



**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**

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

Second periodic reports of States parties

Azerbaijan*

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**Second periodic report on the implementation by the
Republic of Azerbaijan of the obligations under the
International Convention on the Protection of the Rights of
All Migrant Workers and Members of Their Families**

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I. Introduction

1. Azerbaijan has established the requisite political and legal foundation for the practical implementation of the provisions of the fundamental international legal instruments in the area of human rights. It recognizes the primacy of human rights and upholds the principles of the universality, interdependence and indivisibility of fundamental human rights and freedoms. National legislation is continuously improved in order to bring it fully into line with international standards in the area of political, civil, economic, social and cultural rights.
2. The Constitution of Azerbaijan proclaims that the highest goal of the State is to ensure human and civil rights and freedoms. In accordance with the Constitution, human and civil rights and freedoms are guaranteed in full conformity with international agreements.
3. The presidential decree of 22 February 1998 on measures to safeguard human and civil rights and freedoms, the State programme on the protection of human rights approved by a presidential order of 18 June 1998 and the national plan of action for the protection of human rights approved by a presidential order of 28 December 2006 have played an important role in guaranteeing human and civil rights and freedoms.
4. A working group headed by the national Ombudsman has been set up to coordinate the implementation of the national plan of action. Representatives of non-governmental organizations together with State bodies participate actively in the working group.
5. On 18 June, Azerbaijan celebrates Human Rights Day. Various events also take place during Human Rights Month, held annually from 18 May to 18 June at the initiative of the Ombudsman.
6. Azerbaijan has ratified most international human rights instruments.
7. In 2007, Azerbaijan signed the International Convention for the Protection of All Persons from Enforced Disappearance, and in 2008 it ratified the Convention on the Rights of Persons with Disabilities and its Optional Protocol. In December 2008, Azerbaijan ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
8. Particular attention is devoted to cooperation with United Nations bodies active in the area of human rights. As one of the first members of the Human Rights Council, Azerbaijan is actively involved in the process of reforming the United Nations human rights structure, including the institutional development of the Council, as well as the procedure for the universal periodic review. The Government of Azerbaijan also cooperates closely with the relevant bodies of the United Nations and regularly submits reports on measures taken to implement the rights and freedoms provided for in international instruments.
9. Azerbaijan has also recognized the competence of the relevant United Nations treaty bodies to consider communications from persons who allege that they have been victims of human rights violations.
10. A number of outreach activities have been carried out as part of the technical assistance programme signed by the Government of Azerbaijan and the Office of the United Nations High Commissioner for Human Rights in order to expand possibilities and improve infrastructure for the protection of human rights; these include seminars on the submission of periodic reports to United Nations treaty bodies, training courses for judges, procurators and personnel of the Ministry of Justice, and the translation of international instruments into Azeri and their publication and dissemination.

II. Situation in the area of labour migration

11. The regulation of migration and the protection of the rights of migrants, in particular migrant workers, constitute one of the most pressing problems of the day. The regulation of migration in conformity with international standards and the protection of the rights of migrant workers and members of their families are priority areas for development in Azerbaijan, which attaches paramount importance to democratic values and has taken successful steps towards becoming part of the international community.

12. Azerbaijan has established the requisite legal basis for the implementation of the provisions of international instruments on the protection of the rights and freedoms of migrant workers.

13. By and large, measures taken to date have been directed towards legalizing the activities of migrant workers in the country and promoting lawful labour migration, which is crucial to ensuring full protection of the rights of all migrant workers and members of their families.

14. Labour migration of Azerbaijani citizens to other countries began in the late 1980s and early 1990s; since that time, labour migration has changed considerably in nature and scale.

15. In the late 1980s and early 1990s, large numbers of Azerbaijani citizens left the country owing to the political and economic crisis, the occupation by Armenia of 20 per cent of Azerbaijani territory, the loss of 300,000 jobs in the occupied territory and the presence of 1 million refugees and displaced persons, as well as the transition to new socio-economic relations and the worsening situation on the labour market.

16. Today this is no longer the case; on the contrary, Azerbaijani citizens who had left are returning, and a growing number of foreigners are coming into the country.

17. Rapid economic growth, social and political stability, and a rise in the standard of living are the main reasons why fewer Azerbaijani citizens are migrating to other countries. An analysis of labour migration shows that the main destinations of Azerbaijani migrant workers are the Russian Federation, Ukraine, Turkey, the United Arab Emirates, Germany, Belarus and other neighbouring countries. As in past years, the largest numbers of Azerbaijani migrant workers are to be found in the Russian Federation, Ukraine, Belarus and other neighbouring countries. They are mainly occupied in small businesses and trade. Growing numbers of migrant workers have gone to the countries of Western Europe, where they work primarily in the health-care and education sectors, the judicial system and big business. These are usually Azerbaijani citizens who have studied in Western European and North American universities.

18. Questions relating to the problems of Azerbaijani citizens working abroad are addressed in the framework of cooperation with the authorities of the States concerned. Cooperation is on the basis of bilateral inter-State agreements or, if no such agreement exists, interdepartmental protocols and agreements.

19. While Azerbaijani citizens are migrating abroad to work, foreigners are also migrating to Azerbaijan for the same reason. One of the most important questions concerns the procedures for the entry of migrant workers into Azerbaijan and for their residence in the country. By law, foreign nationals who do not require a visa may stay in the territory of Azerbaijan for 90 days. Foreign nationals who require a visa may stay in the territory of Azerbaijan for the period specified in the visa. These persons are issued a permit for a temporary stay. The diplomatic missions and consular offices of Azerbaijan issue one-time entry visas to foreign nationals subject to visa requirements and stateless persons who wish to work in Azerbaijan. Foreign nationals and stateless persons who violate the provisions of

the Exit, Entry and Passports Act (i.e. who enter Azerbaijan without a valid passport, visa or other document entitling them to cross the State border) are sent back to the country from which they arrived.

20. To obtain a visa, foreign nationals and stateless persons must submit the following documents to the diplomatic missions or consular offices of Azerbaijan:

- A filled-in application form
- Two photos (colour, 3 x 4 cm.)
- The foreign national's passport (for stateless persons: an identity card)
- A declaration from the host party
- A cheque for fees

21. In accordance with bilateral reciprocal agreements, migrant workers who are nationals of Turkey, Japan (up to 30 days) or Pakistan (up to 15 days) have the right to obtain a visa without payment of fees. Migrant workers who are nationals of Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Mongolia, Uzbekistan, Russia, Tajikistan or Ukraine have the right to enter and stay in the territory of Azerbaijan for 90 days without a visa.

22. By law, foreign nationals may work in Azerbaijan after receiving a work permit.

23. Legislation also stipulates that certain categories of foreign nationals, in particular persons engaged in business activities or permanently resident in the country, do not require such a permit.

24. Large-scale international and regional projects for the extraction and transport of oil and natural gas, social and political stability, foreign investments, favourable conditions for business and rapid economic growth are the main factors contributing to the influx of foreigners.

25. A successful economic policy, foreign investment and favourable conditions for business as a whole make Azerbaijan attractive not only for foreign investors but also for foreign workers; this has contributed to increased migration into Azerbaijan.

26. The high level of tolerance in the country is an equally important factor for this trend. In this connection, it is worth noting that to date, not a single case has been registered of a violation of the national, ethnic or religious rights of migrants.

27. As a result of improvements in migration legislation and harsher sanctions against illegal migration, growing numbers of foreign nationals are working legally in the country. The figures for migrant workers have increased not only because more foreigners have been coming to Azerbaijan to work but also because the status of foreigners who were working illegally in the country has been regularized.

28. According to data from the Ministry of Labour and Social Protection, in 2010 5,900 foreign nationals received work permits and 2,808 permits issued in past years were extended. A total of 8,708 foreign nationals were employed by 1,007 businesses in Azerbaijan on the basis of a work permit, or 1.5 times as many as in 2009 (5,784). Also in 2010, foreign nationals from 88 countries were employed in Azerbaijan, above all from Turkey (4,044 persons), Great Britain (1,515 persons), China (429 persons), Georgia (316 persons), India (256 persons), United States (239 persons), Iran (197 persons) and Russia (165 persons).

Figures on foreign nationals working in Azerbaijan, by country of origin, as of 1 April 2011

Total: 8,948 persons

<i>No.</i>	<i>Country</i>	<i>Number of foreign nationals</i>	<i>Percentage of total</i>
1.	Turkey	4 105	45.88
2.	Great Britain	1 539	17.20
3.	China	500	5.59
4.	Georgia	340	3.80
5.	India	265	2.96
6.	United States	237	2.65
7.	Iran	192	2.15
8.	Russian Federation	172	1.92
9.	Philippines	125	1.40
10.	Uzbekistan	112	1.25
11.	Germany	91	1.02
12.	Italy	70	0.78
13.	Turkmenistan	69	0.77
14.	France	65	0.73
15.	Canada	62	0.69
16.	Pakistan	61	0.68
17.	Australia	59	0.66
18.	Kazakhstan	46	0.51
19.	Malaysia	44	0.49
20.	Netherlands	41	0.46
21.	Republic of Korea	39	0.44
22.	Romania	36	0.40
23.	Ukraine	36	0.40
24.	Austria	34	0.38
25.	Tajikistan	34	0.38
26.	Others	541	6.05

29. As in past years, most foreign nationals with a work permit are employed in the construction and mining sectors. According to figures for 2010, 43.7 per cent of foreign nationals employed in Azerbaijan worked in the construction sector and 28.6 per cent in the mining sector. Compared to the figures for 2009, the number of foreign workers employed rose 1.21-fold in the mining sector and 2.14-fold in the construction sector. This development is linked above all to the increase in the number of foreigners legally employed on the basis of work permits.

