NIS are living, as we were warned that it could be dangerous.

the whole, treated the girls as close friends. Eight young women, appearing to range in age from nineteen to thirty, occupied a table near the entrance and were chatting with one another. A young Azeri man, called Samir by the girls, was circulating amongst the tables, from time to time approaching either the girls' table or places where men were sitting. We asked one of the girls to join us. Although initially shocked to hear her native tongue spoken by strangers, after hesitating briefly she took a seat. She introduced herself as Sabina and did not try to hide why she and the other girls were there, telling us that she knew dozens of young Azerbaijani girls like herself working in Dubai. "It's not bad here" she said with a shy smile and, after excusing herself, she returned to the others.<sup>21</sup>

The International bar in the *Green Desert* hotel was the very first bar we entered. There were about fifty young men and women in a big hall. The music was loud, as it always is in discotheques, and the place was dark and smoky. About thirty young people were dancing, taking short breaks to have a drink or snack and to chat with one another. Almost all of the young men, including the Arabs, were dressed in T-shirts and jeans, and the girls were wearing bright blouses and trousers. Seven young women, who appeared to be between the ages of eighteen and twenty-seven, spoke Azeri. In short, we could have easily mistaken the place for any bar in Baku, Moscow or elsewhere, had we not known what was happening in the UAE, and that these young women could be neither students nor rich tourists on vacation.

The Turkish bar visited next has always been referred to as Azerbaijani and is known as such to taxi drivers, hotel guards, and visitors. It is the largest and one of the most popular in the hotel. People started coming to the bar long before the performance began and within an hour the hall was full of young men, most of them Arab nationals, who were sitting on sofas against the walls or at tables. By midnight, there were about seventy people in the bar. A musician on stage played Turkish dance music. One table near the stage and another one in the middle of the hall were occupied by seventeen girls speaking Russian and Azeri.

It was peculiar that, although many people in the bar knew each other and were obviously frequent visitors, rarely did any of the men join the girls, even when they were dancing on the stage. The only exceptions were the apparently wealthy men sitting on the sofa, who were approached and greeted by the girls. That we broke an unwritten rule became clear when we tried to speak to the girls. We were stopped by a young man. When we explained that we just wanted to talk to our compatriots, his reply, in English, was polite but firm: "No. I'm sorry, you can't talk to them. If you want something, tell me. But, please, don't talk to the ladies."

This scene repeated itself in the other hotels we visited, in numerous Arab, European, Iranian, Pakistani, and Russian bars. Two women in our small group were met everywhere with suspicion, as they seemed to be the only patrons who were neither prostitutes nor "mama Rosas." At one discotheque, the largest in Dubai, we counted nearly 1000 people, of whom about 600 were women speaking Azeri, Farsi, Russian, or Uzbek. On one occasion, in the Imperial Suites Hotel, we happened to see a police raid during which several Azerbaijani girls were detained. Two "mama Rosas" did not interfere even when one of the girls pleaded in Azeri: "Fira, show them my passport!" Listening to the women's conversations amongst themselves, it became clear that some of the girls would definitely be deported unless "mama Rosa" stepped in to help.

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<sup>21</sup> This girl gave us her mobile number, but when we called her the next day, she explained that her 'mom' (shortened version of the "mama Rosa" nickname) did not allow her to meet Azeris.

Four other hotels were visited in the following nights. Everywhere we encountered young Azerbaijani women apparently controlled either by “mama Rosa” or a man, who was either an Azeri or an Arab. They allowed girls to give out their mobile numbers or to leave the place with a man. It was they who, after the bars were closed, saw the girls and their clients off in taxis, whose drivers were patiently awaiting their passengers. Only on one occasion did an Azerbaijani girl, having overheard our conversation, approach us and whisper: “I wish I could talk to you.” She was immediately called away by her pimp, and never spoke with us again.

On other nights, we went to the places where popular open-air restaurants and cafés are located. Walking along Salah-ad-din Road, Al Mateena Street and Al Nasseer Square, the most crowded places in Dubai at night, we encountered about twenty Azerbaijani girls walking in pairs or in threes, from time to time approaching male passers-by. One of us was mistaken for an Arab and was approached by two of these girls. After they learned he was an Azeri, they reacted exactly as Sabina had the day before. They both looked ashamed and confused and retreated, affording us no opportunity to speak with them.

The observations made it possible to roughly calculate that there are more than 300 young women active in the hotels and on the streets in Dubai alone.<sup>22</sup> To answer the question of how they manage to stay in the country for longer than a month, we went to two “visa changing” airports near Dubai. We learned that they are referred to as such because migrants from all parts of the world use them to exit the country and renew their visas upon their return. According to national legislation, a foreigner with a short-term visa (up to three months) has to leave the country in order to have his visa renewed. Ostensibly these “visa changing” airports help thousands of valuable labour migrants prolong their stays in the country by enabling them to renew their visas over and over again.<sup>23</sup>

One of these airports, Ras Al Khayman, is located 40 kilometres from Dubai: there are three flights a week from there to Iran, Qatar and Oman. Irregular migrants use these flights to exit the country for at least an hour, and when they return their patrons are awaiting them with new visas. Early one Thursday morning, there were more than 80 young women speaking Azeri, Russian, Uzbek, and other languages, who all came escorted by older women and men. After the plane took off, these ‘chaperons’ stayed in the airport. So did we. In a brief conversation with a “mama Rosa” who did not mind discussing her business, we learned that on busy days there are up to 60 Azeri women using the “visa changing” airports. “As a matter of fact, renewing visas is not a problem. You just need to have the right contacts, like everywhere” she said. “I’m not afraid of my girls escaping. What are they going to do, without visas and not speaking the language, in another Islamic country? They all come back. They stay with me, as they need my protection. If some of them are detained, I can also find the right person to release them. And the girls obey me, as I can ruin their life in a second and have them arrested and deported.”

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<sup>22</sup> On average, there are up to fifteen Azerbaijani women in each of four bars in each of seven hotels, not to mention on the streets or in resorts, cheap hotels, bars and restaurants. The figure provided would undoubtedly be much higher if it included the number of Azerbaijani women engaged in prostitution in other cities in the UAE.

<sup>23</sup> A short-term visa is cheap and easy to obtain, while a long-term work permit (up to three years) is very expensive. Some of the migrants prefer to buy their visas through contacts with local immigration services, like a taxi driver from Sri Lanka, whom we asked about his status in the UAE. In his words, many irregular migrants come to the country with a short-term tourist visa, and then buy a work permit from middlemen who may charge as much as US\$3000 for it.

## ANOTHER WORLD: FROM RECRUITMENT TO OBLIVION

Despite the fact that young women engaged in prostitution in the UAE are quite vigorously watched, it was possible to speak with a few of them who were presented as potential victims of trafficking because of their age and the fact that their behaviour was rather inhibited. Seven of them were indeed victims of trafficking.<sup>24</sup> In addition, evidence was obtained through interviews with people who came across them during the past three years. However limited the data, it undoubtedly added value to the study results (see case study 5).

### CASE STUDY 5



#### *“They control everything” says a trafficked victim*

Lala was recruited in her native Ujar in 2001, when she was seventeen. A woman visiting this and other regions outside Baku was telling everyone that a big company in the capital was hiring girls to work in their office. Instead, Lala and two other girls were brought to Sumgayit and handed over to the woman’s sister, Sveta. It appeared that the sisters and Sveta’s son were all traffickers. Too scared to protest, Lala blindly obeyed them. New documents, including passports, were arranged for the girls. Moreover, when Lala was transported to Baku, she was accompanied not only by Sveta, but also by a man in his early thirties. He kept her passport and said that he was her husband. They went to the UAE, raising no suspicions from the immigration services either in Baku or in Dubai.

What Lala tries not to remember, but cannot forget, are her first days in Dubai. Her passport and visa were given to a Syrian national, who appeared to be her boss. He raped her and forced her to stay with him for three weeks. Afterward she was returned to Sveta, who by that time had brought another underage girl from Jabrayil to the same man. As for Lala, she was placed in a flat where three other girls from Azerbaijan were living and forced to service eight to nine men a day. Sveta arranges meetings with clients, and an Azerbaijani taxi driver takes the girls to their clients and then home again.

When asked why she had not sought assistance in either country, Lala said that she had never thought to. In her words, Sveta and the others are so dominant, that she is afraid of them. Then she adds: “After all, what was I going to do after that? How could I return home? What would I say to my parents?”

Lala says that only recently has she come to realize how powerful and dangerous is the criminal network in which she trapped: “Look, who am I to these people? Everything is under their control. Sveta and her relatives bring girls from rural areas to Sumgayit. Then they arrange documents for the girls and bring them here, to our boss. The taxi driver is not an outsider, but works for them. Even the money we try to send home is controlled by them. When I asked Sveta how I could send money home, she introduced me to another Azeri woman, who charges us 6% for every dollar she transfers to Azerbaijan. Once she told me that she sometimes transfers about US\$10,000 a month. I know that our families receive the money, although some of it disappears before they get it. I have no idea, though, whether it’s a bank transaction or whether she sends the money with somebody. Somebody always delivers the money to our relatives. I’ve never called home: I want them to believe that I’m working in Baku.”

<sup>24</sup> Structured interviews with five of them were included in the survey database, while two other interviews were used for case studies presented in this chapter.

Another victim, 23-year-old Toma, was brought from Sumgayit to Dubai two years ago by a woman nicknamed Gara Mila (Black Mila). Toma was promised a job, though no details were given. Gara Mila prepared all the necessary documents, including an identity card adding six years to Toma's age, which was then also indicated in her international passport. When both women arrived in Dubai, a young Azeri man met them at the airport and took her passport, as he had her visa. Later, in the hotel, Gara Mila told Toma that she was indebted for US\$2,500 and she could earn such money only by becoming a prostitute. Toma tried to explain that she was a virgin and said that she would call her mom, upon which she was told that her mother knew for what purpose Toma was brought to the UAE. Since that time Toma has been working for Gara Mila, but is entirely unaware of the amount of money she is earning, as the clients pay Gara Mila directly. Several times she was flown from the Ras Al Khayman airport to Iran and back to have her visa renewed. Every time Toma asks her patroness to free her, Gara Mila threatens to hand her over to the police. "I started drinking in order to cope with what I'm put through. We all drink while at work, even young girls" admits Toma. She still hopes to be free again, but does not want to go back to Azerbaijan. Instead, she plans to save enough money to one day become a patroness herself.

One of the women interviewed introduced herself as Rena from Azerbaijan, but after a while admitted that she is a Georgian citizen. "I always say that I'm an Azeri, as I work with Azerbaijani women," she explained. Her story of trafficking is not different from others heard in Dubai or in Baku: she was deceived by a woman who took her to the UAE three years ago, when she was 24. According to Rena, she was severely exploited, abused and re-sold, but managed to escape from her patron and join a group of girls from Azerbaijan. What differentiates Rena from others is that she eventually managed to become partners with her former boss, a UAE citizen. Now in her late-twenties, she not only works as a prostitute, but also has her own group of girls from all three south Caucasian states. "I have good and useful contacts even in Abu Dhabi. I send my best youngsters to service rich people there," she says. She no longer blames the woman who trafficked her from Georgia. In Rena's opinion, whatever happens is for the best, and she could never have become so wealthy and independent without that woman.

Clearly, such a booming business cannot pass unnoticed by the police, immigration services and other law enforcement agencies. The decree banning female migrants from the NIS from entering the country is but one example of the efforts made by the national authorities to tackle the problem of prostitution amongst female migrants in the country. An officer from the Dubai City Police Department confirmed that authorities are aware both of the presence of irregular migrants in the country<sup>25</sup> and of the engagement of female migrants, including those from Azerbaijan, in prostitution. He claims that the police conduct regular raids on the places where female migrants often congregate and detains them for three main offences: involvement in prostitution, possessing alcoholic beverages in their flats, and not having proper documents. The police officer is also aware of cases of missing or murdered prostitutes. He related that in the past two years, eleven bodies of murdered women, supposedly from the NIS, were found but could not be identified.

He admits that some of his colleagues may be involved in corruption and release detained women in exchange for bribes, but, he adds, it is not common. Admitting that the fight against prostitution is simply too difficult a task to deal with, he said: "We just do not have enough personnel to deal with

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<sup>25</sup> The Ministry of Interior and national security bodies take necessary measures to detect illegal migrants and publicize monthly reports about arresting illegal aliens. E.g., *Khaleej Times*, published daily in Dubai, in its issue of 23 May 2002 reported the arrest of 2497 "infiltrators of various nationalities during the period from April 15 to May 15."

this problem.” He noted that, according to national law, no distinction is made between those women voluntarily engaged in prostitution and those trafficked to the UAE for sexual exploitation. “Mama Rosas” and owners of the places where the women are detained usually bear no criminal responsibility, for it is very difficult to prove their involvement in illegal activities.

According to official data, women originating from Russia and Ukraine were most frequently detained for prostitution in the UAE in 2000 and 2001, followed by women from Azerbaijan and Uzbekistan. About 900 Azerbaijani women were detained on suspicion of involvement in prostitution in 2001 and the first three months of 2002.<sup>26</sup> It is unknown how many of them were deported, as no official statistics could be obtained.

Quite a few of the deported women return to the country again, after they or their traffickers arrange to procure new documents. One example was mentioned by an official from the AZAL office in Dubai. As he told it, more than a year ago he was invited to be an unofficial interpreter in a national court. A seventeen-year-old Azerbaijani girl from Jalilabad was brought to trial for attempting to stab another girl. Given her age, she was not imprisoned but was instead deported from the country. “You can imagine my amazement when after three months I bumped into her in the Dubai airport,” he remarks. “Instead of a scared and poorly dressed girl, I saw a lady. She told me that some rich people from Dubai helped her to return and that they managed to obtain new documents for her.”

