



**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

Tenth session

SUMMARY RECORD OF THE 100th MEETING

Held at the Palais Wilson, Geneva,  
on Tuesday, 21 April 2009, at 10 a.m.

Chairperson: Mr. EL JAMRI

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The meeting was called to order at 10 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER  
ARTICLE 73 OF THE CONVENTION (continued)

Initial report of Azerbaijan (CMW/C/AZE/1; CMW/C/AZE/Q/1 and Add.1)

1. At the invitation of the Chairperson, the members of the delegation of Azerbaijan took places at the Committee table.
2. The CHAIRPERSON welcomed the large and high-level delegation from Azerbaijan, led by the Deputy Minister of Labour and Social Protection, Mr. Natiq Mammadov.
3. Mr. Natiq MAMMADOV (Azerbaijan), introducing the initial report of Azerbaijan (CMW/C/AZE/1), said that Azerbaijan had established a sound political and legal basis for the implementation of the core international human rights treaties. The country's legislation was continuously reviewed to ensure its consistency with international standards. Under amendments to the Constitution adopted in a 2002 referendum, individuals were accorded the right to file complaints with the Constitutional Court against any acts undertaken by the legislature, the executive, the municipalities or the courts which violated their rights and freedoms and breached the provisions of the Constitution. There was also a procedure entitling the Ombudsman to file similar complaints with the Constitutional Court.
4. Further amendments to the Constitution had been adopted by referendum in March 2009. They included recognition of the right to protection against illegal interference in one's personal and family life, the right to equality, the right to freedom of religion and belief, and the right to freedom of information. Another important innovation was the introduction of a citizen's right to submit legislative proposals.
5. Azerbaijan had ratified eight of the nine core international human rights instruments. As one of the first members of the Human Rights Council, it had actively participated in the institutional development of the Council and the establishment of the universal periodic review mechanism. Azerbaijan had itself come under review in February 2009 and greatly appreciated the constructive comments and recommendations that had been made. His country had also recognized the competence of the treaty bodies to receive and consider communications from individuals who claimed to be the victims of human rights violations. It had received technical assistance from the Office of the United Nations High Commissioner for Human Rights (OHCHR) in the form of awareness-raising and educational activities.
6. Azerbaijan accorded high priority to the regulation of migratory processes in accordance with international standards and to the protection of the rights of migrant workers and their families. A major change had occurred in the early 1990s in the character and scale of emigration by Azerbaijani citizens, owing to the adverse impact on the labour market of the political and economic crisis, the occupation by Armenia of 20 per cent of the territory of Azerbaijan, and the presence in the country of roughly 1 million refugees and internally displaced persons. However, citizens had now begun to return and the number of foreign nationals entering Azerbaijan had also increased in response to the country's rapid economic development, the restoration of social and political stability, and the increase in living standards.

