



**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**

**Information received from Azerbaijan on follow-up to the
concluding observations on its third periodic report***

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I. Follow-up information relating to paragraphs 16 (a) and (b) of the concluding observations (CMW/C/AZE/CO/3)

1. Migration policy in the Republic of Azerbaijan is implemented in alignment with the Sustainable Development Goals of the United Nations, taking into account the requirements of the “Global Compact for Safe, Orderly and Regular Migration” and the “Global Compact on Refugees”. Numerous measures have been taken together with international partners in order to achieve the strategic goals reflected in the aforementioned documents, as well as to implement comprehensive migration policy aimed at ensuring the rights of migrants and their family members and the works that have been carried out in this direction continues. Thus, the Republic of Azerbaijan actively participated in adoption of the New York Declaration for Refugees and Migrants, and joined the Global Compact for Safe, Orderly and Regular Migration and the Global Compact on Refugees. Currently, necessary measures are being taken by the State Migration Service in order to ensure the implementation of the issues arising from mentioned pacts. Azerbaijan’s migration policy has been in line with the key principles of Global Compact for Safe, Orderly and Regular Migration (GCM) and today GCM comprises significant part of the migration management in Azerbaijan. A number of activities have been implemented to support GCM’s 360-degree approach as per its 23 objectives and 10 guiding principles. Furthermore, Azerbaijan is among the first countries in the region to present National Voluntary Review Report on GCM and update it, as well as to establish UN Network on Migration (UNMN) at national level which has started to play an active role in supporting the implementation of GCM beyond dialogue and consultations.

2. Azerbaijan contributed as a Champion country to the International Migration Review Forum (IMRF), which served as the main intergovernmental global platform to evaluate and discuss the implementation of the Global Compact for Safe, Orderly and Regular Migration. Azerbaijan contributed to the Forum at a high level and shared a number of best practices in various areas of migration, as well as co-chaired one of the four round tables organized within the Forum.

3. Azerbaijan also joined the pledging initiative launched by the UN Network on Migration on December 17, 2021, including but not limited to process-oriented activities to further support implementation of the GCM in order to ensure the long-term sustainability and to address migration in all its dimensions and has undertaken more than 10 pledges covering various aspects of migration. Pledges have been undertaken by our country were related to the areas: “Financial contribution to the Migration Multi-Partner Trust Fund (Migration MPTF)”, “Raising awareness on the GCM through multi-stakeholder consultations in Azerbaijan”, “Ensuring the participation of migrants in migration management and their social inclusion through the establishment of the Migrant Council under State Migration Service of Azerbaijan”, “Ensuring effective implementation of GCM in Azerbaijan through drafting a comprehensive Action Plan”, “Updating the Voluntary Report of Azerbaijan on the Implementation of the Global Compact on Migration submitted in 2020”, “Implementing well-planned and evidence-based migration policies through the development and regular updating of the Migration Profile of Azerbaijan”, “Large-scale public awareness campaign to regularize the residence of undocumented migrants in the country”, “Ensuring full inclusion and social cohesion through developing Migrant Integration Strategy”, “Strengthening international cooperation in migration management by building the capacity of various stakeholders in the region within the Regional Training Center on Migration”, “Ensuring migrants’ access to vaccination against COVID-19 regardless of migration status” and “Inclusion of implementation of the GCM in national migration policy”. Appropriate measures have been taken to ensure the implementation of the mentioned pledges and the work have been carried out in this direction are continued.

4. Furthermore, we would like to inform that it is planned to take new pledges on behalf of the Government of the Republic of Azerbaijan at the second Global Refugee Forum which will be held on December 2023, in order to strengthen the participation in public life and social integration of refugees residing in our country, as well as to facilitate their access to various social services.

5. Additionally, a number of activities stipulated in the international documents to which our country is a party are being implemented within the framework of international projects.

