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Anti-Discrimination Centre Memorial works to protect the rights of discriminated minorities and migrants in Eastern Europe and Central Asia by carrying out monitoring, reporting, and advocacy on local and international levels and by opposing discrimination through litigation and human rights education.

**Alternative information on
Azerbaijan's implementation of the International Convention on the Protection of the Rights
of All Migrant Workers and Members of Their Families
in connection with the review of the state party report under LoIPR
by the UN Committee on the Protection of the Rights of All Migrant Workers and Members
of their Families**

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Many Azerbaijani people are choosing migration in their search for a better economic situation. Statistics of Countrymeters¹ show that if migration remains at its 2017 level in 2018, the population base will be -3,434 people by the end of 2018.² Russia is one of the most popular destinations for migrants from Azerbaijan. The Central Bank of Russia reports that about 1.2 billion dollars are transferred from Russia to Azerbaijan every year.³

According to various estimates, the number of Azerbaijani citizens in Russia ranges from 500,000 to 700,000 people,⁴ while recent years have seen a trend towards decreasing migration due to the worsening economic situation in Russia. Some Azerbaijani people have already been granted Russian citizenship and therefore are not officially counted as migrants anymore, but they still may experience some problems as Azerbaijan nationals. It is estimated that the total number of ethnic Azerbaijani in Russia may reach up to 2.5 million people⁵.

1. Insufficient efforts by the government of Azerbaijan to influence Russia's strict migration policy, which leads to mass human rights violations of Azerbaijani people

The numerous restrictions imposed by Russian migration policy aggravate the situation of migrants and increase their vulnerability. The government of Azerbaijan turns a blind eye to this strict migration policy, which violates migrants' rights.

Amendments to Federal Law "On the Migration Registration of Foreign Citizens and Stateless Persons in the Russian Federation" introduced in June 2018 made registration rules for migrant workers more complicated: migrant workers and other foreigners (for example, students attending Russian universities) are obliged to follow rigid rules requiring them to register at their place of actual residence.

The owners of rental units leased to migrants generally refuse to register these migrants, while employers, who register migrants by place of work (and academic institutions, which register migrants by their place of study) cannot provide them with housing. Thus, migrants, including citizens of Azerbaijan, risk becoming violators of the migration regime, victims of fraud committed by "intermediaries" whom they turn to for help with registration, and the targets of antimigration raids.

On 9 February 2017, 205 Azerbaijani citizens were detained during a police raid. They were held in a police gym for four days. One hundred and seventy-two of them didn't have work licenses and were obliged to pay fines (30-80 euro), while approximately 30 of them were deported.⁶

During a special operation in August 2017, police arrested 24 Azerbaijani citizens working in construction in Ingushetia without work licenses for administrative violations.⁷

1 Based on publications of the Population Division of the UN Department of Economic and Social Affairs

2 The average positive migration balance in 2017 was -9 people per day <http://countrymeters.info/ru/Azerbaijan>

3 <http://www.cbr.ru/statistics/Default.aspx?Prtid=tg> (2017); <https://www.bbc.com/russian/features-40683693>

4 According to Federal Migration Service of Russia, in January 2016 there were 522,757 (338,662 male and 184,095 female) citizens of Azerbaijan in Russia. <https://haqqin.az/news/61225>

<https://www.bbc.com/russian/features-40683693>, <http://www.kavkaz-uzel.eu/blogs/83772/posts/30438>

5 <http://diaspor.gov.az/en/azerbaijan/diaspor2.php>

⁶ Более 200 азербайджанских мигрантов задержаны в Дербенте [Over 200 Azerbaijani migrants detained in Derbent] // *Kavkazsky uzel*, 13.02.2017. <https://www.kavkaz-uzel.eu/articles/297629/>

⁷ [Из Ингушетии выдворяют 24 нелегальных мигрантов \[24 illegal migrants expelled from Ingushetia\]. 24.08.2018 https://kavtoday.ru/41032](https://kavtoday.ru/41032)

Police raids frequently end with rights violations and the groundless mass arrests of workers at markets, which is where migrants from Azerbaijan traditionally work. Arrests are generally made for “preventive” purposes or to conduct planned checks, the content and purpose of which are not clear: no charges are filed against the people who have been arrested, no investigative actions are undertaken, and no documents about administrative arrest are issued.

Workers at Saint Petersburg’s Apraksin dvor market are victimized by police raids almost every month. Azerbaijani citizen A. recounted how both he and his colleague spent time at police precincts on several occasions following raids, even though they had all the required documents and had not violated any Russian laws.⁸

In Russia, the practice of ethnic profiling is widespread in the work of law enforcement agencies and is expressed in most cases in gratuitous checks and the illegal confiscation of personal documents from people who are determined, by sight, to be “of a non-Slavic appearance” (on the street, in the metro, and at places where migrants work and live).