7. Azerbaijanis tended to emigrate in search of employment to the Russian Federation, Turkey, Ukraine, the United Arab Emirates, Germany and other Western European countries. Immigrants were attracted to Azerbaijan by large-scale international and regional oil and gas prospecting and transport projects, macroeconomic stability, inflows of foreign capital and the favourable business climate. The country was also known for its tolerance and lack of xenophobia. To date there had been no record of violations of migrants' rights on national, ethnic or religious grounds.
8. Under Azerbaijani legislation, foreign nationals could take up paid employment as soon as they received a contract from their prospective employer. Foreign nationals who were engaged in entrepreneurial activities or who were permanently resident in the country did not require a work permit. Most foreign nationals were employed in the manufacturing, building, transport, trade and services sectors. As at 1 April 2009, 4,643 foreigners held an official work permit. The largest group consisted of Turkish nationals, followed by nationals of the United Kingdom, Georgia, India and the Russian Federation. An increase in ethnic Azerbaijani immigrants from the Russian Federation, Georgia and Turkey was expected.
9. The State Migration Programme for 2006-2008 had identified the main tasks for migration policy as: ensuring the rational use of migration processes to develop the country; interlinking the interests of the State and civil society in implementing migration programmes; preventing illegal migration; creating conditions conducive to speedy adjustment of migrants; and protecting migrants' rights.
10. In December 2007 the Code of Administrative Offences had been amended to provide, inter alia, for the imposition of a fine of between 30,000 and 35,000 Azerbaijani manats (US\$ 40,000-45,000) on persons who employed foreign nationals or stateless persons under unlawful conditions. On 12 February 2009, the State fee for obtaining or extending an individual work permit was fixed at 1,000 manats (\$1,200).
11. The State Migration Service had been established on 19 March 2007 to implement migration policy, to regulate and forecast migration trends and to coordinate relevant activities among State agencies.
12. A programme for the establishment of a system of biometric identification had been adopted in 2007, partly to counter illegal migration. Measures had also been taken to improve the inter-agency automated information and search system containing exit, entry and registration data. Migration services at border posts would provide information to foreigners entering the country.
13. A presidential decree on the application of the "single window" principle, or "one-stop shop", in managing migration processes had been adopted on 4 March 2009. Its basic purpose was to entrust a single body, the State Migration Service, with basic regulatory powers, such as ensuring the timely adoption of decisions and issuing documents to foreign nationals and stateless persons who were legally entitled to claim a residence permit. There were plans to establish an official website containing all relevant information, from which application forms could be downloaded. With effect from 1 July 2009, foreign nationals with temporary or permanent residence permits could leave the country and return without exit and entrance visas.

Databases on migration in different State departments were currently being combined in a single information system. Work on a population census, including a special statistical survey of migrants, had begun on 13 April 2009.

14. With a view to protecting the rights of migrants and their families, bilateral and multilateral agreements had been signed with several countries. In 2007 the Minister of Labour and Social Protection had approved an Operational Measures Plan concerning cooperation in protecting the social rights of Azerbaijani citizens working in the Russian Federation and in providing them with legal assistance. While a total of 1,500 Azerbaijanis had been deported from the Russian Federation for violations of migration legislation in 2006, the corresponding figure for 2007-2008 was just 9 persons.

15. Within the Commonwealth of Independent States, Azerbaijan had acceded to the Agreement on Labour Migration and Social Welfare for Migrant Workers and to a number of agreements dealing with illegal migration.

16. Pursuant to article 148 of the Constitution, international treaties to which Azerbaijan was a party formed part of domestic legislation. Pursuant to article 151, where there was a conflict between domestic legislation and international treaties, the latter prevailed. An exception was made, however, for the Constitution and legislation adopted by referendum.

17. In December 2008 a round-table discussion involving the Ombudsman and representatives of public-sector bodies and NGOs had been held on “Protection of the rights of migrants in Azerbaijan: problems and outlook”. The participants had been informed about the content of the Government’s initial report on the implementation of the Convention.

18. The Convention was posted on the website of the Ministry of Justice. Judges, lawyers and law enforcement officers attended training courses on international human rights treaties and on the jurisprudence of the European Court of Human Rights.

19. In 1997 a collective agreement had been signed between the Confederation of Trade Unions and the Cabinet of Ministers and in 2001 the agreement had been extended to include the National Federation of Employers’ Organizations. The most recent agreement, covering the period 2008-2009, provided, in particular, for action to obtain full information on migrant workers, to improve employment legislation, and to draw on experience gained from international agreements in protecting the rights of migrant workers.

20. NGO representatives had been involved in a number of activities aimed at improving existing legislation and also in the preparation of the initial report to the Committee.

