



**International Convention on  
the Elimination of All Forms  
of Racial Discrimination**

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**Committee on the Elimination of Racial Discrimination**

**Combined tenth to twelfth periodic reports  
submitted by Azerbaijan under article 9 of the  
Convention, due in 2019<sup>\*</sup>, <sup>\*\*</sup>**

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\* The present document is being issued without formal editing.

\*\* The annex to the present report may be accessed from the web page of the Committee.

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## Introduction

1. The efforts made to combat racial and religious discrimination in the Republic of Azerbaijan are governed by the international treaties to which the country is a party and national legislation. The implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, which was adopted by the General Assembly of the United Nations on 21 December 1965, is an ongoing priority of the Government of Azerbaijan.
2. Azerbaijan became a party to the Convention in accordance with Act No. 95-1C of 31 May 1996.
3. On 3 and 4 May 2016, the Committee on the Elimination of Racial Discrimination considered the combined seventh to ninth periodic reports of Azerbaijan on the implementation of the Convention (CERD/C/AZE/7-9). On 12 May 2016, following its consideration of the document, the Committee adopted its concluding observations (CERD/C/AZE/CO/7-9).
4. The combined tenth to twelfth periodic reports of Azerbaijan were drafted in accordance with the general guidelines regarding the form and content of reports to be submitted by States parties under article 9 (1) of the Convention. This report covers the period following the Government's submission of the country's combined seventh to ninth periodic reports, namely the period 2015–2019. It contains information concerning the recommendations made in the Committee's concluding observations.
5. This report is based on information provided by the working group established in accordance with presidential order of 20 September 2018 on increasing the effectiveness of cooperation with the United Nations human rights treaty bodies. The working group prepares reports for submission to the human rights treaty bodies and the universal periodic review mechanism of the Human Rights Council and monitors the implementation of any recommendations received. In accordance with this order, representatives of the Office of the Procurator General and the Office of the Commissioner for Human Rights (Ombudsman) also took part in the activities of the task force. The Ministry of Foreign Affairs, which was tasked with overseeing the activities of the working group, coordinated the preparation of the national report.
6. It should also be noted that the common core document submitted by Azerbaijan to the Office of the United Nations High Commissioner for Human Rights (OHCHR) (2017) and the updated addendum thereto (2019) set out the legal framework for the protection and promotion of human rights at the national level, including the measures in place to ensure total equality for all citizens, regardless of their ethnic, religious and racial origin.

### **Concluding observations, paragraph 3 (Factors and difficulties impeding the implementation of the Convention)**

7. As noted in previous reports, Azerbaijan is not currently in a position to implement the provisions of the international human rights treaties to which it is a party in its territories occupied by Armenia. The Government of Azerbaijan cannot take responsibility for violations of human rights and freedoms in those occupied territories until such time as they are liberated and the consequences of the occupation are fully dealt with.
8. In this context, it is important to note the judgment adopted by the Grand Chamber of the European Court of Human Rights on 16 June 2015 in the case of *Chiragov and others v. Armenia*. The case, dating from 6 April 2005, was based on a claim by six citizens of Azerbaijan against Armenia; they were unable to return to their homes and had been deprived of their property in the Lachin district of Azerbaijan, having been expelled in 1992 by the Armenian armed forces as a result of the Armenia-Azerbaijan Nagorno-Karabakh conflict. In its judgment, the Court found continuing violations of the right to property, the right to respect for private and family life and the right to an effective remedy. The Court affirmed the right of forcibly displaced persons to property and to return to their homes. The Court concluded that Armenia, through its military presence and the provision of

military equipment and expertise, had been involved in the Nagorno-Karabakh conflict from an early date, has effective control over the Nagorno-Karabakh region and neighbouring areas of Azerbaijan and exercises jurisdiction there, which makes it responsible for violations of the rights of Azerbaijani displaced persons.

9. The legal and political components for a settlement of the Armenia-Azerbaijan Nagorno-Karabakh conflict are based on the rules and principles of international law, namely the principles of territorial integrity, sovereignty and the inviolability of internationally recognized borders, as set out in United Nations Security Council resolutions 822 (1993), 853 (1993), 874 (1993) and 884 (1993) and General Assembly resolution 62/243 (2008), together with the relevant documents and decisions of international organizations.

10. We again wish to draw the Committee's attention to the fact that, as a result of military aggression by Armenia, 20 per cent of the territory of Azerbaijan remains occupied by the Armenian armed forces. Azerbaijanis have been expelled from their lawful places of residence and native lands en masse and by force. They have been subjected to large-scale and systematic armed attacks aimed at annihilating the Azerbaijani civilian population as an ethnic group. More than 20,000 people have been killed and more than 50,000 have been injured or acquired disabilities. As a result of the occupation, there are more than 1 million people who have been living as refugees and forcibly displaced persons for around 30 years; they are victims of the policy of ethnic cleansing and genocide pursued by Armenia against Azerbaijanis and have been deprived of their basic human rights.

11. During its aggression against Azerbaijan, the Armenian side has committed gross violations of the rules of international humanitarian law; there have been numerous incidents of extrajudicial executions and mass shootings, torture and other cruel and inhuman treatment and punishment of peaceful Azerbaijani civilians, hostages and prisoners of war.

12. According to the State Commission on Prisoners of War, Hostages and Missing Persons ([www.human.gov.az](http://www.human.gov.az)), as at 1 January 2019, the number of persons missing as a result of Armenian military aggression against Azerbaijan stood at 3,888. Of these, 3,170 were members of the military and 718 civilians. The fate of two Azerbaijanis, Dilgam Askerov and Shahbaz Guliyev, who were taken hostage by the Armenian side in July 2014, continues to be a matter of serious concern for the Government of Azerbaijan.

13. The war crimes committed by Armenia, which violate article 53 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 and article 4 of the Convention for the Protection of Cultural Property in the Event of Armed Conflict of 14 May 1954, resulted in the looting, setting on fire and destruction of more than 900 settlements along with the destruction of 6,000 industrial and agricultural enterprises and other facilities, 150,000 residential buildings, with a total surface area of more than 9 million km<sup>2</sup>, and 4,366 cultural and community centres, including 695 medical clinics. In the occupied territories, farmland, water management and hydropower installations and all transport infrastructure are completely unusable, and all lines of communication are down. The damage caused in the occupied territories has cost the economy of Azerbaijan more than US\$ 60 billion ([www.economy.gov.az](http://www.economy.gov.az)). As a result of the armed aggression in the captured territories of Azerbaijan, over 927 libraries, 464 historic monuments and museums, over 100 archaeological sites and 6 State theatres and concert halls have been destroyed. More than 40,000 valuable objects and rare exhibits have been looted from museums.