6. Thus, in order to support migration policy development, institutional capacity building, improvement of labor migration management and provision of information and awareness raising on the regulation of migration processes in Azerbaijan, “Support to the Implementation of the Mobility Partnership with Azerbaijan (MOBILAZE-2)” project began to be implemented on June 1, 2021 and is scheduled to be finalized by May 31, 2024. The main purpose of the project is to contribute to the development and implementation of evidence-based migration and border management policy agenda in the Republic of Azerbaijan. Elaboration of analysis covering the best practices related to migration and border management, enhancing research and analysis skills, capacity building on the rendering integration services for migrants, including refugees, enhancing training capacities on migration and border management, as well as awareness raising events are being carried out within the framework of the project. At the same time, study visits and other events have been organized within the framework of the “MOBILAZE-2” project, in order to increase institutional capacity of the staff of the State Migration Service of the Republic of Azerbaijan on the human rights approach to migration management, analysis of migration scenarios, communication strategies in the sphere of migration and other similar topics.

7. Moreover, in order to ensure integration of foreigners and stateless persons into local conditions, as well as to improve the integration mechanism of foreigners and stateless persons who have been granted refugee status or applied for asylum into society. Thus, for the purpose of supporting the integration of foreigners and stateless persons residing in our country into the local society, “Support to the development of the Migrant Integration Strategy, related Action Plan and Training Curriculum” pilot project, within the framework of the MIEUX+ (Migration EU eXpertise - EU expertise on Migration) joint initiative implemented by the International Center for Migration Policy Development was launched since March 2023. The main purpose of the project is to contribute to the implementation of a comprehensive approach and effective procedures for the integration of migrants in Azerbaijan. It is envisaged to prepare a strategy for the integration of migrants and its action plan, as well as to improve the knowledge and skills of relevant key stakeholders.

8. Measures was continued in the direction of the establishment of the Regional Training Center on Migration in Azerbaijan based on the initiative of the State Migration Service of the Republic of Azerbaijan in order to support the implementation of well-managed migration policies, as stipulated in paragraph 10.7 of the Sustainable Development Goals of the United Nations, as well as in the “Global Compact for Safe, Orderly and Regular Migration”. In this direction, “Supporting the Establishment of a Regional Training Centre on Migration in Azerbaijan” project has been implemented in 2020-2023. The purpose of the project is to contribute to more effective migration management and regional cooperation in Azerbaijan, Commonwealth of Independent States member countries and beyond the boundaries of this Commonwealth.

9. At the same time, “Enhancing the socioeconomic benefits of remittances in Azerbaijan” project which has been launched on January 1, 2022 is of great importance in terms of achieving the strategic goals specified in the “Global Compact for Safe, Orderly and Regular Migration”. The project will contribute to the facilitation of access to financial services and to greater use of digital financial services among Azerbaijani emigrants living abroad, migrants residing in Azerbaijan and people receiving remittances in Azerbaijan or abroad.

10. In order to learn and expertise the experience of the European Union Member States and best international practice concerning the legislative acts and existing procedures in the field of organizing alternative measures to detention and researching asylum applications employees of the State Migration Service of the Republic of Azerbaijan participated in the study visit organized to the Republic of Croatia on November 30-December 1, 2022.

11. Appropriate measures have been taken for the purpose of implementation of relevant activities of the “Action Plan for the Implementation of the Children's Strategy for 2020–2025” and ensuring the implementation of child rights based comprehensive migration policy. As the result of the improvement measures, “Information about unaccompanied foreigners and stateless persons under 18” subsystem was established under the Unified Migration Information System (UMIS) of the State Migration Service and integration of the relevant government agencies with this system was ensured. Consequently, information

about unaccompanied foreigners under 18 who entered the territory of the country or became unaccompanied after arrival is regularly updated in that database of UMIS.

II. Follow-up information relating to paragraph 16 (c) of the concluding observations

12. The draft law “On compatriots living abroad and diaspora organizations” is currently under consideration by the relevant state bodies of our country. It should be noted that pursuant to Article 9.1.5 of the draft law “On compatriots living abroad and diaspora organizations”, compatriots living abroad (in accordance with the draft law, a compatriot living abroad is a citizen of the Republic of Azerbaijan or a foreigner of Azerbaijani origin, temporarily or permanently residing in a foreign state, or a stateless person) are envisaged to grant the right to carry out paid labor activity in the territory of the Republic of Azerbaijan without obtaining a work permit taking into account the requirements of migration and labor legislation. The mentioned draft has been developed with the close participation of stakeholders, including non-governmental organizations representing various fields.

