

Relevant information prepared by the State Migration Service of the Republic of Azerbaijan regarding the report to be presented to the 54th session of the UN Human Rights Council and the 78th session of the General Assembly on “Human rights of migrants”

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.

In accordance with Part III of Article 25 of the Constitution of the Republic of Azerbaijan, the State shall guarantee the equality of rights and freedoms to everyone, irrespective of race, ethnicity, religion, language, gender, origin, property status, occupation, beliefs or affiliation with political parties, trade union organizations or other public associations.

At the same time, in accordance with the legislation of the Republic of Azerbaijan, equality of all foreigners and stateless persons (hereinafter referred to as the “foreigners”) staying and residing in the Republic of Azerbaijan before the law and the courts in the Republic of Azerbaijan, as well as rights to education, work, inviolability of private life, inviolability of the home, leisure, protection of health and other rights and freedoms are fully provided without any discrimination, regardless of social and property status, race and nationality, gender, language, religion, type and nature of activity and other circumstances.

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.

The Migration Code of the Republic of Azerbaijan establishes norms concerning implementation of the state policy in the sphere of migration in the Republic of Azerbaijan, regulation of migration processes and relations arising in this sphere and legal status of foreigners and stateless persons in the Republic of Azerbaijan.

According to Article 74.1 of the Migration Code, unless otherwise is envisaged by the Law and the international agreements which the Republic of Azerbaijan is a party to, foreigners enjoy equally all of the rights as the citizens of the Republic of Azerbaijan while staying in the Republic of Azerbaijan.

In accordance with Article 5 of the Law “On education”, state ensures right of every citizen to free compulsory secondary education and everyone who receives education at state educational institutions enjoys the right to free-of-charge general education.

According to the law of the Republic of Azerbaijan “On protection of health of population” medical care is free in the public medical enterprises of the Republic of Azerbaijan. According to the law of the Republic of Azerbaijan “On medical insurance” migrants can use urgent and special medical care without any restrictions or discrimination.

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.

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. According 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.

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.

According to Article 6 of the Law of the Republic of Azerbaijan "On Culture", the rights and freedoms of everyone in the field of culture are ensured in the Republic of Azerbaijan, guided by the principles and norms of international law.

The state guarantees to every person to enjoy their rights and freedoms in the field of culture regardless of their gender, race, language, religious and political beliefs, nationality, social status, social origin, health conditions, and affiliation with public associations.

According to the Law, everyone is completely free to define their cultural identity and lifestyle, choose creative activities, create cultural wealth and use cultural resources equally.

According to Article 8 of the Law "On Culture", everyone has the right to preserve their national cultural identity, define their cultural identity, and freely choose their spiritual, aesthetic and other values.

According to Article 49.2 of the Code of Administrative Offenses of the Republic of Azerbaijan, the persons participating in case on administrative offenses, not knowing language in which proceedings on administrative offenses is conducted are provided with the right to provide information, explanations, complaints or petitions in their native language or any other language they know, as well as to use the services of an interpreter.

According to Article 27.2 of the Law of the Republic of Azerbaijan "On Administrative Proceedings" The right to use services of a translator is explained and provided to those who are involved in administrative proceedings and do not know the language in which the proceedings are conducted.

The Republic of Azerbaijan has taken all necessary measures to eliminate restrictions or obstacles to the entry of asylum seekers into the country and to prevent refoulment, extradition or deportation of individuals at risk of being tortured in their countries of origin. Refoulment, extradition or deportation of persons who have applied for refugee status and who have been granted refugee status shall not be allowed. Furthermore, according to Article 13 of the Law of the Republic of Azerbaijan "On the Status of Refugees and IDPs (internally displaced persons)", if a person is refused to be granted refugee status, a complaint against the decision on refusal to grant refugee status can be appealed in administrative order and (or) in court. Unless otherwise provided by the law, the filing of a complaint by a person suspends the actions related to the organization of his/her departure from the territory of the Republic of Azerbaijan.

According to the Laws of the Republic of Azerbaijan "On the Status of Refugees and IDPs (internally displaced persons)" and "On the Rights of the Child" opportunities to study at all stages of education in the Republic of Azerbaijan have been created for foreigners obtained refugee status in the territory of the country.

The 919 Call Center of the State Migration Service which operates non-stop in 3 languages – Azerbaijani, English and Russian are of pivotal importance in terms of raising awareness of citizens, including foreigners in the field of migration and guaranteeing their rights to obtain necessary information. Moreover, applications with various contents received from individuals and legal entities via the official website of the Service and the "Online guide" service of the "MigAz" mobile application, the "WhatsApp" communication tool and social network accounts are responded by the Call Center. In addition, effective communication with the

applicants is currently provided through "Facebook", "Twitter", "Instagram", "YouTube", "Telegram" accounts of the Service.