14. Between 2 and 5 April 2016, there was intense bombing of positions of the armed forces of Azerbaijan and the civilian population residing in the areas adjacent to the line of contact. As a result of the heavy shelling, a large number of soldiers and civilians were killed or injured and homes, schools and other public buildings were destroyed.

15. These criminal actions of Armenia have shattered the foundations of international humanitarian law and were aimed at creating a new spiral of social and humanitarian crisis by disrupting the normal life of the civilian population in areas close to the line of contact. The main aim of Armenia is to consolidate its occupation of this territory and maintain the status quo, which is unacceptable to the international community.

16. As a result of retaliatory measures by the armed forces of Azerbaijan, more than 2,000 ha of strategically important Azerbaijani territory were liberated. Immediately after the April events, the President of Azerbaijan signed an order on the reconstruction of the village of Jojug Marjanly in the Jabrayil district of Azerbaijan. Over the reporting period, 150 residential buildings were built in the village and used to house 139 resettled forcibly displaced families (496 persons). The buildings were connected to electricity, gas and water. A secondary school for 96 pupils, a kindergarten for 50 children, a medical clinic, shopping facilities, a mosque, a club, a mini football pitch and various administrative buildings were also built. A main road of over 9 km in length was laid and opened between Horadiz and Jojug Marjanly, as were 2 km of village roads. In order to provide employment for the displaced persons, each family was allocated a smallholding of 1,000 m<sup>2</sup>. In addition, 15 greenhouse farms and 15 honey farms were set up, and 50 families were given 40 heads of cattle and 315 sheep and goats. A feed processing plant began operating in order to meet livestock production needs. A souvenir factory is being built, and a mobile workshop is being set up to produce, portion and package honey for sale.

17. With regard to the efforts made to improve the provision of housing and utilities for forcibly displaced persons, it is important to note the measures taken by the State Committee on Refugees and Forcibly Displaced Persons, which resulted in 6,183 newly built apartments from special-purpose housing stock being made ready for use and allocated to forcibly displaced persons between 2017 and 2018 alone. The Committee also plans to allocate a further 5,010 apartments to forcibly displaced persons by the end of 2019. As part of its humanitarian activities, the Committee routinely provides the poorest displaced families with warm clothing, essential household utensils, school supplies and so forth. Many meetings have been held with high-level foreign delegations. For example, since 2018, the Committee has held 46 meetings with ambassadors, diplomatic personnel and representatives of foreign countries and international organizations, including the United Nations, the International Committee of the Red Cross and the International Organization for Migration. Over the reporting period, 9 foreign delegations visited Jojug Marjanly, and there were 10 visits to areas with large populations of forcibly displaced persons.

18. On 4 July 2017, a targeted and deliberate attack by the Armenian armed forces on the village of Alkhanly in Fizuli district of Azerbaijan killed a 2-year-old girl and her grandmother and injured another woman.

19. Azerbaijan once again calls on the international community to take preventive measures against Armenia and oblige it to restore peace and withdraw its armed forces from all the occupied territories of Azerbaijan, including the Nagorno-Karabakh region.

### **Concluding observations, paragraphs 5 and 6 (Definition of racial discrimination)**

20. As international treaties form an integral part of the system of national legislation of Azerbaijan, the definition of racial discrimination set out in article 1 of the Convention is directly applicable under national law.

21. Following a referendum held on 26 September 2016, the Constitution was amended to provide more robust protection for human rights and fundamental freedoms, to establish effective and flexible governance mechanisms and to ensure the effectiveness of the economic reforms implemented.

22. For example, article 25 (3) of the Constitution provides as follows: “The State guarantees equality of rights and freedoms for all, irrespective of race, ethnicity, religion, language, sex, origin, property or official status, beliefs or membership of political parties, trade unions or other voluntary associations. No restrictions may be imposed on human rights and freedoms based on race, ethnicity, religion, language, sex, origin, beliefs or political or social affiliation.”

23. Article 47 (3) of the Constitution, as amended, prohibits not only agitation and propaganda that incites racial, ethnic, religious or social enmity or hatred, but also agitation and propaganda that incites enmity and hatred based on any other characteristic.

24. Racial discrimination is thus prohibited in the country's basic law, namely articles 25 and 47 of the Constitution. As required under the Convention, these constitutional provisions prohibit any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and freedoms in the political, economic, social, cultural or any other field of public life.

25. Legislative amendments have also been introduced, including to the Civil Service Act and the Electoral Code, and drafts of relevant laws and regulations have been prepared with a view to bringing existing legislative acts into line with the Constitution.

26. It is incorrectly noted in paragraph 5 of the concluding observations that only those acts of racial discrimination described in the restrictive provisions of articles 109, on discrimination, and 154, on infringement of citizens' equality, of the Criminal Code are explicitly prohibited and carry fines. In fact, in addition to articles 109 and 154, both the general and special parts of the Criminal Code contain other articles relating to racial discrimination:

#### Article 6. The principle of equality before the law

6.1. Persons who have committed offences are equal before the law and may be held criminally responsible irrespective of their race, ethnicity, attitude to religion, language, sex, origin, property or official status, beliefs, membership of political parties, trade unions or other voluntary associations, and other circumstances.

#### Article 61. Aggravating circumstances

61.1.6. The commission of an offence motivated by ethnic, racial or religious hatred or fanaticism, or in revenge for lawful actions by other persons, or with the aim of concealing or facilitating the commission of another offence.

#### Article 103. Genocide

Acts aimed at the total or partial destruction of a national, ethnic, racial or religious group by murdering members of the group, causing grave damage to their health or serious harm to their mental capacities, creating living conditions aimed at the total or partial physical destruction of members of the group, implementing measures designed to impair the group's birth rate, or transferring children belonging to one group to a different group shall be punishable by imprisonment for 14 to 20 years or life imprisonment.

#### Article 111. Racial discrimination (apartheid)

111.0.1. Denial of the right of members of a racial group or groups to life and freedom, that is, by murdering members of a racial group or groups, causing grave damage to their health or serious harm to their mental capacities, or subjecting them to torture or cruel, inhuman or degrading treatment or punishment, or to arbitrary arrest or unlawful deprivation of liberty;

111.0.2. Deliberate creation of living conditions for a racial group or groups with a view to bringing about their complete or partial physical extermination;

111.0.3. Implementation of any legislative measures and other measures calculated to prevent a racial group or groups from participation in the political, social, economic and cultural life of the country, as well as the full development of such a group or groups by denying to its or their members basic human rights, including the right to work, the right to form trade unions, the right to education, the right to leave and to return to their country, the right to a nationality, the right to freedom of movement and residence, the right to freedom of opinion and expression, and the right to freedom of peaceful assembly and association;

111.0.4. Implementation of any measures, including legislative measures, designed to divide the population along racial lines by the creation of separate reserves and ghettos, the prohibition of mixed marriages among members of various racial groups, the expropriation of parcels of land belonging to a racial group or groups or to members thereof;

111.0.5. Exploitation of the labour of the members of a racial group or groups;

111.0.6. And persecution of organizations and persons who oppose apartheid by depriving them of their fundamental rights and freedoms; are punishable by imprisonment for 12 to 20 years or life imprisonment.