III. Follow-up information relating to paragraphs 36 (a) and (b) of the concluding observations

13. Ensuring of human and civil rights and freedoms has been declared as supreme purpose of the State in the Constitution of the Republic of Azerbaijan. In accordance with the Constitution, human and civil rights and freedoms are fully ensured and legislation of the country is constantly being improved for the purpose of complying with international standards in the sphere of political, civil, economic, social and cultural rights.

14. The mechanism for the realization of the political, civil, economic, social and cultural rights of foreigners staying and residing in our country is based on the principles stipulated in the United Nations Universal Declaration of Human Rights and international conventions in the field of protection of human rights and freedoms to which our country is a party.

15. According to Article 60 of the Constitution of the Republic of Azerbaijan protection of the rights and freedoms of foreigners along with citizens of the Republic of Azerbaijan is given assurance in administrative order and in court. Simultaneously, foreigners can appeal a complaint against actions or inactions of the state bodies, political parties, juridical persons, municipalities and officials in an administrative order and to the court.

16. According to Article 10 of the Law “On courts and judges” along with citizens of the Republic of Azerbaijan foreign citizens and stateless persons residing in the territory of the country are entitled to judicial protection of their rights and freedoms provided by the Constitution of the Republic of Azerbaijan and other laws, as well as legal interests of juridical persons from any conspiracies and infringements in any phase of the court proceeding. No one can be deprived from the right to judicial protection.

17. Pursuant to Articles 292 and 294 of the Labor Code migrant workers have a right to apply to the judicial instances with the same grounds and conditions envisaged for the citizens of the Republic of Azerbaijan.

18. According to the requirements of the Migration Code and Law “On Administrative Proceedings” foreigners can file a complaint administratively and (or) in court against the decisions made by the administrative bodies on them.

19. Persons who applying for refugee status and have been granted refugee status in the Republic of Azerbaijan under no circumstances are forcibly detained in detention centers for migrants.

20. According to Article 1.0.2 of the Law of the Republic of Azerbaijan “On Ensuring the Rights and Freedoms of Persons held in places of detention” arrested person is an accused person on whom measures of restraint in the form of detention have been chosen by the court, places of imprisonment are places of temporary detention, investigative detention places, Garrison headquarters of the Armed Forces of the Republic of Azerbaijan and other armed

units established in accordance with the legislation of the Republic of Azerbaijan intended for the detention of detained or arrested person in accordance with the Code of Criminal Procedure of the Republic of Azerbaijan.

21. It should be noted that there is no provision in the legislation stipulating that the detention center for migrants is a place of imprisonment, moreover the possibility of voluntary placement of migrants in this center is mentioned in the Migration Code of the Republic of Azerbaijan.

22. As it is mentioned in paragraph 4.5 of Decree No. 667 dated July 6, 2012 “On application of the Law of the Republic of Azerbaijan “On Ensuring the Rights and Freedoms of Persons held in places of detention” the detention center for illegal migrants of the State Migration Service is not considered a place of temporary detention.

23. It was also stated in the “Internal disciplinary rules of the detention center for illegal migrants” approved with the Decision of the Cabinet of Ministers of the Republic of Azerbaijan No. 317 dated August 24, 2016 that the clothes provided to foreigners detained in the Center should be distinguished from the clothes provided to persons serving a sentence of imprisonment.

24. According to Article 84.3 of the Migration Code of the Republic of Azerbaijan, persons forcibly placed in the detention centers for illegal migrants are held in the Center separately from voluntarily placed ones, women are held in the Center separately from men, underage persons are held in the Center separately from adults.