21. Foreign and stateless persons had the right under the Constitution to live and work in Azerbaijan. Under the Labour Migration Act, any foreigner who had reached the age of 18 years was entitled to engage in paid employment. During their residence in Azerbaijan, foreign nationals enjoyed all labour rights on an equal footing with Azerbaijani citizens. Individual work permits were issued for a period of one year and were renewable four times, in each case for one year. Applications for such permits were made by employers. On receiving the permit, the employers were required to conclude a contract with the employee that complied with the

Azerbaijani Labour Code. If the employee had not yet entered the country, they were required to send him or her a copy thereof. If foreigners were resident in the country on another basis, they could also apply for an individual work permit. The law severely restricted the circumstances in which a permit could be revoked.

22. The Azerbaijani Constitution guaranteed equality of rights and freedoms, regardless of race, nationality, religion, language, sex, origin, property or official status, convictions, or membership of political parties, trade unions or other associations. All persons in the territory of Azerbaijan, including migrant workers and their families, were guaranteed freedom and security. They could not be arrested or detained and their property could not be confiscated without due cause. Discrimination in labour relations based on citizenship or other factors unrelated to a person's occupational qualifications or skills was also prohibited. Labour contracts concluded with migrant workers could contain conditions providing for improvements in their welfare. Moreover, migrant workers were entitled to terminate their labour contract and leave Azerbaijan at any time in accordance with the relevant terms and conditions.

23. Migrants enjoyed the same rights as citizens to social welfare, to compensation following industrial accidents and to holidays. They had the same status before the courts and their pension entitlements were governed by bilateral intergovernmental agreements. Seasonal foreign workers and those hired for special purposes were recognized as migrant workers and enjoyed exactly the same rights and benefits.

24. Migrant workers were liable to taxation on the same basis as citizens of Azerbaijan. They could not be required to pay additional taxes and double taxation was also prohibited. There were no restrictions on remittances to their countries of origin. Tools that they needed to import for their work were not subject to customs duties.

25. Foreigners were entitled to health care in accordance with domestic legislation and the international treaties to which Azerbaijan was a party. Medical services at State medical institutions were provided free of charge. Migrant workers and their families received primary health care and specialized medical assistance without discrimination. The Ministry of Health had established a health database and since 2007 every child was issued with an electronic health card at birth. Since that date, electronic cards had been issued to 780 children born in Azerbaijan of 2 foreign parents and to 3,483 children born of 1 foreign parent and 1 Azerbaijani parent.

26. Migrant workers were not subject to restrictions on marriage or on family reunion. The number of marriages contracted between foreigners had increased from 1,134 in 2005 to 1,855 in 2008.

27. Foreigners who were permanently resident in Azerbaijan were entitled to education on the same basis as citizens. Children of migrants were therefore entitled to free secondary education. Instruction was provided in Azerbaijani, Russian, English, French and other languages. There were currently 552 children of registered migrants enrolled in State schools, and 205 in private schools.

28. By law, everyone had free access to information. To provide information on migration, a free advisory service had been set up by the Migration Administration in the Ministry of Labour

and Social Protection. Foreigners were provided with information on Azerbaijan's migration law in Azeri, Russian, English and other languages. Under the Act on Culture, foreigners had the same rights to take part in cultural life as did citizens. Everyone had the obligation to respect the country's traditions, culture, language, customs and traditions, including those of all ethnic groups living in the country.

29. The State Labour Inspectorate of the Ministry of Labour and Social Protection was responsible for ensuring compliance with labour laws. All workers, including migrants, were entitled to file complaints about violations of their workers' rights and could bring cases to court. So far, no such complaints had been filed by migrant workers.

30. There were three types of residence status accorded to foreign nationals in the country: temporary stay, temporary residence and permanent residence. By law, those foreigners who had permanent residence had the same rights and duties as citizens, except that they were not permitted to take part in referendums and presidential and parliamentary elections and could not hold posts in the civil service. They were, however, allowed to take part and be elected in local elections, and they generally had the same entitlements as citizens to State housing and public assistance.