2. Insufficient efforts by the government of Azerbaijan to ensure investigation of hate crimes and prevent attacks against Azerbaijani people

Groups of radical nationalists and xenophobes are a threat to migrants coming to Russia,⁹ and there have been numerous attacks on people having a “non-Slavic appearance.”¹⁰ In general, these cases are never investigated effectively, and criminal cases are rarely initiated. Lack of trust in law enforcement officials means that Azerbaijani people are reluctant to notify the police about violence against them. The government of Azerbaijan does not react in the appropriate manner to violent attacks against its citizens: there are no requests for a proper investigation and fair trial on the governmental level and no comprehensive preventive measures to stop hate crimes are taken.

In February 2014, a 15-year-old Azerbaijani boy in Kazan was attacked by 5 classmates and assaulted due to his ethnic origin. Following the attack, he spent two weeks in the hospital, while the perpetrators escaped punishment.¹¹

On 18 January 2017, two radical nationalists (19- and 21-year olds) attacked an Azerbaijani citizen on ethnic grounds.¹² In November 2017, some of the radical nationalist belonging to this group were arrested and confessed to attacking 18 foreigners.¹³

On 26 December 2017, an unknown assailant stabbed an Azerbaijani woman in the neck near a shop in Leningrad Region. No information on the investigation of this case has been made available.¹⁴

On 1 January 2014, a passenger in a taxi in Petrozavodsk told the Azerbaijani driver that all non-Russians should be killed and that the driver would be the first; then he turned an air gun on the

⁸ Field information, ADC Memorial, 2018.

⁹ Казань: продлен срок ареста двоим ультраправым, подозреваемым в убийстве и нападениях [Kazan: term of arrest extended for the two members of the extreme right suspected of murder and assault], 1.06.2017.

<https://www.sova-center.ru/racism-xenophobia/news/counteraction/2018/06/d39473/>

¹⁰ Hate crimes map for Russia, http://hatecrimes.ru/map/?region=&date_from=2014-01-01&date_to=2018-07-24&victim_type%5B%5D=4#

¹¹ Hate crimes map for Russia, http://hatecrimes.ru/attack/kazan_2014_02_001/

¹² Hate crimes mad for Russia http://hatecrimes.ru/wp-content/uploads/2018/06/kazan_2017_01_001.pdf

¹³ Напавших на азербайджанцев скинхедов арестовали в Казани [Skinheads who attacked Azerbaijanis arrested in Kazan], 9.11.2017, <https://haqqin.az/news/115618>

¹⁴ Hate crimes map for Russia, http://hatecrimes.ru/attack/lenobl_2017_12_001/

*driver and brandished a knife. A criminal case was initiated, but no information regarding it has been made available*¹⁵.

*In March 2015, two women in Usinsk attacked their neighbour, a female Azerbaijani, at night and threatened to murder her. During the investigation, this act was classified as a hate crime and both perpetrators were sentenced to a year-and-a-half in prison*¹⁶.

3. Violation of the rights of citizens of Azerbaijan held in special institutions for migrants and stateless persons

Human rights defenders have spent years trying to draw attention to the violation of the rights of foreign citizens and stateless persons held in temporary detention centres for foreign citizens prior to deportation from Russia to their native countries. Cramped cells, unsanitary conditions, the absence of qualified medical personnel, and the lack of walks are some of the conditions in which people are forced to spend time until their expulsion to their native countries. This period can drag on for months and even years for foreign citizens. In relation to stateless persons, however, a decision on expulsion cannot even be executed, which results in their indefinite stay in these centres because no country prepared to accept them.

In 2014, the European Court for Human Rights issued a judgment in the case of Kim v. Russia finding that the conditions in the Foreign Citizen Detention Centre in Saint Petersburg were inhuman and degrading and that the extended stay of foreign citizens in these centres violates the right to freedom and personal inviolability. The European Court ruled that the authorities must take general measures, including periodic judicial monitoring of the legality of holding stateless persons and migrants in such centres, to prevent similar violations. In 2017, the Constitutional Court of the Russian Federation ruled to introduce amendments to the RF Code of Administrative Offenses by providing for timeframes and judicial procedures for the release of stateless persons.

Despite these court rulings, changes to conditions and holding procedures in these detention centres have not been made, judicial monitoring of timeframes and grounds for holding people in detention centres has not been introduced, dozens of stateless persons continue to be kept in prison for an indefinite period, and the procedure for their legalization has yet to be determined at the legislative level.