25. The interests of children are always prioritized in our country in accordance with the Law of the Republic of Azerbaijan “On the rights of the child”, the United Nations Convention on the “Rights of the Child”, as well as other laws of the Republic of Azerbaijan and the international agreements it is a party to, at the same time all necessary measures are being taken to protect the rights and legal interests of foreign and stateless children.

26. Thus, in accordance with the “Rules of Consideration on Applications for Refugee Status” approved by the relevant Decree of the President of the Republic of Azerbaijan, when a person under 18 who arrived unaccompanied or become unaccompanied after arrival is revealed, information about that person is referred to the Guardianship and Trusteeship Authority. The Guardianship and Trusteeship Authority determines whether the child entered the territory of the country unaccompanied or became unaccompanied after arrival, and in case of his/her intention to obtain refugee status, application is filled to the State Migration Service in accordance with the Rules. Until the issue of granting refugee status to an unaccompanied child is resolved, the guardianship and custody authorities place him/her in a social service facility. Unaccompanied children in the country are treated equally as children who have lost their parents and are deprived of parental care and their social protection is ensured by the state, and their rights and benefits are protected in accordance with the law.

27. Recently, appropriate measures have been taken for the purpose of improvement the monitoring and evaluation system regarding the situation of ensuring children's rights, as well as to ensure the protection of the superior rights of unaccompanied children and to hold accurate record of children from this vulnerable category. As the result of the improvement measures taken, “Information about unaccompanied foreigners and stateless persons under 18” subsystem was established in the Unified Migration Information System (UMIS) of the State Migration Service in accordance with the Decree of the President of the Republic of Azerbaijan dated July 22, 2022 and integration of the relevant government agencies with this system was ensured. Consequently, information about unaccompanied foreigners under 18 who entered the territory of the country or became unaccompanied after arrival is regularly updated in that database of UMIS.

28. The Working Group was established in order to regulate the issues related to the social protection of unaccompanied children in accordance with the relevant rules, to ensure the effective and efficient national referral and coordination mechanism in the area of child care, as well as to improve the normative legal framework and institutional structure in the field of child protection. Representatives of the State Committee for Family, Women and Children Affairs, the Ministry of Labor and Social Protection of the Population, the Ministry of

Science and Education, the Ministry of Health and the Executive Power of Baku city, along with State Migration Service were included in the working group.

29. During the regular reception, registration and consideration on applications for refugee status by the State Migration Service special attention is paid to the protection of the interests of vulnerable groups, including children throughout the initial conversation and interview, as well as decision-making processes conducted with the persons who applied for obtaining refugee status, taking into account their psychological condition in the course of interviews and ensuring their interests in the decision-making process. More experienced and appropriately trained employees are involved in interviews conducted with children and the child's age, psychological condition, health, needs and choices are taken into account throughout this process. Trainings are regularly organized to develop professionalism of the Service employees on the rules and procedures of interviews conducted with persons from the mentioned vulnerable category.

30. Administrative responsibility for children below 16 years of age who committed an administrative offence by violating the rules of staying and living in the Republic of Azerbaijan is not envisaged by the legislation of the country.

IV. Follow-up information relating to paragraphs 36 (c), (d) and (e) of the concluding observations

31. In our country, there are detention centers for migrants which included in the system of the State Migration Service of the Republic of Azerbaijan and meeting the international standards.

32. The chapter 14 of the Migration Code of the Republic of Azerbaijan is entirely dedicated to the rules for the placement and detention of foreigners in these centers. This chapter covers the grounds, terms and procedures of detention at the Center, as well as the regime of the Center, internal disciplinary rules and regulations of the Center. Furthermore, provisions regarding the rights and obligations of foreigners who placed in the center voluntarily and mandatorily, their protection, as well as the obligations of the Center's employees are reflected in the relevant chapter. Additionally, "Internal disciplinary rules of the detention centers for illegal migrants" was approved by the Decision of the Cabinet of Ministers of the Republic of Azerbaijan №317 dated August 24, 2016.