31. Foreigners who entered or stayed illegally in the country were considered illegal immigrants. As such, they could be charged with an administrative offence and could face warnings and expulsion. Decisions on expulsion were taken by the Ministry of Foreign Affairs, the State Migration Service and the courts. Foreigners who served sentences in Azerbaijan could also be expelled, but the legislature had for humanitarian reasons placed restrictions on the use of expulsion in some cases. Decisions to expel foreigners were not applicable to their family members.

32. Pending their expulsion, and during consideration of their cases, foreigners were sometimes housed on a voluntary basis in centres for illegal migrants. Those who did not have the status of immigrants and who refused to leave the country could be forcibly expelled after their case had been heard by a court. The filing of a complaint or appeal did not suspend execution of the decision. So far, however, there had been no cases in which foreigners in such situations had been forcibly expelled. Under the law, a foreigner who refused to leave the country within seven days of a court order to do so was subject to forced expulsion. Under the Constitution, everyone had the right to appeal against any court decision. In 2007 and 2008, over 1,600 illegal migrants had been arrested. Over 700 had been expelled through administrative procedures, and the rest had been fined or had received warnings. The main countries of origin of the migrants in question were China, the Islamic Republic of Iran, Pakistan, Turkey and India.

33. In the past five years, between 183 and 383 cases had been recorded annually in which foreigners and stateless people had committed offences, and between 68 and 123 cases in which offences had been committed against foreigners and stateless people. Foreigners facing criminal charges were provided with defence counsel and interpreters, and information on their cases was passed on to the accredited diplomatic representatives of their countries.

34. The Trafficking in Persons Act adopted in 2005 had established a legal and organizational basis for preventing and combating trafficking and a legal status for the victims of such acts.

Human trafficking, forced labour and the transport of passengers without documents were prohibited by law, and human trafficking was punishable by 5 to 15 years' imprisonment, with confiscation of property. Foreigners recognized as victims of trafficking were not expelled from the country for at least one year, and child victims of trafficking were never expelled. Child victims were only returned to their countries of origin or to their parents if it could be ascertained that they would not be subjected to trafficking again. In the case of children over the age of 10, the views of the child were taken into account.

35. When victims of trafficking expressed a desire to leave the country, the Government provided assistance to ensure that they had the necessary documentation. They also received financial support to assist them in covering transport and other expenses, and advice on ways to avoid trafficking in their countries of destination. International cooperation in combating trafficking, sexual exploitation and forced labour had improved significantly since 2004. In Azerbaijan, the number of cases registered had risen from 55 in 2005 to 124 in 2007, and the number of people brought to justice had risen from 55 to 124. In the same period, over 100 organized-crime trafficking rings had been discovered. The number of people convicted of trafficking had risen from 9 in 2006 to 81 in 2007. There had been similar increases in the number of victims who had sought protection at shelters and those who had received material support. Of the victims, 24 had been born in other countries, mainly Uzbekistan, the Russian Federation and Kazakhstan. Nine had been repatriated by the International Organization for Migration.

36. Since 2005, officials from the department to combat trafficking in persons, working with non-governmental organizations (NGOs), had made presentations in educational establishments and boarding schools in 54 towns and districts to spread information on the problem of human trafficking. In 2008, NGOs had also referred four victims of human trafficking to the police. Since mid-2003, 54 women between the ages of 18 and 30, more than half of whom were from Uzbekistan, had been arrested in transit for presenting counterfeit documents. A new national plan of action for combating human trafficking had been adopted for the period 2009-2013.

37. All citizens had the right to leave the country, and those over 18 years of age had the right to work abroad. Employment in other countries could be sought either individually or through agencies. Such agencies were obligated to conclude contracts with the foreign employer prior to the departure of the worker and to ensure that the worker was provided with social protection and insurance. The contracts were subject to confirmation by the Ministry of Labour and Social Protection. Citizens of Azerbaijan living abroad, including migrant workers, were registered by the country's consular services, which also provided them with information on the protection of their rights while in other countries. There were no laws restricting the right of citizens to return to Azerbaijan. A policy for assisting returning migrants was currently being drawn up.