The official also remarked that, although the situation improved after the famous decree was adopted, in his view transportation of women to the UAE for prostitution remains a huge problem. “You have probably never been to places where women from Azerbaijan and other NIS countries go. I am neither a researcher, nor an investigator, but it is impossible to live here and not see for what purpose they are brought here,” he said. He estimates that up to 1400 Azerbaijani citizens visit the UAE every month, and about one quarter of them are women.<sup>27</sup> “There’s no doubt,” he says, “that women as well as men are flying to Dubai for business, shopping or tourism.” However, according to him and other Azerbaijanis who often travel to the UAE and back to Azerbaijan, young women engaged in prostitution also arrive or depart with almost every flight.

Fariza, a 53-year-old manager of a private company in Dubai, shares the opinion that trafficking of women to the UAE has become a problem that could not be ignored. She is originally Azeri and has been living in the country for more than five years and says that, because of her business and contacts, she has learned how the trafficking process is organized. She says: “I could tell you dozens of stories about trafficked women I’ve witnessed and heard of. Once I helped a girl who was trafficked by her aunt. I knew this woman and knew she was a “mama Rosa.” One evening I met her in a restaurant with a nice looking girl, whom she introduced as her niece. She said that they had just arrived. I felt that something was amiss, so I gave the girl my mobile phone number. After three days the girl called me and asked me to meet her. I saw that she had been horribly beaten. She told

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<sup>26</sup> This does not necessarily imply that 900 different individuals were detained and that they were all Azerbaijani nationals. As interviews with victims and information obtained from independent sources showed, there are two main explanations for that: a) some women already deported from the UAE re-enter the country after they obtain new passports and, when detained, they are registered under their new personal information; and b) not all of the women trafficked to the UAE using Azerbaijani passports are Azerbaijani citizens, as in some cases the traffickers obtain those passports for the victims to avoid problems with document examination in the *Bina* airport.

<sup>27</sup> There are three flights a week from Baku to Dubai used by approximately 100 Azerbaijani nationals each. It is easy to calculate that this amounts to about 1200 people a month and more than 14,000 visitors a year. Given that one fourth of those passengers are women, the number of women visiting the UAE can be estimated to be almost 4000 a year.

me that her aunt was forcing her to become a prostitute. I found the woman and demanded the girl's passport, but she sent me to a pimp, who said that I had to pay him as much as US\$1,500 for the passport. He simply didn't know me! I told him that I had already informed the police in Baku and that they would be starting an investigation soon. Of course I really hadn't, but I got the passport in twenty minutes. In a couple of days, I bought a ticket for the girl and saw her off at the airport. I later learned that she became a prostitute in Baku and returned here. I wish I could see her and talk to her. I can't blame her or the other girls, though. It seems that they see no other chance to earn money than by selling the only property they have, I mean, their bodies. I do feel pity for them, especially the younger ones, who are deceived and lured into this dirty business."

It is true that trafficked women and girls wind up losing a great deal. They suffer from insecurity, health risks, indignity, and violations of basic human rights, while the traffickers conduct a highly profitable business at their expense. Moreover, the victims almost never speak out against their offenders, who are joined in internationally organized criminal networks operating with near impunity. The scope and scheme of those networks is similar to those described in detail in other studies on trafficking in persons occurring in different countries<sup>28</sup>. These networks are composed of dozens of individuals ranging from bosses, who are rarely discovered, to pimps and their aides, who are occasionally apprehended. There are people who recruit young women in their home countries, prepare necessary travel documents (including, in many cases, forged passports) and facilitate the victims' transportation across international borders. These traffickers operate closely with their accomplices in the UAE, into whose possession the victims are transferred. As for the UAE, trafficking in women profits the many people involved, including hotel and bar owners, pimps, travel agents, taxi drivers, and waiters (and, occasionally, low-ranking officials who benefit from providing assistance or turning a blind eye to the traffickers, their bosses and aides).

## CONCLUSIONS

Most of the victims interviewed both in Azerbaijan and in the UAE believe that after they are trafficked once, they are forever trapped in the business. The victims themselves have neither the strength nor the power to break the vicious cycle they are in or to resist the well-organized criminal networks that recruit, exploit and control them. Under such circumstances, changing public attitudes (which are now explicitly condemnatory) towards trafficked women, as well as protecting, rehabilitating and reintegrating them, becomes as important an issue as prosecuting the traffickers. This is one of the main conclusions that can be drawn from the study in the UAE. Others are as follows:<sup>29</sup>

- Women constitute a large proportion of Azerbaijani nationals visiting the UAE: of about 14,000 Azerbaijanis arriving in the country every year, nearly 4,000 are women.
- Although difficult to assess how many of these women are irregular labour migrants involved in prostitution, their number is roughly estimated to be as high as 400 at any given time.
- A large number of women from Azerbaijan are voluntarily engaged in prostitution. However, their migration to the UAE is often associated with legal offences in both the country of origin

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<sup>28</sup> For the most recent description see Štulhofer, A., Raboteg-Šarić, Z., Marinović, L. *Trafficking in Women and Children for Sexual Exploitation. An Assessment Study: The Extent of the Problem and the Need for Counter Trafficking Measures in Croatia*. (Zagreb: Center for Transition and Civil Society Research, International Organization for Migration, 2002), p.50.

<sup>29</sup> Findings that coincide with those presented in Chapter I are not provided here to avoid repetition.

and destination, as it involves the preparation of forged documents and involvement in activities that are illegal in the UAE.

- There are young women and girls trafficked from Azerbaijan to the UAE by means of deception and coercion. Trafficked women are subject to forced prostitution, restriction of movement and communication, financial insecurity, health risks, including exposure to STDs, and involvement in hidden criminal activities. One of the most disturbing aspects of this is the trafficking of girls under the age of eighteen.
- Most of the middlemen and traffickers are Azerbaijani nationals operating hand in hand with citizens of other countries involved in trafficking in women in the UAE.
- National authorities make no distinction between prostitutes and trafficked victims, all of whom bear equal criminal responsibility for involvement in prostitution. As a result, the trafficked persons are not treated as crime victims and are thus not protected.
- As in all other cases of trafficking in women and girls across international borders, trafficking in women from Azerbaijan to the UAE is associated with organized crime, netting enormous profits for the traffickers.

## CHAPTER THREE: LEGISLATIVE FRAMEWORK AND GOVERNMENT RESPONSE

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### BRIEF OVERVIEW

Azerbaijan, like all NIS countries, suffers from poverty, poor social conditions, unemployment, and insufficient economic opportunities. As shown in previous IOM research, these factors result in high migration flows, a growth in the population's interest in migration opportunities, and further feminization of migration from the country. Independent researchers of the issues related to trafficking in women estimate that of the nine most serious problems afflicting women in CIS countries, at least eight severely affect women in Azerbaijan, forcing them to seek a better life abroad. Although poverty and economic depression are deemed "the most dreaded problems," other points of concern are unequal career paths, armed conflict, discrimination, and domestic violence.<sup>30</sup> The need to secure income in situations where men often can no longer provide financial support to their families makes women particularly vulnerable to traffickers, especially given their unfamiliarity with the risks involved. According to a US Department of State report, women from Azerbaijan are trafficked for sexual exploitation to Turkey and the UAE, as are women from Moldova, Romania, Armenia, Russia and Ukraine.<sup>31</sup> Moreover, the exposure of Azerbaijan to global migration challenges and the internationalization of trafficking practices has exacerbated the situation, since international organized crime networks tend to use Azerbaijan, largely because of its geographical location, as both a transit and a source country for trafficking persons.

The absence of state control over numerous travel, employment and matrimonial agencies offering irregular migration opportunities also creates a favourable climate for traffickers, who cooperate with these organizations in the recruitment and transportation of victims. For example, within a brief time span, seventeen women were trafficked to Finland with false promises of marriage; instead, the mediator (who appeared to be a trafficker) sold them to a brothel owner in Finland.<sup>32</sup> Speaking at a press conference on 4 May 2001, the Minister of Youth, Sports and Tourism reported that some travel agencies are involved in trafficking in women, although it is extremely difficult to prove whether or not a particular agency is involved in illegal business activities.<sup>33</sup>

Although women compose the majority of trafficked victims in Azerbaijan, as is the case elsewhere, the vulnerability of disadvantaged young people should not be underestimated. Children from poor or marginalized families, as well as street and homeless children (another challenge facing transitional Azerbaijan), are all at high risk: they often escape the attention of relevant state institutions, and thus may become victims of trafficking for sexual exploitation or slave labour. A recent report issued by UNICEF claims that almost 10 per cent of newborns in Azerbaijan are not registered. National NGOs dealing with disadvantaged children state that some of the children with whom they work have neither birth certificates nor any other form of identification. According to

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<sup>30</sup> Knaus/Kartusch/Reiter. *Combat of Trafficking in Women for the Purpose of Forced Prostitution*. Boltzmann Institute of Human Rights, Vienna. 2000, p.11.

<sup>31</sup> *Victims of Trafficking and Violence Protection Act 2000*. Trafficking in Persons Report. The United States Department of State. June 2002, p.33.

<sup>32</sup> "Land of lone women." *Echo* daily, 26 January 2002.

<sup>33</sup> "A number of tourist agencies 'export' Azerbaijani women." *Zerkalo* daily, 5 May 2001.

information provided by UNICEF, the Ministry of Interior, and other sources, approximately one in every ten street children aged eight to fourteen is involved in prostitution and drug usage, and suffers from sexually transmitted diseases. In 2000 and 2001, 64 girls under the age of eighteen were detained in Azerbaijan for prostitution.<sup>34</sup> The spread in Azerbaijan of trafficking related felonies such as kidnapping, trade in newborns, coercing youngsters into prostitution, and drug trafficking, serves as an additional factor contributing to the expansion of the problem beyond the country's borders.<sup>35</sup>

The lack of state care provided to institutionalized young people after they leave orphanages or boarding schools may also contribute to trafficking in persons. As the NGO *Ufug* reports, every year some 350 boys and girls leave state institutions. As a rule, the majority of the boys start their military service and can be traced by the military commissioner's office, while further information on the girls, with the exception of those who marry or continue their studies, is not available. Under Article 7 of the national Law on Social Protection of Children Who Lost Their Parents or Are Abandoned, local authorities are obliged to provide such youngsters with accommodation; however, they often fail to meet those requirements. As a result, the young people who find themselves jobless and homeless after leaving the orphanages are sometimes ensnared by criminal groups and can easily become victims of trafficking.

Another indicator that trafficking in persons in the country might be increasing is the number of missing persons: there were 1079 people registered as missing in 1999, 1183 in 2000, and 1209 in 2001. The alarming fact is that almost every fifth missing person is a child under the age of eighteen, and approximately 60 per cent of the total number of missing persons are women. Although some progress has been achieved in detecting the whereabouts of missing persons (620, 704 and 734 in 1999, 2000 and 2001 respectively), there are still hundreds of people, including women and children, who could not be traced.

The conclusion that trafficking in women and children exists in the country is confirmed by results of constant media monitoring, reviewing reports prepared by international experts and national NGOs, and meetings with officials from law enforcement agencies and with independent researchers, both in Azerbaijan and abroad. However, the available data is often outdated and contradictory, emphasizing the importance of data collection and analysis, and the need to have reliable statistics on migration, gender and minor related issues. This would allow us not only to obtain a realistic picture of the situation, but also to observe the trends and dynamics of the phenomenon of trafficking in persons.<sup>36</sup>

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<sup>34</sup> From a report by the Ministry of Interior delivered at a round table meeting, "Women's migration: legal aspects and problems," held on 14 March 2002 in Baku.

<sup>35</sup> For example, according to *Drug Situation in Azerbaijan: Sociological Research Report*, in recent years 146 juveniles were convicted of drug-related offences, including trafficking in illegal drugs.

<sup>36</sup> The large number of references to media outlets and independent observers in the report can be explained by the fact that they were oftentimes the only source of information (in addition to the survey results) to which the IOM research team had unrestricted access. Representatives of some governmental, non-governmental and international organizations approached by IOM researchers with requests to either confirm their statements made for the press or to provide more detailed information, were rather reluctant to cooperate.

## INTERNATIONAL, REGIONAL AND NATIONAL INITIATIVES

Azerbaijan has undertaken concrete legal initiatives in an attempt to address the issue of trafficking in persons. In addition to being a signatory to the 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the 1989 Convention of the Rights of the Child (CRC) and to a large number of international and European covenants on human rights. On 31 May 1996, Azerbaijan signed one of the very first international documents to combat trafficking: the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, adopted by the UN on 2 December 1949. The signatories (understanding that not all signatories have as yet ratified the document) of the Convention agree to take many steps, including the following:

1. To enact such regulations as are necessary for the protection of immigrants or emigrants, in particular women and children, both at the place of arrival and departure, and while en route;
2. To arrange for the appropriate publicity warning the public of the dangers of the aforementioned traffic;
3. To take appropriate measures to ensure supervision of railway stations, airports, seaports, and other public places en route in order to prevent international trafficking in persons for purposes of prostitution;
4. To take necessary measures to inform the appropriate authorities of the arrival of persons who appear, prima facie, to be the principals and accomplices in, or victims of, such traffic.

A more recent instrument reflecting the growing concern in the international community over this issue is the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, a supplement to the UN Convention against Transnational Organized Crime (Palermo Protocol). It was adopted on 15 November 2000, along with the aforementioned convention and another supplementary protocol concerning the smuggling of migrants by land, sea and air. Although Azerbaijan actively participated in drafting the Convention in Palermo and joined the trafficking protocol in December 2000, Milli Mejlis (Parliament) has yet to ratify any of them.

The purposes of this Protocol are:

- a) To prevent and combat trafficking in persons, paying particular attention to women and children;
- b) To protect and assist the victims of such trafficking, with full regard to their human rights; and
- c) To promote cooperation amongst signatories in order to meet the aforementioned objectives.

Subparagraph (a) of Article 3 of the Protocol defines trafficking in persons as:

*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.*

The same article states that the consent of a victim of trafficking to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in

subparagraph (a) have been used, and that the recruitment, transportation, transfer, harbouring or receipt of a child<sup>37</sup> for the purpose of exploitation shall be considered “traffic in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article.

