

AZERBAIJAN (2017-2018)

THE ELIMINATION OF ALL FORMS OF FORCED OR COMPULSORY LABOUR

Protocol of 2014 (P029) to the Forced Labour Convention

REPORTING	Fulfillment of Government's reporting obligations	Yes.	
	Involvement of Employers' and Workers' organizations in the reporting process	2017 AR: Yes: copies of reports are sent to the National Confederation of Organizations of Entrepreneurs (Employers) of Azerbaijan and the Confederation of Trade Unions of Azerbaijan.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	No.	
	Workers' organizations	No.	
EFFORTS AND PROGRESS MADE IN REALIZING MEASURES TARGETED BY THE PROTOCOL	Ratification	Ratification status	Azerbaijan has not yet ratified the Protocol of 2014 (P029) to the Forced Labour Convention.
		Ratification intention	2017-2018 ARs: There are no impediments to the ratification of the 2014 Protocol and it is likely to be ratified.
	Existence of a policy and / or plan of action for the suppression of forced or compulsory labour	2017-2018 ARs: There are national policy and plans of actions for the prevention of all forms of forced labour as well as for combatting trafficking in persons for the purposes of forced or compulsory labour. Specifically, the prohibition of forced labor is regulated by the Constitution of the Republic of Azerbaijan adopted on November 12, 1995, in Article 35, which states that “no one may be forced to work”, and “labor contracts are freely concluded. No one can be forced to conclude an employment contract.”	
	Measures taken or envisaged for systematic and coordinated action		
	Measures taken or envisaged to prevent forms of forced labour	<p>2018 AR: The measures taken or envisaged include: a) Information, education and awareness raising targeting especially people in vulnerable situation and employers; b) Strengthening and broadening of the coverage of legislation, particularly labour law; c) Regulation and supervision of the labour recruitment and placement process; d) Supporting due diligence by the public and private sectors; e) Addressing the root causes that perpetuate forced labour; f) Promotion of safe and regular migration; g) Education/vocational training; h) Capacity building for the competent authorities; i) Promotion of freedom of association and collective bargaining to enable at-risk workers to join workers' organizations; and j) Basic social security guarantees.</p> <p>2017 AR: The measures taken or envisaged include: a) the Center for Assistance to Victims of Trafficking in Persons under the Ministry of Labor and Social Protection of Population prepared appropriate booklets and posters to inform the danger of involvement in forced labor, and how to avoid the danger of becoming a victim of trafficking; b) the prohibition of forced labor is regulated by the Constitution of the Republic of Azerbaijan adopted on November 12, 1995, in Article 35, which states that “no one may be forced to work”, and “labor contracts are freely concluded. No one can be forced to conclude an employment contract.”;</p>	

		<p>c) the State control over observance of labor legislation is carried out within the limits of its powers by the State Service of Labor Inspectorate under the Ministry of Labor and Social Protection of Population; d) the Resolutions of the Cabinet of Ministers of the Republic of Azerbaijan of June 17, 2006, No. 152, sets out the compensation to Victims of Trafficking in Human Beings; e) trainings are being conducted for law-enforcement agencies, and workshops and seminars are conducted for overall awareness raising; f) regulation and supervision of the labour recruitment and placement process for person who are at risk of being victims; and g) promotion of safe and regular migration.</p>
	<p>Measures taken or envisaged to protect victims of forced labour</p>	<p>2018 AR: The following measures have been taken or envisaged: a) Training of relevant actors for identification of forced labour practices; b) Legal protection of victims; c) Material assistance for victims; d) Medical and psychological assistance for victims; e) Measures for the rehabilitation and social and professional reintegration of victims; f) Protection of privacy and identity; g) Appropriate accommodation; h) Specific measures for children; and i) Specific measures for migrants.</p> <p>2017 AR: The following measures have been taken or envisaged: a) The employees of the Ministry of Labor and Social Protection participated in various seminars and trainings on combating trafficking in human beings organized in Azerbaijan, Sweden, Austria, Latvia, Lithuania, Belarus, Bangladesh, and in events organized jointly with the International Organization for Migration and other competent international organizations; b) legal assistance and protection of victims; c) medical and psychological assistance for victims; d) measures for the rehabilitation and social and professional reintegration of victims; e) protection of privacy and identity; and f) provision of accommodation for victims.</p>
	<p>Measures taken or envisaged to facilitate access to remedies</p>	<p>2018 AR: The various measures that have been taken or envisaged are: a) Information and counselling for victims regarding their rights; b) Free legal assistance; c) Cost-free proceedings; d) Development of forced labour indicators; e) Access to remedies and compensation; f) Capacity building and enhanced resources for the competent authorities, such as labour inspection, law enforcement, prosecution services and judges; g) Provision for authorities not to prosecute victims for acts which they have been compelled to commit; h) Provision of penalties such as the confiscation of assets and criminal liability of legal persons ; and i) Other measures.</p> <p>2017 AR: The various measures that have been taken or envisaged are: a) Information and counselling for victims regarding their rights; b) Free legal assistance; c) Cost-free proceedings; d) Development of forced labour indicators; e) Access to remedies and compensation; f) Capacity building and enhanced resources for the competent authorities, such as labour inspection, law enforcement, prosecution services and judges; and h) Provision of penalties such as the confiscation of assets and criminal liability of legal persons. The Center for Assistance to Victims of Trafficking in Human Beings under the Ministry of Labor and Social Protection of Population provides the necessary assistance, including free legal services, legal protection of persons affected by forced labor.</p>
	<p>Non-prosecution of victims for unlawful acts that they would have been forced to carry out</p>	
	<p>Cooperation with other Member States, international / regional organizations or NGOs</p>	<p>2017-2018 ARs: The Government cooperates with other member States and international, regional and non-governmental organisations in order to sustainably eliminate forced labor. Specifically, the Government has carried out cooperation with the ILO, IOM, the International Centre for Migration Policy Development and others.</p>
	<p>Promotional activities</p>	

	Special initiatives/Progress		
CHALLENGES IN REALIZING MEASURES TARGETED BY THE PROTOCOL	According to the social partners	Employers' organizations	
		Workers' organizations	
	According to the Government		
TECHNICAL COOPERATION NEEDS	Request	<p>2018 AR: The Government indicated the need for technical cooperation with the ILO in the following areas: most important: a) Vocational training, job-creation and income-generation programmes for at-risk populations and b) Exchange of experiences between countries or regions; international cooperation. Important: a) Awareness-raising and mobilization activities; b) Collection and analysis of data and information and c) Capacity building for the competent authorities.</p> <p>2017 AR: The Government indicated the need for technical cooperation with the ILO in the areas of prevention and effective suppression of forced or compulsory labour, as well as victim protection and access to remedies.</p>	
	Offer		