Article 120. Intentional homicide

120.2.12. Where motivated by ethnic, racial, or religious hatred or enmity, shall be punishable by imprisonment for 14 to 20 years or by life imprisonment.

Article 154. Violations of citizens' equality of rights

Article 154.1 prohibits discrimination on various grounds, including race, ethnicity, language and religion.

Article 167 prohibits the unlawful obstruction of the performance of religious ceremonies.

Article 283. Incitement to ethnic, racial, social or religious hatred or enmity.

283.1. Acts that inflame ethnic, racial, social or religious hatred or enmity or that offend ethnic pride, and acts that restrict the rights of citizens or accord superior status to them on the grounds of their ethnic or racial origin, social affiliation, or attitude to religion shall, where performed in public, including through the media, be punishable by fines of between 1,000 and 2,000 manats, or by punitive work for up to 2 years, or by imprisonment for 2 to 4 years.

283.1-1 The acts covered by article 283.1 of the present Code shall, where motivated by religious hatred, religious radicalism or religious extremism, be punishable by imprisonment for 3 to 5 years.

283.2. The same acts committed:

283.2.1. With the use or threat of force;

283.2.2. By a person in abuse of his or her official position;

283.2.3. Or by an organized group; shall be punishable by imprisonment for 3 to 5 years.

283.3. Financing of the acts covered by article 283.1 of the present Code shall, where motivated by religious hatred, religious radicalism or religious extremism, be punishable by imprisonment for 3 to 5 years.

27. The Administrative Offences Code contains articles aimed at preventing racial discrimination:

Article 7. The principle of equality before the law

7.1. Persons who have committed administrative offences are equal before the law, regardless of race or ethnicity, language, sex, social origin, property or official status, beliefs and other circumstances. An administrative penalty may not be imposed or waived on the grounds set out in this article.

28. Despite the fact that civil, labour, family or other legislation does not explicitly refer to toleration of racial discrimination, the overall thrust of the articles of these laws and the obligations, purposes and principles set forth in them provide that racial, religious and other discrimination will not be tolerated.

29. With regard to labour relations, there is an absolute ban on all forms of discrimination against workers on the grounds of nationality, sex, race, faith, ethnicity, language, place of residence, property status, social origin, age, marital status, religion,

political opinion, membership of trade unions or other voluntary associations, official status, beliefs and other factors unconnected with their professional qualities, work performance or professional skills. The ban also covers the granting of privileges and benefits and the direct or indirect restriction of rights based on these factors. An employer or other natural person who practises discrimination in employment is held to account in accordance with the law. A worker who has been subjected to discrimination may apply to a court for the restoration of his or her violated rights.

30. Article 8.0.4 of the Employment Act stipulates that one of the State's obligations in the field of employment is to ensure that all persons enjoy equal opportunities in the exercise of their right to free choice of labour and employment, irrespective of their race, ethnicity, religion, language, sex, disability (save cases in which the fulfilment of this obligation is unfeasible), marital status, social origin, place of residence, property status, beliefs and membership of political parties, trade unions or other voluntary associations.

31. The procedures for the social protection of children at State preschools was approved by Cabinet of Ministers decision on 29 December 2017. Pursuant to paragraph 1.2, preschools may not discriminate on the basis of race, ethnicity, religion, language, sex or origin.

32. Any form of discrimination against aliens and stateless persons working in Azerbaijan is prohibited. Pursuant to article 13 of the Labour Code, aliens and stateless persons may, unless the law or international agreements to which Azerbaijan is a party otherwise provide, enjoy all labour rights equally with citizens of Azerbaijan and have obligations in keeping with those rights. Except in the cases provided for by law, restriction of the labour rights recognized to aliens and stateless persons pursuant to the Labour Code and other laws and regulations is prohibited.

33. The rights of aliens and stateless persons are also enshrined in the Migration Code, which entered into force on 1 August 2013. Pursuant to article 74, unless the law or international agreements to which Azerbaijan is a party otherwise provide, aliens and stateless persons in Azerbaijan enjoy all rights on an equal footing with citizens of Azerbaijan.

### **Concluding observations, paragraphs 7 and 8 (Special measures)**

34. In accordance with the constitutional guarantee of the equality of rights and freedoms without distinction as to race, ethnicity, religion, language, sex, origin, property or official status, beliefs or membership of political parties, trade unions or other voluntary associations, the legislative acts adopted to protect the rights and freedoms of the ethnic minorities living in the country are fully in compliance with the international treaties for the protection of human rights and freedoms to which Azerbaijan is a party and with the principles set out in and the obligations assumed under the Framework Convention for the Protection of National Minorities. These legislative acts encompass the system of legal and organizational measures required to regulate international relations, the development of language and culture and the preservation of ethnic and cultural identities.

35. Chapter II of the National Programme of Action to Enhance the Effectiveness of the Protection of Human Rights and Freedoms in Azerbaijan, which was approved by presidential order on 27 December 2011, sets out measures to protect the rights of various segments of the population. In this connection, the task of ensuring the ongoing preservation and development of the cultural heritage of ethnic minorities has been assigned to the appropriate State bodies.

### **Concluding observations, paragraphs 9, 10 and 38 (Civil society organizations and consultations with them)**

36. The Government of Azerbaijan provides ongoing and comprehensive support for the creation and activities of non-governmental organizations (NGOs) that represent the

interests of ethnic minorities and protect their cultural and historical values. It also provides ongoing support for the development of ethnic languages and identities.

37. The financing of NGOs and legal entities working on national minority issues by national and foreign donors is governed by the following: the Grants Act of 17 April 1998, which was amended as part of a law-making process aimed at improving relevant legislation; the rules on the registration of agreements or decisions concerning the receipt or award of grants, which were approved by Cabinet of Ministers decision on 5 June 2015; the list of institutions financed from the State budget that have the power to award grants to legal and natural persons in accordance with their areas of activity, which was approved by presidential decree on 21 October 2015; the procedures for submission for approval to the Presidential Council for State Support of Non-Governmental Organizations of grants from public bodies to NGOs, which was approved by presidential decree on 21 October 2015; and the procedure by which foreign donors acquire the right to award grants in Azerbaijan, which was approved by Cabinet of Ministers decision on 22 October 2015.