According to Article 5 of the Protocol, the parties shall adopt such legislative and other measures as may be necessary to establish as criminal offences the conduct set forth in Article 3 of this Protocol, when committed intentionally. Under the requirements of this Protocol, the signatories should also bring their administrative and legal systems into compliance with the document and ensure that they contain measures that provide appropriate assistance to victims of trafficking.

Article 9 of the Convention specifically addresses trafficking in persons, urging signatories to undertake measures such as research, information and mass media campaigns, as well as social and economic initiatives, to prevent and combat trafficking in persons. According to paragraph 3 of Article 9, policies, programmes and other measures established in accordance with this article shall, as appropriate, include cooperation with non-governmental organizations, other relevant organizations, and additional elements of civil society. Paragraph 4 of this article states that signatories shall undertake new measures or strengthen existing ones, including through bilateral or multilateral cooperation, to alleviate the factors such as poverty, underdevelopment, and lack of equal opportunity, that make people, especially women and children, vulnerable to trafficking.

Over the last decade, the issue of trafficking in women for sexual exploitation has also come to the attention of the Council of Europe, European Parliament, OSCE, and other European institutions. Since June 1997, a multisectoral group established to explore means of fighting trafficking in persons for purposes of sexual exploitation has been operational under the Council of Europe. This group of specialists is composed of experts from various committees of the Council of Europe, under the authority of the Steering Committee for Equality Between Women and Men. Its task is to plan and prepare actions which the Council of Europe could undertake in the field of combating trafficking in persons for purposes of sexual exploitation, particularly that of women and children, notably girls.

The European Parliament has adopted several resolutions on violence against women, on the exploitation of prostitution and the traffic in persons, and on trade in women. In December 1995, Parliament adopted a resolution tabled by its Committee on Civil Liberties and Internal Affairs. This resolution calls on the Member States to include explicit penalization of trafficking in their codes, and includes provisions for the prevention of trafficking in the countries of origin and destination.

The European Commission, in co-operation with IOM, organised a conference on trafficking in women, which took place in Vienna in June 1996. In light of the Vienna recommendations, in November of that same year the Commission drafted a communication on the fight against trafficking in women for the purposes of sexual exploitation, tackling the problem from several angles: a) assistance for victims; b) the fight against organised crime; and c) prevention in countries where women are recruited. As a result, in December of the following year Parliament called on the Commission to create a “task force for implementation of the actions” detailed in this document. A follow-up communication on trafficking, adopted in December 1998, aims : 1) ensure that this issue remains high on the EU political agenda and 2) send a clear message to applicant states concerning

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<sup>37</sup> According to this Protocol, as well as the UN Convention on the Rights of the Child, “child” shall mean any person less than eighteen years of age.

the need to adopt national measures and begin to cooperate with the EU forthwith on this issue. The communication further highlights the importance of NGO participation, and refers to plans to submit a proposal in the coming year for legislative measures concerning temporary residence permits for victims willing to testify in court.<sup>38</sup> Furthermore, the European Commission issued in December 2000 a new communication on trafficking in women.<sup>39</sup>

The EU Ministerial Conference on trafficking in women, held in The Hague from 24 to 26 April 1997, resulted in a series of proposals, to include:

1. amendment by the Member States of their national legislation in order to prevent the automatic expulsion of victims;
2. closer European cooperation in the fight against trafficking in women;
3. improvement of police information networks;
4. a leading role for Europol<sup>40</sup> in the context of specialization in trafficking in humans;
5. raising the level of awareness of police forces and customs and legal services within the fifteen EU Member States, to take matters related to trafficking in women more seriously.

The Ministers also recommended that the countries of origin of the victims of such traffic set up surveillance mechanisms aimed at detecting prostitution networks and organize information campaigns aimed at warning women about the false promises of traffickers.<sup>41</sup>

The Ministerial Council held in Vienna in 2000 decided to strengthen OSCE activities in this field.<sup>42</sup> Hence the OSCE has begun to engage in a number of activities to combat trafficking and/or assist victims, including in the fields of law enforcement, public awareness, research, training, and support for non-governmental organizations.

Based on the principles set forth in a number of international and regional counter-trafficking documents, many European countries adapted their national legal systems to bring them into compliance with these standards. New counter-trafficking laws were developed, for example, in Belgium, the Netherlands, Poland, Slovakia and other countries. Special amendments on offences related to trafficking in persons, especially women and children, as well as on child pornography and sexual exploitation, were made to national laws throughout the region.<sup>43</sup> Following international and regional initiatives, many countries have introduced stiff penalties for traffickers and made provisions against trafficking in persons in their criminal codes. The United States and Vietnam

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<sup>38</sup> *Trafficking in Women*. Working Paper. European Parliament. Directorate-General for Research. Civil Liberties Series. 2000, p. 25.

<sup>39</sup> Communication from the Commission to the Council and the European Parliament of 21.12.2000 COM (2000) 854 final; this communication was concerned with two proposals of the Commission for EU's Council Framework Decisions, one on combating trafficking in human beings, the other on combating sexual exploitation of children and child pornography. The Framework decision on the new common approach and co-ordinated action in fighting human smuggling and trafficking was adopted by the EU Council of Ministers in September 2001.

<sup>40</sup> The convention establishing Europol, which was signed by all Member States in July 1995, defines illegal immigrant smuggling and trafficking in human beings as being two of the primary areas of activity for Europol.

<sup>41</sup> *Ibid*, p.26.

<sup>42</sup> *ENHANCING THE OSCE'S EFFORTS TO COMBAT TRAFFICKING IN HUMAN BEINGS*. Organization for Security and Cooperation in Europe. Ministerial Council. Vienna 200. MC(8) Journal No.2, Agenda Item 10. MC(8).DEC/1. 28 November 2000.

<sup>43</sup> For some examples of national regulations to combat trafficking see, Knaus/Kartusch/Reiter. *The Combat of Trafficking in Women for the Purpose of Forced Prostitution*. Boltzmann Institute of Human Rights, Vienna. 2000.

provide for imprisonment of up to twenty years for trafficking offences, and Germany's sanctions range from several months to ten years.<sup>44</sup>

At the national level, the United States has taken the greatest strides towards advancing the Palermo Protocol with its Victims of Trafficking and Violence Protection Act of 2000. The US bill is seen as innovative because it addresses both the crime and the victimization, and proposes coordinated solutions to prevent, protect and prosecute. Addressing the victim protection issue, the governments of Belgium, Italy, and the Netherlands grant victims temporary residence while testifying against their traffickers. Italy has become a pioneer in this field and has introduced legal provisions to grant a special residence permit to victims, enabling them to gain access to social assistance and other integration programmes. To facilitate the coordination within the government on this issue, some countries, like Australia, Serbia, Ukraine and the United States, have created inter-ministerial entities to deal with the multi-faceted issues surrounding trafficking in persons. Other states, like France, Italy and Switzerland, have established *ad hoc* parliamentary committees to better understand this phenomenon and thus better advise their governments on potential new legislation.<sup>45</sup>

As stated above, Azerbaijan, which is a member state of both UN and CE, has signed a number of international and regional covenants aimed at the detection, combating and prevention of trafficking. This implies that provisions of UN and CE documents be incorporated into national legislation and that a legal framework to combat trafficking be developed. Analysis in the following section examines the accomplishments made by Azerbaijan in this field and shows to what extent national legislation meets international standards necessary to effectively address this issue.

## NATIONAL COUNTER-TRAFFICKING LEGISLATION AND ITS IMPLEMENTATION

The Constitution of the Azerbaijan Republic provides necessary provisions for effective implementation of international agreements joined by the country. Article 12 implies that human and civil rights and freedoms in Azerbaijan shall be protected in conformity with the international agreements signed by the country. According to Article 148, the international treaties joined by Azerbaijan are an integral part of the national legal system, and Article 151 states that, in cases where a national law or act conflicts with international documents signed by Azerbaijan, the international document shall prevail (except where the Constitution and acts adopted by national referendum are concerned).

Over the past two years, certain efforts have been made to bring national legislation into compliance with international counter-trafficking documents already adopted by the country. The previous criminal code, in force for more than 40 years, was replaced in September 2001 by a new one, which incorporates numerous changes reflecting the state's attempts to follow international counter-trafficking initiatives. For example, a new article appearing in the current criminal code considers the trade in minors or transferring possession of them to another (including the sale, exchange or purchase of a minor as property with the intent to exploit) a criminal offence. According to the old criminal code, prostituting a person was only deemed a crime if the person in question was a minor, whereas Article 243 of the new statute states that involving any persons in prostitution, regardless of

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<sup>44</sup> All information on national initiatives given in this section was presented by Irena Omelaniuk, Director of Migration Management Services Department of IOM-HQ, at a roundtable meeting held in Baku on 14 June 2002.

<sup>45</sup> Ibid.

age, is a felony. Sub-article 1 of the aforementioned article considers involving another person in prostitution to be a criminal offence if it is accomplished by force, threat, property destruction or damage, deception, or for profit. Furthermore, if this offence is committed by taking advantage of the physical or mental disability of the victim (sub-article 2.1) or by an organized group (sub-article 2.2), it is considered to be an aggravated crime.

Although prostitution *per se* is not considered a criminal offence and, consequently, is not addressed in the Criminal Code, it is deemed an administrative offence.<sup>46</sup> While involving another person in prostitution is considered a felony, there is no correlation between prostitution and trafficking in the legislation and no specifications are made regarding trafficking in women for purposes of prostitution.

The articles in the new criminal code related to trafficking and sexual exploitation of women and minors are as follows: Article 106 (slavery, including sexual slavery), Article 108 (sexual abuse), Article 150 (violence of a sexual nature), Article 151 (forcible sexual activity), Article 152 (sexual intercourse or activity with a minor under the age of sixteen), Article 171 (coercion of minors into prostitution), Article 173 (trade in minors), Article 243 (coercion to engage in prostitution) and Article 244 (maintaining a brothel).<sup>47</sup> The Public Security Department of the Ministry of Interior reports that 90 people have been punished under Article 244, 37 under Article 243, and no criminal cases have been heard under the other aforementioned articles.

Despite improvements to the national legal system where trafficking offences are concerned, additional steps are required to fill the gaps in current legislation. One of the most pressing issues to be resolved is the striking discrepancy that exists between the Constitution and the Criminal Code, hindering implementation of international treaties at the national level. While the Constitution asserts the superiority of both international agreements adopted by Azerbaijan and the Constitution itself over national legislation, Article 3 of the new criminal code recognizes as a criminal offence or felony only those crimes identified as such by the Criminal Code. Moreover, the Criminal Code indicates that provisions of international treaties are applicable only in cases where they are reflected in the code itself. Given that not all provisions of international counter-trafficking protocols signed by Azerbaijan have as yet been incorporated into the Criminal Code, there are quite a few crimes involving trafficking in persons that are not recognized as such by the latter, and thus cannot be prosecuted in the national legal system. For example, although the Criminal Code considers organized crime to be an aggravated crime, because trafficking in persons is not specified as an offence, it goes unpunished even when committed by organized criminal groups.

These are not the only instances in which the Criminal Code proves to be inadequate to meet international requirements. Articles 106 (slavery) and 108 (sexual abuse) detail the punishment imposed on perpetrators of such crimes; however, a commentary to Article 103 states that provisions of Articles 103 through 111 shall only apply if the crimes described in those articles are committed against civilians in armed conflicts, large-scale military operations or guerrilla wars. Thus, they cannot be applied under any other circumstances, although the Ministry of Justice has suggested that Parliament reconsider the armed conflict clause and apply these articles universally.

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<sup>46</sup> Article 308 of the Code on Administrative Offences of the Azerbaijan Republic stipulates, in general, less severe punishments (e.g., fines or detention versus prison sentences) for legal offences than does the Criminal Code.

<sup>47</sup> For a more detailed description of the trafficking related articles see *Annex I*.

Another example of the Criminal Code's inadequacy is Article 171, which imposes a sentence for involving minors in prostitution, but not for aiding and abetting. Moreover, neither this article nor Article 173 (trade in minors) implies that the transportation of minors with the intent to prostitute, purchase, or sell them, or assisting in any of the above, is considered to be a crime. Furthermore, no legal sanctions are envisaged against illegal transportation of persons either within or outside the borders of Azerbaijan.

Further analysis of the Criminal Code confirms the need to establish, on the one hand, more severe penalties for trafficking related offences, like employer sanctions and asset confiscation and, on the other hand, more effective legal mechanisms for the protection, repatriation and reintegration of victims. For example, the Code does not imply criminal responsibility for the seizure and maintenance of a third party's documents by unauthorized individuals or entities, although, as proven in the IOM survey, this grave violation of human rights is frequently perpetrated by traffickers of persons in Azerbaijan. Neither does the Criminal Code have provisions to legally prosecute and sentence organized criminal gangs for trafficking offences, although trafficking in persons is widely recognized to be an organized crime committed by both local and international networks. Likewise, no provisions are made to trace, freeze, seize and confiscate means and assets acquired as a result of trafficking in persons, although a number of European countries are already seizing assets from those traffickers they have been able to prosecute, and are using the removal of financial advantages for traffickers as an effective instrument to prevent or reduce trafficking in persons. Finally, despite the fact that the Palermo Protocol provides solid grounds to develop a legal framework for the protection, repatriation and reintegration of victims, the Criminal Code of Azerbaijan has not made appropriate provisions as yet. Consequently, no measures are included to extend support and assistance to victims of trafficking when they act as witnesses in a court.

Making relevant amendments and changes to the national legislation to fill in the aforementioned gaps is particularly important given that the international community calls for tough sanctions against those who profit from trafficking in women and for enhanced assistance to, and protection of, victims of trafficking in women and children. In this regard, studying both international practices and experience gained by different countries at both the regional and national levels can help the Azerbaijani government in its efforts to bring itself into compliance with covenants joined by Azerbaijan and to improve the practices of state agencies dealing with trafficking related issues.

The following brief case study illustrates that, whatever limited legal grounds for prosecution of traffickers and trafficking related offences may exist, national law enforcement agencies attempt to deal with trafficking related criminal activities in a creative fashion. Given that the current criminal code does not have provisions for the prosecution of trafficking in persons (unless involving minors), most of the criminal investigations instead delve into involvement in prostitution, brothel keeping, fraud, illegal border crossings, and the use of false documents by those travelling abroad.