30. For the most part, foreign nationals working in Azerbaijan are employed in industry, the construction sector, transport, commerce and services.

Employment of migrant workers by economic sector as of 1 April 2011*Total: 8,948 persons*

<i>Economic sector</i>	<i>Number of migrants</i>
1. Agriculture, forestry, fishing industry	53
2. Mining	2 559
3. Manufacturing	571
4. Electric power, gas, steam and air conditioning	45
5. Water supply; sewage treatment and waste disposal	22
6. Construction	3 969
7. Wholesale and retail trade, automobile and motorcycle repair	339
8. Transport and storage	64
9. Hotels and restaurants	238
10. Information and communication technologies	204
11. Financing and insurance	126
12. Real estate	65
13. Professional, scientific and technical activities	86
14. Administrative and support services	45
15. Education	353
16. Medical and social services	77
17. Leisure, entertainment and culture	68
18. Other services	59
19. Household management; activities of private households in the production of goods and services for private use	5
20. Total number of foreign nationals	8 948

31. The current situation calls for measures to regulate migration and to ensure a more effective protection of the rights of migrant workers and members of their families. A number of initiatives have been taken to that end in recent years.

32. In 2010, Azerbaijan introduced a labour migration quota, which defines the maximum number of foreign nationals who may be employed in the country in the course of the year on the basis of a work permit. The quota is established for each sector of economic activity.

33. In accordance with the rules for setting the labour migration quota approved by Cabinet of Ministers Decision No. 86 of 4 June 2009, quota proposals are prepared by commissions composed of representatives from the relevant State bodies and are endorsed by the Cabinet of Ministers.

34. The labour migration quota was set at 10,700 persons for 2010 and 9,815 persons for 2011.

Figures on the implementation of the labour migration quota for 2010

(by sector of economic activity)

<i>Sector of economic activity</i>	<i>Number of valid work permits</i>	<i>Quota for 2010</i>	<i>Vacancies</i>	<i>Percentage filled</i>
Total	8 708	10 700	1 992	81.4
Mining	2 494	2 700	206	92.4
Construction	3 804	4 900	1 096	77.6
Manufacturing	592	600	8	98.7
Production and distribution of electric power, gas and water	62	300	238	20.7
Wholesale and retail trade; repair of automobiles, motorcycles, household appliances and personal items	338	350	12	96.6
Transport, storage and communications	269	300	31	89.7
Agriculture, hunting and forestry	48	50	2	96.0
Finance	125	200	75	62.5
Hotels and restaurants	253	400	147	63.3
Education	354	400	46	88.5
Health care and social services	74	150	76	49.3
Real estate, leasing and related services	146	150	4	97.3
Other communal, social and personal services	149	150	1	99.3
Fishing and fish-farming	0	50	50	0.0

35. The following State bodies are involved in regulating labour migration in Azerbaijan:

- Ministry of Labour and Social Protection
- State Migration Service
- Ministry of Foreign Affairs
- Ministry of Internal Affairs
- State Committee for Refugees and Displaced Persons
- State Border Service
- Ministry of Health
- Ministry of Justice

36. The State Migration Service, set up pursuant to Presidential Decree No. 560 of 19 March 2007, is responsible for migration policy, the development of a management system, the regulation of migration and migration forecasting, and the coordination of activities in this area with the relevant State bodies. In recent years, the infrastructure of the State Migration Service has been enlarged, and its material and technical basis has been improved. Five regional branches of the Migration Service and an office at Heydar Aliyev International Airport have begun operating in order to ensure full control over migration flows within the country, simplify the application process and examine the applications of foreign nationals and stateless persons at their place of residence.

37. On the basis of the plan of action, the State Migration Service regularly conducts various joint initiatives with the State Border Service and the Ministry of Internal Affairs in order to prevent violations of migration legislation.

38. Pursuant to a presidential order of 6 February 2009, a centralized database was set up at the State Migration Service as part of the interdepartmental computerized information-retrieval system for entries, departures and registration, the objective being to keep a record of foreign nationals and stateless persons permanently or temporarily resident in the country, to provide the migration authorities with access to information and to computerize migration-related work concerning documentation, verification, requests and analysis as well as improvements in the relevant electronic services. Presidential Decree No. 276 of 4 June 2010 approved the regulations for the centralized migration database, which makes it possible to have a full picture of the dynamics of this phenomenon in Azerbaijan and also creates the necessary conditions for conducting initiatives to combat illegal migration. The centralized migration database contains detailed statistical data on foreign nationals, stateless persons and refugees permanently or temporarily resident in Azerbaijan, as well as on illegal migrants.

39. In 2007, a State programme was approved for the establishment of a biometric identification system, one of its aims being to combat illegal migration. In order to set up a reliable registration and monitoring system, measures have been taken to improve the interdepartmental information-retrieval system for entries, departures and registration, and work is being completed on the centralized migration database. At border crossings, work has begun to introduce migration services that will provide foreign nationals entering the country with information on regulations governing temporary and permanent residence in Azerbaijan.

40. The following measures have been taken in recent years in implementation of the State migration programme:

- Statistical records on labour migration have been improved
- Regulations have been defined for granting immigrant status to foreign nationals and stateless persons
- Regulations for issuing work permits to foreign nationals have been improved
- Steps are being taken to set up a centralized migration information centre
- Regulations have been introduced governing the voluntary placement and detention, at a State Migration Service holding centre for illegal migrants, of foreign nationals and stateless persons subject to an expulsion decision
- Regulations for setting a labour migration quota have been approved
- Draft rules for the social adaptation of immigrants have been elaborated
- A draft strategy on readmission has been elaborated

41. On 4 March 2009, in another important step aimed at ensuring better migration management, the President of Azerbaijan signed Decree No. 69 on the implementation of the “single window” principle for managing migration flows.

42. The Decree has made it possible to manage migration flows in the country with the help of more flexible and effective mechanisms, to improve efficiency and to address a number of unresolved problems.

43. The main objective of the Presidential Decree is to assign the mandate for the regulation of migration to a single body, the State Migration Service, which will be responsible for ensuring the legality and promptness of decisions taken and issuing the

relevant permits and documents to foreign nationals and stateless persons who apply to live and work in Azerbaijan and have legitimate reasons for their request. Foreign nationals will no longer have to go to several authorities and collect a multitude of duplicate documents in order to legalize their presence and employment in Azerbaijan. It will be sufficient to apply to the State Migration Service, which will acknowledge receipt of the documents, issue the work permit, extend the temporary stay of foreigners in the country, grant foreigners temporary or permanent residence (i.e. issue a residence permit), register them at their place of residence and provide them with identity documents. Application forms for obtaining a permit and a list of required documents and information on fees for the issuance of the permit and other documents are available on the user-friendly website of the State Migration Service.

44. The Decree also introduced another novelty to improve migration management: with the start of the application of the “single window” principle, i.e. as from 1 July 2009, travel and return visas issued to foreigners were abolished. Now persons who have been issued a temporary or permanent residence permit may leave Azerbaijan and return on the basis of a passport, another document certifying their identity or other certification issued by the State Migration Service.

45. Modern information technologies and databases are of great importance in regulating migration flows. Steps are being taken to merge the migration databases of various State bodies and to create a centralized migration database and a population register.

46. The question of the creation of a centralized migration database is reflected in the State programme on the implementation of a national employment strategy (2007–2010), which was approved by a presidential order of 15 May 2007, and in the State migration programme (2006–2008), which was approved by a presidential order of 25 July 2006.

47. Azerbaijan has signed bilateral and multilateral agreements with a number of countries in order to ensure the social welfare and protect the rights of migrant workers and members of their families.

48. In particular, bilateral agreements on cooperation in the field of migration have been signed with Moldova, Kazakhstan, Kyrgyzstan, Ukraine and Belarus; the signing of similar agreements with a number of other countries is pending. On the whole, these agreements deal with the protection of the rights of migrant workers, their social welfare and the simplification of job placement procedures.

49. The Ministry of Internal Affairs conducts bilateral negotiations with the authorities of other States, during which information is exchanged, consultations are held on migration questions, and information is provided on policies, laws and regulations concerning migration and employment as well as on migration agreements concluded with other States. Consular negotiations are conducted primarily with countries to which a large number of Azerbaijani citizens have migrated for employment purposes. Experts of the Ministry of Internal Affairs, the State Migration Service and the Ministry of Labour and Social Protection take part in these negotiations, which seek to address problems that arise in connection with the regulation of migration flows. The main objective of these negotiations is to have a constructive dialogue on the protection of the rights and freedoms of the citizens of the States concerned who are residing in the territory of the other countries.

50. The Ministry of Internal Affairs provides information to the authorities of other States on new laws and regulations and on amendments to legislation in the area of labour migration.

51. In the context of the Commonwealth of Independent States (CIS), Azerbaijan has acceded to the Agreement on cooperation in the area of labour migration and the social

protection of migrant workers (1994). Basically, the Agreement covers questions concerning the protection of the social rights of migrant workers and mutual recognition of diplomas and length of service, and it also provides for exchanges of experience and information on issues relating to migration management. Azerbaijan has also acceded to the Agreement on cooperation between CIS States in combating illegal migration (1998) and to the instructions, approved by a decision of the CIS Heads of State of 25 January 2000, on rules for the exchange of information on illegal migration and on the centralized database on illegal migration and persons whose entry into the CIS member States of the Agreement is prohibited under national legislation.