38. As noted in previous reports, the Presidential Council for State Support of Non-Governmental Organizations was established by presidential decree on 13 December 2007. Its aim is to grant NGOs a more prominent role in public life and foster cooperation between State bodies and NGOs with a view to facilitating State support for NGOs, their efforts to tackle social problems and the financing of programmes and projects important for the development of the State and society.

39. The Council takes the measures necessary to implement the Convention.

40. In the preparation of the present report, the Council consulted NGOs working on issues relevant to the Convention and canvassed the opinions of these civil society organizations.

41. The Presidential Council for State Support of Non-Governmental Organizations holds consultations with NGOs, including those working to protect the interests of ethnic minorities, migrants, refugees and internally displaced persons, in order to determine the themes for the grant competitions to be held over the coming year. Various competitions are organized on themes relating to the protection of the interests of ethnic minorities, cultural diversity and multiculturalism. Cultural centres and NGOs for ethnic minorities enter both specialized and general grant competitions. The Presidential Council for State Support of Non-Governmental Organizations provides financial support to specialized NGOs to develop the culture and language of ethnic minorities, gather examples of folklore and produce films about ethnicity.

42. In accordance with article 4 of the Convention, States parties undertake to ensure the rights set forth in article 5 of the Convention. In Azerbaijan, voluntary associations play an important role in meeting these obligations. In the period 2015–2018, with Council funding, NGOs carried out various projects on the following themes:

- 16 projects on the themes of cultural and religious diversity, tolerance, family planning, multiculturalism and property rights in 2015, at a cost of 148,500 manats (approximately US\$ 114,230).
- 48 projects on the themes of cultural and religious diversity, tolerance, multiculturalism, freedom of thought, social participation, social security, family planning and equal participation in employment and cultural activities in 2016, at a cost of 439,000 manats (approximately US\$ 248,022).
- 9 projects on the themes of cultural and religious diversity, community participation, tolerance, multiculturalism, family planning and labour rights in 2017, at a cost of 53,000 manats (approximately US\$ 31,176).
- 18 projects on the themes of religious diversity, labour and property rights, freedom of thought, community participation, multiculturalism, tolerance and family planning in 2018, at a cost of 116,400 manats (approximately US\$ 68,470).
- The themes for the fourth grant competition announced by the Council in 2019 concerned the future development of ethnic and religious tolerance. Initiatives to promote the cultural heritage of the ethnic minorities living in Azerbaijan were a key



focus of the fourth grant competition. Specialized NGOs working in country and local NGOs active in protecting the interests of ethnic minorities in areas with large ethnic minority populations entered the competition and won grants. Initiatives to support the integration into Azerbaijani society of aliens and stateless persons living in the country were an important focus of the Council's fourth grant competition in 2019.

43. Over the reporting period, and specifically during the second half of 2016 and 2017, the Council sponsored grant competitions on the theme of preserving the cultural heritage of Azerbaijan and ethnic minorities. In addition to general grant competitions, meaningful community service projects were funded.

44. The Council continues to provide financial and technical support for the production of programmes, films and publications in ethnic minority languages. It will expand these activities in the coming years.

45. Over the reporting period, the Ministry of Youth and Sport financed 10 youth voluntary association projects on the themes of multiculturalism, religious diversity, intercultural dialogue and the promotion of youth employment in ethnic minority and internally displaced communities. This amounted to 151,885 manats (around US\$ 89,344).

46. On 8 June 2015, a public council was established under the State Migration Service to facilitate public participation in its activities. It consists of five NGOs. On 30 June 2017, regular elections were held for positions on the public council, as its term of office as set by law had expired. The composition of the council was then determined. In order to enhance cooperation with the Service, the membership of the council was increased from five to seven for its next term.

47. Over the reporting period, the State Migration Service worked in close cooperation with the public council, and productive discussions were held with senior representatives of the Service at the council's meetings. The State Migration Service took note of a number of innovative proposals made by the public council to expand the rights of aliens and stateless persons in the country, protect their legitimate interests and regulate and improve migration processes.

48. The public council of the State Migration Service organized Azeri language courses for refugees and asylum seekers and provided humanitarian and medical assistance to refugee families.

49. The public council of the State Migration Service serves as a "bridge" between the State body and civil society. It is for this reason that the public council holds regular meetings with migrants, organizes their reception, considers their proposals and problems and handles complaints received in coordination with the Service. The council supports the work done by the State Migration Service in keeping migrants informed about existing immigration legislation and any relevant legislative amendments and rules.

50. Information on the public council's activities is regularly posted in Azerbaijani, Russian and English on a dedicated section of the Service's official website. In addition, it was made possible for members of the public council and NGOs to carry out visits to the Service's centres for irregular migrants. Draft legal acts undergo a process of public consultation in the form of meetings with NGO representatives.

### **Concluding observations, paragraphs 11 and 12 (Compliance of the State party's legislation with the requirements of article 4 of the Convention)**

51. As noted above, the Criminal Code criminalizes genocide (art. 103), discrimination (art. 109), racial discrimination (apartheid) (art. 111), violation of citizens' equality of rights (art. 154) and intentional homicide motivated by ethnic, racial or religious hatred or enmity (art. 120.2.12). Under article 61.1.6 of the Code, the commission of an offence motivated by ethnic, racial or religious hatred or fanaticism is an aggravating circumstance.

52. At the same time, article 283.1 provides for liability for actions aimed at inciting ethnic, racial, social or religious hatred or enmity, humiliating national dignity, restricting citizens' rights or according superior status to citizens on the basis of their ethnic, racial or social affiliation or attitude to religion, if these acts are performed in public, including through the media.

53. Article 283 of the Criminal Code has been amended and the penalties for ethnic, racial, social or religious enmity or hatred have been toughened. Under articles 283.1-1 and 283.3, added to the Code by the Law of 28 October 2016, committing the above-mentioned actions on the grounds of religious enmity, religious radicalism or religious fanaticism, as well as financing such actions, are also subject to criminal liability.

54. Under the Political Parties Act, the Trade Unions Act and the Non-Governmental Organizations (Voluntary Associations and Foundations) Act, it is prohibited to establish and operate political parties, trade unions or non-governmental organizations whose purpose or activities are aimed at violently changing the constitutional order and secular character of the Republic of Azerbaijan, violating the territorial integrity of the country, advocating war, violence and cruelty, or fomenting racial, ethnic or religious strife.

