

Committee on the Application of Standards

Date: 22 May 2023

Governments appearing on the preliminary list of individual cases have the opportunity, if they so wish, to supply on a purely voluntary basis, written information before 22 May 2023.

► Information on the application of ratified Conventions supplied by governments on the preliminary list of individual cases

Azerbaijan (ratification: 2000)

Abolition of Forced Labour Convention, 1957 (No. 105)

The Government has provided the following written information.

Ensure that the right to hold or express political views or views ideologically opposed to the established political, social or economic system without the threat of penalties involving compulsory labour is fully respected in line with Article 1(a) of the Convention

In order to address the issues specified in the conclusions and take effective measures to advance in the application of the Convention, the Ministry of Labour and Social Protection of Population requested technical support from the ILO.

So an independent legal expert was selected by the ILO. The support of a legal expert is expected to help to review and assess relevant legislation, particularly pertinent provisions of the Criminal Code and its application in line with the requirements of the Convention.

This expert is also analysing the court cases and practice of relevant provisions of the Criminal Code falling under the Committee's conclusions. The Ministry assisted in obtaining appropriate information from relevant state bodies.

As soon as the analysis of the relevant areas of the criminal legislation is completed by the legal expert, it is planned to organize discussions with the participation of all relevant state bodies based on the recommendations prepared by the lawyer.

Repeal or amend relevant provisions of the Criminal Code, including those leading to penalties of correctional work or imprisonment, in consultation with the social partners, in order to bring them into conformity with the Convention

The National Working Group dealing with the implementation of Convention No. 105 consisting of the representatives of the Prosecutor General's Office, the Ministry of Justice, the Ministry of Internal Affairs, the Supreme Court of the Republic of Azerbaijan, the Ministry of Foreign Affairs, the Ministry of Economy, the Azerbaijan Trade Union Confederation, and the

National Confederation of Entrepreneurial Organizations (Employers) of the Republic of Azerbaijan was established and discussions have been held.

Furthermore, the issues relating to the implementation of the obligations arising from the Convention was included to the agenda of the 19th meeting of the Tripartite Commission on Social and Economic Issues held on 5 July 2022 and discussed in that meeting.

For the purpose of raising public awareness and developing the capacity-building relating to the implementation of the Convention, particularly engaging all relevant state authorities, judicial bodies and social partners through seminars, trainings, workshops, and conferences, the following activities have been undertaken:

- A hybrid workshop entitled “The role of trade unions in the implementation of ILO Conventions Nos 29 and 105” was held on 19–20 May 2022 by the Azerbaijan Trade Union Confederation with the participation of social partners and ILO technical assistance.
- A round table “On the results of the discussions of ILO Convention No. 105 on the abolition of forced labour” was held on 29–30 June 2022.
- A workshop entitled “The role of trade unions in supporting the implementation of international labour standards concerning ILO Conventions Nos 105, 29 and also Protocol No. 29, the supervisory mechanism of the ILO, as well as the ratification of Conventions and Protocols” was held on 2 August 2022.
- The wrap-up public awareness seminar was held on 25 November 2022.
- In the framework of cooperation with the ILO, a number of seminars on the topic in question have been organized in certain regions of Azerbaijan, such as Shirvan, Ganja, Aghstafa and Astara.

Quash convictions and drop all charges brought against individuals for having expressed political views or views ideologically opposed to the established political, social or economic system

On 8 May 2023, the President of the Republic of Azerbaijan signed a Decree “On pardoning of a group of convicted persons on the occasion of the 100th anniversary of National Leader of the Azerbaijani people Heydar Aliyev”. According to the Decree, 801 convicts were pardoned, of which:

- 463 persons were released from imprisonment;
- 220 persons were released from serving the unserved half of their prison sentence;
- 118 persons were released from other punishments not related to deprivation of liberty (restriction of freedom, correctional works, fines and persons sentenced to conditional sentences).

It should be noted that this order is the largest pardoning act, based on the number of people covered since gaining independence approximately 30 years ago.

Ensure access to effective judicial remedies for victims of compulsory labour in violation of the Convention

In accordance with the reforms in the field of human resources in Azerbaijan, approximately 50 important appointments have been made to fill the positions of leading judges with the effective use of human resources of the judicial system.

By Decree of the President of the Republic of Azerbaijan dated 4 April 2023, a new Chairman was appointed to the Supreme Court.

Most of the newly appointed judges are young lawyers under the age of 35, and almost half of them are women.

The work of more than 300 judges was evaluated by the Judicial-Legal Council; professional deficiencies were found in the activities of 30 people and the authorities of 10 judges were suspended.

Consistent measures are being taken to expand the application of modern technologies in the activities of judicial bodies and courts, including increasing the number of electronic justice services, introducing new innovative methods and their mobile versions.

In this regard, the “Electronic Court” information system was created and is currently being effectively applied. This system covers the whole process from the moment of the right to appeal to the court until the completion of the execution of the court decision.

It provides electronic document exchange, videoconferencing facilities, audio and video recording of the court proceedings and significantly reduces the time for obtaining documents. For this purpose, a unified internet platform of the court system as well as a “personal electronic cabinet” were created.

Special attention is paid to the transparency of judicial activity: the electronic publication of all court decisions is ensured, while they are anonymized by a special programme to protect confidentiality.

In addition, in order to facilitate access to the court, a “Mobile Court” application was developed and introduced, which allows users to instantly receive information and participate in the process in a mobile mode.

Another important issue is the humanization of penal policy. Several years ago, large-scale reforms in this area were initiated by the head of the State. As a consequence, approximately 500 changes were made to the criminal legislation, dozens of criminal acts were decriminalized, new alternative punishments were established and nearly every seventh convicted person was released from their punishment, or their term of punishment was reduced.

The establishment of the probation service contributed to implementing alternative punishments more effectively. Widespread use of electronic bracelets has been achieved in record time, which are uninterruptedly monitored online by a special Electronic Monitoring Center.

At the same time, the Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters provides for the sending of relevant requests in electronic form, allows for interrogations through videoconferencing and expands the scope of the Convention, all of which contribute to increasing the efficiency and effectiveness of combatting crime.

Given the importance of the document, it was decided that Azerbaijan should accede to it, and the signing ceremony of the Protocol took place in Strasbourg with the participation of the Council of Europe Deputy Secretary General Bjorn Berge and other relevant officials.

Develop an action plan, in consultation with free and independent employers' and workers' organizations, to implement these conclusions without delay

The Action Plan was drafted and has been carried out in order to ensure the implementation of the Committee's conclusions adopted during the 110th Session of the Conference.

The Republic of Azerbaijan attaches particular importance to the long-standing and fruitful cooperation with the ILO. Being a party to 58 Conventions, Azerbaijan has continuously given considerable focus to increasing the number of ratified Conventions. In this regard, the Occupational Safety and Health Convention, 1981 (No. 155), has been ratified and the deposit of the instrument of ratification is scheduled for 29 May 2023.

In the framework of joint cooperation between Azerbaijan and the ILO, the Decent Work Country Programmes for 2006–2009 and 2016–2020 have been successfully implemented and the preparation of the third programme is in its final stage. The priorities of the new programme will fully comply with the Framework Document on Cooperation in the Field of Sustainable Development between the UN and Azerbaijan for 2021–2025.