In August 1998, a case of selling Azerbaijani newborns in Israel was brought before the Supreme Court of the Azerbaijan Republic. The police investigation revealed that a member of a criminal organization in Israel started visiting Azerbaijan in 1996 and acted in complicity with several Azerbaijani citizens, including a low-ranking officer working at a border checkpoint in *Bina* international airport. With their assistance, the Israeli citizen, a physician by profession, was selecting newborns to sell, while the officer was assisting the group in transporting the children and in crossing the border without examination of their documents. It was proven that within a year's time, five newborns were abducted to Israel, and another four were selected for sale by the time the

trial was held. Sentences against the perpetrators were rather lenient, as the previous criminal code did not contain provisions for the legal prosecution of the purchase and sale of children. Because of this oversight, the officer's punishment was to be fired for abuse of authority, and the Azerbaijani couple involved was brought to trial under charges of the following articles of the previous criminal code: Article 71 (smuggling), Article 93-7 (fraud), Article 194 (illegal production, counterfeit, sale, purchase or use of an official document, seal or stamp) and Article 170-1 (aiding and abetting in corruption) and sentenced to imprisonment for a mere three years. Unfortunately, it was impossible to determine what had happened to the children already taken to Israel.

The following two cases further exemplify the efforts undertaken by Azerbaijani police to stop trafficking. In 2001, a joint effort of the Nasimi district police and Interpol managed to halt the criminal activities of two Azerbaijani citizens, the sisters Musayeva, who were trafficking young women from Azerbaijan to Pakistan. The police investigation revealed that the sisters were sold by their mother to a Pakistani trafficker in 1995, and since that time have been involved in prostitution. Four years later, their pimp gave the sisters the opportunity to expand their activities and assist him in trafficking women from Azerbaijan. It was also proven that the suspects succeeded in transporting women to, and selling them in, Pakistan for a year and a half before they were detected by Interpol offices in both countries and caught by police in Azerbaijan.<sup>48</sup> In another case of trafficking girls for sexual exploitation, the Sumgaiyt City police department discovered an Azerbaijani citizen trafficking girls aged sixteen to eighteen to Dubai, using fraudulent documents to disguise them as his daughters. Detention of this criminal became possible only after one of his victims, an eighteen-year-old girl from the Gusar region, managed to escape from Dubai, where she had been sold to a nightclub owner, and return to Baku to inform law enforcement agencies.

Although in both cases police investigations were initiated, because there are no legal provisions to prosecute offences such as trafficking in persons (including trafficking in women for prostitution), transporting trafficked victims across international borders, or the unauthorized seizure of another's documents, no one was ever brought to trial. Furthermore, having little to no knowledge about trafficking issues, officers of law enforcement agencies frequently experience difficulties when dealing with cases of trafficking, highlighting the necessity of establishing a special counter-trafficking department and conducting training courses for state law enforcement agencies, as well as officers of the court and prosecutors.

Cases of trafficking in persons are not registered as such by the police and are not brought to trial, making it very difficult to obtain accurate statistical data in this field. What data is available mainly deals with crimes that may be seen as related to trafficking in women for sexual exploitation. As the Public Security Department of the Ministry of Interior of Azerbaijan reports, in 2001, 37 criminal proceedings were instituted in accordance with Article 243 (involvement in prostitution) and 90 criminal proceedings in accordance with Article 244 (maintaining a brothel) of the Criminal Code. In 2000 and 2001, 973 women, including 64 underage girls, were sent to the appropriate institutions of the Ministry of Health because of their involvement in prostitution.

In the first two months of this year, criminal proceedings were instituted against seven people for running brothels. Sixty-nine women (including two underage girls) were sent to the appropriate

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<sup>48</sup> Given that the police are still conducting the investigation, any information related to this case, including the number of victims, cannot be provided prior to the court hearings.

health facilities.<sup>49</sup> Although some statistical data on Azerbaijani women involved in prostitution abroad exists, it is far from complete: according to the aforementioned source, 35 women from Azerbaijan were detained in Turkey and Pakistan for engaging in prostitution.<sup>50</sup>

Additional information provided by Interpol in Azerbaijan shows that of 948 Azerbaijani citizens detained abroad<sup>51</sup> for various criminal offences in 2000 and 2001, 89 were women detained for prostitution. However, there was no indication as to how many of those women had been trafficked, although IOM interview results confirm that not all women involved in prostitution are volunteers, but rather a large number of them are victims of traffickers.

Statistics on crimes committed against women are also compiled by the Ministry of Interior: in 2000, 2001 and the first two months of 2002, criminal proceedings were instituted for 3942 crimes committed against women, including rape (85 cases), intentional murder (125 cases), intentional mutilation (60 cases), and robbery (45 cases). During the same period of time, there were 2873 criminal proceedings instituted against women, including proceedings for illegal circulation of narcotics (321 cases). Given that trafficking offences are not specified in the current criminal code, it is not possible to say whether those women prosecuted for the illegal circulation of drugs were forced to become drug carriers by traffickers and, as such, could be considered victims of trafficking.

The fact that the extent of the problem of trafficking in women and children from Azerbaijan is underreported is confirmed by national NGOs involved in tracing missing women. Over the past two years, relatives of seven women reported missing applied to three NGOs focussed on women's and children's issues, seeking assistance in finding these women. In two cases, the NGOs were able to ascertain the whereabouts of women who appeared to be the victims of traffickers, and to assist in their repatriation to Azerbaijan. Surprising though it may seem, these women were not listed as missing in the official police records, as their relatives preferred not to apply to law enforcement agencies. Further meetings with relatives of the victims revealed the main reasons to be lack of trust in the efficacy of a police investigation, anxiety for the victims' and their families' safety, and their fear of being punished for infringement of the law. Moreover, some of the women's relatives justified their unwillingness to seek assistance from law enforcement agencies by their belief that it was more likely that detected and rescued victims would face criminal proceedings, while it is doubtful that the true offenders would be identified, especially if they live abroad.

As a result of strengthening border control procedures and the document examination process, Azerbaijan's role as a transit country for traffickers was exposed (see case study 6).

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<sup>49</sup> Presented at the roundtable meeting "Women's migration: legal aspects and problems," held on 14 March 2002 in Baku. It should also be noted that according to existing practices, all women detained by the police and suspected of being prostitutes are sent to a special Skin and Venereal Department of the Baku City Health Office, located in Ramani.

<sup>50</sup> The Ministry of Interior has not clarified the time span within which these 35 women were detained or whether there were girls under the age of eighteen amongst them, while, according to the official record of Turkey's General Directorate on Security, 750 Azerbaijani women were deported from Turkey for "prostitution" between 1996 and 1999. Neither does the Ministry provide figures of women detained in, or deported from, the United Arab Emirates.

<sup>51</sup> Countries where Azerbaijani citizens were detained include (but are not limited to) Czech Republic, Greece, Russia, Slovakia, Turkey, Ukraine, and the UAE.

## CASE STUDY 6



### *From victim to trafficker*

In 1983 Dinara, then a 22-year-old widow, could not even imagine what her life would be like fifteen years hence. In the late 1990s, when the economic and living conditions in her native Daghestan<sup>52</sup> worsened, she went to Turkey and joined her sister's family in Istanbul. Dinara's life changed dramatically after her sister's husband acquainted her with Alper. Dinara still does not know whether or not her brother-in-law was aware that Alper was making money as a pimp, but very soon she ended up being repeatedly sold by Alper to different men.

Although the pimp was taking almost all the money she was receiving from clients, Dinara finally managed to accrue some savings and even rent an apartment in Istanbul. After a few months, Alper offered to make her his partner. This meant luring young women from the former Soviet Union with the promise of a well-paid job in Turkey. He also agreed to defray all related expenses and to pay Dinara a commission for each girl transported to Istanbul. Dinara agreed without hesitation. "In the last few years," she boasts, "I've trafficked several hundred women to Istanbul from Azerbaijan, Daghestan, Moscow and other Russian cities. I've earned enough money to buy homes both in Daghestan and in Azerbaijan. Recently I opened a beauty salon in Daghestan, which makes the search for young women even easier. The youngest ones are under fifteen. All of them are so eager to leave their homeland and escape poverty that they become easy prey." Dinara admits that, in some cases, travel agencies help her select young women who apply to them for job opportunities abroad. Last year Moldova and Ukraine were added to the list of countries she visits in her quest for new victims.

According to Dinara, the trafficking scheme is relatively simple. The issuing of passports, including fraudulent ones, may cost from \$20 to \$300 (depending on the country and age of the woman). In Istanbul the women are immediately deprived of their documents and sent to a jewellery factory whose director is Alper's companion. A small percentage may work at the factory as illegal migrants and receive very little compensation, while the majority are forced to become prostitutes. For some of the trafficked women Turkey is only a transit country; the youngest and most attractive girls are sent on to Cyprus, Germany, the Netherlands, Spain, and Sweden, in all of which Alper and the director of the jewellery factory have contacts with brothel owners. Dinara does not interfere in their business, but knows that the factory director prepares travel documents for the girls, who are then escorted to the West by his employees.

Although in her early forties, Dinara looks much younger. Self-confident and well dressed, she is easily mistaken for a businesswoman, which in her view she is. She does not seem to care much about the girls she deceives or about their futures. In a conversation with an IOM researcher, who did not reveal her identity, Dinara says that she is going to Moldova and Ukraine and would not mind the researcher joining her. "If you pay both of our travel expenses, I can even help you find girls and transport them to Turkey," claims Dinara. "I would be happy to have a companion on my trips. We can both earn enough money to not be in competition with one another: there are so many naïve girls to be fooled."

<sup>52</sup> Daghestan is an autonomous republic in southern Russia bordering Azerbaijan.

From December 2001 through March 2002, at least two attempts to traffic women through Azerbaijan were prevented. Several articles in the national press disclosed, referencing sources from the Ministry of National Security and the Ministry of Interior of the Azerbaijan Republic, that in December 2001, five Uzbekistani women aged sixteen to twenty-two were detained in the *Bina* airport, en route from Baku to Dubai: during examination of their paperwork, it was discovered that they had fraudulent travel documents. In February 2002, three women from the Russian Federation were detained in the *Bina* airport for the same reason when they were boarding the flight to Dubai. That women from NIS countries are trafficked to Turkey and the UAE through Azerbaijan has also been confirmed by information from the Ministries of Interior and Health.

The women, most of whom are from Russia, Ukraine and the Central Asian republics, are deported from Turkey and the UAE to Baku, as it is a transit point to women's countries of origin. The existing practice includes a lengthy stay in Azerbaijan for these women, while law enforcement agencies carry out investigations necessary for their identification and health facilities conduct medical examinations. While in Baku, some of those women are ensnared by local criminal organizations, which then involve them in prostitution in Azerbaijan.

The greater achievements in the detection and prevention of trafficking in women from other countries through Azerbaijan, compared to the slower progress in the detection and prevention of trafficking in Azerbaijani women, is due to the fact that preventing the smuggling of migrants and illegal border crossings are higher priorities for the government and state migration agencies, which operate under relatively clear legal provisions under national legislation. The following recommendations have been developed with a view towards bringing the national legal system into compliance with international standards. They are also aimed at upgrading the counter-trafficking operations of law enforcement agencies to a level compatible with that of their operations in migration management.

## RECOMMENDATIONS<sup>53</sup>

### National legislation and international cooperation:

- Relevant changes in, and amendments to, the current criminal code should be made in order to bring it into full compliance with international covenants joined by Azerbaijan. The Criminal Code should designate trafficking in women a specific offence and detail actions to be taken against perpetrators.
- Legal provisions should be inserted into the Criminal Code for the prosecution of trafficking in persons, to include trafficking in women for sexual exploitation. These provisions should include the confiscation of means and assets accrued as a result of this criminal activity.
- Amendments to the Criminal and Administrative Offences Codes should be made in order to prosecute individuals, entities and organizations involved in the trafficking and smuggling of persons.
- The Criminal Code should contain legal provisions for the prosecution of organized criminal groups dealing in human trafficking.

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<sup>53</sup> Some of the recommendations are developed on the basis of the recommendations offered in *Trafficking in Women*. Working Paper. European Parliament. Directorate-General for Research. Civil Liberties Series. 2000, pp.16-20.

- Necessary changes in the Criminal Code should be enacted for the protection, repatriation and reintegration of victims. Legal provisions should be made to avoid immediate expulsion of trafficked victims from the country and to extend support to victims of trafficking when they act as witnesses in court. Temporary residence permits must be authorised for those victims who are willing to give evidence in court.
- In conformity with internationally accepted principles, assistance to the trafficking victims shall not depend on the degree of the crime committed against the victim or the court's ruling on said crime. The trafficked persons should be treated as crime victims and not deprived of their right to protection because of their unspecified status, irrespective of the victim's sex, language spoken, race or social origin.
- Bilateral agreements on legal cooperation, including the extradition of criminals dealing in the trafficking and smuggling of persons, should be developed and signed.
- Necessary steps should be taken to improve statistical data and information exchange on trafficking between relevant authorities in Azerbaijan and counter-trafficking units in other countries.

*Counter-trafficking activities for law enforcement agencies:*

- Special training courses should be given to police and customs officers, border guards, judges and prosecutors to enhance law enforcement agencies' and judicial authorities' institutional capacity to prevent, detect and combat trafficking in persons and to protect its victims;
- A special counter-trafficking department should be established within the relevant government entity, and must be well-coordinated with other law enforcement agencies;
- A Joint Plan of Action for national law enforcement agencies should be developed to better coordinate their counter-trafficking activities and enhance their cooperation in this field;
- Suitable training programmes should be offered to immigration officers and police, consular staff, customs officers, border police, etc., and should focus on the phenomenon of trafficking in humans, its extent, the associated risks involved, and the victims' rights.
- A counter-trafficking information network should be developed to facilitate the exchange of information amongst law enforcement agencies.