55. As mentioned above, the Constitution of the Republic of Azerbaijan implies that everyone has the right to create any association, including a political party, trade union or other voluntary association, or to join an existing association, and it also guarantees the unrestricted activity of all associations.

56. According to the Trade Unions Act, any person may voluntarily and without any discrimination form trade unions without prior authorization, join trade unions and participate in trade union activities for the protection of his or her legitimate interests and labour, social and economic rights, and bring together not less than seven persons to form a trade union.

57. Under the Non-Governmental Organizations (Voluntary Associations and Foundations) Act, it is prohibited to establish non-governmental organizations whose purpose or activities are aimed at violently changing the constitutional order and secular character of the Republic of Azerbaijan, violating the territorial integrity of the country, advocating war, violence and cruelty, or fomenting racial, ethnic or religious strife.

58. The Non-Governmental Organizations (Voluntary Associations and Foundations) Act and the Political Parties Act do not contain provisions promoting ethnic, racial or racist activities. The Criminal Code treats such cases as serious and particularly serious offences. The activities of voluntary associations that promote the interests of national minorities and ethnic groups are encouraged in the country. Cultural centres are in operation that foster the social unity of all nations living in the country.

59. Article 13 (2) of the Information, Informatization and Protection of Information Act prohibits the dissemination of information advocating violence and religious extremism and open calls aimed at inciting ethnic, racial or religious hatred or enmity on the Internet.

60. Subparagraph 5.1.6 of the Action Plan for implementation of the State Programme "Azerbaijani Youth 2017–2021", approved by Presidential Order of 15 September 2017, provides for activities related to projects that mobilize young people against appeals to religious extremism or discrimination and promote the values of ethnic tolerance, peacemaking and humanism.

### **Concluding observations, paragraphs 13 and 14 (Enforcement of hate crime law)**

61. According to statistics, between 2014 and 2017, only one person was convicted under article 283 of the Criminal Code ("Incitement to ethnic, racial, social or religious hatred or enmity").

62. It should be noted that the training programmes for staff of the judicial authorities and the Office of the Procurator, as well as for lawyers, judges and candidates for judges participating in the training at the Academy of Justice, included the delivery of lectures on

topics such as “Specific features of protection of the rights of persons belonging to certain groups”, “Prohibition of discrimination in the European Convention on Human Rights and national legislation”, “Prohibition of discrimination in accordance with the European Convention on Human Rights (Article 14)” and “Specific features of the imprisonment of prisoners requiring a special approach (minors, women, disabled persons, aliens and elderly persons)”.

63. Particular attention was paid to Article 14 of the European Convention on Human Rights in professional development courses for judges, lawyers and other legal experts.

64. The Ministry of Education, together with the Baku International Centre for Multiculturalism, prepared curricula and textbooks for teaching, in higher education institutions, an undergraduate course on “An introduction to multiculturalism” and a master’s degree course on “The multiculturalism of Azerbaijan”. The subject of “The multiculturalism of Azerbaijan” is also taught in vocational schools and specialized educational institutions; some higher education institutions have opened departments of “Azerbaijani multiculturalism”.

65. Representatives of the Baku International Centre for Multiculturalism and of Baku Slavic University, together with prominent scholars and intellectuals, organized mass lectures on “Multiculturalism in Azerbaijan” in 85 schools and 10 specialized secondary schools, while seminars on intercultural communication skills and knowledge were held in some educational institutions.

66. The Baku International Centre for Multiculturalism organized an international summer and winter school on multiculturalism under the slogan “Multiculturalism as a way of life in Azerbaijan: learn, research, share”, which was attended by students from Azerbaijan and around the world.

### **Concluding observations, paragraphs 15 and 16 (European Court of Human Rights)**

67. Azerbaijan is cooperating with member States of the Council of Europe on the basis of the 1983 European Convention on the Transfer of Sentenced Persons. The extradition of Ramil Safarov to Azerbaijan was carried out in full compliance with the Convention, providing the other party with the necessary documents and legal information. As a result, Hungary found it possible to extradite him to Azerbaijan.

68. With regard to the pardon of this person, it should be noted that, in accordance with article 12 of the Convention, each party (extraditing and receiving) may decide to grant pardon of the sentence. Azerbaijan has not violated any bilateral or multilateral international obligations in the course of resolving this issue.

69. With regard to his act being viewed as one of heroism, Ramil Safarov’s action was not officially approved, there was no positive reaction to him and he was not accepted by any high-ranking official.

70. The process before the European Court of Human Rights on the application referred to in paragraph 16 of the concluding observations is ongoing. The Government of Azerbaijan is cooperating with the European Court of Human Rights on all the applications pending before it. The European Convention on Human Rights and the Rules of Procedure of the European Court of Human Rights provide for an obligation on the Parties to cooperate fully with the Court in all proceedings. Azerbaijan considers that the Committee should have refrained from making direct reference to specific cases of the Court that are at the stage of communication, in order not to influence the Court’s future decision in any way. It is regrettable that, in its recommendations, the Committee made selective reference to proceedings before the European Court of Human Rights.

### **Concluding observations, paragraphs 17 to 20 (Status of the Convention in the domestic legal order and Complaints of racial discrimination)**

71. All core and further training course curricula at the Academy of Justice attached to the Ministry of Justice include lectures on various articles of the European Convention on Human Rights, such as article 6 (Right to a fair trial), article 2 (Right to life), article 3 (Prohibition of torture), articles 8 and 9 (Right to respect for private and family life and Freedom of thought, conscience and religion, respectively) and article 10 (Freedom of expression); the lectures also cover topics such as the European Convention on Human Rights, the structure of the European Court of Human Rights, implementation of the judgments of the European Court and Protocol No. 1 to the European Convention. Some 252 justice officials have taken part in training on the European Convention.

72. A round table on national and international human rights protection mechanisms was also organized in 2018 as part of the Human Rights Protection Month, traditionally led every year by the Office of the Ombudsman on the occasion of Human Rights Protection Day in Azerbaijan, on 18 June. Twelve officials from the Academy of Justice and 12 young lawyers attended this event within the framework of the Academy's Legal Clinic programme, which is a part of the Council of Europe project on the application of the European Convention on Human Rights and the case law of the European Court of Human Rights in Azerbaijan.

73. The Appeals Board under the Office of the President, established pursuant to a Presidential Decree of 3 February 2016, ensures transparency and objectivity in the consideration of complaints from natural and legal persons conducting a business, protects the rights and interests of persons in this area and brings further appeals against the decisions and actions or omissions of the central executive authorities to higher authorities.

74. It should be noted that, between 2016 and 2018, the courts of first instance and courts of appeal did not refer to the provisions of the Convention.