38. The most difficult problem facing Azerbaijan had for many years been the Nagorny Karabakh conflict, as 20 per cent of the country's territory had been occupied by Armenia and over a million people had been displaced. The occupation was the main reason for the failure by the State party to ensure implementation of the Convention in the regions in question, which had become a hotbed of terrorism and a crossroads for trafficking in narcotics, arms and human beings, including trafficking in children for illicit trade in their organs. The

Armenians had been responsible for gross violations of humanitarian law, including summary executions and mass killings, and had carried out torture on peaceful citizens, hostages and prisoners of war. The United Nations Security Council had adopted a number of resolutions condemning the occupation, recognizing the sovereignty and territorial integrity of Azerbaijan and calling for the immediate, full and unconditional withdrawal of the occupation forces, and in 2008 the United Nations General Assembly had adopted a similar resolution.

39. His delegation was aware of the problems facing the country as it implemented the Convention. It was counting on the fruitful cooperation of the Committee in an open dialogue, and expressed its confidence that the Committee's recommendations would help ensure respect for the rights of migrant workers and their families.

40. Mr. SEVIM (Country Rapporteur), noting that the comprehensive introduction delivered by the head of delegation was in fact more thorough than the report itself, said that it would have been useful for the Committee to receive that information earlier.

41. The report lacked some basic information that the Committee required. It did not contain a full list of the legislative measures taken to give effect to the Convention, nor did it mention Azerbaijan's failure to ratify a number of conventions, including the Migration for Employment Convention (Revised), 1949 (No. 97), the Equality of Treatment (Social Security) Convention, 1962 (No. 118) and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) of the International Labour Organization (ILO). While Azerbaijan had ratified the revised European Social Charter, it had not accepted article 19 of that instrument, which extended protection to the nationals of any party to the Charter. It had not ratified the European Convention on the Legal Status of Migrant Workers or the European Convention on Establishment.

42. The report provided no data or estimates for the numbers of undocumented migrant workers, migrants in transit in the country or Azerbaijani migrants working abroad. While some countries lacked the resources or know-how to collect such information and to keep reliable statistics, that was not the case for Azerbaijan. Such statistics would be very useful for obtaining a better understanding of migration flows and planning future policy. In addition, there was an enormous gap between the official statistics and unofficial estimates of the number of migrant workers in the country. While the official statistics from the Ministry of Labour and Social Protection cited a figure of 4,367 foreign workers at the beginning of 2009, unofficial estimates placed the number of Turkish nationals alone at over 10,000, and the number of ethnic Azerbaijani Georgian nationals at over 100,000. He would like to know whether ethnic Azerbaijanis holding Georgian nationality and working in Azerbaijan were considered as migrant workers.

43. According to the delegation, where there was a conflict between domestic legislation and international treaties, the latter prevailed. He asked the delegation to specify whether that meant that international treaties were self-executing, or whether implementing legislation was required. The report provided no information on slavery and forced labour, even though the latter was theoretically permitted in certain situations in the military and in certain emergency situations. The delegation should explain how, in practice, the general ban on forced labour was enforced, citing any relevant court decisions.