For the purpose of supporting integration of migrants into the Azerbaijani society, the Training Center of Service organizes courses for foreigners on Azerbaijani language, history, culture, legislation on rights and obligations of foreigners. So far, thousands of foreigners have participated in the free educational courses.

In accordance with the voluntary pledge made by our country on "Ensuring access to vaccination against the COVID-19 disease for all migrants, regardless of migration status", in connection with the implementation of the "Global Compact on Safe, Orderly and Regular Migration" a call was placed on the official website and social network accounts of the Service, and also brought to the attention of target groups through mass media, in order to encourage all migrants regardless of migration to get vaccinated against the COVID-19 disease.

During the period when a strict quarantine regime was applied in the territory of the country due to the spread of the new coronavirus disease (COVID-19) in the Republic of Azerbaijan the following necessary measures have been taken in order to legalize the residence of migrants residing and living in the Republic of Azerbaijan in an irregular situation:

- Decisions have been made by the State Migration Service on automatically extension of temporary staying period without any additional application procedures of foreigners who had been registered upon place of stay in the territory of the country and whose temporary staying period ended;
- No migrant was expelled from the country irrespective of legal status and no administrative procedure was demanded from them for this purpose. Furthermore, compulsory placement in detention centers was suspended.
- Documents required for migration services were optimized and relevant procedures were facilitated. Furthermore, an opportunity was created for family members of foreigners obtained work permit in our country, who reside abroad, to apply online for temporary residence permit.
- Even in cases where the validity period of foreigners' passports or other border-crossing documents was less than the period stipulated by the legislation, their applications were accepted for processing. Measures have been taken to allow persons whose passports have expired to live legally in the country, preventing them from becoming irregular migrants.
- Moreover, due to the special quarantine regime the reception of applications to the State Migration Service for obtaining refugee status in the territory of the Republic of Azerbaijan was carried out electronically. This innovative approach is noted by UN High Commissioner for Refugees as a best practice;
- Conditions have been ensured for foreigners wishing to return to their countries in order to prevent possible delays at the state border and ensure a comfortable and quick return to their countries.

Currently, international projects related to effective readmission management, improving the socio-economic effects of remittances, increasing knowledge and skills in the field of migration, as well as ensuring the effective integration of migrants into the local society are being implemented within the framework of effective cooperation established between SMS and international partners.

Additionally, 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 these pacts.

Azerbaijan was among the first countries in the region to join and support the Global Compact for Safe, Orderly and Regular Migration (GCM). Azerbaijan's migration policy has been in line with the key principles of GCM and today GCM comprises significant part of the migration management in Azerbaijan, as well as includes key activities 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.

Azerbaijan also supports the pledging initiative launched by the UN Network on Migration which takes a long-view approach in encouraging Member States to make pledges which will improve conditions for migrants and their communities. So far Azerbaijan has undertaken more than 10 pledges, 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. Recently another pledge has been added to this number by donating to the Migration Multi-Partner Trust Fund (MMPTF).

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.

Furthermore, starting from 2023, Azerbaijan has started to chair the Almaty process, which has a regional consultative status on the protection of refugees and international migration in the Central Asian region, for a period of two years.

Taking into account the importance of civic engagement in public administration, effective cooperation is carried out with the Public Council under the State Migration Service in investigating problems in the field of migration and preparing proposals, improving draft laws, ensuring public control over the Service's activities, and studying public opinion, and supporting specialized NGOs operating in the field of migration.

An Advisory Board under the State Migration Service which brings together NGOs, as well as representatives of physical and legal entities carrying out entrepreneurship activity involving foreign labor was established in order to provide employers with the necessary information about work permits, assess the impact of legislation in the field of migration on entrepreneurship and address difficulties faced by employers.

Furthermore, the Migrant Council under the State Migration Service was established in 2022 in order to apply a whole-of-society approach, promoted by the Global Compact for Safe, Orderly and Regular Migration, to all aspects of migration-related issues. The key purpose of the initiative is to enhance active participation of migrants residing in the country in the management of migration in the Republic of Azerbaijan. The Migration Council under the Service, consisting of 8 representatives who are citizens of different countries, acts in the direction of more actively involving migrants living in our country in the activities of the Service, increasing the effectiveness of protecting their human rights and freedoms, improving the quality of services provided to foreigners and ensuring transparency, and also an assessment of the impact of decisions made in the field of migration on the daily life of foreigners.