



**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**

**List of issues to be taken up in connection with the consideration of the
initial report of AZERBAIJAN (CMW/C/AZE/1)**

I. GENERAL INFORMATION

1. Please provide updated data or, in the absence of such data, official estimates with regard to the numbers of migrant workers, including those who are non-documented or in an irregular situation, migrants in transit and Azerbaijani emigrants engaged in a remunerated activity abroad and members of their families, disaggregated by gender, age, nationality and ethnic origin (see paras. 8-14 of the initial report of Azerbaijan (CMW/C/AZE/1)). What measures have been taken by the State party to set up a coherent system of data collection in order to evaluate the dimension and nature of migration flows?
2. Please provide information on specific legislative, administrative or other measures taken to implement the provisions of the Convention following its ratification by the State party.
3. Please provide more detailed information on the measures taken and the results achieved under the State Migration Programme for 2006-2008 which was approved by Presidential Decision No. 1575 of 25 July 2006 (see para. 5 of the report).
4. Please indicate the rank of the Convention in domestic law and provide examples of cases, if any, in which the Convention was directly applied by national courts or administrative authorities.

5. Please clarify whether, in addition to “foreigners who have arrived in Azerbaijan legally and who have received an individual permit to engage in paid employment in Azerbaijan, in accordance with the procedure laid down in domestic legislation” (see para. 20 of the report), the State party also recognizes non-documented migrant workers and those in an irregular situation as “migrant workers”, in accordance with article 2, paragraph (1) of the Convention, who are entitled to the full guarantees contained in Part III of the Convention. Please also provide information on the practical measures taken by the State party to ensure the enjoyment of these rights by migrant workers and members of their families who are non-documented or in an irregular situation.

6. Please explain whether national legislation provides for the application of the Convention to refugees and/or stateless persons (art. 3 (d) of the Convention). Please also clarify the status accorded to refugees from Armenia who live in the State party as a result of the conflict in Nagorno-Karabakh.

7. Please provide more detailed information on the legal instruments and the bilateral cooperation agreements in the field of migration concluded with a number of States, as well as on the Agreement on Labour Migration and Social Welfare for Migrant Workers from the CIS (Commonwealth of Independent States) of 15 April 1994 (see para. 7 of the report).

8. Please provide more detailed information on the steps taken by the State party to promote and publicize the Convention, and to increase awareness and understanding of its provisions, among the general public, migrant workers and members of their families and State employees (see para. 17 of the report). Please also indicate whether law enforcement and other public officials receive training on the Convention and its application.

9. Please describe the role, if any, of non-governmental organizations in the implementation of the Convention and in the preparation of the State party’s report (see the Committee’s provisional guidelines regarding the form and content of initial reports, paragraph 3 (d)).

II. INFORMATION RELATING TO EACH OF THE ARTICLES OF THE CONVENTION

A. General principles

10. Please clarify whether relevant national legislation ensuring to all migrant workers and members of their families the rights provided for in the Convention without distinction of any kind covers all the prohibited grounds of discrimination enumerated in articles 1, paragraph 1, and 7 of the Convention, including language, national, ethnic or social origin, nationality, age, economic position, property, marital status and birth or other status (see para. 3 of the report).

11. In light of the explanation that discrimination against migrant workers is prohibited by domestic legislation (see para. 21 of the report), please indicate whether migrant workers and members of their families, including women and children, who are documented/in a regular situation or non-documented/in an irregular situation, as applicable, enjoy equal treatment with nationals of the State party, in law and in practice, in relation to access to medical care, housing (including social housing schemes) and work.

12. Please provide information on (a) judicial and/or administrative mechanisms competent to examine and decide on complaints by migrant workers and members of their families, including when they are non-documented or in an irregular situation, in case of a violation of their rights (see para. 22 of the report); (b) the complaints examined by such mechanisms since 1 July 2003 and their outcome; and (c) any redress provided to victims of such violations.

B. Information relating to Part III of the Convention (Human Rights of All Migrant Workers and Members of Their Families)

13. In light of article 8 of the Convention, please provide information on the procedure and conditions under which Azerbaijani nationals may obtain a passport or other travel documents, and on any restrictions applied to Azerbaijani nationals wishing to leave their country.

14. Please provide information on the remedies available to migrant workers and members of their families to appeal an expulsion order. Please also provide information on the interpretation and application of article 13 of the Law on Immigration in relation to expulsions based on “a need to ensure national security”. Please indicate whether collective expulsion is prohibited in the State party, and provide information on the number of migrant workers and members of their families who were expelled since 1 July 2003, disaggregated by gender, age, nationality and ethnic origin. What legal mechanisms are in place to ensure that migrant workers and members of their families are not expelled when there are substantial grounds for believing that they would be at risk of being subjected to torture in their country of origin?

15. With regard to article 23 of the Convention, please provide information on (a) measures taken to ensure that effective consular assistance is provided to Azerbaijani nationals working abroad and to members of their families, and (b) whether migrant workers and members of their families in Azerbaijan are informed of their right to have recourse to consular assistance in the case of detention or expulsion.

16. Please provide information on the practical measures taken to ensure that all migrant workers, including women, workers in foreign oil companies, informal sector workers and migrant workers who are non-documented or in an irregular situation, enjoy equal treatment with nationals in respect of remuneration and other conditions of work, such as overtime, hours of work, weekly rest, holidays with pay, safety, health, termination of the employment relationship, and other terms of employment.

