



**International Convention on the  
Protection of the Rights of  
All Migrant Workers and  
Members of Their Families**

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**Committee on the Protection of the Rights of All  
Migrant Workers and Members of Their Families**  
Sixteenth session  
16–27 April 2012

**Consideration of reports submitted by States parties under  
article 73 of the Convention**

**List of issues to be taken up in connection with the consideration of the  
second periodic report of Azerbaijan (CMW/C/AZE/2)**

**I. General information**

1. In light of the information in the State party's report (CMW/C/AZE/2) that Azerbaijan is now primarily a country of employment rather than a country of origin of migrant workers, please provide more detailed statistical information on Azerbaijani migrant workers abroad and on migrant workers and members of their families in the State party who are engaged in a remunerated activity, including in administrative positions, or are self-employed.
2. Please provide information on whether the Convention has been invoked in the courts or before the administrative authorities of the State party and provide examples, if any (see the Committee's previous concluding observations (CMW/C/AZE/CO/1), paragraph 11).
3. The report (CMW/C/AZE/2, para. 65) acknowledges that national legislation on migration makes no specific reference to "migrant workers", as defined in the Convention. Please indicate whether the State party plans to include a definition of "migrant workers" in line with the Convention in its national legislation (CMW/C/AZE/CO/1, para. 13).
4. The report (CMW/C/AZE/2, para. 75) states that the Cabinet of Ministers of the State party concluded a general collective agreement with the confederation of trade unions and with the national confederation of organizations of entrepreneurs (employers) for 2010–2011. Please provide updated information on whether this agreement has been extended beyond 2011, as well as on the activities and measures provided for in this agreement, and whether any assessment has been made to evaluate the impact of such activities and measures.
5. The report (CMW/C/AZE/2, para. 60) refers to the draft migration law which, at the time of submission of the report, had been submitted to the Cabinet of Ministers. Please

provide information on the main principles of the draft law as well as updated information on the progress made in adopting the draft migration law.

6. In its previous concluding observations (CMW/C/AZE/CO/1, para.17), the Committee encouraged the State party to consider making the declarations provided for in articles 76 and 77 of the Convention. Please indicate whether the State party has taken or is planning to take any steps towards making those declarations.

7. The report (CMW/C/AZE/2, para. 90) states that in accordance with article 25, paragraph 3, of the Constitution, the State party guarantees equality of rights and freedoms for all, irrespective of race, ethnic background, religion, language, sex, origin, material or official status, belief or membership in political parties, trade unions or other voluntary associations. Please indicate what measures are in place to ensure that this principle applies to all categories of migrant workers.

8. The report (CMW/C/AZE/2, para. 67) states that the State authorities responsible for regulating migration flows, as well as the media, regularly conduct public awareness campaigns on labour migration. Please provide concrete examples of such activities.

## **II. Information relating to each of the articles of the Convention**

### **A. General principles**

9. The report (CMW/C/AZE/2, para. 125) states that no complaints have been registered in connection with violations of labour rights of migrant workers. Please indicate whether any such complaints have been filed since the submission of the report and, if so, please provide information on their outcome. Please also provide information on the role of the Ombudsman in receiving complaints about violations of rights of migrant workers, their outcome and any redress provided to the victims of such violations.

### **B. Part III of the Convention**

#### **Article 21**

10. The report (CMW/C/AZE/2, para. 94) states that national legislation does not contain any provision permitting confiscation of the identity documents of foreigners or restrictions on their freedom of movement within the State party. However, according to information before the Committee, some cases have been reported where employers knowingly hired migrant workers without work permits and subsequently confiscated their passports and other identity documents, subjected them to exploitative working conditions, withheld their wages, failed to provide them with health insurance coverage or imposed restrictions on their freedom of movement. Please provide information on the measures taken to address such exploitative practices and to prevent the retention of identity documents by employers or by employment or recruitment agencies of migrant workers. Please also provide information on any redress provided to victims of such practices.