52. Azerbaijan is taking steps to implement international instruments for a more effective regulation of migration, and labour migration in particular. In 2010, it began negotiations with the European Union with a view to signing an association agreement. It is currently elaborating an article of the association agreement that deals with cooperation between the European Union and Azerbaijan on migration, asylum and border issues. It is also planned to promote cooperation on questions concerning temporary and permanent labour migration and the fight against illegal migration. After the signing of the association agreement, Azerbaijan also intends to sign two other important agreements, on the simplification of visa regulations and on readmission.

53. With a view to improving qualifications in the field of migration, Azerbaijan is also making use of Migration EU Expertise (MIEUX), an international instrument set up to promote the harmonization of the legislation of countries participating in this process with European legislation on labour migration.

III. Legislation in the area of labour migration

54. Labour migration in Azerbaijan is regulated by the Constitution, the Labour Migration Act of 28 October 1999, the Immigration Act of 22 December 1998, the Exit, Entry and Passports Act of 14 June 1994, the Trafficking in Persons Act of 28 June 2005, the Legal Status of Foreign Nationals and Stateless Persons Act of 25 June 1996, the Labour Code and a number of presidential decrees and orders and government decisions, as well as international conventions and bilateral and multilateral agreements ratified by Azerbaijan.

55. The Exit, Entry and Passports Act, adopted in 1994, is in conformity with international standards. In keeping with Azerbaijan's international obligations, the Act establishes the procedure for obtaining passports and guarantees freedom of entry into and departure from the country.

56. The Immigration Act regulates the immigration of foreign nationals and stateless persons into Azerbaijan.

57. The Labour Migration Act establishes the legal, economic and social basis of labour migration in Azerbaijan and regulates relations in this area.

58. The Trafficking in Persons Act establishes the legal and organizational framework for the prevention of such offences and the legal status of victims, and it regulates questions associated with protecting and assisting these persons.

59. Amendments and additions have been made to legal acts in the area in order to improve legislation on migration.

60. A draft migration code has been elaborated and submitted to the Cabinet of Ministers for the purpose of creating a centralized database of legislation on migration.

61. The draft migration code contains provisions on exemptions from the requirement to obtain a work permit for foreign nationals and stateless persons who are married to Azerbaijani citizens, have been granted refugee status, have dependant children under the age of 18 or with category I or II disabilities who are Azerbaijani citizens, or are hired with the consent of the Cabinet of Ministers to work in humanitarian organizations.

62. Although existing legislation establishes a procedure for the issuance of work permits for up to one year with up to four extensions, and although foreign nationals must leave the country at the end of this period, the draft migration code does not contain the four-extensions limit. The draft code also allows persons who have been refused a work permit to submit a second application in the course of their stay in the country if they have legitimate grounds for doing so, i.e. if they can present documents invalidating the reasons for the refusal.

63. The draft migration code contains provisions allowing migrant workers to leave the country within 10 days of the expiry of their permit or the early termination of a labour contract, in the absence of other grounds for their remaining in the country. It also includes provisions stipulating that temporary residence permits are valid for 10 days longer than work permits and that temporary residence permits may be extended.

IV. Legislation and the Convention

A. Measures to implement and disseminate the Convention

64. Article 148 of the Constitution stipulates that international agreements to which Azerbaijan is a party are an integral part of domestic legislation. In accordance with article 151 of the Constitution (Legal force of international agreements), where there is a contradiction between laws and regulations forming part of Azerbaijan's legal system (apart from the Constitution and legislation adopted by referendum) and international agreements to which Azerbaijan is a party, the international agreements apply.

65. Domestic legislation takes into account all the rights of migrant workers and members of their families recognized in international instruments. Although legislation on migration and the draft migration code do not specifically refer to the term "migrant worker" used in the Convention, the rights and freedoms of migrant workers emanating from that legislation are set out in a number of articles and provisions in a manner that is entirely consistent with Azerbaijan's migration policy.

66. Migrant workers may obtain a work permit before their arrival in the country. Thus, even before their entry into Azerbaijan, they enjoy all the rights of migrant workers under domestic legislation.

67. State authorities responsible for regulating migration flows, as well as the media, regularly conduct public awareness campaigns on labour migration, including with regard to domestic legislation and questions addressed in the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

68. The Convention is accessible to the public on the website www.e-qanun.az, which is run by the Ministry of Justice.

69. Under the national plan of action for the protection of human rights, courses for judges and candidate judges, law enforcement personnel and lawyers have focused on questions associated with international human rights conventions, initiatives have been introduced to ensure the use in court practice of the case law of the European Court of

Human Rights, and research and studies have been conducted on the application by Azerbaijani courts of the provisions of international human rights instruments.

70. In accordance with Opinion No. 4 (2003) on appropriate initial and in-service training for judges at national and European levels of the Consultative Council of European Judges, a department was established in May 2007 within the Judicial and Legal Council for the training of judges, including candidates for judgeships, and State prosecutors.

71. In recent years, the Judicial and Legal Council together with the Organization for Security and Cooperation in Europe (OSCE), the United Nations Children's Fund (UNICEF), the American Association of Jurists and other international organizations have regularly held numerous seminars for judges and State prosecutors on various legal issues. The programmes of these courses include questions relating to the protection of labour rights and the prevention of any form of discrimination.

72. A presidential decree of 17 August 2006 established the Judicial Academy in order to raise the professional level of persons who have earned a law degree under the auspices of the legal training centre of the Ministry of Justice. The curriculum of the Judicial Academy covers various subjects relating to the study of international instruments on human rights and fundamental freedoms, including the right to work.

73. Education on human rights and freedoms is a main focus. The Judicial Academy places emphasis on the study of domestic legislation and international instruments in the area of human rights, including the protection of the rights of migrant workers and members of their families, in its compulsory courses for persons seeking employment with the judicial or procuratorial authorities and for aspiring lawyers, as well as in its long-term basic training courses for candidates for judgeships and in-service training for judges.

74. In 2010, the State Migration Service, together with the Office of the United Nations High Commissioner for Refugees and in cooperation with representatives of the International Organization for Migration, held courses and seminars on the status of refugees and asylum-seekers for executive, judicial and law enforcement authorities in the southern and western regions of Azerbaijan.

B. The role of non-governmental organizations

75. The Cabinet of Ministers concluded a general collective agreement with the confederation of trade unions in 1992 and with the national confederation of organizations of entrepreneurs (employers) in 2001. The latest agreement, which covers 2010–2011, provides that the necessary measures are to be taken to obtain full and comprehensive information on migrant workers, improvements in labour, employment and migration legislation and international experience in the protection of the rights of migrant workers.

76. The national plan of action for the protection of human rights calls for the involvement of NGOs active in the area in the preparation of the reports which Azerbaijan submits to the specialized committees of the United Nations.

C. Employment of migrant workers in Azerbaijan

77. The Constitution provides that foreign nationals and stateless persons have the right freely to enter, live and work in Azerbaijan.

78. In accordance with the Labour Migration Act, every able-bodied foreign national and stateless person who has reached the age of 18 has the right to work in Azerbaijan. Pursuant to article 13 of the Labour Code, foreign nationals and stateless persons present in

Azerbaijan are entitled to all labour rights on an equal footing with Azerbaijani citizens. Restrictions on the labour rights of foreign nationals and stateless persons set out in the Code and other law and regulations are prohibited, except in cases provided for by law. Foreign nationals and stateless persons may not be accorded preferential treatment over citizens of the Republic of Azerbaijan in labour-related matters.

79. Legal entities and individuals, as well as branches and representative offices of foreign legal entities, may hire foreign nationals to work in Azerbaijan.

80. Foreign nationals may work in Azerbaijan after receiving a work permit.

81. A work permit is issued for one year and may be renewed four times, each time for an additional year. A request for such a permit must be submitted by the employer.

82. Upon receipt of the permit, the employer must conclude an employment contract with the migrant in conformity with the Labour Code.

83. The employer may request the issuance of a permit even before the arrival of the foreign national. In such cases, the Labour Migration Act stipulates that, prior to entering the country, the migrant worker must be provided with a copy of the employment contract to be signed with the employer.

84. Foreign nationals present in the country for other reasons may also apply for a permit; no restrictions or other requirements are envisaged in that regard.

85. Certain categories of migrants do not require a work permit.

86. Pursuant to a provision of the Labour Migration Act, the following categories of persons do not require such a permit:

- Persons residing permanently in the country
- Persons engaged in business activities
- High-level personnel of organizations established on the basis of international agreements
- Persons working in diplomatic missions and consular offices
- Persons working for international organizations
- Persons on mission for no more than three months
- Persons engaged in religious activities in State-registered religious organizations and associations
- Accredited media staff members
- Sailors
- Athletes and persons active in the arts
- Higher-education teaching staff invited to hold lectures at universities, lecturers and specialists conducting scientific research

87. A work permit issued to a migrant worker in Azerbaijan may not be revoked except in cases in which the migrant worker has committed a criminal offence, has submitted fictitious documents or provided false information in order to obtain the permit, or at the end of the employment activity.

88. A permit is not required for foreign nationals hired as chief executives or deputy chief executives of foreign legal entities or branches or representative offices of legal entities, or for foreign nationals engaged in business activities.

89. In accordance with article 20 of the Labour Migration Act, migration by frontier workers is governed by bilateral and multilateral international agreements to which Azerbaijan is a party. Azerbaijan has not signed any agreement in this area.