33. According to Article 82.2 of the Migration Code foreigners and stateless persons are forcibly placed in the Center in case there is a decision of the court or of the State Migration Service on detention in administrative order, and in case they evade departure from the territory of the Republic of Azerbaijan or if there are sufficient grounds to presume such evasion, as well as foreigners and stateless persons who are expected to be expelled from the country in accordance with international agreements on the readmission of persons residing without authorization, to which the Republic of Azerbaijan is a party to, in the manner and within the time limits established by the Code and in according to the decision of the court upon a request from the State Migration Service.

34. Foreigners and stateless persons are forcibly placed in the Center up to 24 hours when there is a decision of the State Migration Service on detention in administrative order, up to 3 days when there is a court decision on detention in administrative order, in other cases mentioned above - for the period indicated in the decision, but not more than for 6 months.

35. It should be also noted that according to Article 88 of the Migration Code persons who are voluntarily placed in the Center have the right to leave the Center and return there, also to move freely in the territory of the Center.

36. In accordance with the requirements of the current legislation, persons applying for obtaining refugee status are voluntarily placed in separate premises of the center on the basis of their own choice (if there is no possibility to stay elsewhere). In addition, differentiated regimes and rules are applied to foreigners who are forcibly and voluntarily placed in the Center. We would like to inform that it is planned to take measures to establish the Reception Center for Asylum Seekers and the Integration Center for Refugees at the State Migration Service of the Republic of Azerbaijan on the existing base. Establishment and activity of the

mentioned centers can be considered as an adequate response in terms of applying alternative procedures to detention with respect to migrants who have applied for asylum or have been granted refugee status in our country, as well as migrant children, their families and other vulnerable groups of migrants. Simultaneously, it is planned to take measures on making amendments to the country's legislation in the direction of changing the names of the detention centers for illegal migrants of the State Migration Service and preliminary steps have been started to take in this area.

37. Moreover, it should be noted that regular monitorings and inspections are conducted at various times by the National Preventive Group of the Commissioner for Human Rights of the Republic of Azerbaijan (Ombudsman), the International Organization for Migration, the United Nations High Commissioner for Refugees (UNHCR) Representation in Azerbaijan, International Committee of the Red Cross, as well as representatives from various countries in connection with ensuring the protection of the human rights and conditions of detention of the persons placed in the Centers. At the same time, opportunities for conducting monitoring by various civil society organizations in the detention centers for illegal migrants of the Service are expanded and conducting monitoring is ensured in the mentioned centers at various times.

38. The Ombudsman and members of the National Preventive Group are entitled to enter the Center at any time, without obstacle and notification, to meet and conduct interviews with foreigners voluntarily or forcibly placed in the centers, as well as with any other person who can provide relevant information individually or with the participation of an interpreter or specialist if necessary, to get familiarized with all documentation confirming the legality of the placement and detention of foreigners in those places, as well as with respect to the treatment of those foreigners and their conditions of detention, to issue an act, documentation the progress and results of the actions taken by them, to meet with the head of the Center without delay, for the Ombudsman to make relevant recommendations to the Center and to receive a response to those recommendations during the defined period. Persons placed in the center have the right to contact the Ombudsman or the UNHCR Representation in Azerbaijan directly through certain phone numbers in connection with the issues that concern them.

39. In order to learn the experience of the European Union Member States and best international practice concerning the legislative acts and existing procedures in the field of organizing alternative measures to detention and researching asylum applications employees of the State Migration Service of the Republic of Azerbaijan participated in the study visit organized to the Republic of Croatia on November 30-December 1, 2022.

V. Follow-up information relating to paragraph 60 (a) of the concluding observations

40. “The Rules (indicators) for identifying victims of human trafficking” approved by the decision of the Cabinet of Ministers of the Republic of Azerbaijan No. 131 dated September 3, 2009, identifies the mechanisms that allow determining whether a person, especially a migrant, is a victim of human trafficking. The identification of victims is one of the important elements of the system of measures for the protection of persons affected by human trafficking, and it is one of the main factors that ensures the realization of their rights to receive necessary assistance, as well as facilitates their reintegration into society and their return to a normal way of life, as well as reduces the risk of becoming victims again.

