



**Permanent Mission
of the Republic of Azerbaijan
to the UN Office and other
International Organizations
GENEVA**

Ref: 0293/12/18/18

The Permanent Mission of the Republic of Azerbaijan to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights, and with reference to the Latter's request dated 26 April 2018 has the honour to transmit herewith information requested by the Special Rapporteur on contemporary forms of slavery, including its causes and consequences.

The Permanent Mission of the Republic of Azerbaijan to the United Nations Office and other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Enclosure: 4 pages

Geneva, 02 July 2018

Office of the United Nations
High Commissioner for Human Rights
GENEVA





Azərbaycan Respublikası
Xarici İşlər Nazirliyi

Haraya: NDNC

Məlumat üçün: NBMT

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AR Cenevredəki Daimi Nümayəndəliyi DAXİL OLAN SƏNƏDLƏR			
No.	462	18,06 / 2018	6 ver.
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Tarix: 24.05.18

Əlavə olunur: 5 vərəq.

Azərbaycan Respublikasının
Cenevrə şəhərində BMT bölməsi və
digər beynəlxalq təşkilatlar yanında Daimi Nümayəndəsi
cənab Vaqif Sadiqova

Hörmətli cənab Səfir,

Sizin NDNC/0505/18 nömrəli, 01.05.2018-ci il tarixli məktubunuza cavab olaraq, BMT-nin köləliyin müasir formaları, onun səbəb və nəticələri üzrə xüsusi məruzəçisi tərəfindən təqdim edilmiş sorğuya Daxili İşlər Nazirliyi və Dövlət Miqrasiya Xidmətindən daxil olmuş məlumatlar əsasında hazırlanmış cavabları aidiyyəti üzrə çatdırılması üçün təqdim edirik.

Hörmətlə,

Nazir müavini

MHSI-nin rəisi

İcraçı: Xuraman İsmayılova (tel. 2091)

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MÜKT üçün: 4/8379/18, 18.05.18; 6/1307/18, 22.05.18

Answers by the Government of Azerbaijan to the “Questionnaire on Domestic servitude” submitted by the Special Rapporteur on contemporary forms of slavery, including its causes and consequences

Question 1

The Law of the Republic of Azerbaijan "On Combating Trafficking in Human Beings" of June 28, 2005 (No. 958-IIQ), which was signed by the President of the Republic of Azerbaijan contains the main concepts of modern forms of slavery. Thus, the relevant provisions of the Criminal Code of the Republic of Azerbaijan contain provisions on liability.

Article 106. The slavery, that is full or partial realization above a person of the competencies inherent to the property right - shall be punishable by imprisonment for the term from five up to ten years. The same act accomplished concerning a minor or with the purpose of moving of a person in the foreign state - shall be punishable by imprisonment for the term from seven up to twelve years. Slavery sales, that is maintenance of the person with a purpose of transfer into to slave or use as a slave, his sale or an exchange, and also any act connected with slave sales or transfer into slave, as well as sexual slavery or an encroachment on sexual freedom on grounds of slavery – is punishable by imprisonment for the term from five up to ten years.

Article 108. Sexual violence. Rape, compulsion to prostitution, compulsory sterilization or commitment against persons of other actions connected to sexual violence – is punishable by imprisonment for the term from twelve up to twenty five years or life imprisonment.

Article 144-1. Human trafficking. Trafficking, i.e. recruitment, obtaining, keeping, harboring, transportation, transfer or acceptance of a person with a purpose of exploitation under the threat of violence or using violence, threats or other means of coercion, abduction, fraud, deception by misusing ability to make pressure or helplessness, or providing or receiving material and other values, privileges or benefits to get a consent of the person that exercises control over another person, - such is penalized from five to ten years of imprisonment.

"Human exploitation" referred to in this article, means forced labor (servitude), sexual exploitation, slavery and practices similar to slavery and the resulting dependence, transplantation of human organs and tissues, conduct of illicit biomedical researches on the person, use of a woman as surrogate mother, engaging a person in unlawful, including criminal activities.

Article 144-2. Forced Labor. Forcing a person to perform certain work (service) by means of threats, use or threat of coercion, or by means of confinement other than in the situations prescribed by the law - is punishable by corrective work for the term of up to two years or imprisonment for the term of up to two year.

Article 144-3. Unlawful actions with documents with the purpose of trafficking in human beings – cause liability provided within the legislation.

Article 145. Illegal imprisonment - Illegal deprivation of freedom of a person, not connected with kidnapping - is punishable by corrective work for the term of up to two years or imprisonment for the term of up to one year.

Article 113. Application of tortures - Causing of a physical pain or mental sufferings to detained persons or persons, or other restrictions of freedom – envisages imprisonment for the term from seven up to ten years.

Article 164. Violation of the labor right - violation of the right of the pregnant woman or woman with the child up to 3 years old or of the man bringing up his child up to 3 years old alone cause liability provided within the legislation.

