Dear Mr. Chairman. Distinguished members of the Committee,

Allow me to take this opportunity to express my deepest gratitude to you for creating a chance to enlighten the Committee about the implemented activities of the provisions of the “Convention on the Protection of the Rights of all Migrant Workers and members of their family” following the initial periodic report of the Republic of Azerbaijan.

Dear Mr. Chairman. Distinguished members of the Committee,

Necessary political and legal framework has been established in the Republic of Azerbaijan for implementation of the provisions of main international legal documents in the field of human rights. Thus, ensuring human and civil rights and freedoms has been declared as the goal of the State in the Constitution of the Republic of Azerbaijan. In compliance with the Constitution, human and civil rights and freedoms are fully ensured and the country legislation is constantly being improved in political, civil, economic, social and cultural spheres to comply with international standards. The “National Program for Action to Raise Effectiveness of the Protection of Human Rights and Freedoms in the Republic of Azerbaijan” has been approved by the Order of the President of the Republic of Azerbaijan dated December 27, 2011 in order to raise effectiveness of protection of human rights and freedoms, promote legal culture and ensure sustainability of activities to improve the regulatory and legal framework and the human rights protection system.

The Government of Azerbaijan has been closely cooperating with the United Nations treaty bodies, and submits regular reports about the implementation of the rights and freedoms enshrined in international instruments. The Republic of Azerbaijan has recognized the competence of the relevant United Nations treaty bodies to receive applications of individuals who claim to be the victims of a violation of human rights.

Dear Mr. Chairman. Distinguished members of the Committee,

Labor migration situation in the country,
Migrant workers from Azerbaijan and protection of their rights
Regulation of migration processes in the contemporary world, protection of the rights of migrants, and in particular labor migrants is one of the most pressing problems.

The political and economic crisis in the early 80s and 90s at the end of the last century has resulted in mass migration of citizens of the Republic of Azerbaijan to abroad. However, in recent years, assurance of rapid socio-economic development in Azerbaijan, implementation of international projects in energy-transportation fields, improvement of people's living conditions, at the same time geopolitical position of our country has resulted in intensification of migration processes even more. As a result, the migration of Azerbaijani citizens to the foreign countries do not carry a mass character, in contrast citizens returning back to the homeland tendency and the influx of foreigners to Azerbaijan is increasing.

The analysis of labor migration trends of the citizens of the Republic of Azerbaijan shows that, the prevalent destination countries are Russia, Ukraine, Turkey, and United Arab Emirates, Germany, Belarus and other foreign countries. Azerbaijani migrant workers are employed in small business and trade. Citizens of the Republic of Azerbaijan graduated from Western Europe and Northern America Universities carry out labor activities in Western Europe in the areas of health, education, law and business.

In accordance with article 28 of the Constitution, every citizen has the right freely to leave the country and to live and work abroad. In compliance with Law on “Labour migration”, every able-bodied citizen of the Republic of Azerbaijan reached 18 years can be involved in paid labour activity abroad. Citizens of the Republic of Azerbaijan can be employed in foreign countries via physical persons or legal entities. Services rendered for relevant mediation activity is carried out free of charge. In 2006-2011, 3 juridical persons obtained license for carrying out such activity, but employment of citizens in foreign countries have not been carried out by them. Absence of massive migration to foreign countries from Azerbaijan, increase of living standards in the country year by year, establishment of approximately 100 thousand new workplaces every year and low rate of unemployment are the main reasons of this (current unemployment rate is 5.2%).

Dear members of the Committee,

In compliance with the legislation of the Republic of Azerbaijan citizens of the Republic of Azerbaijan residing in foreign countries, as well as migrant workers are registered at consulates of the Republic of Azerbaijan. Necessary information on the rights of citizens is provided by the consulates and explanatory works are carried out.