## CHAPTER FOUR: ASSESSMENT OF NATIONAL NGOs AND MASS MEDIA

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### THE ROLE OF NGOs IN PREVENTING TRAFFICKING IN PERSONS

The NGO sector has been rapidly expanding in Azerbaijan over the past seven years. ISAR-Azerbaijan<sup>54</sup> estimates that there are some 350 active NGOs working in different areas and addressing a range of issues, from environment to health to human rights. Surprising as it may seem, none of them deals exclusively with trafficking in persons, which may reflect the fact that this phenomenon has not yet been fully recognized as an issue of public concern. In order to gauge to what degree civil society could participate in a nation-wide counter-trafficking programme, IOM assessed the capabilities of national NGOs to combat trafficking in persons. Of the fifteen NGOs involved in research studies or dealing with gender and migration related issues, seven were selected for a thorough review. In addition, a roundtable meeting was organized to discuss the role of NGOs in combating trafficking and ways in which they could cooperate with the government, international organizations, and the mass media in this arena.

#### Examples of projects implemented by NGOs

Since its inception in 1999, the **Azerbaijan Gender Association** *Symmetry* has been working on gender and reproductive health related issues and providing training on women's rights. The NGO has implemented projects aimed at combating violence against women and raising public awareness on gender related issues. In cooperation with the OSCE mission in Azerbaijan, *Symmetry* has initiated training for law enforcement agencies under the general heading *Women and Violence*. More than 40 police officers attended the first training course in November 2001, which was conducted by local experts and officials from the Austrian Ministry of the Interior, who delivered lectures about both international and Austrian experiences in combating trafficking in persons and violence against women. A follow-on training course was organized in Baku in early July 2002. The NGO has produced a series of leaflets and other publications covering gender related issues and targeting both law enforcement agencies and the general public.

Research on human rights is one of the main activities of the **Institute of Peace and Democracy**. In November 2001, the institute set up a women's crisis centre, the first in the country. Its main objective is to, via hotline, extend support to women suffering from violence and provide them with legal, psychological and medical assistance. Since opening its doors, nearly 500 women have applied to the centre; however, not a single trafficking victim had been registered at the centre by the time of this project report's preparation.

Founded in 1994, the **Humanitarian Information Analytical Agency** *Saniya* is primarily devoted to researching humanitarian aspects of development, including the environment, human rights, gender issues and migration, as well as producing publications on these topics. The organization,

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<sup>54</sup> ISAR is a non-profit organization based in Washington, D.C. that supports the development of grassroots civil society in the countries of the former Soviet Union.

which is a member of FANGOM<sup>55</sup> (Forum of National NGOs on Migration), publishes a monthly bulletin covering issues of migration and NGO development, providing informational support to the NGO sector.

In 2001, the agency conducted a survey of irregular migration in Azerbaijan amongst the populace and state agencies in various regions. Trafficking in persons was one of the issues addressed in the study report, according to which 75 per cent of Baku respondents stated that trafficking in women and children is caused by difficult social and economic conditions. The respondents also held the opinion that the low income of staff in maternity hospitals and the absence of strict registration procedures in state children's institutions contribute to trafficking in minors. According to some respondents, they are aware of cases where girls have been sold to criminal gangs for \$300-\$500 apiece, and the majority of them believe that trafficking in women abroad is mainly organized by travel agencies. The report also presents a case study of trafficking in Azerbaijani women: according to Saniya, in 2000 an unidentified woman operating under the cover of an international charitable organization was looking for girls and young women not only in Baku, but in rural areas as well, and she succeeded in recruiting and sending them abroad.

Established in 1993, the **Society for the Defence of Women's Rights (SDWR) named after D. Aliyeva** is mainly involved in protecting and promoting the social and civil rights of women, as well as in awareness-raising activities. The NGO has conducted a series of conferences and workshops, produced leaflets covering women's rights issues, and conducted research studies on violence against women. SDWR also has been involved in the search for girls missing in Dubai and in providing assistance to victims of domestic and other types of violence. In November 2001, the society organized a national conference entitled *Violence against Women*, attended by more than 70 representatives from national and international organizations and the mass media.

From April to November 1999, SDWR conducted research into brothels as illegal entities. Four independent researchers examined fourteen brothels in Baku and its environs. According to the study report, prices for a prostitute varied from \$10 in a cheap brothel to \$600 in an elite one, depending upon the women's age and appearance and services required. The brothel owners' income was estimated to be anywhere from \$5000 to \$20,000 a month. Although the women in the brothels were of diverse ethnic origins and ages, it was impossible to prove that they were there as a result of trafficking, either from within or without the country. The majority of the prostitutes were Azeris, Tartars, Russians and Ukrainians, though women from the Baltic States, Central Asia and China were occasionally encountered as well. The report concludes that, although the operation of brothels is prohibited in Azerbaijan by law, their owners escape prosecution for trafficking in women and minors due to the lack of legal provisions prohibiting such activity.

From January 2001 to March 2002, representatives of the society participated in the IOM survey of victims of trafficking and at-risk population groups.

**The Women's Consultation and Prevention Centre** began operations in 2000. Within a short period of time, the centre, a member of the counter-trafficking *Angel* coalition established by NGOs from Eastern Europe and NIS countries, succeeded in developing contacts with women's NGOs both in Azerbaijan and abroad. In March 2001, the NGO held a three-day seminar on trafficking in persons attended by representatives of more than twenty national NGOs and media outlets. The

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<sup>55</sup> As of May 2002, there were more than twenty national NGOs in FANGOM.

participants agreed that trafficking in women is a new but growing phenomenon in Azerbaijan, and called for gender-balanced employment policies and stricter control over private travel agencies that reel in young women in search of a better life abroad. Many of the speakers stated that only the combined efforts of state agencies, the international community, NGOs, and the mass media could bring about desirable results in combating trafficking in women for sexual exploitation. It was also emphasized that NGOs could play a more proactive role in working with potential victims and in information dissemination, which plays a crucial part in the prevention of trafficking.

In cooperation with the Young Lawyers Association, the centre conducts monthly seminars for young women, students, school children, and their parents. The seminar participants are informed about the risks related to irregular migration and smuggling, possibly resulting in trafficking, and provided with free consultations.

Established in 1997, the **UMID Humanitarian Social Support Centre** (UMID HSSC) provides support to IDPs<sup>56</sup> and has implemented a number of projects aimed at community development in Sumgayit. From May to June 2000, UMID HSSC, a member of FANGOM, conducted a study on irregular migration trends in the country. The study covered Baku, Sumgayit and several regions of Azerbaijan with high migration rates (Devechi, Guba, Gusar and Hachmaz). The research team interviewed officials from migration related state agencies and representatives of local authorities and communities, and conducted a survey amongst the unemployed, IDPs, students, and members of migrants' families. In-depth interviews with a group of former students of a medical college who became prostitutes uncovered several cases of trafficking in women for sexual exploitation. The study report concludes that trafficking in young women affects the poorest and most marginalized strata of the society, and that poverty reduction and migration management programmes can significantly decrease both irregular migration and trafficking in the country.

**The Union of Children of Azerbaijan** began operating in 1993. The NGO is a member of FANGOM and deals with physical and intellectual development issues of children, especially in those from refugee and IDP families. One of the union's primary foci is education for children in difficult circumstances, and they have conducted a series of studies on migration, health and children's issues. In December 2001, the NGO completed a study of irregular labour migration from Azerbaijan and the needs of Azerbaijani irregular labour migrants. The study revealed an increase in the number of female labour migrants from rural areas, mainly to Turkey and Iran, and provided evidence of trafficking in young women and girls for sexual exploitation, although mainly within the country itself. From January 2001 through March 2002, the NGO participated in the IOM survey on trafficking in persons in Azerbaijan.

### **Round-table Meeting**

Analysis of the activities of national NGOs has shown that, although they implement counter-trafficking related projects, there is no consistency in their approach to the problem. Limited in resources and expertise, NGOs only occasionally address this issue. None of the NGOs observed have counter-trafficking activities in their mandates, although their efforts in raising public awareness on the issue should not be underestimated. In order to obtain insightful information on their role in combating trafficking in persons in Azerbaijan, IOM, in cooperation with ISAR-

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<sup>56</sup> IDPs stands for Internally Displaced Persons.

Azerbaijan, organized a roundtable meeting on 26 February 2002. Ten national NGOs were invited to participate in a discussion about the following issues:

- trafficking in persons as a new phenomenon in Azerbaijan and other CIS countries;
- roots of the problem and its consequences for the society;
- strategy and target groups for counter-trafficking activities to be carried out by NGOs;
- cooperation with international organizations, national authorities and the mass media.

Trafficking in persons, in the participants' view, is not a new phenomenon in the former Soviet republics. Although kidnapping of young girls for marriages, forcible prostitution, and hard exploitation of seasonal workers recruited from one region and transported to another could not be considered trafficking *per se*, such activities include offences related to this crime. However, after the disintegration of the USSR, Azerbaijan was faced with the harsh challenges inherent in any new nation's transitional period which, in addition to the country's rapid exposure to globalization and world migration processes, contributed to the appearance of the phenomenon of trafficking in persons in the region. Economic problems, high unemployment rates, and poor living conditions force thousands of people to search for job opportunities abroad, while international criminal gangs operating from Eastern Europe to Central Asia make the emigrants easy prey for traffickers.

In discussing roots of this phenomenon, the meeting participants argued that it could not be explained in purely economic terms. In their view, three other major factors contributing to the problem's growth are: (i) absence of a solid legal basis for prosecuting traffickers and protecting their victims; (ii) changes in social and moral values in the society, loosening of family ties, and gaps between older and younger generations; and (iii) misperceptions by potential migrants, especially women, of the realities of life abroad and the risks of irregular migration and trafficking. The participants were in full agreement that young uneducated women with low incomes, disadvantaged children (i.e., street children, refugee children and children in state institutions), and youth from poor families compose at-risk population groups. Addressing their needs, however, is only a partial solution to the problem. A national counter-trafficking programme should be developed and responsibilities for each participating party should be clearly delineated.

After discussing the role of national NGOs, the participants made several recommendations concerning their ability to design and implement counter-trafficking projects.

### **Recommendations**

- Ensure national NGOs' participation in the development and implementation of a national counter-trafficking programme, including a public awareness campaign;
- Establish a counter-trafficking coordination unit of NGOs to pool their efforts and resources to prevent trafficking in persons and protect the victims;
- Provide NGOs dealing with migration and women's issues with training opportunities to enhance their counter-trafficking capabilities;
- Ensure the involvement of NGOs in repatriation, rehabilitation and reintegration programmes designed to provide assistance to victims of trafficking, especially women and children;
- Take necessary steps to improve NGO sector cooperation with international organizations, governmental entities and the mass media in combating and preventing trafficking.

## NATIONAL MASS MEDIA IN RAISING PUBLIC AWARENESS ON TRAFFICKING

The difficulties, both political and economic (which, in turn, includes financial and technical problems), inherent during any period of transition, have undoubtedly affected the development of a free media in Azerbaijan. On the one hand, positive changes in the country's movement towards freedom of speech and expression have paved the way to the establishment of an independent media, which exists alongside the official one. On the other hand, mass media outlets have to strive for financial resources desperately needed in order to survive in strong competition with one another. While the Constitution forbids state censorship of the mass media, and political censorship in the country was officially abolished by presidential decree in August 1998, law enforcement bodies sometimes exert overt and covert pressure on the media and interfere in its activity.

However, achievements in the development of the national mass media since the 1990s should not be disregarded. Currently, there are more than 370 newspapers, over 100 magazines and journals, 8 broadcasting companies, and 25 information agencies in Azerbaijan. They include both outlets covering social, political and economic issues in general, and outlets targeting specific audiences (newspapers for women, publications for youth, fashion magazines, academic journals, weekly publications with commercial advertisements, etc.). Mass media, especially national daily newspapers and television, remains one of the most powerful means of information dissemination at our disposal.

IOM has sought to take advantage of the media's power by guiding its involvement in the raising of awareness- resulting in a series of articles published in the press, as well as the broadcasting of television programmes covering issues related to trafficking. This media coverage has opened the topic for further public discussion. A number of the most popular media outlets were monitored on a daily basis to analyse their content, which also allowed for an assessment of their capacity to assist in counter-trafficking activities, as well as of national journalists' expertise in gender, violence and trafficking related problems. In addition, a roundtable meeting was held to discuss ways of enhancing mass media's role in the prevention of trafficking in persons through awareness-raising.

Of all the newspapers published in Azerbaijan, the following national daily Azeri and Russian language newspapers were selected, based on criteria such as circulation, target audience, popularity and professional expertise:

1. ***Khalg gazet*** (Azeri language, 6,670 copies daily)
2. ***Echo*** (Russian language, 9150 copies daily)
3. ***Express*** (Azeri language, 7000 copies daily)
4. ***Azadlig*** (Azeri language, 5580 copies daily)
5. ***Olaylar*** (Azeri language, 5000 copies daily)
6. ***Zerkalo*** (Russian language, 4500 copies daily)
7. ***525-ji gazet*** (Azeri language, 3000 copies daily)

In addition, three national weekly newspapers publishing commercial advertisements (***Birja***, ***Market*** and ***Supermarket***) were monitored to study advertisements that might be related to trafficking activities. Two TV channels, Space and ANS, were observed on a regularly basis, as they broadcast special women's programmes in addition to trafficking related ones.

## Advertisements offering employment and marriage abroad

The advertisements identified were divided into two broad categories:

- i) advertisements offering women employment, including those offering employment abroad, and
- ii) advertisements offering marriages to foreigners.

Monitoring of commercial advertisements in *Birja*, *Market* and *Supermarket* weeklies, as well as of weekend issues of *Echo* and *Zerkalo*, was conducted from December 2001 to April 2002. The number of advertisements appealing to young attractive women has increased since last year:<sup>57</sup> within this period of time, job offers were published 239 times and marriage offers 27 times.<sup>58</sup> The latter are primarily the private initiatives of individuals with access to the Internet, who profit by placing potential brides' personal and contact information on the Web. They take no responsibility for further arrangements, although those contacted by an IOM researcher assured her that their contacts abroad were reliable. One agency, located in an Internet club, charges fees for placing letters and photos of potential brides on the Internet, and for translating the letters into English (a total of approximately \$20). Another marriage bureau appeared to be the private undertaking of a woman with contacts in Canada, France and the United States, who was selling to potential brides the addresses of men purportedly interested in finding wives in Baku.