V. Rights of migrant workers

A. Fundamental rights and freedoms

90. In accordance with article 25, paragraph 3, of the Constitution, the State guarantees equality of rights and freedoms for all, irrespective of race, ethnic background, religion, language, sex, origin, material or official status, beliefs or membership of political parties, trade unions or other voluntary associations. The restriction of human and civil rights and freedoms on grounds of race, ethnic background, religion, language, sex, origin, beliefs or political or social affiliation is prohibited.

91. Under the Constitution and domestic legislation, every person in Azerbaijan is guaranteed freedom and security. The unjustified detention or arrest of any person or confiscation of his or her property is prohibited. These guarantees also apply to migrant workers and members of their families.

92. Pursuant to article 4 of the Legal Status of Foreign Nationals and Stateless Persons Act, foreign nationals and stateless persons enjoy the same rights and freedoms and have the same obligations as Azerbaijani citizens, irrespective of social or material status, racial or ethnic origin, sex, language or attitude to religion.

93. Article 11 of the Act stipulates that with respect to labour relations foreign nationals and stateless persons enjoy the same rights and have the same obligations as citizens of Azerbaijan unless domestic law or international treaties to which Azerbaijan is a party provide otherwise.

94. Domestic legislation does not contain any provision permitting confiscation of the identity documents of foreigners or restriction of their movement within the country.

B. Work and social protection

95. Pursuant to article 13 of the Labour Code, unless domestic law or international agreements to which Azerbaijan is a party provide otherwise, foreign nationals and stateless persons present in Azerbaijan enjoy all the same labour rights as citizens of Azerbaijan and have obligations in keeping with those rights. Article 16 of the Labour Code prohibits any discrimination in labour relations among workers on grounds of citizenship, sex, race, faith, ethnic origin, language, place of residence, material status, social origin, age, family status, beliefs, political views, membership of trade unions or other voluntary associations, official position or any other criteria unrelated to their professional qualities, occupational skills or job performance. It also prohibits the direct or indirect conferring of advantages or privileges and the restriction of rights on those grounds. Employment contracts concluded between legal entities or individuals and a migrant worker may provide for other conditions which improve the migrant worker's social protection.

96. In accordance with the procedure established by law, migrant workers have the right to abrogate a labour contract at any time in accordance with the prescribed procedure and leave the country. Migrant workers are not forbidden to leave for their country of origin or any other country.

97. Article 8 of the Labour Migration Law and the draft migration code provide for the payment of expenses by the legal entity or individual (employer) if a migrant worker and members of his or her family return to their country of origin in the event of early termination of the employment contract for reasons beyond the migrant worker's control. Migrant workers have the same rights as citizens of Azerbaijan with regard to working conditions, remuneration, working hours and rest periods, as well as social security. Labour relations of migrant workers are governed by the Labour Code, article 13 of which regulates questions associated with the employment of Azerbaijani citizens in other countries and foreign nationals and stateless persons in Azerbaijan. Migrant workers are entitled to compensation for occupational injury on an equal basis with Azerbaijani citizens and have the same rights in this regard.

98. Pursuant to articles 292 and 294 of the Labour Code, migrant workers have the right of access to the courts on the same grounds and conditions as Azerbaijani citizens. By law, migrant workers are entitled to a pension for the period worked in Azerbaijan. This question is regulated by bilateral inter-State agreements. Foreign seasonal workers, foreign itinerant workers and foreign specified-employment workers are recognized as migrant workers and enjoy all corresponding rights and privileges. The fact that Azerbaijani legislation on labour migration is in keeping with the provisions of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families ensures that all the obligations arising from the Convention are fully complied with.

C. Taxes and remittances

99. Pursuant to article 19 of the Labour Migration Act, migrant workers legally employed in Azerbaijan pay taxes in accordance with the law.

100. It is prohibited to subject migrant workers to double or additional taxation. National legislation does not place restrictions on the transfer of money earned by migrant workers to their countries of origin. No customs duties are levied for the import or export of tools used by migrant workers in their work or for articles purchased with their earnings.

D. Health care

101. The Public Health Act provides that stateless persons permanently resident in Azerbaijan have the same rights as Azerbaijani citizens in the area of health care. Foreign nationals are entitled to health-care protection in accordance with the procedure established under international agreements to which Azerbaijan is a party.

102. Pursuant to article 10 of the Public Health Act, health-care services in State medical institutions are free. Under the provisions of the Act, migrant workers are entitled to the same health-care protection as Azerbaijani citizens in accordance with the procedure established under international agreements to which Azerbaijan is a party.

103. By law, migrants are entitled to emergency and specialized medical assistance without any restrictions or discriminatory distinctions. The Ministry of Health cooperates in this area with other State bodies, NGOs and international organizations. Reference is made in particular to the cooperation with the Office of the United Nations High Commissioner for Refugees in providing assistance and medical care to Chechen, Pakistani and Afghan refugees.

104. An electronic database for health-care records is being set up at the centre of information technology of the Ministry of Health in order to keep a register of the health of

the population, including foreign nationals legally resident in the country. Under the “Electronic Azerbaijan” programme, a system for the management of computerized records of health files and medical examinations began operating pursuant to Cabinet Minister Decision No. 143 of 12 June 2006 on the approval of regulations on the use of such a mechanism.

105. The system being set up by the centre of information technology of the Ministry of Health is a process for digitalizing records of treatment provided at State medical centres.

106. 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 and additions to the Public Health Act are currently under discussion with a view to improving the provision of medical treatment for migrants.

E. Family

107. Article 10 of the Labour Migration Act prohibits restrictions on the reunification of migrant workers with their families. Here again, this is consistent with the relevant provision of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

108. Article 10 also provides that employed migrant workers and members of their families are entitled to the same social protection as that prescribed by law for Azerbaijani citizens.

109. Under the draft migration code, members of the family (by law, the spouse, children under the age of 18 and dependant parents) of persons who have authorization for temporary residence in Azerbaijan on the basis of a work permit are also issued a residence permit and are registered at their place of residence on that basis.

F. Education

110. Article 42 of the Constitution stipulates that every citizen has the right to education, including free compulsory general secondary education. Article 19 of the Legal Status of Foreign Nationals and Stateless Persons Act specifies that foreign nationals and stateless persons permanently resident in Azerbaijan are entitled to education under the same conditions as Azerbaijani citizens. Article 44 of the Education Act provides that education and further training of foreign nationals must take place in conformity with international agreements which Azerbaijan has ratified.

111. By law, the children of migrants, including migrant workers, are entitled to free secondary education. Classes are conducted in Azeri, Russian, English, French and other languages.

112. According to information from the database of the Ministry of Education, approximately 940 children of migrants are currently enrolled in free State general-education schools or in fee-based private schools.

G. Access to information

113. Under the Information Act, access to information in Azerbaijan is free. Everyone has the right to contact the owner of information directly or through an intermediary and to choose the type of information and the form in which it is obtained.

114. A number of initiatives have been taken (press conferences, round tables, educational measures on legal matters) to inform and educate foreign nationals and stateless persons about Azerbaijan's migration legislation and accelerate their integration in society. Foreign nationals and stateless persons wishing to obtain detailed information on migration questions have access to the Migration Information Centre of the State Migration Service (telephone number: 919) in three languages (Azeri, Russian and English).

115. The official Internet page of the Migration Service also operates in those three languages. By applying to the "question and answer" service or by writing to the e-mail address, foreign nationals can obtain answers to their questions. In addition, the newspaper *Migration*, which began publication in 2010, has been available in the three languages since 2011 in order to inform Azerbaijani citizens, foreign nationals and stateless persons about developments in the area of migration in the country and around the world.

116. Migrant workers and members of their families can also receive information on conditions for their residence in Azerbaijan and on their legal rights and obligations by visiting the official information sources of the Ministry of Foreign Affairs (www.mfa.gov.az), the Ministry of Internal Affairs (www.mia.gov.az) and the State Migration Service (www.migration.gov.az). These Internet resources provide information on entrance and residence procedures for foreign nationals and on their rights and obligations in Azerbaijan, rules governing employment activities, fees, and procedures for challenging a refusal to grant the right to work and for obtaining the restoration of violated rights. They post all national legislation as well as international agreements to which Azerbaijan is a party and which might be of interest to migrant workers for any reason. Migrant workers and members of their families can also receive information on conditions for residence and employment and on the requirements which they must meet in the State of residence, as well as on the authorities to whom they must apply for any modification of these conditions, by contacting the consular services of the diplomatic mission of Azerbaijan or by applying directly to the Azerbaijani authorities. In conformity with article 33 of the Convention, such information is provided upon request, free of charge.

117. The Ministry of Justice has set up and supports the website www.e-qanun.az, which is the electronic information database on national legislation, to promote public awareness of the law and ensure free and unhampered access to laws and regulations. The functional possibilities of the website have been expanded in the framework of the State programme for the development of the Azerbaijani judicial system, 2009–2013. According to data for 2010, the website contained some 21,000 laws and regulations, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

H. Participation in cultural life

118. Article 40, paragraph 1, of the Constitution states that everyone has the right to participate in cultural life and to have access to cultural institutions and cultural property. Article 40, paragraph 2, stipulates that everyone must respect and care for the historical, cultural and spiritual heritage and must protect historical and cultural monuments. Pursuant to article 6, paragraph 3, of the Culture Act, foreign nationals and stateless persons have the same rights as Azerbaijani citizens in this area. In accordance with article 10 of the Act, everyone must comply with the law in the area of culture, respect the national spiritual tradition as well as the culture, language, customs and traditions of the Azerbaijani people, including all ethnic groups living in Azerbaijan, foster appreciation of the arts and the cultural development of children and young people, and fulfil other legal obligations. No individual or organization may monopolize cultural activity entirely or any aspect thereof or prevent the free cultural activities of citizens. Article 48, paragraph 2, of the Culture Act

specifies that branches and representative offices of international cultural funds and organizations may be established in Azerbaijan in accordance with the law. Every cultural institution has the right to accede to the relevant international organization and to invite foreign members to join its ranks.