There is not any restriction in the legislation of the Republic of Azerbaijan regarding return of the citizens of Azerbaijan to the territory of the country.
Issues related to the elimination of problems of Azerbaijani citizens working abroad shall be resolved within the co-operation framework with the relevant authorities of these countries. Cooperation is based upon intergovernmental agreements on bilateral cooperation, in the absence of such contracts on interagency protocols and agreements. Since 2008 for the purpose of identifying citizenship of undocumented persons residing in the Kingdom of the Netherlands and the Federal Republic of Germany for a long time and if necessary assisting them for voluntary return to the country or legalizing their residence in those countries several meetings have been held with authorized representatives of relevant authorities and migrants placed in detention centers of mentioned countries. As a result, at the last meeting we have been informed by the chief of Migration Service of this country that Law will be adopted in the future related to granting temporary residence permits to foreign children living more than 5 years in the Kingdom of Netherlands.

For effective regulation of migration, in particular labor migration the Republic of Azerbaijan actively implements international instruments. To ensure protection of the rights of migrant workers and members of their family, the Republic of Azerbaijan has signed bilateral and multilateral agreements with several countries. In this regard, bilateral agreements on cooperation have been signed with Moldova, Kazakhstan, Kyrgyzstan, Ukraine, and Belarus in the field of migration. At present, signing of such an agreement with other states is also expected in the near future. Accordingly, the draft agreements on cooperation with the Russian Federation and the Republic of Turkey in the field of labor migration have been prepared and are expected to be signed. Protection of migrant workers' rights, social protection, and simplification of employment procedures are the cornerstones of these agreements.

**Dear Mr. Chairman and distinguished members of the Committee,**

In addition the outflow of the Azerbaijani citizens to foreign countries for labor migration purposes, foreigners also migrate to the Republic of Azerbaijan to carry out labor activities. Foreigners and stateless persons may enter into the country and exit from the country upon visa and under non-visa regime in accordance with relevant legislation of the Republic of Azerbaijan.

In 2008-2012, 84 per cent of 212,448 applications received by the State Migration Service from foreigners and stateless persons whose temporary staying period has been extended, obtained temporary and permanent residence permit, as well as work permit were responded positively, residence of 9,662 persons whose relevant documents were not in order was legalized. Moreover, during the first quarter of 2013, 1934 foreigners and stateless persons violated requirements of migration legislation in the territory of the country were exempted from
administrative liability according to Article 21 of the Administrative Offences Code of the Republic of Azerbaijan.

In order to implement the unified state policy in the sphere of migration, to develop the migration management system, to regulate and forecast the migration processes and to coordinate the activities of the relevant authorities in the field of migration the State Migration Service has been established by the Order No.560 of the President of the Republic of Azerbaijan dated on March 19, 2007.

One of the significant steps taken towards the development of migration management system by considering international practice is the application of March 4, 2009 dated Decree № 69 of the President of the Republic of Azerbaijan on “Single Window” Principle in the migration management. The principle enables the management of migration processes based on more flexible and effective mechanisms improves and simplifies the mechanism of migration management and ensures efficiency and transparency in this area. The State Migration Service of the Republic of Azerbaijan, implementing unified state policy based on “single window” principle, provides the issuance of temporary and permanent permits for foreigners and stateless persons on the territory of the Republic of Azerbaijan, their registration at the place of residence, extends the period of temporary stay in the country for foreigners and stateless persons entering the Republic of Azerbaijan, grants work permits to foreigners and stateless persons for carrying out paid labor activities in the country. From the date of application of the “Single Window” principle exit and re-entry visas for foreigners and stateless persons has been abolished. Currently, foreigners and stateless persons can freely exit from the country and enter into the country on the base of temporary and permanent residence permit cards and other valid identification documents without any additional visa.

For the convenience of the applicants, the electronic service section has been established in the official web-site of the Service for provision of e-services within the competences of the State Migration Service.