41. The main goal of the current rules is to identify the victims more easily and to implement urgent measures for the protection of their rights, as well as for the employees of the relevant institutions to acquire the necessary knowledge regarding the identification of victims of human trafficking.

42. According to the Law “On Combating Trafficking in Human Beings”, the victims of human trafficking are exempted from civil, administrative and criminal liability in the manner and in the circumstances established by the legislation for acts committed under coercion or threat as a direct result of being a victim of human trafficking. The foreigners and stateless persons who are victims of human trafficking are provided with protection and

assistance at the same level as citizens of the Republic of Azerbaijan. Moreover, according to the legislation, legal entities, transport organizations, owners or operators of vehicles carrying out international transportation should take measures to inform passengers about the danger of human trafficking, they should also check whether passengers have documents for entry (exit) to the territory of the relevant state, and in the absence of such documents, they should refuse to provide the transportation service.

VI. Follow-up information relating to paragraph 60 (b) of the concluding observations

43. The implementation of legal, political, socio-economic and organizational preventive measures, as well as the necessity of punishment for human trafficking are the main principles of the combating human trafficking. The persons who commit the crime of human trafficking are brought to justice, guided by the relevant principles.

44. According to Article 215.5 of the Code of Criminal Procedure and Decree of the President of the Republic of Azerbaijan No. 387, dated 25.08.2000, the investigation is carried out by internal affairs bodies on the crimes provided for in articles 144-1 (human trafficking), 144-2 (forced labor), 144-3 (illegal actions with documents for the purpose of human trafficking) of the Criminal Code and the relevant cases on the culprits are delivered to the relevant district (city) courts and courts on grave crimes for consideration.

45. Thus, in accordance with Article 15 of the Criminal Code, the acts for which the upper limit of the penalty of deprivation of liberty is not more than twelve years, due to intentional or negligent act, are considered serious crimes, and the Criminal Code 144-1 (trafficking in human beings) and 144-2 Article 144-3 (illegal actions with documents for the purpose of human trafficking) belongs to the category of less grave crimes.

46. We would like to inform you that 433 cases of human trafficking, 7 cases of forced labor, 125 crimes related to illegal actions with documents for the purpose of human trafficking were determined during the last 2 years and 6 months and 38 people have been prosecuted.

47. In general, by strengthening the legal framework regarding the participation of the State Migration Service in the prevention of human trafficking and forced labor, ensuring the continuity of the Service's activities in this direction in the future and, as a result, detecting information about whether a person is a victim or a potential victim within the framework of measures to combat irregular migration and human trafficking, a number of legislative acts have recently been amended in order to identify victims and potential victims, and to improve activities aimed at preventing the risk of a person becoming a victim of human trafficking again. Thus, in accordance with the Decision No.377 dated December 1, 2021, of the Cabinet of Ministers of the Republic of Azerbaijan "On Amendments to the Rules (indicators) for identifying of victims of trafficking in human beings" and the Decision No 378 dated December 1, 2021, of the Cabinet of Ministers of the Republic of Azerbaijan "On Amendments to the Rules on the repatriation of victims of trafficking in human beings", migration bodies of the Republic of Azerbaijan have been added to the list of the authorities operating in the field of "provision of information immediately to the special police unit when any information is discovered on becoming a victim or potential victim of trafficking in human beings", which is defined as one of the proactive methods (measures) used in identifying victims of human trafficking.

48. At the same time, by amending the "National Referral Mechanism Rules regarding Victims of Trafficking in Human Beings" approved by the Decision No. 123 dated August 11, 2009, of the Cabinet of Ministers of the Republic of Azerbaijan, in order to prevent the risks of foreigners and stateless persons becoming victims of human trafficking, the work of analyzing the domestic situation related to their activity in the service sector was added to the activities of the existing interagency commission on the implementation of the National Referral Mechanism.