75. In accordance with the legislation of Azerbaijan, any citizen may appeal directly to the courts or higher-ranking central and local authorities, enterprises, institutions and organizations, voluntary associations and public officials in connection with decisions and actions (or omissions) that violate his or her rights and freedoms.

76. Foreign nationals and stateless persons have the right to apply to the courts of Azerbaijan to defend their rights and legally protected interests that have been infringed or contested. Foreign persons have the same procedural rights and obligations as Azerbaijani citizens and legal entities.

77. It should be noted that significant measures have been taken during the reporting period to enhance the effectiveness of the justice system and citizens' confidence in the courts and to improve judicial performance. For example, a presidential decree was issued on 3 April 2019 introducing further reforms to the judicial system.

78. In recent years, the powers of the Judicial Council have been expanded every year, taking into account international practice with respect to measures taken to strengthen the judiciary, and the issue of ensuring the independence of the judiciary has been included in its mandate. As well as all judges, the Council have been vested with the power to make proposals on the appointment of court presidents, to determine the territorial jurisdiction of the courts, to give opinions on the budgets of the courts of first instance and courts of appeal and to prevent outside interference in the work of judges. The Council's role in dismissing judges has also been enhanced.

79. As noted in the previous reports, 20 new regional courts, including courts of appeal and serious crimes courts, have been established to facilitate public access to the courts, including members of ethnic minorities, and the military court system has been improved. Since 2011, new administrative courts have been operating in seven of the country's districts to prevent human rights violations on the part of the State authorities. The fact that 85 per cent of citizens' claims in administrative disputes are settled is a striking example of the objectivity and efficiency of administrative justice in Azerbaijan.

80. Modernization of the judicial infrastructure is also important for ensuring an effective system of justice. In recent years, new, modern buildings and complexes equipped with modern technology have been constructed and put into operation for 16 courts, as part of projects implemented with the World Bank and also paid out of the State budget. In accordance with the Convention on the Rights of Persons with Disabilities, the new court buildings also provide an appropriate environment for the free movement of persons with disabilities.

81. The World Bank considered the justice sector projects in Azerbaijan to be highly successful and, in 2017, declared Azerbaijan as a winner in the category public sector performance through innovation.

82. The Presidential Decree of 13 February 2014 on the establishment of the “Electronic Court” information system, issued as part of reforms aimed at modernizing the judicial system and setting strategic priorities in this area, has laid the basis for the revolutionary development of this sphere. This system opens up opportunities for bringing cases to court, dealing with red tape and abuse, achieving transparency and efficiency and facilitating the use of electronic records and documents management. At present, individual components of this system are already being used, such as electronic documents management, electronic documents distribution, electronic governance, electronic information sharing and electronic registration of proceedings.

83. In 2017, Azerbaijan participated in the Council of Europe competition on justice with a project called “Court Pulse: The Management Revolution” and won the “Crystal Scales of Justice” prize for its achievements in the justice system.

84. It should be noted that, since 2005, the procedure for selecting judges has been identified as among the most progressive and transparent in Europe. Currently, more than 70 per cent of the judiciary is composed of judges selected under the new progressive rules.

85. International interest in progressive reforms has led the European Commission for the Efficiency of Justice to view Azerbaijan as a leading country when it comes to the development of the judicial system. For the first time in the history of the Council of Europe, the representative of Azerbaijan was elected President of the Commission, in 2018.

86. As part of the measures taken on a regular basis to improve the efficiency of justice, based on a legislative proposal of the Head of State, new laws were passed on 28 December 2018 providing for significant changes to the Code of Civil Procedure and the Judges and Courts Act.

87. Taking into account that, since 2003, 25 October has been celebrated as European Civil Justice Day, all courts in the country held an open day on 25 October 2018. At this event, citizens became better acquainted with the system of administration of justice and were informed about the judicial reforms taking place in the country and provided with explanations of the mechanisms to defend their rights.

88. One of the main guarantees of access to justice is public education and the provision of legal assistance. The establishment of regional justice institutions in this area has helped to coordinate the activities of local justice institutions, raise legal awareness, facilitate public access and provide high-quality legal assistance. During the reporting period, these institutions have conducted regular awareness-raising and legal aid activities to increase the legal knowledge of the population living in the regions, including ethnic minorities. In addition, within the framework of the implementation of the State programme on poverty reduction and sustainable development in Azerbaijan for 2008–2015, the Ministry of Justice has established 10 regional legal counselling centres, which have provided free legal assistance to more than 6,000 persons, especially internally displaced persons.

89. At the same time, the Law Clinic at the Academy of Justice has been operating since 2013 in order to teach lawyers practical skills and provide low-income groups with free legal assistance. The Clinic has provided legal assistance to 1,737 citizens in appealing to the courts, filing claims, petitions and protests and drafting applications to various government agencies and has offered legal advice.

90. By Presidential Decree of 13 July 2012, the State Agency for Public Services and Social Innovations under the Office of the President was established. The main objective of the Agency is to centrally manage the Azerbaijan Service and Assessment Network (ASAN) centres, which will provide services directly to citizens, and to expedite the process of organizing e-services in the country. ASAN provides over 250 services to 10 government agencies and a number of private companies. There are currently 12 ASAN service centres in operation. Of these, five are located in Baku and seven in the regions of the country. Since the start of operations, the centres have received more than 20 million applications. Buses fitted with the necessary modern technological equipment offer public mobile services to populations in the regions where there are no ASAN service centres so that they may use the services without having to travel to the centres. The mobile ASAN service was established to reduce time lost in providing assistance to people who could not apply to the ASAN service centres owing to time constraints. In 2015, the ASAN service received a United Nations Public Service Award, coming in first place in the category improving public service provision.

91. In order to simplify the procedure for issuing visas to foreigners and stateless persons wishing to visit Azerbaijan, accelerate the process and ensure transparency, this State agency's ASAN Visa portal was put into operation in 2016. Foreigners from 94 countries can obtain a standard visa through the ASAN Visa portal within 3 days, including non-working days and holidays, or an emergency visa within 3 hours.

92. With a view to supporting the active participation of citizens in the country's social and economic development, the growth of small and medium-sized enterprises, the increase in employment and the creation of competitive family farms, basic family business support centres known as ABAD centres were established in 2016 to implement social projects. A new system for social innovation, the ABAD centres seek to provide production facilities and equipment to help families engaged in small and medium-sized businesses and offer various advisory services in areas such as branding, product design, marketing and standardization throughout the entire business process.