In order to maintain a record of the foreigners and stateless persons residing, temporarily staying and working in the Republic of Azerbaijan, to provide government agencies involved in migration management with the necessary information, to automate migration-related work, query and analysis, and to make enhancements in electronic services a unified information system (Unified Migration Information System (UMIS)) created. UMIS is the collection of accurate statistical database of information about foreigners and stateless persons residing, temporarily staying and working in the Republic of Azerbaijan.
In order to improve services rendered by the governmental agencies and accelerate the transition to electronic services, the Decree on "Establishment of the State Agency for Public Services and Social Innovations" has been signed by the President of the Republic of Azerbaijan on July 13, 2012 to increase transparency in the activities of state bodies, render better services to citizens by using new methods and modern innovations and adhere to ethical rules and courteous treatment towards citizens. The structure of the state agency includes "ASAN service" centers, in which 25 services (birth registration, death registration, marriage registration, divorce registration, the registration of adoptions, paternity establishment registration, notarial activities, issuance and renewal of identity cards, issuance and renewal of passports, giving forms on state registration of residential buildings (apartments) and properties (with the exception of initial registration), granting of the certificates from state registry about the description of real estates, registered rights and their limitations, registration of commercial entities and tax-payers, the determination of wages and pensions, and so on.) will be rendered by 9 governmental state bodies (Ministry of Justice, Ministry of Internal Affairs, Ministry of Taxes, State Committee of Republic of Azerbaijan on Property Issues, the State Customs Committee, the State Migration Service, the State Committee of Land and Cartography, State Social Protection Fund, and National Archive Department). Reception of application and issuance of certificates for granting temporary and permanent residence permits, as well as work permits to carry out paid labor activities are carried out by the State Migration Service in the Centers.

The Republic of Azerbaijan attaches great importance to cooperation with the European Union (EU) in the field of migration. The negotiations have been started between the parties since 2010 for the signing of the Association Agreement between the Republic of Azerbaijan and the EU. Hitherto, 4 meetings on visa facilitation and readmission issues were held between European Union and the Republic of Azerbaijan (respectively, on 1-2 March 2012 in Baku, 31 May-1 June 2012 in Brussels, 6-7 November 2012 in Baku and 12-13 March 2013 in Brussels). Currently, works in this direction are being continued.

To expand cooperation in the field of migration, to improve legislation, to learn from international experience, as well as to speed up the integration to EU and other countries, Azerbaijan has joined Budapest and Prague processes which encompasses legal migration, asylum, visa, voluntary return and has a successful activity in this direction.

The Republic of Azerbaijan actively uses European Union assistance tools (TAIEX, Twinning, MIEUX programs).
Legislation on labor migration


The project of "Migration Code," developed to set a centralized database of legislation on migration taking into account EU legislation is expected to be adopted in the near future. The draft of "Migration Code" has been prepared in cooperation with the International Organization for Migration and at the same time, the recommendations on improving migration legislation provided by non-governmental organisations during the meetings have been considered.

At the same time, for the improvement and simplification of legislation in the field of migration, the relevant amendments and additions have been made to certain normative acts. Thus, in accordance to amendments made in the Regulation on application of the Law of the Republic of Azerbaijan on “Registration upon place of residence and stay” dated on March 2013, each foreigner and stateless person arriving in the Republic of Azerbaijan or person providing him/her accommodation should apply via mail, e-mail or personally to the State Migration Service for registration upon place of stay within 3 days after arrival. State Migration Service immediately after receiving the application registers foreigner or a stateless person on the place of residence, and gives written notification on registration to the receiving party within 1 business day.

In accordance with the recent amendments state duty for registration of foreigners and stateless persons upon place of residence has been abolished.

Dear Mr. Chairman. Distinguished members of the Committee,

Legislation and Convention

Measures for promotion and implementation of the Convention

According to Article 148 of the Constitution of the Republic of Azerbaijan, international agreements wherein the Republic of Azerbaijan is a party to, constitute an integral part of legislative system of the Republic of Azerbaijan. Moreover, according to Article 151 of the Constitution of the Republic of
Azerbaijan, in case of any disagreement between normative-legal acts in legislative system of the Republic of Azerbaijan (except Constitution of the Republic of Azerbaijan and acts accepted through referendum) and international agreements wherein the Republic of Azerbaijan is party to, provisions of international agreements shall prevail.

The rights of all migrant workers and their family members reflected in international documents have been laid out in national legislation. Although, the definition of labor migrant referred in the national legislation differs from the one in Convention, contradiction does not arise. The labour migrants performing labour activities in Azerbaijan enjoy the right to labor and social protection in tandem with citizens of the Republic of Azerbaijan. In addition to that, labor migrants who have completed their labor activities in the country are entitled to social protection in the length of service term in Azerbaijan.