The number of advertisements offering employment opportunities abroad is considerably higher, but many of agencies are vague about the type of work being offered. One of the advertisements, for example, read: "*Private company seeks attractive girls and women aged 18 to 30 for work abroad. High salaries. We will bear all expenditures. Call: ##.*" In cases where job requirements were specified, the type of work most frequently offered to women had not changed since last year. The following is an example of these advertisements, which primarily sought nurses, housekeepers, dancers, and models: "*Advertising agency is seeking girls aged 18-25 and 170-185 cm. tall, who are willing to pursue a career as a photo model. Phone ##.*" Another advertisement published in several newspapers in March 2002, read: "*Seasonal work abroad. Payment for services required only after issuance of visa. Call: ##.*" As the agency receptionist explained in a phone conversation, the positions offered to women ranged from baby-sitters over nurses to waitresses. She also claimed that they had counterparts in Greece, Portugal and Spain, and that they assumed responsibility for finding an organization offering a job in the destination country and for obtaining a visa. The total fee for the services is US\$1,000 (exclusive of ticket and international passport fees). The first successful candidates were supposed to leave the country in May 2002, but when an IOM researcher tried to reach the agency again to confirm this, nobody answered the phone.

Several follow-up calls to various agencies revealed a new trend in their recruitment tactics: different phone operators are employed by one company to first talk to interested candidates, provide them with very general information, and then arrange interviews. This undoubtedly helps them to reach a broader audience and probably reflects a growth in private, if not shadow, labour markets in the country. Numerous phone numbers represented one particular company, ostensibly international, for all of the managers referenced were located at the same address. Other phone

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<sup>57</sup> For example, nine advertisements inviting goal-oriented young women to work abroad were published in one issue of *Market* weekly on 5 March 2002.

<sup>58</sup> The number of actual advertisements is significantly lower, as many of them have been published repeatedly in several issues of one media outlet or in two or three newspapers at the same time.

numbers appeared to belong to branches of a private company dealing with cosmetic products and looking for distributors.

Most of the phone calls did not yield detailed information about the jobs offered, as the contact persons all refused to disclose details, instead demanding that callers submit for an interview. For example, one advertisement sought Russian-speaking women to work in Germany, Turkey and Israel, but a conversation with a contact person revealed next to nothing. It remained unclear why the agency was looking for Russian-speaking women, if, as per the operator, it was a small-trade business solely concerned with transporting various goods to and from these countries. Dozens of phone calls and visits to the agencies offering employment abroad indicated their involvement in smuggling rather than in trafficking in persons; however, quite a few recruitment agencies potentially involved in the trafficking of persons were also uncovered (see case study 7).

## CASE STUDY 7



### *Want a job abroad? Are you a virgin?*

In order to examine the services of agencies offering employment abroad to young women, IOM assigned a university student, Aida, to respond to some of their advertisements. Aida arranged a meeting with representatives of one such agency and paid a visit to their office. She was the only visitor at that time, and was met by three people. The interview was conducted by a man, while two women, who introduced themselves as a psychologist and a lawyer, took notes and asked additional questions. The man enquired whether Aida was married, had a job in Baku and could speak any foreign languages. She was also asked about her age, educational background and financial situation.

Aida explained that she had neither an international passport nor money to obtain travel documents or pay for a ticket' but she was assured that there was nothing to worry about. The man told her that the agency would bear all necessary costs, take care of the documents and help her to obtain a visa. He also said that her debt would be withheld from her first paycheck.

Aida learned that only the best candidates would be selected for a second interview and offered a job contract. After she said (with as much enthusiasm as she could muster) that she was willing to work as a waitress, a salesperson, a nurse or a receptionist, the man smiled and told her that their selection would be made from many female candidates applying to their agency, as they help people find different types of jobs in Italy, Turkey and the UAE. Apparently satisfied with the results of the conversation, he immediately invited Aida to have her photograph taken, which, he noted, was necessary for the selection process.

Although Aida said that she could bring in a photograph, the man insisted that she go to the next floor where a picture of Aida dressed in special clothes would be taken. At this point a bit frightened, Aida requested that they excuse her and promised to return the following day. The man looked surprised and said that he forgot to ask her a very important question: "Don't you want to have a nice picture of yourself? Are you a virgin? If you want to work abroad and want us to help you, you have to tell us. You know, our final decision may depend upon your answer."

On the whole, monitoring of media advertisements indicates that the agencies offering employment and marriage opportunities abroad are largely private concerns, thereby remaining beyond state control. The overwhelming majority of the agencies' operators became very suspicious when asked questions about their licences or about job descriptions. In many cases, they enquired as to why the

caller was so curious, oftentimes refusing to even continue the conversation. It may also be concluded that traffickers prefer recruiting their victims not so much via employment agencies, but through personal contacts. The traffickers seem to cooperate most actively with travel agencies, which help them to obtain tickets and tourist visas to destination countries.

### Analysis of media outlets

Constant media monitoring by IOM since 1999 has enabled us to observe the increased attention paid by journalists to trafficking related issues. Selected media outlets were monitored on a daily basis from December 2001 to March 2002. The number of articles published in the newspapers during this period of time is presented in Table 1.

**Table 1.**<sup>59</sup>

No	Newspaper	Number of articles on trafficking
1.	<i>Khalg gazet</i>	1
2.	<i>Echo</i>	8
3.	<i>Express</i>	5
4.	<i>Azadlig</i>	4
5.	<i>Olaylar</i>	5
6.	<i>Zerkalo</i>	10
7.	<i>525-ji gazet</i>	2
Total:		35

The articles were found under various headings covering social and migration issues, gender or health problems, criminal news, news about NGO activities, and international initiatives to combat and prevent trafficking in women and children. A number of true stories about victims of trafficking either within or without the country have been published in all monitored newspapers. Sample titles include: *MAN WHO SOLD HIS SO-CALLED DAUGHTER IN DUBAI ARRESTED*, *HUMAN TRAFFICKERS, I NEEDED MONEY TO CONTINUE MY EDUCATION*, *FORMER SOVIET REPUBLICS SUPPLY SEX SLAVES TO EUROPE*. The journalists' efforts to analyse trafficking in persons, its roots, and its impact on the society indicate their growing understanding of the global and criminal nature of this phenomenon, as well as of the multitude and complexity of the issues surrounding it.

One of the aforementioned articles, *MAN WHO SOLD HIS SO-CALLED DAUGHTER IN DUBAI ARRESTED* (*Express*, 9 February 2002), describes a criminal investigation into the trafficking of girls aged sixteen to eighteen. The perpetrator was a 44-year-old resident of Baku, who disguised himself as the girls' father and sold them in the UAE and other countries. The article is indicative of the lack of a cause and effect analysis in news reports on this topic; however, the mere fact that such news is being reported in the local media, especially those published in the Azeri language, is deserving of attention. In general, Russian language newspapers tend to be more responsive to trafficking-related

<sup>59</sup> Although only those articles exclusively highlighting trafficking issues were included in the quantitative analysis, publications covering topics such as disadvantaged children and youth, women's and gender related issues, and violence were also used for a qualitative analysis.

issues and to analyse them in a global context, while Azeri language newspapers are more focused on local news and events. This might be explained by the latter's better access to international sources of information. Consequently, Russian language newspapers are more likely to openly debate issues traditionally considered sensitive in the society. For example, in an article entitled: *TO IRAN AND DUBAI – ONLY THOSE OLDER THAN 30?* (*Ekho* daily, 5 January 2002), the authors intended to do more than merely raise the issue of trafficking in women for sexual exploitation: they tackled the issue head-on by including comments from relevant official sources, as well as facts demonstrating that trafficking is a transnational criminal activity that nets up to seven billion dollars every year for its perpetrators.

Monitoring of national television and of the print media has revealed somewhat irregular coverage of trafficking related topics. They are dealt with only occasionally in the news programmes and slightly more often in TV talk shows, such as *DIVAN* ("Sofa"), broadcast by ANS TV, and *BU BIZIK* ("This is us") and *ACHIG GAPI* ("Open Door"), broadcast by Space TV. ANS, in its daily information programme *Habarchi*, broadcast a report on this issue on 22 January 2002. The report included facts on trafficking from NIS countries to the UAE of women who were detained in Dubai for prostitution and deported to Azerbaijan, as well as comments by the Minister of Health of the Azerbaijan Republic.<sup>60</sup> As for the talk shows, given that TV remains one of the most popular and powerful forms of mass media in the country, even the relatively few telecasts that have appeared have contributed to increased public awareness of the issue.

One such programme, *ACHIG GAPI* (Space TV), was developed with IOM assistance and broadcast on 22 April 2002. The talk show was prompted by a roundtable discussion on women's migration held by Parliament, in cooperation with IOM, on 14 March 2002. This meeting apparently boosted the national media's interest in trafficking issues. IOM actively participated in the preparation of the telecast, provided the producer with background information, and made a brief presentation on the show. The programme brought together government officials, representatives of NGOs, prominent lawyers, sociologists, journalists, and a victim of trafficking. Covered by a mask as she told her story, the young woman related that she had been a student who needed to borrow money in order to buy clothes. After some time, her creditor sold her to a trafficker in Dubai, where she was forced to become a prostitute to pay her debts. The young woman stayed in Dubai for three months and was freed only after earning enough money for her traffickers. The story led to an animated discussion and phone calls to the studio from other victims. The telecast raised such interest in the topic, that it was decided to immediately design and broadcast a second show. One of newly identified victims, fifteen-year-old Sevil, became a cause célèbre on the follow-on show aired on 6 May 2002.

Sevil was trafficked when she came to Baku from Mingechevir to visit her mother: a woman who appeared to be a brothel owner kidnapped her from a bus station. Although several clients refused to approach Sevil because she was so young, one man paid the woman to take the girl with him. In the TV studio, Sevil could not relate her story without tears, and said that the man was very cruel, often beating and starving her. Only after several months did Sevil's mother manage to find her, by then weak, sick and pregnant. Sevil did not go to see a doctor, as her family was very poor. She dared tell her story in public only because she was trying to seek assistance. Representatives of some national NGOs participating in the talk show advised Sevil to apply to law enforcement agencies, while others questioned the efficacy of doing so. Quite a few of the participants were of the opinion that police officers are involved in violence against women, and for that reason many victims of

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<sup>60</sup> The on-air interview was followed by news on the same topic published in a number of local newspapers.

trafficking, sexual exploitation, and domestic violence do not trust or seek assistance from them. The victims, some argued, are also afraid of criminal prosecution or of being treated as criminals, as neither laws nor administrative procedures exist to protect victims of trafficking.

However, having the courage to speak openly about her experiences has helped Sevil to get the assistance she was seeking. As a result of the talk show, one national NGO took the initiative to protect her and succeeded in finding her offenders and starting a criminal investigation. The talk show anchorwoman and the NGO also helped Sevil to find a doctor and collected some money to support her for a short period of time.

Among all monitored TV channels, Space appears to be the most active in highlighting issues of smuggling and trafficking in Azerbaijan. One example of their interest in these topics is a comedy entitled AFAG GHULUR, GHULDURUR (“Afang laughs and makes you laugh”), presented by the famous Azerbaijani comedienne, Afag Bashirgizi. One of the telecasts showed a scene in an airport where “mama Rosa” was meeting ‘her’ girls upon their arrival in Dubai. The actors and actresses managed not only to humorously imitate the behaviour, appearance and interaction of the prostitutes, but also to depict customs and migration officers’ attitudes towards them. The show’s existence undoubtedly reflects the spread of interest in the phenomenon, as only subjects of public concern become topics of popular theatre.

On the whole, coverage of trafficking related themes has gradually become more noticeable since IOM initiated a dialog with the media on the issue. The roundtable discussion held on 19 March 2002 helped to ascertain the journalists’ understanding of the problem and of the mass media’s potential role in raising public awareness on trafficking in persons.

### **Round-table discussion**

Representatives of eight media outlets, including daily newspapers, fashion magazines, and TV and radio, were invited to participate in a roundtable discussion held in IOM’s offices. The participants covered the following issues:

- trafficking in women and children as a new phenomenon in Azerbaijan;
- roots of the problem and its impact on society;
- journalists’ knowledge of migration, gender, violence, and other trafficking related issues;
- ways to enhance their expertise and ability to more effectively address those issues.

The discussion showed that journalists, on the whole, do have a general understanding of trafficking related issues. The participants agreed that poor social and economic conditions lead people to resort to traffickers in an attempt to earn money abroad. Young unemployed women and disadvantaged youth (street children, orphans, children from poor families) were named as risk groups and, therefore, as the primary target audience for the mass media. However, in the journalists’ view, awareness-raising activities should also target educators, health workers, police officers, parents, and all those whose understanding of the problem may be crucial in protecting youngsters from traffickers. The participants saw a decline in moral and family values in the society, naiveté of the populace concerning the risks of trafficking, and the lack of counter-trafficking initiatives as factors contributing to this phenomenon. They concluded that the media could be most

effective in filling the gaps in the public's knowledge of the issue and, thus, in preventing trafficking in persons through awareness-raising.

It was admitted that sporadic media coverage of these issues carries less of an impact, while a regular media campaign could bring about better results for social mobilization and raising public awareness. Counter-trafficking efforts could benefit from a more selective approach towards suspicious commercial advertisements submitted to newspapers by private agencies, inviting young attractive women to apply for unspecified jobs abroad, and from the publication of messages opposing such advertisements and warning potential migrants of the risks involved in trafficking. At the same time, the journalists argued, the mass media's input cannot be compared with that of governmental, non-governmental or international institutions, which possess both the capacity and the authority to combat and prevent trafficking in persons. As one of the journalists astutely commented, "We are willing to learn more about this problem, to more actively disseminate information and to participate in a public dialog with all interested parties, but we need to have better access to the information sources and to know who is doing what."<sup>61</sup> In this regard, the meeting participants remarked that state agencies are sometimes reluctant to provide the mass media with requested information on time, however little data or factual information they may have. The journalists also emphasized the importance of the media's involvement in developing a national counter-trafficking policy.