I. Protection of rights and the courts

119. In accordance with article 15 of the Labour Code, the State Labour Inspectorate of the Ministry of Labour and Social Protection established pursuant to Presidential Decree No. 455 of 27 January 1997 is responsible for monitoring compliance with labour legislation. Under Presidential Decree No. 386 of 16 February 2011, the State Labour Inspectorate was renamed the State Labour Inspectorate Service.

120. Article 292 of the Labour Code provides that an employee has the right to take legal action for the restoration of violated rights. Under paragraph 1 of that article, if an employee ascertains that his rights and legal interests have been violated in connection with questions enumerated in article 288 of the Labour Code, he may demand restoration of his violated rights by applying to the authorities responsible for ruling on individual labour disputes under the procedure set out in the Code. Paragraph 2 states that, to obtain restoration of his rights, the employee may file a lawsuit in court or apply to the relevant body responsible for pretrial settlements of labour disputes envisaged in article 294 of the Labour Code and also may personally go on strike in accordance with the procedure defined in article 295. Paragraph 3 stipulates that, to obtain restoration of the violated rights, the employee may also apply to the body responsible for the settlement of labour disputes through his authorized representative. Under the procedure established by law, the employee must empower the authorized representative to defend his rights.

121. In addition, article 294, paragraph 1, of the Labour Code requires that all individual labour disputes must be considered directly by the courts, except for cases set out in paragraph 2 of the article. Paragraph 2 provides that, in cases specified in collective agreements, the establishment of a body may be contemplated for a pretrial examination of individual labour disputes within the trade union organization of an enterprise. Collective agreements regulate the procedure for the establishment and functioning of such a body. Paragraph 3 states that, unlike the procedure established under the Labour Code for the settlement of individual labour disputes, a collective agreement may include a procedure that does not violate the principle of the equality of the parties or their labour, social or economic rights as set out in the Code. In accordance with paragraph 4, an employee or employer who is not satisfied with the decision of the body responsible for a pretrial settlement of labour disputes may appeal to the courts; the period during which legal action may be taken starts from the day on which the body responsible for the pretrial examination of labour disputes issues its ruling.

122. Migrant workers whose rights have been violated may bring the matter to the attention of the courts or the law enforcement authorities. Complaints by migrant workers on any questions are filed in the framework of the procedures established for Azerbaijani citizens.

123. Pursuant to article 10 of the Courts and Judges Act, the right to judicial protection is ensured at every stage of proceedings.

124. Article 1, paragraph 2, of the Decisions and Actions (Omissions) that Violate the Rights and Freedoms of Citizens (Court Appeals) Act of 11 June 1999 provides that foreign nationals and stateless persons may take legal action in accordance with the procedure established under this Act, unless inter-State agreements ratified by Azerbaijan provide otherwise.

125. To date, no cases have been recorded of complaints filed in connection with a violation of the labour rights of migrants.

VI. Residence permits

A. Types of residence permits

126. There are three categories of residence permits for foreign nationals in Azerbaijan:

- (a) Temporary stay;
- (b) Temporary residence;
- (c) Permanent residence.

B. Temporary stay

127. Nationals of States with which it has been established that no visa is required may stay in the territory of Azerbaijan for up to 90 days. Nationals of States with which a visa requirement has been established are entitled to stay in the territory of Azerbaijan for the period specified in the visa. These persons are regarded as being temporarily present in Azerbaijan. Where necessary, the period of temporary stay of a foreign national or stateless person in Azerbaijan may be extended.

C. Temporary residence

128. Foreign nationals and stateless persons who wish to stay in Azerbaijan for more than 90 days must receive permission from the relevant executive authorities in accordance with the procedure established by law.

129. Temporary residence permits are issued to:

- Persons who are close relatives of Azerbaijani citizens
- Persons who have married Azerbaijani citizens
- Persons who have placed 50,000 manats in an Azerbaijani bank
- Persons who have received a permit to work in Azerbaijan in accordance with the procedure established by law
- Persons who are full-time students at an educational institution in Azerbaijan
- Highly qualified specialists in the fields of economics, industry, science, culture or other areas as well as top athletes
- Persons who have invested at least 500,000 manats in the economy of the country
- Other cases established by law

130. In the following cases, foreign nationals and stateless persons are not issued a temporary residence permit, or an earlier permit is revoked:

- If their temporary residence is prejudicial to State or public security
- If false documents or information were submitted in order to obtain the temporary residence permit
- If the person concerned does not have an identity document

- If the foreign national or stateless person is a carrier of a virus or illness that is on the list of particularly dangerous infectious diseases established by the relevant executive authorities
- If the foreign national or stateless person has been deported from Azerbaijan in the past
- If a marriage to an Azerbaijani citizen that served as the basis for obtaining a temporary residence permit is declared void
- If a person leaves the territory of Azerbaijan to take permanent residence in another State
- If the presence of a person residing in Azerbaijan is found to be undesirable
- Other cases established by law

131. A temporary residence permit is granted for a period of one year. It may be revoked by the executive authorities that issued it, and it may be extended for not more than four years.

D. Permanent residence (immigrant status)

132. Foreign nationals and stateless persons who have resided temporarily and legally in Azerbaijan for at least two years may be granted the right to permanent residence (immigrant status) in Azerbaijan in accordance with the procedure established under the Immigration Act.

133. Foreign nationals and stateless persons permanently resident in Azerbaijan must register at their place of residence in accordance with the procedure established by law.

134. By law, foreign nationals permanently resident in Azerbaijan have the same rights and obligations as Azerbaijani citizens, with the exception of participation in national elections, referendums, presidential and parliamentary elections and employment in the civil service. Such persons may vote in local elections.

135. Article 17 of the Legal Status of Foreign Nationals and Stateless Persons Act stipulates that foreign nationals and stateless persons permanently resident in Azerbaijan have the right to be assigned living quarters from the State, administrative or public housing stock on the basis of and in accordance with the procedure established for Azerbaijani citizens, unless legislation provides for other regulations.

E. Refugees and displaced persons

136. Following the war of aggression launched by Armenia against Azerbaijan and the occupation of 20 per cent of Azerbaijan's territory, 250,000 ethnic Azerbaijanis were driven out of Armenia by force and took refuge in Azerbaijan, and 800,000 Azerbaijani citizens living in Nagorny Karabakh and adjacent regions were forced to leave their homes. Some 50,000 Meskhetian Turks who fled Uzbekistan also found shelter in Azerbaijan.

137. Pursuant to article 3 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention does not apply to refugees or stateless persons, unless such application is provided for in national legislation or international instruments. National legislation on labour migration does not apply to refugees either.

138. In accordance with article 6 of the Status of Refugees and Displaced Persons Act, refugees enjoy the same basic rights and freedoms and have the same obligations as Azerbaijani citizens.

139. Azerbaijan acceded to the 1951 Convention relating to the Status of Refugees in 1992 and to its Protocol in 1967.

F. Citizenship

140. Pursuant to article 1 of the Citizenship Act and article 52 of the Constitution, any subject of the Azerbaijani State, having with that State political and legal ties and reciprocal rights and responsibilities, is a citizen of Azerbaijan. A person born in the territory of Azerbaijan or to citizens of Azerbaijan is a citizen of Azerbaijan. A person one of whose parents is a citizen of Azerbaijan is a citizen of Azerbaijan.

141. In accordance with article 5 of the Citizenship Act, citizens of Azerbaijan are:

(a) Persons who were citizens of Azerbaijan upon the entry into force of this Act, provided they were registered at their place of residence in Azerbaijan prior to its entry into force;

(b) Persons who prior to 1 January 1992 were not citizens of Azerbaijan or were citizens of another State but were registered at their place of residence in Azerbaijan;

(c) Refugees who settled in Azerbaijan between 1 January 1988 and 1 January 1992;

(d) Persons who obtained Azerbaijani citizenship under this Act.

142. Refugees who have obtained citizenship in Azerbaijan on the basis of paragraph 3 of this article do not forfeit the right to return to the State which they have left. These persons qualify for the benefits to which displaced persons are legally entitled.

143. A child born in Azerbaijan to stateless persons is a citizen of Azerbaijan.

144. A child who is present in the territory of Azerbaijan and whose parents are both unknown is a citizen of Azerbaijan.

145. The legal provisions of Azerbaijan in this area are in full compliance with international requirements.

146. Article 14 of the Citizenship Act provides that foreign nationals and stateless persons, irrespective of origin, race or ethnic background, sex, education, attitude to religion, or political or other beliefs, who have resided legally in the territory of Azerbaijan for five years without interruption, have a legal source of income, have accepted the obligations under the Constitution and national legislation and have submitted a document certifying knowledge of the State language of Azerbaijan may take Azerbaijani citizenship, upon request, in accordance with this Act.

VII. Illegal migration and the fight against trafficking in persons

147. Foreign nationals and stateless persons who enter the country in violation of the regulations, who have stayed in the country beyond the time period set by law or their visa, who are employed without the requisite work permit or who are living in the country in violation of the law are considered illegal migrants.