The periodical awareness-raising campaigns on labor migration has been carried out by the relevant state authorities in media, with a special emphasize on issues reflected in “Convention on the Protection of the Rights of all Migrant Workers and members of their family” and national legislation. As an example of this, the following events have been implemented by the State Migration Service of the Republic of Azerbaijan. Accordingly, in 2012-2013 State Migration Service of the Republic of Azerbaijan together with representatives of local executive power bodies held numerous events in the regions to increase public awareness in the field of migration.

At the same time, 38-minute film reflecting the activities in the year of 2012 of the State Migration Service of the Republic of Azerbaijan in native language has been broadcasted on public television in the country. The English version has been sent to more than 60 countries around the world via International Organization for Migration and posted in the official webpage of the Service.

The official web site of the Service (www.migration.gov.az) functions in 3 languages - Azerbaijani, English, and Russian. Moreover, the necessary organizational measures have been implemented by the Service to address the issues raised in “Q&A” services (foreigners and stateless persons can choose one of the three languages that is suitable for them) and in electronic applications and duly legal assistance are rendered to foreigners.

Dear members of the Committee,


on “Labor migration”, every able-bodied and over 18 years old foreigner or stateless person is entitled to perform labour activities within the territory of the Republic of Azerbaijan. Foreigners can work in the Republic of Azerbaijan after obtaining work permit in order to carry out paid labor activity. In accordance with the Law on “Labor Migration”, there are specifically defined categories of foreigners that do not need to have the work permit for involvement in paid labor activities in the country.

The work permit may not be annulled; excluding the cases when there is a relevant judgment of the court, unreliable data are found in documents submitted for obtaining the work permit and if labor contract concluded between the employer and foreign employee is early terminated.

**The rights of migrant workers**

**Fundamental rights and freedoms**

According to Item 3 of Article 25 of the Constitution of the Republic of Azerbaijan, the state guarantees equality of rights and liberties for all, irrespective of race, nationality, religion, language, sex, origin, material or official status, occupation, political convictions, membership in political parties, trade unions and other public organizations. Rights and freedoms of a person, citizen cannot be restricted due to race, nationality, religion, language, sex, origin, conviction, political and social belonging. Restrictions of the human and civil rights and freedoms on the grounds of race, nationality, religion, language, sex, origin, belief, political or social affiliation are prohibited. The provision of Article 25 of the Constitution has been reflected in Article 16 of the Labor Code of the Republic of Azerbaijan (unacceptability of discrimination in labor relations).

An attempt to seize identity card of a foreigner and restrict their movement within the country has not been reflected in national legislation. Confiscation or unlawful attempt to seize passport or identity card of a citizen, means bearing administrative responsibility in accordance with Article 332 of Administrative Offences Code of the Republic of Azerbaijan (in an amount of 85-90 AZN). Accordingly, on March 6, 2013, 6 citizens of the Republic of Turkey have requested State Migration Service and International Organisation for Migration about the seizure of their passports and non-full payment of their wages by “Penat Construction” LTD. After the intervention of the State Migration Service, the passports of victims have been returned and their salaries were fully paid. The necessary administrative measures have been taken against executives of the mentioned company.

Voting rights of foreigners and stateless persons has been reflected in the Election Code of the Republic of Azerbaijan. Accordingly, in accordance with Item 3 of the Article 12 of Election Code, foreigners residing within a relevant municipal territory for not less than 5 years shall have the right to vote at municipal
elections. Currently, more than 6,300 migrants who have been registered in the State Migration Service employ these rights.