#### **Article 27**

11. The report (CMW/C/AZE/2, para. 98) states that migrant workers are entitled to a pension for the period that they have worked in the State party. Please indicate whether migrant workers who have contributed to pension schemes, receive pensions or whether the contributions made are reimbursed to them. Please describe whether the different social security schemes in place in the State party cover migrant workers, including those in an irregular situation.

**Article 28**

12. The report (CMW/C/AZE/2, paras. 105-106) states that the State party has set up a system for digitalizing records of treatment provided at State medical centres. The report further informs that at the initiative of the Social Policy Committee of the Milli Meclis (Parliament), a bill on access to primary health care as well as amendments to the Public Health Act were under discussion at the time of submission of the report, with a view to improving the provision of medical treatment for migrants. Please provide updated information on the current status of the bill and the amendments to the Public Health Act.

**Article 30**

13. The report (CMW/C/AZE/2, paras. 111-112) states that by law, children of migrants, including migrant workers, are entitled to free secondary education and that approximately 940 children of migrants are currently enrolled in public schools or in fee-based private schools. Please indicate whether this applies to all migrant children, including those in an irregular situation, and provide updated information on the enrolment rates of migrant children at the primary and secondary levels of education, disaggregated by sex, age, nationality, and immigration status.

**C. Part IV of the Convention****Articles 40 – 42**

14. Please clarify whether documented migrant workers have the right to establish associations and trade unions.

**Article 44**

15. The report (CMW/C/AZE/2, para. 107) indicates that article 10 of the Labour Migration Act prohibits restrictions on the reunification of migrant workers with their families. Please provide statistical data on family reunification of migrant workers, and on the measures taken or envisaged to facilitate such reunification.

**D. Part V of the Convention**

16. The report (CMW/C/AZE/2, para. 41) states that some steps have been taken in order to ensure better migration management, such as the application of the “single window” principle since 4 March 2009 and coordination between the different State bodies involved in regulating migration flows (para. 164). Please provide information on whether the implementation of those measures has been successful. If so, please provide detailed information on how this has been achieved.

**E. Part VI of the Convention****Article 64**

17. The report (CMW/C/AZE/2, para. 52) states that in 2010, the State party began negotiations with the European Union with a view to signing association agreements on the cooperation between the State party and the European Union in the fields of migration, asylum and border issues, simplification of visa regulations and readmission. Please provide updated information on the current status of these agreements.

18. The report (CMW/C/AZE/2, para. 244) states that the Convention of the CIS member States on the Legal Status of Migrant Workers and Members of their Families, adopted by the Council of Heads of Government of the CIS and ratified by the State party on 30 September 2010, entered into force for the State party on 2 December 2010. In that regard, please provide information on the measures taken to strengthen regional cooperation with the other CIS countries to protect the rights of migrant workers.

**Article 67**

19. The report (CMW/C/AZE/2, para. 241) states that national legislation does not provide for any restrictions on the return of Azerbaijani citizens to the State party and that at the time of the preparation of the report, the State party was planning to adopt reintegration programmes, as well as a readmission strategy. Please provide updated information on the current status of these programmes and strategies.

**Article 68**

20. The report is silent on migrant workers, who transit through the State party, in particular with regard to the protection of their rights under the Convention. Please provide detailed information on the relevant national legislation dealing with this issue and on the measures taken to protect the rights of migrant workers who transit through the State party.

21. The report provides information on the opening of the “Children’s Shelter” Reintegration Centre on 14 January 2011. Please provide detailed information on the services available in the framework of this project and on the number of migrant children using the shelter. Please also provide information on the number of shelters available to victims of trafficking in persons in the State party, and on the number of victims of trafficking receiving assistance in those shelters since 2009.

22. Please provide updated information on measures taken to encourage victims of trafficking in persons (including effective protection against reprisals) to report violations of their rights to the police, while taking due account of the particular situation of women and children, and to take action against employment or recruitment agencies involved in practices of trafficking or smuggling of migrant workers.

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