148. Illegal migrants may incur administrative responsibility in accordance with and on the basis of the law, and they may also be deported from the country as an administrative or coercive measure.

149. Cabinet of Ministers Decision No. 130 of 1 July 2010 on the approval of rules for the deportation from Azerbaijan of foreign nationals and stateless persons who do not have immigrant status introduced provisions governing the procedure and time period for the deportation of such persons and the protection of their rights and freedoms in such instances. The Decision specified that a foreign national or stateless person who does not have immigrant status may be deported only in cases of serious violations of legislative provisions on the legal status of foreign nationals and stateless persons in Azerbaijan.

150. Article 52 of the Criminal Code stipulates that, after serving a sentence for the commission of a crime, a person may be forcibly deported from Azerbaijan.

151. Legislation restricts the possibility of deporting foreign nationals as a form of criminal punishment in the following cases:

- If the foreign national has permanently resided in Azerbaijan for five years
- If the foreign national is married to an Azerbaijani citizen
- If the foreign national was born in Azerbaijan
- If at least one of the foreign national's parents is an Azerbaijani citizen
- If the foreign national has refugee status
- If the foreign national has dependant children or family members with category I or II disabilities
- If there are substantial grounds for believing that the foreign national will be subjected to torture or humiliation in his or her country

152. Article 27, paragraph 7, of the Legal Status of Foreign Nationals and Stateless Persons Act provides that foreign nationals and stateless persons concerning whom a deportation decision has been taken may be voluntarily placed at the illegal migrant holding facilities of the relevant executive authorities pending implementation of the deportation decision.

153. As stipulated in article 22, paragraph 1, of the Convention (according to which migrant workers and members of their families may not be subject to measures of collective expulsion), each case of expulsion is examined individually, and the State authorities review the reasons that led to the violations of the legal provisions of Azerbaijan.

154. A decision to deport an immigrant from Azerbaijan does not apply to the members of the immigrant's family.

155. Under Azerbaijani legislation, migrant workers and members of their families may be deported only in pursuance of a decision taken by the competent authorities. The decision to deport a foreign national or displaced person who does not have immigrant status is taken by the Ministry of Internal Affairs, the State Migration Service or the courts.

156. A foreign national or stateless person who does not have immigrant status and concerning whom a deportation decision has been taken must be informed in a language that he or she understands. Such persons are also entitled to the services of an interpreter.

157. Pursuant to article 29 of the Legal Status of Foreign Nationals and Stateless Persons Act, appeals may be lodged with the courts against decisions to deport foreign nationals or stateless persons who do not have immigrant status. The lodging of an appeal does not have the effect of suspending execution. A foreign national or stateless person who does not have

immigrant status may file an appeal for a court review of the deportation decision of the State body and in such cases may request a suspension of the execution of the deportation decision.

158. Foreign nationals and stateless persons who do not have immigrant status must leave the territory of the country within the period specified in the deportation decision.

159. If a person concerning whom a deportation decision has been taken fails to leave the country voluntarily, the case is referred to the courts. The decision to withdraw immigrant status from foreign nationals or stateless persons or to forcibly deport them from Azerbaijan is taken by the court. Upon the decision of the court, such persons are forcibly deported by the authorities of the Ministry of Internal Affairs.

160. The Constitution provides that everyone is guaranteed the right to lodge a second appeal with the courts.

161. Foreign nationals and stateless persons who do not have immigrant status and with regard to whom a deportation decision has been taken are forcibly deported to the following countries:

- (a) Foreign nationals: to the country of which they are citizens;
- (b) Stateless persons: to the country in which they were permanently resident, to the country from which they entered Azerbaijan or to any other country which has indicated a willingness to admit them and has made a request to that effect;
- (c) Persons with dual nationality: to the country in which they permanently resided or to the country to which, legally speaking, they have stronger ties.

162. Accredited diplomatic missions and consular offices in Azerbaijan are informed without delay of the deportation of a foreign national or stateless person who does not have immigrant status. In such cases, and in conformity with article 23 of the Convention, domestic legislation ensures that migrant workers and members of their families have the right to have recourse to the protection and assistance of the consular or diplomatic authorities of their State of origin or of a State representing the interests of that State.

163. In conformity with article 16 of the Convention, when a migrant worker or a member of his or her family is arrested or committed to prison or custody pending trial or is detained in any other manner, the consular or diplomatic authorities of his or her State of origin or of a State representing the interests of that State must be informed without delay through diplomatic channels (the Ministry of Foreign Affairs of Azerbaijan) of his or her arrest or detention and of the reasons therefor.

164. In recent years, there has been an increase in the number of cases in which foreign nationals and stateless persons concerning whom a deportation decision has been taken have deliberately given false information about their identity (when there are no documents certifying their nationality or identity). Consultations and meetings are regularly held on this question with the participation of State bodies active in regulating migration flows (the Ministry of Internal Affairs, the State Migration Service, the Ministry of Justice, the Ministry of Foreign Affairs and the Ministry of Labour and Social Protection). The main objective is to establish the exact identity and nationality of persons concerning whom a deportation decision has been taken and to ensure the protection of their rights and freedoms.

165. According to data received from the Office of the Procurator-General of Azerbaijan, in 2010 the Department for Combating Illegal Immigration of the Ministry of Internal Affairs considered the deportation cases of 2,888 foreign nationals (compared to 789 in 2009).

166. In 2010, 2,847 persons (780 in 2009) out of these 2,888 foreign nationals were deported in an administrative procedure, 33 foreign nationals (9 in 2009) paid a fine of 300 manats and were released, and 8 persons were under investigation.

167. As a result of measures taken by the State Migration Service, in 2010 the documents of 16,680 foreign nationals were checked, and 12,094 cases of violations of the provisions of administrative legislation were brought to light. The residence in the country of 2,096 foreign nationals who could justify their presence was legalized. In accordance with the procedure established under the Code of Administrative Infractions, decisions were taken on the departure from the country of 8,014 persons within 48 hours; decisions were taken in an administrative procedure to deport 1,284 foreign nationals.

Data on illegal migrants, 2009

(01.01.2009–31.12.2009)

No.	Country of origin	Arrests	Administrative deportations	Fines and warnings
1.	Pakistan	455	450	5
2.	China	90	90	3
3.	Turkey	53	53	1
4.	Iran	31	31	
5.	Georgia	25	25	
6.	Turkmenistan	30	30	
7.	Bangladesh	30	30	
8.	Afghanistan	24	24	
9.	Uzbekistan	8	8	
10.	Nigeria	8	8	
11.	Russia	5	5	
12.	Kyrgyzstan	3	3	
13.	Republic of Korea	3	3	
14.	India	3	3	
15.	Israel	2	2	
16.	United States of America	2	2	
17.	Macedonia	1	1	
18.	Ukraine	1	1	
19.	Mauritania	1	1	
20.	Kazakhstan	1	1	
21.	Sri Lanka	1	1	
22.	Philippines	1	1	
23.	Canada	1	1	
24.	Lithuania	1	1	
Total		780	771	9

Data on illegal migrants, 2010*(01.01.2010–31.12.2010)*

<i>No.</i>	<i>Country of origin</i>	<i>Arrests</i>	<i>Administrative deportations</i>	<i>Fines and warnings</i>
1.	China	1 005	998	7
2.	Pakistan	840	838	
3.	Turkey	548	539	9
4.	Turkmenistan	138	138	
5.	Iran	71	69	2
6.	Georgia	51	44	7
7.	Russia	43	40	3
8.	Bangladesh	35	31	
9.	India	30	28	2
10.	Uzbekistan	19	17	2
11.	Afghanistan	19	17	
12.	Ukraine	13	13	
13.	Nigeria	13	13	
14.	Republic of Moldova	12	12	
15.	Philippines	9	9	
16.	Kazakhstan	8	8	
17.	Sri Lanka	5	5	
18.	Israel	5	5	
19.	Syria	5	5	
20.	Iraq	4	4	
21.	Cameroon	3	3	
22.	Germany	2	2	
23.	Ghana	1	1	
24.	Italy	1	1	
25.	Laos	1	1	
26.	Latvia	1	1	
27.	Great Britain	1	1	
28.	United Arab Emirates	1	1	
29.	Sierra Leone	1	1	
30.	Egypt	1	1	
31.	Viet Nam	1	1	
32.	Belgium	1	0	1
Total		2 888	2 847	33

Data on the number of offences committed by or in connection with foreign nationals and stateless persons (2009–2010)

<i>Year</i>	<i>Offences committed by foreign nationals and stateless persons</i>	<i>Offences committed in connection with foreign nationals and stateless persons</i>
2009	300	155
2010	192	110

168. Information on foreign nationals in connection with whom criminal proceedings were initiated was referred to the diplomatic missions in Azerbaijan of the countries of which they were citizens. In accordance with the established procedure, these persons were provided with lawyers and interpreters.

169. According to data from the State Border Service, in 2010 20 foreign nationals, including 11 Afghans, 5 Pakistanis, 2 Bangladeshis and 1 Turk, were arrested for border violations.

170. Also in 2010, 110 illegal migrants from Turkey, Georgia, Iran, Bangladesh, Nigeria, Pakistan and Uzbekistan were arrested, primarily in connection with the use of forged passports, Schengen visas or visas for Azerbaijan.

171. In the same period, 2,691 Chinese, Pakistani, Turkish and Turkmen nationals were deported for violations of visa regulations or other infractions.

172. The Trafficking in Persons Act, adopted on 28 June 2005, established the legal and organizational framework for preventing and combating human trafficking, defined the legal status of the victims and regulated matters associated with protecting such persons and rendering them assistance.