**Labor and social protection**

Labour relations of migrant workers are regulated with Labour Code. According to the Article 13 of the Labour Code of the Republic of Azerbaijan foreigners and stateless persons enjoy all labour rights equally with citizens of Azerbaijan Republic and they carry responsibilities in relevance to these rights. In compliance with national legislation, migrant worker has the right to terminate the labour contract and leave the territory of the Republic of Azerbaijan at any moment in an order stipulated by the legislation. According to Article 8 of the Law of the Republic of Azerbaijan on “Labour migration” if labour contract is terminated for reasons not depending on migrant worker, all expenses related to return of migrant worker and his/her family members shall be reimbursed by the legal entity or physical person having employed him/her. In 2012 the State Migration Service received complaint on violation of the labour right of Philippines citizen Joan Bangalan Navarro. After investigations her violated rights (regarding delay of payment) were restored and laissez-passers was obtained with the assistance of the International Organization for Migration. During this period she was accommodated in asylum center of the State Migration Service and was sent back to her country via resources of the Republic of Azerbaijan. Furthermore, in 2012 complaints of 3 Turkmen citizens also 6 Turkish citizens were received by State Migration Service on non-full payment of their wages by their employers-branch of “Doga Taahut Construction” in Azerbaijan Republic and “Segatek Construction”. As the result of investigations wages of foreigners were fully paid, companies were convicted to administrative amenability.

The legislation does not envisage any restrictions in the unification of labor migrants in trade unions. According to Article 19.1 of the Labour Code of the Republic of Azerbaijan, a trade union may be established on a voluntary basis without discrimination among employees or without prior permission from employers.

Payment of compensation for disabled migrant workers is carried out on equal basis and rights with the citizens of the Republic of Azerbaijan. In 2010-2012, 11 migrants suffered from the accident happened at work place. In all aforementioned cases, social rights of victims (legal heir of suffered or dead workers) envisaged by the legislation were ensured.

According to Articles 292 and 294 of the Labour Code, migrant workers have the right to apply to the court on equal basis and conditions considered for the
citizens of the Republic of Azerbaijan. During the past periods, the fact of appeals to courts by labor migrants and their legal representatives about refusal in issuance of work permits for carrying out paid labor activities in the territory of the Republic of Azerbaijan or violation of rights of labor migrants engaged in labor activities on a legal basis has not been recorded.


**Tax and money transfer**


Double or additional profit tax imposing on migrant workers is forbidden. In accordance with the legislation transfer of means from own incomes to the country of origin shall not be restricted. Migrant worker shall not pay a customs duty for transportation of means, personal property, handy instruments and movable facilities necessary for labour activities, as well as, things obtained through resources earned by him/her.

**Health**

In compliance with the Law of the Republic of Azerbaijan on “Protection of health of the population” stateless person permanently resided in the Republic of Azerbaijan has the same rights as the citizens of the Republic of Azerbaijan in the field of healthcare. Foreigners have the right to healthcare in compliance with the rules envisaged by international agreements to which the Republic of Azerbaijan is a party to. According to Article 10 of the Law on “Healthcare of the population” medical services are provided free of charge in public medical institutions of the Republic of Azerbaijan.

According to legislation of the Republic of Azerbaijan migrants can receive immediate and special medical assistant without any restriction and discrimination.

From April 1, 2009 till 2013 4583 child whose both parents or one of them is a foreigner have been provided with birth certificate.
Family

According to Article 10 of the Law of the Republic of Azerbaijan on “Labour migration”, restricting the unification of labor migrants with their own family is prohibited. Family members of the migrants, who are engaged in paid labor activity on the territory of the Republic of Azerbaijan, shall be given temporary residence permit for the period of an individual permission to perform labor activities.

In 2010-2012, more than 4500 temporary residence permits were issued to migrant workers and their family members. It complies with the provisions of International Convention on Protection of the Rights of All Migrant Workers and their Family Members.

Number of marriages concluded with foreigners and stateless persons in 2009-2012 in the Republic of Azerbaijan is 8130.

Education

According to Article 42 of the Constitution of the Republic of Azerbaijan, every citizen has the right for education, especially free compulsory comprehensive education. In compliance with Article 19 of the Law of the Republic of Azerbaijan on “Legal status of foreigners and stateless persons”, foreigners and stateless persons permanently residing in the Azerbaijan Republic have the right to get education on equal grounds with the citizens of Azerbaijan Republic. According to the legislation, children of migrants, as well as migrant workers have the right to free secondary education. According to information of the Ministry of Education, in 2012 number of foreign children receiving education in comprehensive schools of the Republic of Azerbaijan was 1727.

