

Displaced Children: Significant government investment in IDP communities largely alleviated the problem of numerous internally displaced children living in substandard conditions and unable to attend school. Some civil society representatives reported that boys and girls at times engaged in prostitution and street begging.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

The country's Jewish community was estimated to be between 20,000 and 30,000 individuals. There were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, or mental disabilities, but the government did not enforce these provisions effectively. In May 2018 parliament adopted the "Law on the Rights of Persons with Disabilities," which calls for improved access to education, employment, social protection and justice, and the right to participate in political life.

A common belief persisted that children with disabilities were ill and needed to be separated from other children and institutionalized. A local NGO reported there were approximately 60,000 children with disabilities in the country, of whom 6,000 to 10,000 had access to specialized educational facilities, while the rest were educated at home or not at all. The Ministries of Education and Labor and Social Protection of the Population continued efforts to increase the inclusion of children with disabilities into regular classrooms, particularly at the primary education level.

No laws mandate access to public or other buildings, information, or communications for persons with disabilities, and most buildings were not accessible. Conditions in facilities for persons with mental and other disabilities varied. Qualified staff, equipment, and supplies at times were lacking.

During the year the government continued funding construction projects to make large sections of downtown Baku's sidewalks wheelchair accessible.

National/Racial/Ethnic Minorities

Individuals with Armenian-sounding names were often subjected to additional screening at border crossings and were occasionally denied entrance to the country. Civil society activists stated that an entire generation had grown up listening to hate speech against Armenians. Some groups, including Talysh in the south and Lezghi in the north, reported the government did not provide official textbooks in their local native languages.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

Antidiscrimination laws exist but do not specifically cover lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals.

In February the ECHR began a formal inquiry into police raids on the LGBTI community in 2017. The raids entailed arrests and detentions of more than 83 men presumed to be gay or bisexual as well as transgender women. Media outlets and human rights lawyers reported that police beat detainees and subjected them to electric shocks to obtain bribes and information about other gay men. Detainees were released after being sentenced to up to 30 days of administrative detention, fined up to 200 manat (\$118), or both. In 2018 some victims of the raids filed cases against the state in the ECHR.

On April 1 and 2, police detained at least 14 transgender sex workers and forced them to undergo medical examinations. Authorities fined some and sentenced others to 10 or 15 days of administrative detention on charges of minor hooliganism. Following international outcry, the Baku Court of Appeals released those in detention on April 5.

A local NGO reported incidents of police brutality against individuals based on sexual orientation and noted that authorities did not investigate or punish those

responsible. There were also reports that men who acknowledged or were suspected of being gay during medical examinations for conscription were sometimes subjected to rectal examinations and often found unqualified for military service on the grounds that they were mentally ill. There were also reports of family-based violence against LGBTI individuals, including being kidnapped by family members and being held against their will. Hate speech against LGBTI persons and hostile Facebook postings on personal online accounts also continued.

Activists reported that LGBTI individuals were regularly fired by employers if their sexual orientation or gender identity became known.

LGBTI individuals generally refused to file formal complaints of discrimination or mistreatment with law enforcement bodies due to fear of social stigma or retaliation. Activists reported police indifference to investigating crimes committed against LGBTI individuals.

HIV and AIDS Social Stigma

Civil society representatives reported discriminatory attitudes towards persons with HIV and AIDS were prevalent throughout society. The government continued to fund an NGO that worked on health issues affecting the LGBTI community.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right to form and join independent trade unions. Uniformed military and police and managerial staff are prohibited from joining unions. While the law provides workers the right to bargain collectively, unions could not effectively negotiate wage levels and working conditions because government-appointed boards ran major state-owned firms and set wages for government employees.

The law provides most private-sector workers the right to conduct legal strikes but prohibits civil servants from striking. Categories of workers prohibited from striking include high-ranking executive and legislative officials; law enforcement officers; court employees; fire fighters; and health, electric power, water supply, telephone, railroad, and air traffic control workers.