173. Cabinet of Ministers Decision No. 62 of 6 March 2006 approved the rules for the social rehabilitation of victims of trafficking set out in article 15, paragraph 5, of the Trafficking in Persons Act.

174. Bearing in mind the fundamental provisions of the United Nations Convention against Transnational Organized Crime and the Additional Protocol thereto, to which Azerbaijan acceded on 13 May 2003, and with a view to supporting international efforts in the area, a national plan of action to combat trafficking in persons in Azerbaijan was approved by Presidential Order on 6 May 2004 in order to step up the fight against crimes associated with such acts.

175. The national plan of action makes provision for basic measures to combat trafficking, the involvement of various bodies (the central authorities, NGOs, international partners and others) in their implementation and the coordination of their activities by the National Coordinator, as well as other initiatives.

176. In February 2009, the Head of State approved a new national plan of action for 2009–2013 in order to continue efforts aimed at combating trafficking in persons.

177. Whereas the previous national plan focused on questions of criminal prosecution, the new plan covers all aspects of the fight against trafficking and includes comprehensive preventive, rehabilitation, reintegration and educational measures.

178. The Trafficking in Persons Act of 28 June 2005 enhanced the status of the national plan of action, the National Coordinator and special police bodies, and it defined the specific tasks of the various State authorities in the area.

179. A department responsible for combating trafficking in persons was set up within the Ministry of Internal Affairs, a National Coordinator on the question was appointed pursuant to a Ministry of Internal Affairs order of 19 May 2004, and a Ministry of Internal Affairs order of 1 August 2006 established a special police service to combat trafficking.

180. Under the Criminal Code and the Code of Administrative Infractions, anyone engaged in trafficking in persons, forced labour or the transport of passengers without documents is liable to prosecution.

181. Pursuant to article 144, paragraph 1, of the Criminal Code, trafficking in minors is punishable by deprivation of liberty for a term of 8 to 12 years with confiscation of property.

182. Foreign nationals and stateless persons who are victims of trafficking are given protection and receive assistance on an equal footing with Azerbaijani citizens.

183. In accordance with article 20 of the Trafficking in Persons Act, foreign nationals and stateless persons who do not have immigrant status and are victims of criminally punishable offences such as trafficking are not subject to administrative deportation for a period of one year. They also receive legal, moral and financial support from the State.

184. Foreign nationals and stateless persons who at the end of this period assist the prosecution authorities in criminal cases involving trafficking in persons are not subject to administrative deportation until the criminal proceedings are terminated.

185. Child victims of trafficking are not subject to administrative deportation from Azerbaijan. The return to their country or to their parents of child victims of trafficking is permitted only if it can be excluded that the child is likely to become a trafficking victim again. When a decision is taken to return such children to their country or parents, the views of children over 10 are sought and taken into account.

186. Victims of trafficking who want to leave Azerbaijan are assisted in obtaining the requisite documents and in paying transport and other expenses.

187. Foreign nationals and stateless persons who were victims of trafficking while not yet registered may apply to the relevant authorities, in accordance with the procedure established by law, to obtain a residence permit. Consideration of such applications takes into account the cooperation of the victim with the prosecution authorities, the victim's physical and emotional suffering and the risk of that person again becoming a victim of trafficking or of being persecuted by traffickers after repatriation to his or her country.

188. A residence permit may not be granted to victims of trafficking, foreign nationals or stateless persons if it is not possible to establish their identity. Administrative proceedings are instituted to deport such persons.

189. Victims of trafficking who have received a residence permit are granted immigrant status and have all the rights and obligations emanating from that status.

190. The security of victims of trafficking is ensured in accordance with the State Protection of Persons Involved in Criminal Proceedings Act. An official of the body conducting the criminal proceedings must inform the victim of the possibility of being protected and of available measures.

191. Measures to protect victims of trafficking continue in effect, including during the period following the initial investigation, the judicial proceedings and the announcement of the final court ruling, until the danger has been completely eliminated.

192. In accordance with a procedure and in cases prescribed by law, victims of trafficking are exempted from civil, administrative and criminal responsibility for acts committed under duress or threat.

193. The Trafficking in Persons Act defined the legal foundation for the prevention of trafficking in persons and for the social rehabilitation and protection of the victims.

194. The Act also introduced an article which calls for cooperation with non-governmental organizations, defines the direction of activities to combat trafficking in persons and makes provision for the allocation of subsidies for that purpose.

195. In addition, the Act envisages the establishment of special institutions for the protection of victims of trafficking (shelters for their temporary lodging and help centres) and defines the legal basis and principles of their activities.

196. Help centres for victims of trafficking are being set up to explain the administrative and legal procedures for the protection of their rights and interests, provide them with medical, psychological and other necessary support and assist with their social rehabilitation. Victims can communicate by telephone and use the services of an interpreter. Special areas are set aside for confidential conversations. The help centres ensure the anonymity of the victims. Information about victims of trafficking who are children is promptly forwarded to the child welfare authorities and the commission on minors and the protection of their rights.

197. When assistance is rendered to child victims of trafficking, preference must be given to their interests, and all measures must be taken to protect the rights and legal interests of the child in accordance with the Children's Rights Act, the Convention on the Rights of the Child and other national legislation and international agreements to which Azerbaijan is a party. On 30 March 2004, Azerbaijan acceded to the Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, and on 13 May 2003, it ratified the United Nations Convention against Transnational Organized Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime.

198. Cabinet of Ministers Decision No. 180 of 19 November 2009 approved regulations governing the placement and care of child victims of trafficking.

199. The regulations concern the placement and care of child victims of trafficking, the time spent at shelters, conditions of lodging and services provided, as well as follow-up for children who have completed their stay at a shelter.

200. In October 2006, The Ministry of Internal Affairs established a special shelter in order to ensure suitable living conditions for victims of trafficking lodged at such facilities and to provide them with urgent medical, psychological, social and legal assistance. In January 2006, a telephone helpline was set up at the Office for Combating Trafficking in Persons, and the public was made aware of its existence. A helpline was also created at the organization "Clean World" in the framework of cooperation with NGOs.

201. At the shelters, assistance is rendered to anyone who was a victim of trafficking, irrespective of their behaviour or their willingness to cooperate with the criminal prosecution authorities or testify against traffickers. Special facilities provide all services free of charge.

202. The length of stay at a shelter can be extended upon the request of special police units or the victims themselves. All extensions require the consent of the victim.

203. The social rehabilitation of victims of trafficking aims to achieve their reintegration in society and their return to a normal way of life, and it makes use of possibilities for offering them legal assistance, furthering their education, taking measures for their psychological, medical and vocational rehabilitation and providing them with employment and housing. The social rehabilitation of victims does not permit the restriction in any form of the human or civil rights recognized in the Constitution, domestic legislation or international agreements to which Azerbaijan is a party or the imposition of rehabilitation measures against their will. The social rehabilitation of victims of trafficking takes their age, sex and needs into account.

204. State bodies, within the limits of their jurisdiction, as well as shelters and help centres, in the framework of their functions, must assist victims of trafficking when so requested by the prosecution authorities. Legislation specifies that victims of trafficking

receive financial assistance during the rehabilitation period, the amount of which is determined by the Cabinet of Ministers and is paid from the State budget and other sources.

205. On 27 May 2010 the Cabinet of Ministers adopted Decision No. 99 on the introduction of amendments and additions to Cabinet of Ministers Decision No. 152 of 17 June 2006 on the fixing of the amount of support to be paid to victims of trafficking in persons during their reintegration. Pursuant to that Decision, the amount of support to be paid to such persons is set at 200 manats.

206. Payment is made by the Ministry of Internal Affairs from allocations from the State budget.

207. A fund has been set up in the Ministry of Internal Affairs to finance social rehabilitation work and assist victims of trafficking.

208. In accordance with point 7 (Educational measures) of the national plan of action to combat trafficking in persons of 6 March 2007, information leaflets are distributed to persons crossing the border into other countries as part of initiatives to raise public awareness.

209. In addition to State bodies, NGOs such as the International Migration Committee and children's groups, for example NUR (Light) and Tempiz Dunia (Clean World), are also involved in initiatives aimed at preventing trafficking in persons.

210. Seminars, round tables and debates have been held at higher education institutions and specialized secondary schools with the participation of teachers, students and parents in order to heighten public awareness of the dangers of illegal migration and trafficking in persons. Information is provided on illegal migration, trafficking in persons and measures being taken by the authorities to prevent these practices.

211. In accordance with the national plan of action to prevent trafficking in persons (2009–2013), Ministry of Education Decision No. 398 of 9 April 2009 approved a set of measures to combat these acts, in line with which the International Organization for Migration, the Ministry of Internal Affairs and the Ministry of Education are carrying out a project on incentives for the prevention of trafficking in persons and on relevant subjects in secondary school education. Fifteen general education schools in Baku, Gäncä, Mingäçevir, Sumqayıt and Şhīrvān and in Abşeron, Länkäran, Zaqatala and Xaçmaz districts took part in the project. Seminars, training courses and conferences were organized on the question.

212. As part of the project, the International Migration Committee and the Ministry of Education have elaborated and distributed material, brochures, pocket maps, booklets and posters at schools. Some 500 discs containing short films on the subject have also been made available in schools. In May and June 2010, the above-mentioned bodies conducted training courses for 800 teachers at general education schools in various parts of the country.