44. By law, aliens and stateless persons had the same right to freedom of conscience as citizens, but they did not have the right to carry out religious propaganda activities. In his opinion, that provision was not at variance with article 12 of the Convention. The ILO Committee of Experts on the Application of Conventions and Recommendations had raised the issue of the right to organize within multinational enterprises, as only a few workers in such enterprises had been able to establish unions, and had requested that the Government take the necessary measures to ensure that such enterprises respected freedom of association.
45. The report did not give sufficient information on legal guarantees accorded to migrant workers. While many such guarantees were provided for regularized migrant workers under the State party's Code of Criminal Procedure, the delegation should specify whether those guarantees were extended to migrant workers in irregular situations and, if so, provide examples of their application.
46. He observed that, under Azerbaijani legislation, aliens and stateless persons who were arrested were to be immediately informed of their rights and the reason for their arrest. The arresting officer must also immediately inform the Ministry of Foreign Affairs of the arrest. Those provisions did not seem at variance with the Convention.
47. He also observed that certain provisions on social security for foreign nationals under the Labour Code and the Foreign Investment (Protection) Act were liable to abuse and therefore needed to be amended. He would like to know whether migrant workers and their families in irregular situations were covered by the social security system in Azerbaijan and whether they could enjoy social security benefits such as old age, survivors' and invalidity pensions outside Azerbaijan, irrespective of their legal status during their period of employment in Azerbaijan.
48. It appeared that certain posts and professions in the State party were reserved exclusively for Azerbaijani nationals; he asked the delegation to list them. He also pointed out that article 42 of the State party's Constitution, which stated that aliens in an irregular situation were not to be treated equally in terms of right of access to education, was in contravention of the Convention.
49. The information given in paragraph 36 of the State party's report on the transfer of migrant workers' earnings to their countries of origin was not sufficiently detailed. The Committee would appreciate receiving further information on that subject. It appeared that the information made available to migrant workers prior to their leaving for Azerbaijan was of a general nature; contracts and official forms should be provided in several languages, notably the languages of the main countries of origin of migrant workers.
50. He asked the delegation for details of the restrictions on the movement of migrant workers and their choice of a place of residence. Migrant workers' rights were also restricted by article 21 of the Aliens and Stateless Persons (Legal Status) Act, which prevented them from taking part in elections in Azerbaijan, in contravention of article 41 of the Convention. Moreover, the provisions of that Act and the Constitution concerning equality of treatment with regard to protection against dismissal, unemployment benefits and access to public work appeared to apply only to regularized migrant workers. He asked the delegation to specify whether the rights and guarantees provided for in the Constitution and other relevant laws extended to migrant workers in irregular situations and their families. He also asked for clearer information on protection against dismissal for migrant workers employed in foreign companies operating in Azerbaijan.

51. Noting that the State party's Constitution protected the family as the basic unit of society, he was pleased to see that Azerbaijani legislation on reunification of migrant workers did not appear to conflict with the provisions of the Convention.

52. Lastly, while the provisions of the Labour Migration Act concerning customs and taxation issues were clear, he asked the delegation to provide information on the application of article 23 of the Aliens and Stateless Persons (Legal Status) Act.

53. Mr. EL-BORAI noted that, while Azerbaijan had ratified the Convention in 1999, the most significant amendments to domestic legislation to bring it into line with the provisions of the Convention had not been introduced until 2007. He would appreciate clarification on those amendments, as well as details of the special programme to protect immigrants and what Azerbaijan had done to promote the Convention.

54. He would like to have a more detailed explanation of the right of foreign nationals to be members of or elected as representatives of a trade union, and the right of migrant workers to transfer money to their country of origin. Noting that the delegation had stated that migrant workers had the same right to housing as Azerbaijani citizens except where legislation provided otherwise, he said he would appreciate some examples of cases where that right was not applicable.

55. He would also appreciate some details on the precise difference between migrant workers' contracts and those of Azerbaijani nationals. Noting that Azerbaijan had granted 4,663 individual work permits to migrant workers, he asked whether the delegation had any figures on the number of illegal migrants working in Azerbaijan, in particular in the informal sector.

56. Mr. KARIYAWASAM asked whether Chechens residing in Azerbaijan had the status of refugees, and whether they were able to work in Azerbaijan. He also asked whether any other population groups in Azerbaijan were considered as refugees rather than migrant workers.

57. Mr. ALBA asked the delegation if it had any explanation for the absence of complaints about violations of migrant workers' rights in Azerbaijan. He would welcome clarification on whether entering Azerbaijan without authorization or documents was a criminal or administrative offence and whether persons caught entering in that way were kept in special holding centres or in ordinary detention centres for criminals. He was curious to know whether working conditions were the same throughout Azerbaijan, or whether conditions were different, for example, in its autonomous provinces.