17. Please describe how the different social security schemes in place in the State party are applied to migrant workers who are documented or in a regular situation and to those who are non-documented or in an irregular situation. Please indicate whether contributions made by migrant workers to pension schemes (see para. 34 of the report), if any, are reimbursed to them and/or whether the State party is a member to bilateral or multilateral agreements on the recognition and transfer of accrued pension benefits.

18. Please specify how the right of children of migrant workers, including children of migrant workers who are non-documented or in an irregular situation and children of Russian migrants of Chechen origin, to be registered at birth and to have a nationality is ensured in practice.

19. Please indicate whether primary education is compulsory and available free to all children of migrant workers, including those who are non-documented or in an irregular situation, and provide statistical data on the enrolment of children of migrant workers at the primary, secondary and tertiary levels of education.

20. Please provide more detailed information on the free advisory service that has been established in the Migration Administration in the Ministry of Labour and Social Protection (see para. 38 of the report) and explain how it ensures that both Azerbaijani nationals preparing for labour migration abroad and foreign migrant workers and members of their families in Azerbaijan have access to information concerning their rights under the Convention, their conditions of admission, their rights and obligations under the law and practice of the State party, and administrative requirements or other formalities, in accordance with article 33 of the Convention. Please indicate the languages in which such information is available.

C. Information relating to Part IV of the Convention (Other Rights of Migrant Workers and Members of Their Families who are Documented or in a Regular Situation)

21. Please provide information on the steps taken by the State party to facilitate the exercise by Azerbaijani workers living abroad of the right to vote and to be elected at elections held in the State party.

22. Please indicate whether the State party considers the establishment of procedures or institutions to take account of the special needs, aspirations and obligations of migrant workers and their families in Azerbaijan and/or Azerbaijani migrants abroad, in accordance with article 42, paragraph 1, of the Convention.

23. Please provide information on the measures taken to ensure respect for the cultural identity of migrant workers and members of their families.

24. Please provide information on remittances transferred by Azerbaijani migrant workers abroad. In light of article 47 of the Convention, please also provide detailed information on measures taken by the State party to facilitate transfers of migrant workers' earnings and savings.

25. Please provide information on how, in practice, foreign nationals in Azerbaijan can obtain work permits. Please also clarify whether all work permits granted to foreign migrant workers are expressly dependent upon the specific remunerated activity for which they were admitted, with the consequence that such migrant workers must leave the State party in case their labour contract is abrogated early (see para. 31 of the report), or whether they have the right to seek alternative employment, in accordance with articles 49 and 51 of the Convention.

D. Information relating to Part V of the Convention (Provisions applicable to particular categories of migrant workers and members of their families)

26. Please provide detailed information on the number of frontier workers engaged in a remunerated activity in Azerbaijan, disaggregated by gender and nationality, as well as on the bilateral and multilateral agreements governing migration by frontier workers to which Azerbaijan is a party (see para. 43 of the report).

E. Information relating to Part VI of the Convention (Promotion of sound, equitable, humane and lawful conditions in connection with international migration of workers and members of their families)

27. In light of article 66 of the Convention, please provide information on (a) the ways and means by which Azerbaijani nationals, in particular women, are typically recruited for work in foreign countries; (b) the efforts undertaken to regulate recruitment activities within the State party; and (c) the efforts undertaken to cooperate and consult with the main destination countries of Azerbaijani migrant workers with a view to promoting sound, equitable and humane working and living conditions for Azerbaijani nationals in those countries.

28. In light of article 67, what measures is the State party taking, including by cooperating with other States parties, to facilitate the return of Azerbaijani nationals working abroad when they decide to return to Azerbaijan, or their authorization of residence or employment expires, or when they are in an irregular situation in the State of employment, as well as their durable social and cultural reintegration?

29. As regards article 68 of the Convention, please provide information on measures taken to prevent illegal or clandestine movements of migrant workers, including through organized smuggling. Please provide information on migrant workers who transit through the State party, in particular with regard to their protection from all forms of criminal networks.

30. Please provide information on the (estimated) number of persons trafficked to, from, in transit through and within the State party since 1 July 2003, disaggregated by gender, age, nationality and ethnic origin. Please also indicate the number of criminal investigations per year and the sentences imposed on traffickers under the Trafficking in Persons Act, the Criminal Code and the Code of Administrative Offences Act (see paras. 53-54 of the report), and provide detailed information on the measures taken to prevent trafficking as well as to protect and assist victims, such as ensuring victims' access to effective remedies, shelters and specialized and gender-sensitive medical treatment, counselling and rehabilitation (see para. 55 of the report).

31. Please indicate what measures the State party is taking to prevent and punish the trafficking of children who, according to information from non-governmental organizations, are being taken abroad for medical treatment and adoption, and whose organs are in some cases allegedly used for human transplants.

32. Please indicate whether the State party considers the possibility of regularizing the situation of migrant workers and members of their families within its territory who are in an irregular situation, including informal sector workers, Russian migrants from Chechnya, long-term residents without legal status and victims of trafficking who have stayed in Azerbaijan for long periods, in line with article 69 of the Convention. If so, what concrete steps have been taken to regularize such persons, based on humanitarian considerations and the length of time that they have resided in the State party, and to provide them with information and assistance regarding the required formalities?