213. Information on the nature and risks of trafficking in persons and illegal migration has been distributed at higher education institutions, specialized secondary schools and vocational and technical schools. Seminars, round tables and debates have been held for this purpose for teachers, students and parents. Films on the subject have been screened at educational establishments.

214. On 11 November 2010, an international conference was organized in Georgia at which representatives of the Ministry of Education, school directors and trainers attended and held presentations. During the conference, an exhibition was held to which Azerbaijan made a noteworthy contribution.

215. Also in November 2010, the children's association of the Open Society Institute Assistance Foundation introduced a project to set up the "Children's Shelter" Reintegration Centre.

216. The "Children's Shelter" Reintegration Centre opened its doors on 14 January 2011. Children live at the Centre until procedural and documentation questions relating to their family identity and domestic problems are resolved.

217. At the centre, the children receive all necessary assistance in connection with primary school, food and clothing, and paediatric services, as well as psychological and legal counselling.

218. Legal counselling is provided by the International Organization for Migration. Public awareness activities are conducted on AIDS prevention.

219. On 18 February 2010, the Ministry of Education's department for the deinstitutionalization and protection of children set up a children's hotline, which is an integral part of the child protection system. The service was introduced to provide psychological assistance to children and is available around the clock. Orphans, children lacking parental care, homeless children and victims of trafficking can use the hotline.

220. In the school year 2010–11, the Ministry of Education together with the civil society organization Women XXI Century conducted training courses in kindergartens and boarding schools on the subject of trafficking in persons. In addition, the American Association of Jurists with the support of the Ministry of Education held training courses for senior secondary school and boarding school pupils in Baku and Sumqayıt on awareness raising and conducted a legal protection initiative relating to trafficking.

221. Documents have been placed on the website of the Ministry of Justice, including the Convention on the Elimination of All Forms of Discrimination against Women, the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights) and other international instruments.

222. Also in 2010, the newspaper *Qanunculuq* ("Legal Affairs") of the Ministry of Justice published articles on international instruments and national legislation, in which questions concerning the rights of women and the fight against trafficking in persons were discussed.

223. A Public Affairs Committee within the Ministry of Justice which began functioning in 2006 assures participation by civil society in the rehabilitation of convicted offenders and provides public oversight of prisons. The members of the Committee, who are well-known human rights defenders and representatives of NGOs, regularly visit and conduct monitoring at prisons, including those in which foreign nationals, stateless persons and migrant workers are incarcerated. In recent years, they have provided legal counselling to inmates at the prisons themselves.

224. With the help of the President's council for State support of NGOs, seminars were held in a total of 13 penal institutions on the subject of trafficking in persons and the social rehabilitation of persons preparing for release from prison; some 900 inmates attended.

VIII. Migrant workers from Azerbaijan

A. Employment of Azerbaijani citizens abroad

225. In accordance with article 28 of the Constitution, every citizen has the right freely to leave the country and to live and work abroad.

226. Under the Labour Migration Act, every able-bodied Azerbaijani citizen who has reached the age of 18 has the right to work abroad. Azerbaijani citizens may seek work abroad independently or with the help of organizations acting as agents. It is forbidden for individuals to operate as agents in this area.

227. In order to engage in this type of activity, legal entities must obtain a special permit (licence), which is issued by the Ministry of Labour and Social Protection for a period of five years.

228. Legal entities acting as agents must conclude an agreement with an employer in a foreign State which must cover issues relating to protection of the rights of Azerbaijani citizens and provision of social protection for them. The agreement must be approved by the Ministry of Labour and Social Protection.

229. A legal entity acting as an agent must ensure that the Azerbaijani citizen is provided with a labour contract, which the Azerbaijani citizen must conclude with the foreign employer before leaving the country. These services are free of charge.

B. Protection of the rights of migrant workers from Azerbaijan

230. Azerbaijan has signed bilateral inter-State agreements with a number of countries in order to protect the rights of Azerbaijani citizens employed abroad, ensure their social protection and establish proper working conditions for them.

231. The Exit, Entry and Passports Act of 14 June 1994, the regulations for the implementation of that Act of 29 November 1994 and the relevant presidential decrees and orders govern the issuance of passports to Azerbaijani citizens and their departure from the country.

232. Passports are issued to Azerbaijani citizens who have reached the age of 18 and, in exceptional cases, to persons who have not reached the age of 18 and who leave to receive an education or medical treatment, to participate in international initiatives or to move definitively to another country.

233. Pursuant to article 4 of the above-mentioned Act, a general civil passport is issued by the authorities of the Ministry of Internal Affairs at the place of residence within one month after the citizen applies.

234. In cases provided for by law, a passport may be issued sooner (within five days). Officials who fail to comply with these deadlines are held accountable.

235. A fee is charged for the issuance of a general civil passport, which is valid for 10 years.

236. Azerbaijani citizens may not be deprived of the right to leave or enter the country. This right may be temporarily restricted only in the following cases:

(a) If an obligation is in effect for a citizen with regard to information concerning State or military secrets: until the expiry of the obligation in accordance with the procedure established by law;

(b) If criminal proceedings have been instituted involving the citizen: until the end of the criminal proceedings; if the citizen has been sentenced: until the sentence has been served or the citizen has been released;

(c) If the citizen is conscripted into the armed forces: until the completion of military service or exemption from such service in accordance with the law;

(d) Until vaccination during entry into or departure from the country, when, in accordance with international sanitary regulations and the inter-State agreements to which Azerbaijan is a party, a vaccination is required as a preventive measure.

237. By law, Azerbaijani citizens living abroad, including migrant workers, must register with the consular services of Azerbaijan, which provide information about the assistance available to citizens and conduct educational initiatives. In addition, the State agencies responsible for migration questions, within the framework of their jurisdiction, ensure that citizens are given information about their rights and the procedure for seeking help from the consular services. Article 2, paragraph 3, of the Electoral Code stipulates that, when elections or referendums are held, the diplomatic missions and consular offices of Azerbaijan are required to assist Azerbaijani citizens living abroad in exercising the rights set out in article 3 (Questions decided by referendum) and article 56 (The right to vote) of the Constitution.

238. Article 29, paragraph 2, of the Electoral Code specifies that voters who live abroad must be registered by polling district. The executive authorities concerned provide the Central Electoral Commission with information on the number of voters permanently resident abroad or on an extended assignment abroad and registered with the diplomatic missions and consular offices of Azerbaijan. During referendums and elections, the Central Electoral Commission inscribes voters in the electoral roll on the basis of this information and approves the electoral roll of the relevant polling districts.

239. In accordance with article 47, paragraph 4, of the Code, permanent residence abroad or an extended stay abroad on assignment certified by the diplomatic missions or consular offices of Azerbaijan is justification for the inclusion of an Azerbaijani citizen in the electoral roll.

240. If an emergency situation or a danger for life, health or personal freedom should arise in any country, the Ministry of Foreign Affairs, after promptly informing the population of Azerbaijan, may recommend that citizens temporarily forego travelling to that country.

241. National legislation does not provide for any restrictions on the return of Azerbaijani citizens to the country. The preparation of reintegration programmes is planned. Azerbaijan is also elaborating a readmission strategy.

242. A working group on readmission, established for the purpose of protecting the interests of citizens living abroad, has produced a draft readmission strategy, drawing on proposals by the relevant State bodies and the International Organization for Migration.

243. The main objective of this document is to define the basic principles which will guide Azerbaijan when signing bilateral agreements with other States. Azerbaijan is also working to create the infrastructure needed to accommodate Azerbaijani citizens and foreign nationals expelled from other countries as well as foreign nationals who will be expelled to their country of origin under the readmission agreement (the draft readmission strategy is currently under consideration by the Cabinet of Ministers).

244. 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

on 14 November 2008 and ratified by Act No. 1064-IIIQ on 30 September 2010, entered into force for Azerbaijan on 25 December 2010.

245. The draft agreement on cooperation in the area of migrant labour between the Government of Azerbaijan and the Government of the Russian Federation has been submitted to the Governments of the two parties for signature.

IX. Conclusion

246. The most difficult problem that has been facing Azerbaijan for many years continues to be the conflict between Armenia and Azerbaijan over Nagorny Karabakh. The Nagorny Karabakh region and seven other surrounding districts, which account for 20 per cent of the territory of Azerbaijan, have been occupied by Armenia. More than 1 million Azerbaijanis have become refugees or displaced persons as a result of the policy of ethnic cleansing pursued by Armenia.

247. This occupation is the main obstacle to the implementation of the Convention in the parts of the national territory currently not under the control of Azerbaijan, which have become a haven for terrorists and an artery for the illegal sale and transit of narcotic drugs and weapons and for trafficking in persons, including children, for the purpose of organ transplants.

248. During its aggression against Azerbaijan, the Armenian side committed gross violations of the norms of international humanitarian law; there were numerous incidents of extrajudicial executions and mass shootings, torture and other cruel and inhuman treatment and punishment of Azerbaijani civilians, hostages and prisoners of war.

249. In its resolutions 822 (1993) of 30 April 1993, 853 (1993) of 29 July 1993, 874 (1993) of 14 October 1993 and 884 (1993) of 11 November 1993, the United Nations Security Council condemned the occupation of the territory of the Republic of Azerbaijan, reaffirmed respect for the sovereignty, territorial integrity and inviolability of the borders of the Republic of Azerbaijan and the inadmissibility of the use of force for the acquisition of territory, 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.

250. 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.

251. At the same time, Azerbaijan continues to be in favour of a peaceful settlement of the conflict on the basis of respect for its sovereignty and territorial integrity and the inviolability of its internationally recognized borders.