93. In accordance with the instructions of the Head of State, members of the Government of Azerbaijan in the regions regularly receive representatives of various population groups, including members of ethnic minority communities. During such receptions, each citizen is carefully heard out, a number of appeals are dealt with immediately on the spot, and others are referred to the competent officials from the various ministries participating in the receptions. Online receptions are also used.

94. In order to advance the legal knowledge of the population and provide it with free and easy access to the texts of legislative acts, the Ministry of Justice provides support for the website of the State register of legal acts ([www.huquqiaktlar.gov.az](http://www.huquqiaktlar.gov.az)) and the electronic database of national legislation ([www.e-qanun.az](http://www.e-qanun.az)). In 2018 alone, the number of visits to these websites exceeded 1.3 million.

95. In order to ensure the sustainability of the justice sector reforms, the State programme for the development of the Azerbaijani justice system, 2019–2023, was approved by the order of the Head of State of 18 December 2018. The State programme, as a road map for the further development of the Azerbaijani justice system, helps bring the organization of the work of the justice system and the courts into line with modern requirements, provides high-quality legal services to the population, facilitates access to these institutions and affords more reliable protection of citizens' rights.

96. For information, it should be noted that, in order to implement the right of citizens to legal assistance of high quality, a series of measures are being taken to develop the legal profession under the Decree of the Head of State of 22 February 2018.

97. According to statistics, no one was convicted in the period 2014–2017 under the following articles of the Criminal Code: 103 (Genocide); 105 (Extermination); 109 (Persecution); 111 (Racial discrimination (apartheid)); and 154 (Violation of citizens' equality). During this period, only one person was convicted under article 283 of the Criminal Code (Incitement to ethnic, racial, social or religious hatred or enmity).

98. The State Security Service did not turn up information concerning the infringement of the rights of ethnic minorities or their lawyers or human rights defenders as a result of their investigations or information on the deliberate infringement on the part of the public authorities of the rights of any ethnic group and their representatives residing in Azerbaijan. Nor was there evidence of any violation of their rights and freedoms in the course of court proceedings, prosecutions, arrests and deprivations of liberty.

99. A concern was expressed in the concluding observations that the State party has not taken measures to examine why there have been very few complaints of racial discrimination, as recommended by the Committee. In this regard, it should be born in mind that, Azerbaijan is situated in an area along the historical Silk Road, in which various civilizations have come together over the centuries to form an environment of ethnic cultural diversity and where members of various nations and faiths have lived in conditions of peace, tranquillity, mutual understanding and dialogue. Multiculturalism in Azerbaijan has already become a way of life to which there is no alternative. The low number of complaints about discrimination can be explained by the fact that such cases are not typical for such a tolerant country as Azerbaijan.

100. For information, it should be noted that, pursuant to the Committee's recommendation in paragraph 18 of the concluding observations, the text of the Convention has been translated into Talysh and Lezgi.

### **Concluding observations, paragraphs 21 and 22 (Legal protection on the rights of groups vulnerable to racial discrimination)**

101. Discrimination and the restrictions of citizens' rights, regardless of ethnicity, religion or language, are prohibited under the relevant articles of the Constitution, the Criminal Code, the Family Code, the Electoral Code, the Labour Code, the Code of Civil Procedure, the Code of Administrative Offences, the Citizens' Appeals Act and the Rights of the Child Act.

102. The following laws and regulations also provide for the protection of the rights of ethnic minorities.

103. Under article 6.3 of the Culture Act, the State safeguards the equality of cultures, the rights and freedoms of peoples and ethnic minorities living in the country and the equality of peoples and ethnic minorities living in the country with respect to the protection of their cultures, the determination of their cultural identity and the promotion of cultural values. In accordance with article 27.3 of the Act, public monitoring in the sphere of culture consists in supervision of the use and current state of cultural values, the state of the cultural industry, the quantity and quality of cultural goods and benefits, the state of tangible and intangible cultural heritage and compliance with the rules on their use, the staffing levels and material and technical resources of cultural industries and the educational process and training programmes in the sphere of culture in academic and educational establishments. Under article 30.5 of the Act, the cultures of the ethnic minorities living in the country are an integral part of the national cultural values of Azerbaijan. Under article 30.6 of the Act, the cultural property of ethnic minorities living in Azerbaijan is protected by the State.

104. Pursuant to article 12.3 of the Public Television and Radio Broadcasting Act, public broadcasting programmes include programmes in the languages of the ethnic minorities living in Azerbaijan.

105. Under article 7.2 of the Education Act, taking into account the wishes of citizens and founders of educational institutions, in accordance with international treaties to which Azerbaijan is a party or in coordination with the body (organization) determined by the relevant executive authority, educational establishments may provide instruction in languages other than Azerbaijani according to the relevant State educational standards.

106. Pursuant to article 11.2 of the Code of Criminal Procedure, the authorities conducting criminal proceedings do not accord any participant in the criminal process any advantage for reasons of citizenship, social status, sex, race, ethnicity, political or religious affiliation, language, origin, wealth or official status, beliefs, place of residence, location or

other considerations not founded in law. According to article 26 of the Code of Criminal Procedure, criminal proceedings in the courts of Azerbaijan are to be conducted in the official language of Azerbaijan or in the language of the majority of the population in the relevant area.

107. The authorities conducting criminal proceedings must ensure that participants in criminal proceedings who are not proficient in the language in which the proceedings are conducted have the following rights:

- To be explained their right to use their mother tongue
- To avail themselves of the assistance of an interpreter during the preliminary inquiry and trial for free, to have full access, following the completion of the preliminary inquiry, to the criminal case file and other materials relating to the criminal prosecution and to speak in court in their own language

108. The above-mentioned rights of the participants in criminal proceedings who do not speak the language in which the proceedings are conducted are to be provided for by public funds. The documents to be put at the disposal of the relevant persons who do not know the language used in the criminal proceedings are to be made available to them in their mother tongue or in another language in which they are fluent.

109. According to article 11.1 of the Act on the Rules of Ethical Conduct of Public Servants, a public servant must be impartial in the performance of his or her official duties or in decision-making and must not give any person or group of persons an advantage on the basis of their race, ethnicity, religion, language, sex, social origin, property or official status, beliefs, membership of a voluntary or any other association, or create conditions for such advantage.

110. Under article 27 of the Civil Service Act and article 4 of the Act on Conditions of Service in Judicial Bodies, citizens of Azerbaijan with the necessary credentials and a command of the official language have the right to be recruited to the civil service, regardless of race, ethnic background, religion, language, sex, social origin, property status, place of residence, beliefs or membership of voluntary or other associations.