58. Mr. BRILLANTES asked for examples of best practices in promoting religious tolerance and harmony in Azerbaijan.

59. According to paragraph 48 of the State party's report, all Azerbaijanis over the age of 18 were entitled to work abroad; however, the delegation should clarify what was meant by "organizations acting as agents" and why individuals were prohibited from operating as agents in that area. It should also indicate whether legal entities operating as agents charged workers or employers for their services.

60. While Azerbaijan's treatment of refugees was commendable, an update on the current refugee situation would be appreciated. He wished to know whether the State party had made any response to allegations of racist and xenophobic practices made during the universal periodic review of Azerbaijan.

61. Ms. POUSSI, referring to paragraph 23 of the State party's report, asked whether the country's legislation on migration was considered to be in conformity with the Convention simply because the Convention took precedence over domestic legislation, or whether domestic legislation was already in line with the Convention. She also asked for details of the procedure for obtaining migrant worker status. Noting that work permits could only be withdrawn if a crime was committed, she asked the delegation to specify which bodies or persons could withdraw permits and what the procedure was for withdrawal. Did that procedure guarantee the rights of the migrant worker and prevent abuses by those responsible for withdrawing permits? According to paragraph 31 of the report, upon expiry of migrant workers' work permits or termination of their contracts, migrant workers had to leave the country. She wondered if they were not allowed to seek another job. She also wondered who bore the costs of repatriation for a migrant worker if the employer who had terminated the worker's contract could not afford to pay.

62. Noting that expulsion orders against foreigners or stateless persons were suspended for a period of one year for victims of human trafficking, she asked what happened once that year had expired. Referring to paragraph 45 of the report, she said that she would be interested to hear examples of how the State created the necessary conditions to enable NGOs to carry out their work in the area of labour migration.

63. Ms. CUBIAS MEDINA asked for details of the detention procedure for undocumented migrants, including the length of detention, whether special detention centres existed, and whether compliance with article 36 of the Vienna Convention on Consular Relations was ensured. She wished to know whether women, children and young people were treated differently to other undocumented migrants. Commending the progress made to prevent and punish human trafficking, she asked whether there were special centres for the victims of such trafficking, what strategies were in place to ensure that traffickers were prosecuted, and whether the delegation could provide information on specific cases.

64. The CHAIRPERSON said that he would be grateful for more information on arrangements for cooperation with NGOs and coordination between the different national institutions dealing with migration issues, and would like to know whether migrants in an irregular situation enjoyed the same rights as other migrants.

The meeting was suspended at 12.15 p.m. and resumed at 12.30 p.m.

65. Mr. Natiq MAMMADOV (Azerbaijan) said that efforts were being made to compile statistics on labour migration; that specific rules had been established for conferring migrant status on foreign nationals and stateless persons; and that regulations had been drawn up for granting individual work permits to foreign nationals. Work was being carried out on a unified migration database, draft provisions had been drawn up establishing quotas for foreign workers, and draft measures had been prepared to help immigrants adapt to local conditions.

66. He listed the categories of foreign nationals to whom individual work permits were granted, which included permanently resident entrepreneurs; staff of international organizations; diplomatic and consular staff; persons seconded to Azerbaijan for under three months; persons involved in the religious activities of registered religious organizations; accredited media workers; professors invited to lecture at universities; and those engaged in scientific research.

67. Ms. RASULOVA (Azerbaijan) said that the Office of the United Nations High Commissioner for Refugees (UNHCR) had registered approximately 1,700 Chechen nationals in Azerbaijan. They did not work, but received assistance from UNHCR. They had come with Soviet, not Russian, passports, and considered Azerbaijan as a transit country. Of the total number of refugees in Azerbaijan, 1,500 were over 18 years of age.