Considering that trafficking in persons is a relatively new phenomenon to Azerbaijan, the media representatives pointed out that trafficking-focused training is needed for journalists interested in women's and children's issues; migration, health, and gender related issues; and domestic violence. Such training, as well as seminars and workshops, could help journalists learn about international media experiences and become more sensitive to the rights and needs of trafficked persons, especially women and children. At the end of the discussion, recommendations aimed at enhancing the media's role and capacity to participate in a nation-wide counter-trafficking programme were developed.

### **Recommendations**

- Facilitate the media's access to data, background information and other material necessary to carry out a mass media campaign;
- Within such a campaign, develop specific messages targeting migrants at risk for trafficking and governmental and non-governmental organizations dealing with women, youth and children;
- Provide Azerbaijani journalists with training opportunities to enhance their professional expertise and capacity in covering trafficking related issues;
- Encourage TV and radio journalists to design and broadcast TV and radio spots, a documentary, and talk shows covering trafficking in women and children in Azerbaijan;
- Promote mass media cooperation with national authorities, civil society and international organizations to ensure their participation in raising public awareness on trafficking issues.

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<sup>61</sup> As previously mentioned, although there are a large number of national and international organizations dealing with trafficking related issues, very few of them deal specifically with trafficking. This makes it difficult for journalists to identify experts to interview and involve them in a public discussion.

## **CHAPTER FIVE: DEVELOPING A COUNTER-TRAFFICKING STRATEGY**

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The current research project enabled IOM-Azerbaijan to outline a strategy to effectively address the issue of trafficking in persons. Such a strategy is aimed at the development of a nation-wide counter-trafficking programme in order to create a comprehensive and sustainable approach to the problem in Azerbaijan through expansion into preventative measures. It also requires close coordination amongst international organizations, national authorities, civil society and the mass media. The research contributed both to the design of the strategy and the development of cooperation amongst all interested parties in the following ways:

- A pilot information service set up within previous IOM research was expanded to provide potential female migrants with balanced and reliable information about legal migration opportunities and warn them of the risks of trafficking. The service helped to not only better learn the needs of potential female migrants, but also to design a framework for future information dissemination activities targeting population groups at risk for trafficking.
- A dialog about trafficking in persons was initiated with UN agencies, European institutions, and diplomatic missions, as well as with national authorities, NGOs and the mass media. This initiative helped bring together all concerned parties to discuss trafficking related issues and enabled IOM to identify key partners for follow-on counter-trafficking activities.
- A series of publications, including two leaflets and two brochures, and a TV documentary were produced to raise public awareness of trafficking in persons (especially in women for sexual exploitation). They contributed towards an increased understanding of the issue within the society, enhancing the institutional capacity of both governmental and non-governmental organizations dealing with trafficking related issues, and raising public awareness.

### **TURN POTENTIAL MIGRANTS INTO WELL INFORMED MIGRANTS**

Initial results from a Migration Information Centre (MIC)<sup>62</sup> indicated the urgency of putting a special emphasis on the needs of potential female migrants for two main reasons: a) they belong to a population group particularly vulnerable to traffickers, and b) they compose a particular target group often seeking specific information related to job and marriage opportunities abroad.

Preparatory activities for expanding the MIC's activities included additional training for the MIC counsellor and equipping the centre with regularly updated reference materials on trafficking in women in Azeri, English and Russian. Announcements targeting young women were designed and regularly published in the most popular national newspapers. The reference materials included, amongst others things, fact sheets, a leaflet for potential migrants, and first-hand stories of irregular Azerbaijani migrants smuggled or trafficked abroad. In addition, directories of NGOs that deal with irregular migrants, IOM missions and Azerbaijani embassies in the primary destination countries were also compiled and disseminated to MIC visitors.

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<sup>62</sup> MIC was opened by IOM in cooperation with the national NGO *HAYAT* in May 2001 to provide information services to migrants. For more detailed information, see *Away from Azerbaijan, Destination Europe: Study of Migration Motives, Routes and Methods*. IOM, Baku. 2001, pp.47-48.

The services were provided free of charge to both visitors and callers, who learned about the service from newspapers or who were directed to apply to the MIC by national NGOs or international organizations. Within three months, from December 2001 to February 2002, about 60 women used the proffered services (nearly forty consultations were made with visitors at the centre and more than twenty consultations were provided by phone). Two potential migrants at risk for trafficking were homosexuals, aged twenty-one and fifteen, whom middlemen promised to smuggle to Holland and Turkey, respectively.<sup>63</sup> Most of the potential female migrants applying to the MIC were single or divorced women between the ages of twenty and thirty-five, primarily ethnic Azeris. Irrespective of their educational backgrounds, the majority of them either had jobs requiring low qualifications or were unemployed. On a few occasions, relatives of missing young women applied to the MIC for assistance. When possible, they were directed to relevant authorities and national NGOs dealing with women's issues. For a variety of reasons, attempts to trace those women yielded no results, with the exception of one case, when a Georgian woman was identified with assistance from national authorities, the Georgian Embassy in Baku and national NGOs located in both Azerbaijan and Georgia.

The information requested by potential women migrants did not radically differ from the information asked by other MIC visitors and callers and was mostly related to job opportunities abroad and migration procedures for specific countries. However, women were more interested than men in permanent migration opportunities, and more often sought the MIC counsellor's advice about the reliability of the services provided by recruitment and matrimonial agencies. The countries of interest were Canada, Cyprus, Greece, Italy, Russia, Turkey, and the UAE, which can in part be explained by the fact that most of the middlemen and private agencies offer women migration opportunities to these countries. Although many of the MIC visitors intended to migrate following friends' or relatives' examples or advice, there were also women who applied to private agencies in search of migration opportunities. When equipped with detailed information and warned about the risks of being trafficked, many of them agreed that they should more carefully assess such offers made by acquaintances or agencies.

As a party to the current research, the MIC provided firsthand detailed information about the needs of potential female migrants and proved that they should be selected as a specific target group in future migration information dissemination and public awareness-raising activities. As such, this group is targeted, amongst others, by the Information Dissemination Campaign initiated by IOM in early 2002.



This logo accompanies all counter-trafficking materials produced by IOM-Azerbaijan.

In developing the campaign strategy, special attention was paid to the issue of raising public awareness about migrant trafficking. Specific messages and a logo for all trafficking related information materials were developed. The overall message to be conveyed to those migrants who are particularly vulnerable to traffickers is *Bir də oğryan, bir də tany, olma əlver gurbanı* (Learn more and think twice before being trafficked). Within the campaign, a number of publications will address female migrants' issues, including basic facts about trafficking, and information on migrants' rights and self-protection measures.

<sup>63</sup> Conversations with these visitors indicated that a fifteen-year-old boy was invited to go to Turkey in a group of girls and was promised a job as a dancer in a nightclub. As for the young man, he was looking for migration to Europe and was promised that he would be smuggled to Holland using false documents, and that he would receive assistance with seeking asylum upon his arrival.

## INTERNATIONAL ORGANIZATIONS AND NATIONAL AUTHORITIES JOIN FORCES TO ADDRESS TRAFFICKING IN PERSONS

Building upon its close cooperation with the government of Azerbaijan, IOM has implemented the current research project in partnership with Parliament, the Ministry of Foreign Affairs, the Ministry of Interior, the Ministry of Education, the Ministry of Health, the State Committee on Women's Affairs, and other government bodies. National authorities supported the research efforts in data collection, gaining access to the target groups, and defining an overall strategy for follow-on counter-trafficking activities. Within the research's framework, IOM also initiated a dialog with UNIFEM, UNICEF and other UN agencies, OSCE and other European institutions, and diplomatic missions with the purpose of developing a joint approach to the trafficking phenomenon in Azerbaijan.

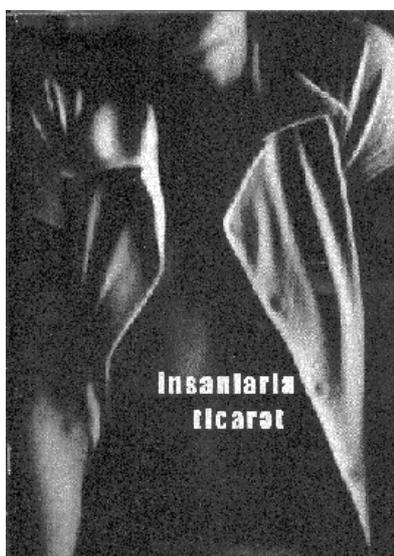
These efforts resulted in two roundtable meetings organized jointly by IOM, UNFPA and Parliament, which brought together officials from Parliament, the Cabinet, law enforcement bodies, and relevant ministries, as well as representatives of foreign diplomatic missions, national NGOs and the mass media. The first roundtable discussion, "Women's migration: legal aspects and problems" was held in Baku on 14 March 2002. The participants adopted a draft document with seven recommendations for the government: establish a generic statistical system on migration; study the roots and consequences of women's and minors' migration; involve civic society in government counter-trafficking efforts; institute a migration information campaign focussed on women and minors, especially in border regions; adopt amendments and changes to the national legislation in counter-trafficking; establish a centre for victims of trafficking within a designated civil government entity; and incorporate concerns on economic migration and gender related risks into the Poverty Reduction Strategy Programme while addressing root causes of trafficking.

Preliminary results of IOM's research on trafficking in persons in Azerbaijan were presented at a second roundtable meeting held in Baku on 14 June 2002. Having discussed this phenomenon from national to regional to global perspectives, the participants assessed it as a global threat of the new millennium. Malahat Hassanova, Member of Parliament, delivered a speech on the role of the state in the detection, combating and prevention of trafficking in women and children. Irena Omelaniuk, Director of Migration Management Services Department in IOM-Geneva, made a brief presentation on IOM's worldwide response to this global challenge and on national and international counter-trafficking initiatives. Reflecting on the presentations, speakers from the government and other IOM counterparts suggested that a working group including representatives of national authorities, civil society and international organizations be established to develop a nation-wide counter-trafficking programme and National Plan of Action.

In addition to these two roundtable discussions, IOM has conducted meetings and regular information and experience exchanges with IOM's current and potential counterparts in the prevention and combating of trafficking in the country.

## IOM PUBLICATIONS FILL GAPS IN THE PUBLIC'S KNOWLEDGE OF TRAFFICKING IN PERSONS

Working towards creating a network of institutions and organizations for joint counter-trafficking efforts, IOM has also enhanced cooperation with the mass media and civil society to include them in counter-trafficking and awareness-raising activities. In addition to producing reference materials for at-risk potential migrants and making efforts to ensure more active involvement on the part of the national mass media in raising public awareness on trafficking issues,<sup>64</sup> IOM worked with national NGOs in developing counter-trafficking materials. In particular, IOM closely cooperated with *HAYAT*, the Azerbaijani Gender Association *Symmetry* and the Union of Journalists of Azerbaijan *Yeni Nesil* in the design, production and dissemination of both print and visual materials for relevant authorities, civil society, potential victims and the general public.



Leaflet produced in cooperation with *Symmetry* for government organizations and NGOs

The first publication, produced in Azeri and in English, included the proceedings of the aforementioned roundtable discussion, “Women’s Migration: Legal Aspects and Problems”, and was disseminated to governmental officials, representatives of international organizations, and national NGOs.

A brochure entitled “Trafficking in Persons” was published in Azeri and targets state agencies and NGOs dealing with trafficking related issues. It provides basic information about trafficking in persons and international standards for the detection, prevention and prosecution of this internationally recognized crime. A leaflet conveying a general message to potential female migrants was produced in Azeri and Russian. It warns young women and girls of the risks of irregular migration and the dangers of being trafficked. The leaflet also contains practical advice on precautions and available preventive measures to be taken before departure and while abroad. Dissemination of these publications began with their distribution at the second roundtable meeting and will continue

through state agencies, NGOs and the Migration Information Centre.

A brochure entitled *Effective Counter-Trafficking Practices* includes, amongst other things, recommendations on combating trafficking in women and forced prostitution in Council of Europe member states, a summary of *Proceedings of the International Seminar on Action Against Trafficking in Persons for the Purpose of Sexual Exploitation* and *Elements for a Regional Plan of Action, adopted by the Seminar on Action Against Trafficking in Persons in South Eastern Europe*. All of this material was compiled and translated into Azeri for dissemination among members of Parliament, officials from the Cabinet and relevant ministries, and other state agencies dealing with trafficking issues.

The first TV documentary targeting the general public was also produced. It provides general information about trafficking in young women for sexual exploitation and highlights the most serious human rights violations from which the trafficked victims suffer.

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<sup>64</sup> For involvement of the national mass media in awareness-raising activities, see Chapter IV.

## CONCLUSIONS AND RECOMMENDATIONS

The current research project conducted by IOM is the first attempt to study trafficking in persons in Azerbaijan. However, it was not a journey into uncharted territory, although very little was known about the problem at the time the research was initiated. Previous studies on irregular migration conducted by IOM in the country, and reports on trafficking in persons in other regions, provided indicators that the phenomenon exists in Azerbaijan. In one of the most recent reports on trafficking in persons, concentrating on women and children, Azerbaijan is named as a country of origin and transit for trafficked persons.<sup>65</sup> Reflecting the conclusions of other reports covering trafficking in persons from Azerbaijan, it states that “[w]omen are reportedly trafficked from Azerbaijan to Turkey, the United Arab Emirates and Europe. Azeri women also have been trafficked to Pakistan.”<sup>66</sup>

The main findings of the research confirm this statement and lead to the unequivocal conclusion that this new phenomenon will grow if it is not addressed in a timely fashion. Poor social and economic conditions as well as a lack of decently paid job opportunities are the main factors contributing to the vulnerability of people to trafficking across international borders, the result of which is oftentimes enslavement and forced prostitution. The survey amongst at-risk population groups and victims, both in Azerbaijan and the UAE, also enabled IOM to investigate the following:

- population groups particularly vulnerable to traffickers;
- profiles of trafficked persons;
- means and methods employed by traffickers to recruit and transport their victims;
- destination countries to which the victims are trafficked;
- working and living conditions of the victims in the destination countries;
- trafficked victims’ repatriation and reintegration processes.

