



# 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 Thirty-third session

### Summary record (partial)\* of the 463rd meeting\*\*

Held at the Palais des Nations, Geneva, on Monday, 4 October 2021, at 10 a.m.

Chair: Mr. Ünver

## Contents

### Promotion of the Convention

*Informal meeting with non-governmental organizations and national human rights institutions*

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\* No summary record was prepared for the rest of the meeting.

\*\* No summary records were issued for the 456th to 462nd meetings.

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*The meeting was called to order at 10.10 a.m.*

### **Promotion of the Convention**

#### *Informal meeting with non-governmental organizations and national human rights institutions*

1. **Mr. Safikhanli** (Office of the Commissioner for Human Rights (Ombudsman) of Azerbaijan), speaking via video link, said that the Office of the Ombudsman was involved in protecting the rights of migrant workers and members of their families, preventing irregular migration and facilitating the implementation of the Convention, in cooperation with the relevant State agencies. The Office helped to run awareness-raising activities for civil servants specializing in migration and conducted visits to centres where migrants in an irregular situation were detained, in order to inspect the conditions of detention and examine applications from migrants seeking to regularize their status. The Office investigated complaints of human rights violations promptly and helped to ensure that such violations were remedied; examples of steps taken included having expulsion decisions annulled and helping undocumented foreign nationals to obtain the documents needed to return to their countries of origin. The Office supported the work of civil society organizations, including through the provision of training on the preparation of alternative reports. It had proposed amendments to legislation on migration, some of which had been accepted, such as a proposal designed to improve the legal status of unaccompanied asylum-seeking children.
2. In the context of the coronavirus disease (COVID-19) pandemic, the Office had worked with various government agencies to facilitate the return of Azerbaijani nationals from abroad. In particular, it had helped to coordinate the return of some 20 Azerbaijanis residing temporarily in the Russian Federation who had been placed in detention pending deportation as part of the response to the pandemic. The Office was working with the State Migration Service to protect the rights of foreign nationals and stateless persons living in Azerbaijan, including through urgent measures to legalize the stay of foreigners whose passports had expired. It provided support through a call centre that operated round the clock and had issued statements based on the recommendations of various United Nations special rapporteurs concerning the protection of the rights of persons with disabilities, children and migrants during the pandemic.
3. The recommendations of the Ombudsman had been taken into account in the preparation of the draft national strategy on migration, which was intended to ensure the comprehensive and effective protection of the rights and interests of foreign nationals and stateless persons in Azerbaijan and of Azerbaijani nationals living abroad. The Office of Ombudsman worked with the State Migration Service to provide food assistance to low-income refugee families and single persons over 65 years old. It also organized regular training sessions around the country on topics relating to the rights of migrants, such as the prevention of labour exploitation.
4. **Mr. Kariyawasam** (Country Rapporteur), noting that there had been some territorial adjustments in the region as a result of the recent conflict involving Azerbaijan and Armenia, asked what impact those adjustments had had on Armenian migrant workers in Azerbaijan, how the conflict had affected the Government's efforts to implement the Convention, what measures had been taken to mitigate the adverse effects of the conflict on migrant workers in general and how the issue of stateless persons was being addressed.
5. **Mr. Corzo Sosa** said that he would welcome more information on the conditions in migrant detention centres and the incidence of human rights violations in those centres. He would also like to know whether the Office of the Ombudsman had the power to challenge legislation on the grounds that it constituted a violation of human rights.
6. **Mr. Charef** said that it would be interesting to know whether the various initiatives undertaken by the Office of the Ombudsman, such as the provision of food assistance and the organization of training sessions, were carried out in collaboration with other institutions and civil society organizations.

7. **Mr. Oumaria** asked whether Azerbaijan had a national human rights institution and, if so, whether there was a clear division of responsibilities between that institution and the Office of the Ombudsman.

8. **Mr. Babacar** said that he would welcome clarification as to the scope of the food assistance programme. He wondered whether it covered migrants in an irregular situation, for example.