68. Turning to the question of other migrants living in Azerbaijan, she said that as a result of the ethnic cleansing in Armenia in the early 1990s, more than 250,000 ethnic Azerbaijanis had returned to Azerbaijan and had been naturalized, as had many Turkish nationals. The State Migration Service was processing the cases of approximately 80 refugees from Pakistan, the Islamic Republic Iran and Afghanistan. In addition, 67 Afghan citizens had remained in Azerbaijan following the original conflict in Nagorny Karabakh, but had not been recognized by Afghanistan or provided with the necessary documentation. The Azerbaijani authorities were trying to resolve that issue.

69. The State Migration Service was responsible for coordination between the different national institutions involved in migration. When migrants were found to be in an irregular situation, their expulsion was suspended if they had applied for temporary residence. If they had not, they were subject to expulsion. A few days prior to the date of expulsion they were invited to stay, on a voluntary basis, at a holding centre run by the State Migration Service. Common criminals were not held at the same facility. The Ministry of Internal Affairs also had a holding centre for migrants in an irregular situation, where they could be forcibly detained for 24 hours. If, after that time, a decision had not been taken on deportation, the Ministry of Internal Affairs had to apply to the courts for an extension of the detention period. In 2009, 55 people had been detained, and 52 expelled. In 2008, 241 people had been detained, and 332 expelled. Efforts were being made in the area of preventive measures, such as the issuance of warnings and fines to migrants who had not regularized their situation.

70. Mr. AMIRBAYOV (Azerbaijan) said, in response to the issues raised by Mr. Brillantes, that religious tolerance was a distinguishing feature of Azerbaijani society. Azerbaijan was a secular State, but many religions coexisted, and their followers all had equal rights. While religious propaganda was not allowed under Azerbaijani law, it was not considered to be a violation of the Convention. As a result of the ongoing conflict with Armenia, nearly 1 million people had become refugees or internally displaced persons. In the early 1990s, internally displaced persons in Azerbaijan had been obliged to live in refugee camps, but the Government had managed to close the camps and move 800,000 people to new residential districts. Those people would, however, still have the right to return voluntarily to Armenia once the conflict had been settled. In the early 1990s, UNHCR had been a major donor of aid to internally displaced persons and refugees. The Azerbaijani Government currently provided 90 per cent of that aid. Bearing that in mind, he hoped that the Committee, and the international community as a whole, would raise awareness of the ongoing issue of internal displacement arising from the conflict.

71. Mr. Vahab MAMMADOV (Azerbaijan) said that Azerbaijan had not yet ratified the ILO conventions mentioned by Mr. Sevim, but were considering doing so. It had, however, ratified the basic provisions of the European Social Charter and was considering ratifying the provisions concerning the rights of migrants. The Government had made great efforts to regularize migrant workers, and the number of migrant workers in a regular situation had increased threefold as a result. It was hoped that the new information technologies being implemented would enable more precise information on migrants, including migrant workers, to be collated in a single database. The approximate figure of 10,000 migrants of Turkish origin had not been confirmed. The rules governing the status of migrants from Georgia were the same as for other nationals. Azerbaijan had signed the ILO Convention concerning Forced or Compulsory Labour, (No. 29), and he had not heard of any complaints on that subject. No precise data were available concerning the situation in the informal sector, but studies suggested that it accounted for approximately 17 per cent of the labour market.

72. Mr. AMIRBAYOV (Azerbaijan) recalled, with reference to the allegations made by the delegation of Armenia against Azerbaijan during the recent session of the Working Group on the Universal Periodic Review, concerning racist and xenophobic attitudes towards Armenians in Azerbaijan, that 30,000 ethnic Armenians lived in Azerbaijan and enjoyed the same rights as Azerbaijani nationals. A country responsible for the ethnic cleansing of the Azeri population in Armenia was in no position to make such allegations, especially given the context of the peace process that was under way between the two countries.

The meeting rose at 1.05 p.m.