The law prohibits discrimination against trade unions and labor activists and requires the reinstatement of workers fired for union activity. The law also prohibits retribution against strikers, such as dismissal or replacement. Striking workers who disrupt public transportation, however, could be sentenced to up to three years in prison.

The government did not effectively enforce laws related to freedom of association and collective bargaining. Administrative penalties were insufficient to deter violations. Administrative and judicial procedures were subject to lengthy delays and appeals. There were some additional restrictions in practice, such as increased bureaucratic scrutiny of the right to form unions and conduct union activities.

Most unions were not independent, and the overwhelming majority remained tightly linked to the government, with the exception of some journalists' unions. The Azerbaijan Trade Unions Confederation (ATUC) was the only trade union confederation in the country. Although ATUC registered as an independent organization, it was closely aligned with the government. ATUC reported it represented 1.2 million members in 27 sectors. Both local and international NGOs claimed that workers in most industries were largely unaware of their rights and afraid of retribution if they exercised those rights or initiated complaints. This was especially true for workers in the public sector.

Collective bargaining agreements were often treated as formalities and not enforced. Although the labor law applies to all workers and enterprises, the government may negotiate bilateral agreements that effectively exempt multinational enterprises from it. For example, production-sharing agreements between the government and multinational energy enterprises did not provide for employee participation in a trade union. While the law prohibits employers from impeding the collective bargaining process, employers engaged in activities that undercut the effectiveness of collective bargaining, such as subcontracting and using short-term employment agreements.

The state oil company's 50,000 workers were required to belong to the Union of Oil and Gas Industry Workers, and authorities automatically deducted union dues from paychecks. Many of the state-owned enterprises that dominated the formal economy withheld union dues from workers' pay but did not deliver the dues to the unions. Employers officially withheld one-quarter of the dues collected for the oil workers' union for "administrative costs" associated with running the union. Unions and their members had no means of investigating how employers spent their dues.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, except in circumstances of war or in the execution of a court decision under the supervision of a government agency. Penalties for violations, including imprisonment, were generally sufficient to deter violations. The government did not effectively enforce applicable laws. Resources and inspections were inadequate, due in part to a moratorium on all routine and unannounced labor inspections.

Broad provisions in the criminal code provide for the imposition of compulsory labor as a punishment for expressing political views or views ideologically opposed to the established political, social, or economic system. In 2018 the International Labor Organization Committee of Experts noted its concern with a growing trend of using various provisions of the criminal code to prosecute journalists, bloggers, human rights defenders, and others who expressed critical opinions, under questionable charges that appeared politically motivated, resulting in long periods of corrective labor or imprisonment, both involving compulsory labor.

During the year there were anecdotal reports of workers subjected to conditions of forced labor in agriculture and the construction industry, forced begging by children, and forced domestic servitude. In 2018 the Ministry of Internal Affairs reported that 450 children were identified as being forced by their parents to beg in the streets. Although some children were removed from the exploitative situation, in general it was treated as a family issue rather than a criminal offense.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

In most cases the law permits children to work from the age of 15 with a written employment contract; children who are 14 may work in family businesses or, with parental consent, in daytime after-school jobs that pose no hazard to their health. Children younger than age 16 may not work more than 24 hours per week; children 16 or 17 may not work more than 36 hours per week. The law prohibits employing children younger than 18 in difficult and hazardous conditions and identifies specific work and industries in which children are prohibited, including work with

toxic substances and underground, at night, in mines, and in nightclubs, bars, casinos, or other businesses that serve alcohol.

The government did not effectively enforce laws prohibiting child labor and setting a minimum age for employment. The government maintained a moratorium on routine and unannounced inspections, which prevented effective enforcement of child labor laws. Resources and inspections were inadequate to enforce compliance, and penalties for violations were insufficient to deter violations. The Ministry of Labor and Social Protection of Population was only permitted to conduct inspections based on complaints. In 2018 the State Labor Inspection Service received five child-labor complaints in the catering industry but failed to take further action on them.