49. We kindly inform you that our country was upgraded to "Tier 2 countries" (Tier 2 countries: whose governments do not fully comply with all minimum standards of "Victims

of Trafficking and Violence Protection Act of 2000”, but are making significant efforts to bring themselves into compliance with those standards) by removing from the “Tier 2 watchlist countries” in the next 2022 annual “Trafficking in Persons Report” of the United States Department of State, published on July 19, 2022 due to the successful results achieved in the relevant field. In the report, measures taken in Azerbaijan compared to last year in the field of imposing severe penalties on more traffickers and reducing the number of suspended sentences, identifying more victims of human trafficking and increasing overall funding for assistance to victims of human trafficking, and at the same time involving the State Migration Service in activities to prevent human trafficking and forced labor, prevention of revictimization of foreigners who have become victims of human trafficking were mentioned as positive points.

VII. Follow-up information relating to paragraph 60 (c) of the concluding observations

50. In accordance with the Law “On Combating Trafficking in Human Beings” and based on the international agreements to which it is a party, in the field of combating human trafficking the Republic of Azerbaijan cooperates with other states, their law enforcement agencies, as well as with international organizations fighting against human trafficking. The provision of legal assistance in criminal cases related to human trafficking is carried out in accordance with the international agreements to which the Republic of Azerbaijan is a party to and the country's legislation on legal assistance in criminal cases.

51. The following laws have been adopted on agreements with other states on the prevention of human trafficking:

- Law No. 435-IIQ dated 13.05.2003 of the Republic of Azerbaijan on approval of the “Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children” and “Protocol Against the Smuggling of Migrants by Land, Sea and Air” supplementing the UN Convention Against Transnational Organized Crime;
- Law No. 114-IIIQ dated 23.05.2006 of the Republic of Azerbaijan “On approval of the Agreement on cooperation in the field of Combating Trafficking in Human Beings and illegal trade of human organs and tissues among the participating states of the Commonwealth of Independent States”;
- Law No. 749-IIIQ dated 30.12.2008 of the Republic of Azerbaijan on the approval of the Decision “On the Program of cooperation for 2007-2010 between the participating states of the Commonwealth of Independent States in the field of combating trafficking in human beings”;
- Law No. 1002-IIIQ dated 11.05.2010 of the Republic of Azerbaijan on the approval of the Council of Europe Convention “On Action against Trafficking in Human Beings”;
- Law No. 507-IVQ dated 21.12.2012 of the Republic of Azerbaijan on joining to the Agreement “On Cooperation of the Ministries of Internal Affairs (police) of the participating states of the Commonwealth of Independent States in the fight against trafficking in human beings”;
- Law No. 1681-VQ dated 22.10.2019 of the Republic of Azerbaijan on the approval of the Council of Europe Convention “On Protection of Children against Sexual Exploitation and Sexual Abuse “.

52. In addition, the Decree No. 445 dated 07.06.2011 of the President of the Republic of Azerbaijan was adopted on the approval of the Memorandum of Understanding on cooperation in the fight against human trafficking between the Ministry of Internal Affairs of the Republic of Azerbaijan and the National Committee on Fight against Human Trafficking of the United Arab Emirates” signed in Abu Dhabi on March 21, 2011.

53. International experience on improving activities in the fight against human trafficking is regularly studied, as well as mutual cooperation with the UN Office on Drugs and Crime, the Council of Europe Group of Experts on Action against Trafficking in Human

Beings-GRETA, International Migration and International Labor Organizations and other international organizations is being developed.

VIII. Follow-up information relating to paragraph 60 (d) of the concluding observations

54. In the last 2 years and 6 months, 4 foreign victims of human trafficking (1 in 2021, 2 in 2022, 1 in 6 months of the current year) have applied to the State Migration Service for temporary residence in the Republic of Azerbaijan and obtained the appropriate permit.

55. Among the identified victims, there was no migrant worker smuggled into the country (an individual who legally migrates from one country to another to engage in paid employment).

56. In order to communicate to the public the measures taken to combat human trafficking, relevant information is regularly posted on the website of the Main Department on Combating Trafficking in Human Beings of the Ministry of Internal Affairs (www.insanalveri.gov.az).