Gender inequality and the need to secure income in situations where men often can no longer provide financial support to their families make women particularly vulnerable to traffickers. Trafficking in men and children from Azerbaijan also occurs, although to a lesser degree than does trafficking in women. Children, both those living in institutions and those living on the streets, are at high risk for being lured by traffickers, as are other disadvantaged groups of youth.

The majority of the victims are women aged nineteen to thirty-five, possessing either a primary or a secondary school education, and who hail mostly from rural areas. The survey showed that most of the victims were trafficked by their friends, relatives and acquaintances; however, a number of private travel and recruitment agencies are also involved in trafficking activities. The absence of state control over numerous travel, employment and matrimonial agencies offering irregular migration opportunities also creates a favourable climate for traffickers, who cooperate with these organizations in the recruitment and transportation of victims.

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<sup>65</sup> 2002 *Human Rights Report on Trafficking in Persons, Especially Women and Children*. Protection Project of the Foreign Policy Institute of the Nitze School of Advanced International Studies, Johns Hopkins University. Washington DC, March 2002, p.33.

<sup>66</sup> Ibid.

Traffickers in women and minors take advantage of the unequal status of women and children in the countries of origin and destination. They also take advantage of the demand in destination countries for cheap, unprotected labour in various sectors, such as prostitution, entertainment, domestic servitude, and agriculture.

Trafficking in women from Azerbaijan is mainly directed towards Turkey and the United Arab Emirates. The study conducted in Dubai, combined with data collected from interviews with victims and both official and independent sources, indicates that trafficking in women from Azerbaijan to the UAE is increasing.

Trafficked women are subject to grave human rights violations, including forced prostitution, restriction of movement and communication, financial insecurity, health risks, exposure to STDs, and sexual, physical and psychological abuse. All trafficked victims face problems with reintegration upon their repatriation, regardless of whether or not the trafficked victims were deported from the destination country. There are no public or civil services to which the victims can apply for social, legal, medical, or psychological assistance. Most of the women and girls who were trafficked once see no escape from the vicious cycle in which they are trapped. They often wind up either being repeatedly trafficked or engaged in prostitution, or even becoming traffickers themselves.

The pattern of trafficking in women for sexual exploitation from Azerbaijan that can be sketched from the survey results is similar to that found in other studies throughout the world. One such study expressed it very succinctly: young Azerbaijani women are trafficked across international borders "...under false pretenses with a fragile hope for a better life only to be faced with further social and economic insecurity, physical danger, a controlled and deceitful lifestyle, moral and social degradation in the workplace and, more often than not, hopeless entrapment in the sex trade industry."<sup>67</sup>

Azerbaijan is also a transit country for trafficking in persons, especially in women for sexual exploitation, which may be attributable to the country's geographic location. Women trafficked through Azerbaijan primarily come from Russia and Central Asia.

According to the survey, threatened victims rarely dare to protest. Fear of the victims' direct boss, the so-called "mama Rosa," predominates over the fear of the higher bosses, middlemen, or clients, as victims entirely depend upon this boss in terms of safety, health protection, cover of their illegal status, etc. However, this is not the only reason why none of the victims (with one exception) sought assistance from authorities, either in the destination country or back home: they also suffer from a lack of trust in law enforcement agencies.

An examination of national legislation and the state's current response to the problem indicates the necessity of developing a counter-trafficking legal system to effectively prosecute the traffickers and protect the victims. While the Azerbaijani Criminal Code does address a number of trafficking related offences, there are shortcomings in the legislation, and its implementation does not serve as a deterrent for traffickers. Although the government of Azerbaijan has signed the UN protocols

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<sup>67</sup> McDonald L., Moore B. and Timoshkina N. *Migrant Sex Workers from Eastern Europe and the Former Soviet Union: The Canadian Case*. Centre for Applied Social Research, University of Toronto. November 2000, p.79.

related to transnational organised crime, trafficking and migrant smuggling (Palermo convention), Parliament has yet to endorse it.

The research results show that the public's attitude towards trafficking in persons from Azerbaijan has gradually changed from naïve to perceptive. During the research period, IOM initiated a dialog with national authorities, NGOs, the mass media, and international organizations, leading to two roundtable discussions (organized jointly by IOM, UNFPA and the Parliament of the Azerbaijan Republic) on women's migration, with more to follow. At the same time, analysis of counter-trafficking activities carried out by state agencies and civil society leads to the conclusion that additional efforts are required to enhance their institutional capacity in addressing the issue. While there are some 350 active NGOs working in different areas and addressing a range of issues, including those related to women, migration and health, none of them deals exclusively with trafficking in persons. The study reveals the national mass media's growing interest in the subject: coverage of trafficking related themes has gradually become more noticeable since IOM initiated a dialog with the media on the issue. However, the media coverage still needs to be more professional, systematic and focused.

The research results thus far give insight into the nature of trafficking from Azerbaijan and provide a sound basis for policy, legislative and programme intervention by the government, civil society and the international community. Based on the study findings and the organization's worldwide experience in designing and implementing counter-trafficking programs,<sup>68</sup> IOM can offer the following recommendations:

- Develop a nation-wide counter-trafficking programme to cover all aspects of the problem (National Plan of Action) in order to create a comprehensive and sustainable approach to the problem in Azerbaijan through expansion into preventative measures. Within the aforementioned program, design and conduct prevention and awareness-raising activities targeting both at-risk groups and the general public.
- Make relevant changes in, and amendments to, the current criminal code in order to bring it into full compliance with international covenants joined by Azerbaijan. The Criminal Code should designate trafficking in persons, especially that of women and children for sexual exploitation, a specific offence, and delineate actions to be taken against its perpetrators.
- Make necessary changes in the Criminal Code and other relevant laws for the protection, repatriation and reintegration of victims. In conformity with internationally accepted principles, assistance to the trafficking victims should neither depend upon the degree of the crime committed against the victim nor upon the court's ruling on the infraction.
- Improve border control and police working practices by strengthening the institutional capacity of law enforcement, legislative and judicial bodies in counter-trafficking activities, to include prevention, detection and data recording. A special counter-trafficking department should be established within the relevant government entity, and must be well coordinated with other law enforcement agencies.

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<sup>68</sup> The general approach of the international community to combating trafficking in persons is based on the three Ps: *prevention* of trafficking in persons through legislative measures and awareness raising; *protection* of, and assistance to, the victims of traffickers; and *prosecution* of traffickers through tough legal sanctions. Throughout its regional and country missions, IOM implements programmes aimed at transforming these main principles into concrete actions.

- Conduct special training courses for police and customs officers, border guards, judges and prosecutors to enhance law enforcement agencies' and judicial authorities' institutional capacity to prevent, detect and combat trafficking in persons and to protect its victims. Suitable training programmes should also be offered to immigration officers, consular staff, customs officers, border police, immigration police, etc., and should focus on the phenomenon of trafficking in humans, its extent, the associated risks involved, and the victims' rights.
- Develop a counter-trafficking information network to facilitate the exchange of information amongst law enforcement agencies. Necessary steps should be taken to improve the statistical data collection and information exchange between relevant authorities in Azerbaijan and counter-trafficking units in other countries. Bilateral agreements on legal cooperation, including the extradition of criminals dealing with trafficking in persons, should be developed and signed.
- Develop, in conjunction with state agencies and NGOs, a rehabilitation and reintegration program for victims of trafficking. Take steps to enhance the role of civil society (NGOs) and the mass media in addressing the issue of trafficking. Ensure the involvement of NGOs in repatriation, rehabilitation and reintegration programmes designed to provide assistance to victims of trafficking, especially women and children.
- Facilitate the media's access to data, background information and other material necessary to carry out a mass media campaign. Within such a campaign, develop specific messages targeting migrants at risk of trafficking, and governmental and non-governmental organizations dealing issues related to women, youth, children, and migration. Encourage journalists to design and broadcast TV and radio spots, a documentary, and talk shows covering trafficking in women and children in Azerbaijan.

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## **The Azerbaijan Republic Criminal Code Articles Related to the Traffic in Persons**

### Article 106. Slavery

106.1 Slavery – the partial or full usurpation of the rights of another person considered to be property – shall be punishable by imprisonment for a term of five to twelve years.

106.2 If the subject of the acts described above is a child or the act is committed with the intent to trade, it shall be punishable by imprisonment for a term of seven to ten years.

106.3 Slave trade, i.e., forcible servitude or treatment like a slave, harbouring slaves with the intent to sell or exchange, disposal of a slave, any act related to slave trading, as well as sexual slavery or divestment of sexual freedom under slavery, shall be punishable by imprisonment for a term of five to ten years.

### Article 108. Sexual abuse

Violence against a person, forced prostitution, forced sterilization, or other acts related to sexual abuse shall be punishable by imprisonment for a term of five to ten years or by life imprisonment.

### Article 150. Violence of a sexual nature

150.1 Paedophilia or other violence of a sexual nature against a person by means of force or threatened force, or violence resulting in the disability of the victim, shall be punishable by imprisonment for a term of three to five years.

150.2 The same offences shall be punishable by imprisonment for a term of five to eight years if:

150.2.1 committed by a group of persons, by a group of persons conspiring in advance, or by an organized group;

150.2.2 the victim of the crime was infected (STD) as a result of violence;

150.2.3 committed knowingly against a minor under the age of eighteen;

150.2.4 committed with particular severity;

150.2.5 committed repeatedly.

150.3 The same offences shall be punishable by imprisonment for a term of eight to fifteen years if:

150.3.1 resulting in the inadvertent death of the victim;

150.3.2 resulting in the inadvertent infecting of the victim with HIV or another contagion;

150.3.3 committed knowingly against a child under the age of fourteen.

### Article 151. Forcible sexual activity

Forcible sexual intercourse, paedophilia or other acts of a sexual nature achieved by threats of property destruction, damage or embezzlement, or by exploiting the victim's dependence, materially or otherwise, shall be punishable by a fine of from 500 to 1,000 conditional financial units (currently each unit equals 27,000 manat),<sup>1</sup> by two years' correctional labour, or by imprisonment for a term not to exceed three years.

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<sup>1</sup> The conditional financial unit is a minimum monthly salary paid by the government to state employees. It is used to calculate pensions, fees, fines, etc. For example, at the current rate of 27,000 manat, a fine of 500 units would equal 13,500,000 manat.

#### Article 152. Sexual intercourse or activity with a minor under the age of sixteen

Sexual intercourse or activity with a minor under the age of sixteen committed knowingly by an adult shall be punishable by correctional labour for a period not to exceed three years, or by imprisonment for the same term.

#### Article 171. Coercion of minors into prostitution

171.1. Coercion of minors into prostitution shall be punishable by imprisonment for a term of three to six years.

171.2. The same offence shall be punishable by imprisonment for a term of four to eight years if:

171.2.1 committed by force or threatened force;

171.2.2 committed by an organized group.

#### Article 173. Trade of a minor

173.1 Trade of a minor or arranging to cede possession of a minor to another person shall be punishable by a term of imprisonment not to exceed three years.

173.2 The same offence shall be punishable by imprisonment for a term of three to eight years if:

173.2.1 committed repeatedly;

173.2.2 committed against two or more minors;

173.2.3 committed by a group of persons conspiring in advance or by an organized group;

173.2.4 committed by a person abusing his power or authority;

173.2.5 the minor is smuggled to or from Azerbaijan;

173.2.6 committed in order to use the minor's organs or spermatozoon.

173.3 If the offences specified in the articles 173.1 and 173.2 result in the inadvertent death of the minor it shall be punishable by imprisonment for a term of eight to ten years.

#### Article 243. Coercion to engage in prostitution

243.1 Coercion to engage in prostitution by force or threatened force, by blackmail, by destruction of or damage to property, and with the intent to profit or benefit shall be punishable by a fine of from 500 to 5,000 conditional financial units, by correctional labour for 160 to 240 hours, or by imprisonment for a term not to exceed three years.

243.2. The same offence shall be punishable by imprisonment for a term of three to six years if:

243.2.1 committed against a disabled person or a person with physical or mental disorders;

243.2.2 committed by an organized group.

#### Article 244. Maintaining a brothel

244.1 Organizing or maintaining brothels, or leasing premises for brothels, shall be punishable by assignment to community service for 200 to 240 hours, by not more than two years' correctional labour, or by imprisonment for a term not to exceed three years.

244.2 The same offence shall be punishable by imprisonment for a term of three to six years if:

244.2.1 committed repeatedly;

244.2.2 committed by a group of persons conspiring in advance or by an organized group.

<b>IOM anti-trafficking poll for quick reference</b>
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1. Only women are victims of trafficking
2. Trafficking also existed in the Soviet time
3. Trafficking is an indicator of economic poverty
4. Trafficking is mainly with the destination to countries south from Azerbaijan
5. Trafficking is an indicator for social deterioration
6. Victims of trafficking do NOT return to their country
7. Most victims from trafficking come from the regions
8. The number of victims from trafficking is increasing
9. The problem of trafficking is unique for Azerbaijan
10. Trafficking is a problem due to ignorance of people
11. Trafficking is a health risk for the population
12. Trafficking can be prevented by the law
13. In case social-economic situation in the country improves trafficking will be decreased
14. Parents are involved in trafficking of their children
15. Victims of trafficking are protected in Azerbaijan
16. Potential victims are aware of the risks in advance
17. Sexual exploited victims of trafficking continue prostitution after return to the country of origin
18. There is no need to inform general public on the trafficking issue

№	AGREE	DISAGREE	DON'T KNOW
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2.			
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A sampling of IOM publications produced to raise public awareness about trafficking in persons