There were few complaints of abuses of child labor laws during the year, although there were anecdotal reports of child labor in agriculture, in restaurants and wedding halls, forced begging, and street work, such as in bazaars and markets, auto garages and car washes, and selling fruit and vegetables on roadsides throughout the country. In agriculture there were limited, anecdotal reports of children working in the production of fruits, vegetables, and cotton and, to a lesser extent, involved in producing tea and rice. There were also reports of children subjected to commercial sexual exploitation (see section 6, Children, and section 7.b.).

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>, and the Department of Labor's *List of Goods Produced by Child Labor or Forced Labor* at <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods>.

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination with respect to employment and occupation, but the government did not always enforce the law effectively. Penalties for discrimination in employment existed under various articles and laws but were patchwork in nature and did not effectively deter discrimination in all its forms. The law excludes women from certain occupations with inherently dangerous conditions, such as working underground in mines. Many of these positions were higher ranked and better paid than positions that women are permitted to occupy in the same industries.

Employers generally hesitated to hire persons with disabilities, and workplace access was limited. Discrimination in employment and occupation also occurred with respect to sexual orientation. LGBTI individuals reported employers found other reasons to dismiss them because they could not legally dismiss someone because of their sexual orientation. Women were underrepresented in high-level jobs, including top business positions. Traditional practices limited women's access to economic opportunities in rural areas. According to the State Statistics Committee, in 2018 the average monthly salary for women was 53.8 percent of the average monthly salary for men.

e. Acceptable Conditions of Work

The national minimum wage was increased on March 1 and again on September 1, and it was higher than the poverty level (minimum living standard), which was increased on January 1. Experts stated government employers complied with the minimum wage law but that it was commonly ignored in the informal economy. The law requires equal pay for equal work regardless of gender, age, or other classification, although women's pay lagged behind that of men.

The law provides for a 40-hour workweek. Workers in hazardous occupations may not work more than 36 hours per week. Information was not available on whether local companies provided the legally required premium compensation for overtime, although international companies generally did. There is no prohibition on excessive compulsory overtime. The law provides equal rights to foreign and domestic workers.

The government did not effectively enforce the laws on acceptable conditions of work, and penalties were insufficient to deter violations.

In 2017 the government extended its moratorium on scheduled and unannounced labor inspections until 2021. Although inspectors were still permitted to inspect private-sector workplaces after receiving a complaint and government-owned workplaces, the Ministry of Labor and Social Security did not report any inspections during the year. The ministry reportedly maintained its full staff of inspectors.

Inspection of working conditions by the Ministry of Labor and Social Protection's labor inspectorate was weak and ineffective due to the moratorium. Although the law sets health and safety standards, employers widely ignored them. Violations

of acceptable conditions of work in the construction and oil and gas sectors remained problematic.

Local human rights groups, including the Oil Workers Rights Defense Organization, an NGO dedicated to protecting worker rights in the petroleum sector, maintained that employers, particularly foreign oil companies, did not always treat foreign and domestic workers equally. Domestic employees of foreign oil companies reportedly often received lower pay and worked without contracts or private health-care insurance. Some domestic employees of foreign oil companies reported violations of the national labor code, noting they were unable to receive overtime payments or vacations.

According to official statistics, 63 workers died on the job during the year, including six in the oil and gas sector. Workers may not remove themselves from situations that endanger health or safety, as there is no legal protection of their employment if they did so. On July 16, the State Oil Company of Azerbaijan (SOCAR) reported the death of worker Seymur Valikhanov, stating the cause of death was trauma to the head from a fall in the bathroom. Media outlets reported that the real cause of death was a falling bucket of acid that hit Valikhanov in the head and throat, and that SOCAR had covered up the incident to avoid paying compensation to the family of the deceased.