IX. Follow-up information relating to paragraphs 62 (a) and (b) of the concluding observations

57. The legal status of foreigners and stateless persons living in an irregular situation in the Republic of Azerbaijan (without legal status of stay and residence), as well as the norms and procedures applied in connection with the legalization of the residence of persons from this category in the territory of the country are determined by the Migration Code and the Code on Administrative Offences of the Republic of Azerbaijan. During the legalization of the status of the mentioned persons, their personal and family situations are taken into consideration, by applying individual approach to each migrant, at the same time one of the universally recognized principles of the international law “family reunification” and other norms are prioritized. Furthermore, comprehensive, consistent and systematic informative measures aimed at legalizing the status of persons from the mentioned category and raising awareness in this direction are being carrying out. Legal awareness raising events are regularly organized with the extensive participation of relevant state bodies, civil society institutions, foreigners and stateless persons about the measures taken in the direction of legalization of migrants who are staying and living in an irregular situation in the territory of the country and on existing procedures in this field. In addition, the development and dissemination of informative videos, as well as manuals or brochures about irregular migration and its consequences, dangers it may cause, the significance of legalizing the status of the persons who are residing in the country without proper documentation in order to ensure their rights and obligations on the official webpage of the Service, on its social media pages and in TV channels are ensured.

58. The Migrant Council under the State Migration Service was established in 2022, in order to ensure more active inclusion of migrants residing in the territory of the Republic of Azerbaijan in the activities of the Service, to increase the effectiveness of protecting their human rights and freedoms, to increase the quality of services provided to foreigners and stateless persons, and to ensure transparency, as well as to assess the impact of decisions made in the field of migration on the daily life of foreigners. In line with the application of a whole-of-society approach to solving all aspects of migration-related issue proposed in the “Global Compact for Safe, Orderly and Regular Migration” s, the key purpose of this initiative is to enhance active participation of migrants residing in our country in the migration management of the Republic of Azerbaijan. 8 representatives of the Migrant Council who are citizens of different countries have been selected among foreigners and stateless persons who applied based on number of criteria, such as residing in the territory of the Republic of Azerbaijan for a long time, having close relations with the communities and diaspora organizations of the country they belong to which are operating in our country , as well as being selected for their public participation, and regular meetings of the Migrant Council are held with the participation of those persons. Currently, the members of the

Migrant Council are representatives of the migrant communities in our country from the Republic of Türkiye, the Islamic Republic of Pakistan, the Russian Federation, Georgia, the Federal Republic of Nigeria, the Islamic Republic of Iran, the Islamic Republic of Afghanistan and the Federal Republic of Germany.

59. Furthermore, an effective cooperation between the Public Council under the State Migration Service, currently consisting of 9 members and the Service has been established since 2015 (According to the legislation, a new staff of the Council is formed once every two years through elections). Innovative proposals made by the Public Council for the purpose of ensuring the rights of foreigners and stateless persons, as well as the persons who stay and live in our country and at the same time who are in an irregular situation, better protection of their legal interests, regulation and enhancement of migration processes are taken into consideration by the Service. The Public Council regularly holds meetings with migrants, conducts receptions of migrants, studies their proposals and problems, solves received complaints related to the Service. In addition, the Public Council supports the activity of the Service towards raising awareness of foreigners and stateless persons about the existing legislative acts in the field of migration, its requirements and amendments to the legislation.

60. Moreover, an Advisory Board under the State Migration Service which established in in 2018 in order to deliver necessary information to employers operating in our country, to solve the difficulties that arise when meeting the demand for foreign labor and the issues that make entrepreneurs comfortable, unites NGOs, as well as representatives of physical and juridical persons engaged in entrepreneurship activity involving foreign labor force. Through the aforementioned Board, entrepreneurs are regularly informed about the norms and procedures applied in our country regarding the regularization of the status of foreigners and stateless persons living in an irregular situation, as well as effective solutions to problems arising in this sphere.