Question 2

The rights and freedoms of the foreigners and stateless persons residing or staying temporarily in the territory of the Republic of Azerbaijan are reflected in some of legislative acts and for the complete ensure of these rights, purposeful measures have been realized by State Migration Service and relevant structures. So, according to Article 74 of the Migration Code of the Republic of Azerbaijan unless otherwise is envisaged by the Law and the international agreements which the Republic of Azerbaijan is a party to, foreigners and stateless persons enjoy equally all of the rights as the citizens of the Republic of Azerbaijan while staying in the Republic of Azerbaijan. Foreigners and stateless persons are equal before the law and courts of the Republic of Azerbaijan regardless of their property or social conditions, race, nationality, gender, language, religion, type and character of his/her activity and other cases.

Including the provisions on "Prohibiting of taking and keeping the **passports or other identification documents** of foreigners and stateless persons engaged in work by the legal entities, individuals dealing with entrepreneurship activity without establishing legal entities and branches and representations of foreign legal entities" to the Migration Code has been significant in providing the rights of the migrants and elimination of exploitation cases.

Provisions on regulation of labor activity of foreigners and stateless persons in the Republic of Azerbaijan is reflected in Article 61 of the Migration Code of the Republic of Azerbaijan.

Control over rules of validity of work permit is carried out by the relevant executive authorities (Migration Code, Article 72). For the purpose of control, the relevant executive authority monitors observation of the requirements of this Code and the normative legal acts that regulate employment of foreigners and stateless persons as manpower, representatives of other state authorities can be involved in the supervisory monitoring.

Besides this, the rights and freedoms of the foreigners and stateless persons residing or staying temporarily and living in the territory of the Republic of Azerbaijan can only be restricted by the norms of the international law and laws of the Republic of Azerbaijan. A number of restrictions for foreigners and stateless persons were reflected in articles 16 and 62 of the Migration Code.

Question 3

In accordance with the Law of the Republic of Azerbaijan "On Citizens' Appeals" dated 30.10.2015, unless otherwise provided by international treaties to which the Republic of Azerbaijan is a party to, the foreigners, stateless persons and foreign legal entities have the

right to appeal for restoration and protection of their violated rights and freedoms.

According to the Article 10 of the Law of the Republic of Azerbaijan "On Courts and Judges" dated 10.06.1997, The court protection from any illegal attempt and law infringement of the rights and freedoms provided in the Constitution and other laws of the Republic of Azerbaijan and the interest of legal entities is ensured for the citizens of the Republic of Azerbaijan, foreigners and stateless people living in the territory of Azerbaijan. Nobody can be deprived from the right of judicial protection.

Question 4

A:

In accordance with the "Guidelines on determination of labor migration quota" of the Cabinet of Ministers of the Republic of Azerbaijan, the information on the persons obtained working permission on the economic activity form "**Domestic activity; activity on goods and services produced by domestic economy for individual consumption**" is as following:

- 15 persons in 2016. 10 of them are men, 5 women.
- 8 persons in 2018. All men.

B:

Below you will find information on the foreigners working in domestic activities as the result of the examination conducted on the base of the appeals to State Migration Service:

In 2014, based on the letters of the International Organization for Migration (IOM), voluntary return of 3 Philippines citizens to their homeland has been realized.

During April of current year, voluntary return of 1 Philippines citizen to his homeland by the appeal of IOM was realized.

Question 6

No fact on the victims of domestic servitude was detected by the State Migration Service recently. Besides significant steps have been made for the protection of labor migrants' rights and appropriate information on the probability of the persons being the victim of human trafficking was sent to the Ministry of Internal Affairs:

- In 2015, the letter on probability of Philippines citizens (4 persons) being the victims of human trafficking was sent to Main Department on Combating Human Trafficking of the Ministry of Internal Affairs, trafficking case was not detected.
- In 2016, as the result of the information from the Main Department on Combating Human Trafficking of the Ministry of Internal Affairs, return of 1 Philippines citizen to his homeland was realized.
- In 2017, the letter regarding the suspicions on 4 Philippines citizens being the victim of human trafficking was sent to the Main Department on Combating Human Trafficking of the Ministry of Internal Affairs, trafficking case was not detected.
- In 2017, as the result of the letter from the Main Department on Combating Human Trafficking of the Ministry of Internal Affairs, return of 1 Philippines citizen to his homeland was realized

Question 7

Answer: During the reporting period, no case of labor abuse was detected. At the same time, the State Migration Service carries out relevant work in this area within its competence. According to the Article 72.2.1 of the Migration Code of the Republic of Azerbaijan, the State Migration Service monitors implementation of the requirements of this Code and the normative legal acts that regulate employment of foreigners and stateless persons as workforce. During these procedures for inspections particular attention is paid to the issues of forced labor, labor exploitation, domestic slavery, arbitrary detention and other relevant facts.

There are relevant provisions on “Prohibition of Forced Labor” (Article 17) in Labor Code of the Republic of Azerbaijan. It is prohibited to oblige an employee to perform a job not included into his job description through any kind of duress or under the threat of termination of the employment contract. The offenders are held liable under legally-established procedure.

Moreover, in **Labor code** “Specifications of regulation of Labor Relations for Women, Employees under 18 years of age and Agrarian Sector” was indicated. The Article 241 on jobs and work places, defines norms on jobs that are prohibited for women; the Article 247 on labor rights of workers under age of 18, describes the rights of people under 18 and its particularities; and the Article 250 determines the prohibited job list for the employees under 18 age. Besides, the Code (article 256), reflects the regulations of labor relations of employees and family agriculture members in agricultural structures.