9. **Mr. Safikhanli** (Office of the Commissioner for Human Rights (Ombudsman) of Azerbaijan) said that Azerbaijan had liberated its territories from 30 years of occupation and held de jure authority over them. Inhabitants of Armenian origin affected by the new situation could appeal to the Ombudsman without discrimination. Azerbaijan wished to bring refugees back to their land in the liberated territory, but its efforts to prepare the ground for them were impeded by the scarcity of financial, material and human resources.

10. The primary mandate of the Ombudsman's Office, which also served as the national human rights institution and was accredited by the Global Alliance of National Human Rights Institutions, was to prevent violations by public officials and entities of the rights and freedoms enshrined in the Constitution and international instruments to which Azerbaijan was a party and to take action when such violations occurred. The Office also had the authority to propose legal amendments. In its function as the national torture prevention mechanism, the Ombudsman's Office, and its four regional branches, could conduct monitoring visits to places where migrants in an irregular situation were detained. Overall, the conditions in detention centres were in line with international and European standards, but when the Ombudsman observed problems, they were immediately addressed.

11. As soon as special public health measures had been introduced in late March 2020, steps had been taken in cooperation with the migration services and other actors to protect the rights and interests of migrants, for instance by legalizing the status of foreign nationals whose documentation had expired and of stateless individuals.

12. **The Chair**, speaking in his capacity as Country Rapporteur, asked whether the Office of the Ombudsman planned to establish cooperation with the national human rights institutions of other countries.

13. **Mr. Safikhanli** (Office of the Commissioner for Human Rights (Ombudsman) of Azerbaijan) said that the Ombudsman cooperated with counterparts in several countries, including Bulgaria, Georgia, the Russian Federation, Turkey and Ukraine. Some had travelled to Azerbaijan on fact-finding missions, including to the recently liberated territories.

14. **Mr. Charef** asked about the availability of COVID-19 vaccines in the State party and in particular to what extent the vaccine was available to migrants.

15. **Mr. Safikhanli** (Office of the Commissioner for Human Rights (Ombudsman) of Azerbaijan) said that more than 6 million people had been fully vaccinated with one of several approved vaccines, which were available to all inhabitants, including migrants, refugees, internally displaced persons and stateless individuals. The Ombudsman enjoyed good collaboration with the medical authorities, and the focus was now on raising awareness about the safety of the vaccines. Persons in an irregular situation could also receive support from the Ombudsman's Office; the only difficulty was that the provision of support was contingent on them – or their lawyers or relatives – contacting the Office.

16. **Ms. Abramenko** (Anti-Discrimination Centre Memorial, Azerbaijan), speaking via video link, said that the Azerbaijani authorities were not sufficiently active in addressing the problems faced by Azerbaijani workers in countries that were not parties to the Convention, chief among them the Russian Federation. While the State had bilateral agreements on migration with some countries, the agreement with the Russian Federation on labour, employment and social protection was out of date. In respect of that country, the Anti-Discrimination Centre Memorial recommended that the Azerbaijani authorities should step up efforts to provide assistance to nationals awaiting expulsion in migration facilities, where conditions had been recognized as inhumane by the European Court of Human Rights. The State should also seek to promote the simplification of procedures for migrant workers, including by moving them online; to realize the right to education of Azerbaijani children

abroad; and to protect the rights of Azerbaijani nationals who fell victim to xenophobia and hate crimes abroad and ensure that such cases were effectively investigated and prosecuted.

17. **Mr. Kariyawasam**, noting that the lack of ratification of the Convention by receiving States was a long-standing issue, asked what the Anti-Discrimination Centre Memorial considered to be areas where the Government of Azerbaijan could be doing more to ensure the protection of its nationals abroad.

18. **Ms. Abramenko** (Anti-Discrimination Centre Memorial, Azerbaijan) said that the goal was to urge the Azerbaijani authorities to raise labour migration issues at the diplomatic and bilateral levels and to play a more active role in protecting Azerbaijanis abroad.

19. **The Chair**, noting that bilateral agreements were a useful way of protecting migrant workers' rights in countries that were not parties to the Convention, said that non-governmental organizations in both sending and receiving States were instrumental in promoting the Convention and encouraging Governments to ratify it.

*The discussion covered in the summary record ended at 11.20 a.m.*