Obtaining information

According to the Law of the Republic of Azerbaijan on “Obtaining information” receiving information in the territory of the Republic of Azerbaijan is free of charge. Everyone has the right to apply to owner of information directly or via representative, to choose type and obtaining form of information. These rights also apply to migrant workers and their family members. In this way, requirements of Article 33 of the Convention on acquisition of information are fulfilled. At the same time, more than 21,000 normative legal acts, as well as International
Convention on Protection of All Migrant Workers and Members of their Family was uploaded to the www.e-qanun.az internet portal which is an electronic database of the Ministry of Justice in order to assist improving juridical knowledge of the population, to ensure free and free of charge access to normative legal acts.

Dear Mr. Chairman. Distinguished members of the Committee,

Juridical provision and court

In compliance with Article 292 of the Labour Code, a worker has the right to raise a claim related to the restoration of his/her violated rights. To this end, a worker can apply to the State Labour Inspection Service of the Ministry of Social Protection of Population or to the court. Any complaint of migrant worker is reviewed within the rules considered for the citizens of the Republic of Azerbaijan. According to Article 10 of the Law of the Republic of Azerbaijan on “Courts and judges” protection in the court is provided at all stages of court proceedings.

For the purpose of continuation of measures in the field of fight against human trafficking new “National Action Plan on fight against human trafficking of the Republic of Azerbaijan (2009-2013)” was approved by the head of state in 2009. The National Action Plan for 2009-2013 covers all aspects of the fight against human trafficking, that is to say consider comprehensive preventive, rehabilitation, reintegration and propagandistic activity. Independent special police authority – Department on fight against human trafficking was established within the Ministry of Internal Affairs taking into account strengthening fight against human trafficking and requirements of the Law on “Fight against human trafficking”.

Foreigners and stateless persons who are victims of human trafficking are provided with protection and assistance on equal basis as the citizens of the Republic of Azerbaijan.

There is 1 shelter for victims of human trafficking in the Republic of Azerbaijan and in 2009-2012 four victims placed in the shelter and received necessary assistances.

Dear Mr. Chairman, Distinguished Committee members,

Conclusion

I would like to mention with regret that the Republic of Azerbaijan is not able to apply all the provisions of the Convention in the whole territory of the country. 20% of Azerbaijani territories – Nagorno-Karabakh region and 7 adjacent regions have been occupied by Armenia for a long period. As result of ethnic cleansing policy carried out by Armenia more than one million Azerbaijani...
become refugees and IDPs. The UN Security Council resolutions №822 (April 30, 1993), №853 (July 29, 1993), №874 (October 14, 1993), №884 (November 11, 1993) condemned occupation of the territories of the Republic of Azerbaijan, reaffirming respect for the sovereignty, territorial integrity of the Republic of Azerbaijan and demanded the immediate cessation of hostilities and hostile acts as well as the immediate, complete and unconditional withdrawal of all occupying forces from the occupied districts of Azerbaijan. In 2008, at its sixty-second session, the United Nations General Assembly adopted resolution 62/243, in which it reaffirmed the territorial integrity of the Republic of Azerbaijan and demanded the immediate withdrawal of Armenian forces.

I would like to note one more fact that on February 26, 1992 one of the bloodiest massacres of the mankind history – Khojaly genocide was perpetrated.

I am obliged to say with sadness that occupied regions which are a shelter for terrorists have become a favorable place for illegal circulation and transit of drugs, weapon smuggling, human and child trafficking, transplantation of human organs.

Despite this fact, the Republic of Azerbaijan is adherent to peaceful settlement solution of the conflict based on respect to sovereignty, territorial integrity and inviolability of internationally recognized boders.

**Dear Mr. Chairman, Distinguished Committee members,**

The delegation presenting the second periodical report of the Republic of Azerbaijan to the Committee was approved with the special Order of the President of the Republic of Azerbaijan. This is an example of significance attached to cooperation of the Republic of Azerbaijan with the Committee. By acceding to the Convention the Republic of Azerbaijan once more confirms importance of solution of the existing problems in this sphere in compliance with international documents.

Despite this we acknowledge that we still have some problems. But we are on a right path. We do believe that fruitful cooperation and dialogue with the Committee will will further positively affect solution of existing problems, as well as recommendations of the Committee will contribute to improvement of migrants’ condition.

**Thank you for attention.**