A considerable number of people migrate from Azerbaijan to Russia, so Azerbaijani citizens frequently become inmates at foreign citizen detention centres and are forced to exist in conditions that have been found inhuman and degrading. At the same time, the Azerbaijani authorities have made no noticeable efforts to improve the situation of inmates at these centres, even when the inmates resort to extreme measures of protest.

*On 27 March 2017, migrants (including Azerbaijani citizens) declared a hunger strike because of the terrible living conditions (no TV or radio, lack of hot drinking water, ban on purchasing certain products) in the foreign citizen temporary detention centre in Dagestan. Some of them had spent more than a year in prison.*¹⁷

*On 3 February 2018, about 20 migrants blocked themselves in their rooms, broke the video cameras, and started burning mattresses at the foreign citizen temporary detention centre in Krasnoyarsk Region. They were demanding better living conditions and a speedier deportation procedure. It was claimed that two Azerbaijani citizens were the organizers of revolt.*¹⁸

¹⁵ [Hate crimes map for Russia, http://hatecrimes.ru/attack/karel_2014_01_001/](http://hatecrimes.ru/attack/karel_2014_01_001/)

¹⁶ [Hate crimes map for Russia, http://hatecrimes.ru/wp-content/uploads/2017/09/komi_2016_03_001.pdf](http://hatecrimes.ru/wp-content/uploads/2017/09/komi_2016_03_001.pdf)

¹⁷ Семеро мигрантов объявили голодовку в спецприемнике МВД по Дагестану [Seven migrants declare a hunger strike at the detention center in Dagestan], 27.03.2017, <https://www.kavkaz-uzel.eu/articles/299898/>

¹⁸ Уроженцы Азербайджана задержаны после бунта под Красноярском [Natives of Azerbaijan detained following uprising outside Krasnoyarsk], 8.02.2018, <https://www.kavkaz-uzel.eu/articles/316292/>

The authorities in Azerbaijan have taken no measures whatsoever to help resolve the problems of native Azerbaijanis turned stateless persons who live in Russia and have no ability to attain legal status and receive documents that would allow them to live and work in Russia on legal grounds.

Ilgar A. is a stateless person and native Azerbaijani who left Azerbaijan as a child. Even though he lived most of his life in Russia and had the right to obtain Russian citizenship, in 2014 a court sentenced him to expulsion for violating the regime of stay in Russia and placed him in a foreign citizen detention centre, where he spent 10 months. When the court issued its decision on expulsion, it did not consider circumstances of legal significance to the case (identity and citizenship were not properly established, the ability to execute the ruling was not clarified, no account was taken for the fact that no country was prepared to accept him). This meant that the decision on expulsion could not be enforced. Ten months later, the court ruled to amend the decision on expulsion to independent departure, which was also not possible, since Ilgar did not have any documents that would allow him to leave Russia. Once he was released, Ilgar was arrested again for failing to execute the court decision and was returned to the Foreign Citizen Detention Centre. It was only after two months that human rights defenders and lawyers were able to attain his final release and a ruling to terminate proceedings in the case. The case of Ilgar A. v. Russia has been communicated to the European Court for Human Rights.¹⁹

4. Insufficient efforts by the government of Azerbaijan to assist in overcoming barriers to education faced by Azerbaijani children in Russia

The children of Azerbaijani migrants face discrimination when realizing the right to education: refusals to enrol in school without registration at place of residence, segregation, lack of schools providing special programs for non-Russian speakers, and requirements to take classes on the Orthodox religion.

Schools frequently refuse to enrol children who do not have a registration for their place of residence or documents providing evidence of their right to be in Russia, even though this contravenes Russian law (Article 43 of the RF Constitution guarantees every person the right to education; Clause 2 of Article 78 of Federal Law “On Education in the Russian Federation” provides all children with the right to attend a public school at no charge; Clause 4 of Article 67 of this law stipulates that children can only be refused enrolment if there are not enough free spaces).

Children who do not have access to education remain at home and must seek alternatives to school education on their own. Sometimes children study with volunteers from social organizations that accept undocumented children of any age. These classes, however, are not held regularly and cannot completely replace a school program. In many cases, parents who are busy at work are not able to take their children to these kinds of classes.

In August 2017, a ten-year-old Azerbaijani girl was refused enrolment at a school in Frunze District of Saint Petersburg because neither she nor her parents had a registration in Saint Petersburg. M. has not been attending school for a year now and only attends weekly Russian language classes at an educational centre for migrants.²⁰

School administrations also use legal reasons to refuse to accept Azerbaijani children: it is not uncommon that the enrolment of migrant children in the early grades takes place only after the enrolment of Russian children, so that they can only be admitted if there are free spaces.

In 2017, A. 's family tried to enrol their daughter in 3rd grade at a school in Saint Petersburg's Moscow District after their arrival from Azerbaijan, but the principal asked them to return in the second half of August, after the classes were filled and it would be clear if any spaces were left.²¹

¹⁹ The case was conducted with support from ADC Memorial.

²⁰ Field information, ADC Memorial, 2018.

²¹ Field information, ADC Memorial, 2018.

One of the risks to exercising the right to education is the ban on religious clothing in schools. In February 2015, the RF Supreme Court issued a ruling²² stating that the ban on head coverings (including religious head coverings) in schools (due to sanitary norms) does not violate the law; however, the right to freedom of religion is enshrined in the RF Constitution.

Azerbaijani children who eventually succeed in enrolling sometimes face the practice of segregation in Russian schools. For example, there is evidence of the existence of special classes for Azerbaijani children and separate floors for Muslim pupils in at least one school in Saint Petersburg. According to the testimony, segregation is practiced in order “to avoid creating inconveniences for Russian children.”²³

There are not enough schools that provide opportunities for studying the Azerbaijani language and culture. Before 2013, the only school with an Azerbaijani ethnocultural component was located in Moscow,²⁴ but this school was absorbed by a larger school after 16 years of operation and in fact lost most of its ethno-cultural component.²⁵

The issue of the absence of programs aimed at teaching children who speak languages other than Russian at most grammar schools remains unresolved: teachers do not have the skills to work with children who are not native Russian speakers, which usually results in poor progress for these children, conflicts with their peers, and psychological isolation.

*A teacher from a school in Krasnogvardeysk District of Saint Petersburg that is attended by a large number of migrant children recounted how, over the course of several years, she had faced difficulties working with the children of migrant workers because teachers do not have the required skills, do not know the cultural nuances of a given nation, and have not been trained in teaching children who do not speak Russian well, which results in poor progress and, in extreme cases, expulsion from school.*²⁶

In 2012, the subject “Foundations of Religion and Secular Ethics” was added to the education programs of Russian schools. This class envisages the opportunity to choose to learn about a certain religion or about secular ethical norms. In reality, the choice of studying the foundations of Orthodoxy is commonly imposed on parents, and in some schools the course “Foundations of Orthodox Culture” has been introduced as a required subject that children, including Muslim children, cannot refuse.

22 Ruling of the Supreme Court of the Russian Federation № 15-APG14-11 of 11 February 2015
<http://www.consultant.ru/cons/cgi/online.cgi?req=doc&ts=100443122908787624341808302&cacheid=AA60083A32596D41CE2DE86952AD3AF8&mode=splus&base=ARB002&n=421772&rnd=0.06796033988774086#04595045764354735>

23 Interview with teachers and administrators of a school in the centre of St. Petersburg, ADC Memorial, 2018.

24 [Московская средняя общеобразовательная школа №157 с этнокультурным азербайджанским компонентом \[Moscow High School No. 157 has an Azerbaijani ethnocultural component\]](https://azj.rus4all.ru/directory_msk/20120927/723334648.html)
https://azj.rus4all.ru/directory_msk/20120927/723334648.html

26 Field information, ADC Memorial, 2018.

In light of the above, ADC Memorial asks the Committee to address the following questions to the Government of Azerbaijan:

How does the government assess the scale of labour migration from Azerbaijan, including to Russia? Are detailed statistics with disaggregated data being kept?

Are there government programs to support migrant workers travelling to Russia prior to departure from Azerbaijan, during their stay in Russia, and upon their return to Azerbaijan? What is the official reaction of the Azerbaijani authorities to the numerous violations of the rights of migrant workers in Russia and to instances of illegal actions on the part of the Russian police and other law enforcement agencies in relation to migrants from Azerbaijan?

Does the government of Azerbaijan assist in documenting and investigating instances of racial violence against Azerbaijani migrants committed on Russian territory? What measures are being taken to help Azerbaijani migrants who are victims of hate crimes? Does the government of Azerbaijan make any official statements regarding such crimes?

What assistance does the government of Azerbaijan provide to its citizens being held in foreign national detention centres prior to expulsion? Do members of diplomatic missions visit Azerbaijani citizens being held in these centres? How quickly do the authorities respond to requests to confirm citizenship or issue certificates of return?

What measures is the Azerbaijani government taking to guarantee a high-quality education for the children of migrants working in Russia? Are there programs to support the Azerbaijani language and culture among migrant children?