111. With regard to the representation of members of ethnic groups in the judicial system, it should be noted that, regardless of race, ethnicity, religion, language or other grounds, citizens of Azerbaijan with higher legal education and at least five years of work experience in the legal profession are eligible to become judges. Currently, about 20 members of ethnic minority communities are judges of the courts of various instances of Azerbaijan, including the Constitutional Court and the Supreme Court, and participate in the administration of justice.

112. At present, of the 9 members of the Judicial Council who are judges, 1 comes from an ethnic minority background. The Council has exclusive powers to assess the performance of judges, reassign them to another workplace, promote them in office, instigate administrative proceedings against them and deal with other matters relating to the courts and judges.

113. More than 240 members of various ethnic minority communities work in the judiciary and are represented in the Ministry's administration and other bodies, including in decision-making positions.

114. The criminal procedure legislation of Azerbaijan applies equally throughout Azerbaijan to citizens of Azerbaijan, foreign national residing in the country and stateless persons. Members of all ethnic minority communities residing in the country, including ethnic Armenians, are citizens of Azerbaijan, and any differences between them or privileges are prohibited by law.

115. A concern was expressed in the concluding observations that the State party has not adopted a law aimed at guaranteeing the non-discriminatory enjoyment of rights and freedoms by the groups affected by the Convention. As noted above, State policy to combat racial discrimination is based on the Constitution and other laws and regulations, the principles and rules of international law and the international treaties to which Azerbaijan is a party, and there is no need at this stage to adopt such a law.



### **Concluding observations, paragraphs 23 and 24 (Information on the situation of members of ethnic minorities)**

116. Annex 1 to the report contains data on the ethnic composition of the population from the 2009 census.

117. The Education Act guarantees the right of every citizen to education and non-discrimination, regardless of sex, race, language, religion, political beliefs, ethnicity, social status, origin or state of health. Under articles 3.1.1 and 3.1.3 of the Vocational Education Act of 24 April 2018, the voluntary nature and accessibility of vocational education are basic principles underlying the State. Equal educational opportunities are also provided for in the State programme for the development of inclusive education for persons with disabilities.

118. In order to increase access to education for ethnic minorities, instruction at the general secondary level is available in Russian and Georgian together with Azeri. In regions in which numerically small minority populations are concentrated, preschools operate free of charge in general education establishments in order to enable children from such populations to learn the language of instruction. At the same time, members of numerically small peoples are taught in their native languages at the general education level for at least 2 hours a week, including in Talysh, Lezgi, Avar, Tsahur, Udi, Kurdish and Khinalug.

119. Currently, there are 1,785 preschools facilities in the country, with 6,780 preschool groups. In 521 of these groups, 8,945 children are cared for and lessons are taught in Russian; in 17 others, 320 children are cared for and lessons are taught in Georgian; and, in 35, 417 children are cared for and lessons are taught in English (annex 2).

120. There are 5,206 pupils in 16 schools where instruction is provided in Russian only, and 652 pupils in 6 schools (Qakh district) where instruction is provided in Georgian only. In 304 Russian-Azerbaijani schools, 112,337 pupils are taught in Russian and, in 3 Georgian-Azerbaijani schools (Zaqatala and Beylagan districts), 354 pupils are taught in Georgian. In one school (Qakh district), where education is conducted in three languages (Azeri, Russian and Georgian), 141 pupils are taught in Russian and 104 in Georgian.

121. On the basis of the current curriculum, learning kits (textbooks and teaching aids) are put together in the mother tongue of ethnic minorities for language classes in the ethnic minority language taught in public general education schools operating in areas with large concentrations of ethnic minority communities.

122. Various events are held to preserve and develop the cultural heritage of ethnic minorities. For example, general education schools hold exhibitions to reflect the history and culture of ethnic minorities and round tables and debates are held on themes such as protecting the rights of ethnic minorities, defending citizens' rights in the country, human rights and multiculturalism, and multiculturalism and tolerance. Awareness-raising activities are also conducted throughout the year in general education schools with a view to instilling democratic principles in schoolchildren, raising children's awareness of their rights and the rights of others and promoting the values of multiculturalism, which are based on equality before the law.

123. Textbooks for general education schools are evaluated on various criteria before publication, including whether issues of gender, race, ethnicity and religion have been treated with sensitivity.

124. Medical care in State medical institutions is free of charge and the State guarantees the right of every person to use these services regardless of ethnic, religious or racial background.

125. Within the framework of extensive health-care reforms being carried out in Azerbaijan in the northern, north-western, southern and central regions of the country inhabited by ethnic minorities, fully equipped treatment and diagnostic centres, primary health-care services and hospitals that meet international standards have been introduced and opened to the public. Ethnic minorities living in these regions, such as Lezgins,

Tsakhurs, Avars, Ingiloys, Jews, Meskhetian Turks, Tatars, Talysh and others, enjoy a high standard of medical care.

126. In recent years, the Ministry of Health has built or renovated more than 300 medical establishments in the country's regions, including in ethnic minority areas. A perinatal centre has been set up in the central regions of the country inhabited by Meskhetian Turks, and other medical facilities have been renovated and opened to the public. Fourteen public health programmes have been successfully implemented and ethnic minorities have also benefited from them.

### **Concluding observations, paragraphs 25 and 26 (Instruments of consultation and dialogue)**

127. The Baku International Multiculturalism Centre was established by presidential decree on 15 May 2014. The main goal of the Centre is to ensure that tolerance is protected in accordance with the ideology of Azerbaijanism and cultural, religious and linguistic diversity, and also to celebrate Azerbaijan worldwide as a centre of multiculturalism, and to study and promote existing multicultural models.

128. The principal objectives of this centre are as follows:

- Study the basic cultural, social and political fabric of Azerbaijan, where multiculturalism and tolerance have become a way of life, and develop a mechanism to advocate this
- Identify and implement ways of promoting cultural and ethnographic diversity in Azerbaijan
- Conduct a scholarly analysis of the foundations of tolerance of cultural and religious diversity in Azerbaijan and determine ways of preserving them
- Study cultural heritage relating to different regions and support their harmonious development in the modern era and the process of preserving historical, cultural and religious monuments, while tapping the potential of civil society
- Study and promote a range of cultural encounters involving different regions in multicultural life
- Implement measures aimed at increasing the professional, religious and secular knowledge of young members of the clergy belonging to different religions

129. With a view to promoting the multicultural traditions in Azerbaijan more widely, a presidential decree was issued on 4 February 2019 to ensure that the International Centre for Multiculturalism was adequately funded.

130. In accordance with a presidential order of 11 June 2018, a sum of 1,800,000 manats (approximately US\$ 1,060,000) was allocated from the President's reserve fund to further strengthen religious education and promote ethnic cultural values, support religious faiths in the country and improve their financial situation. Of this amount, 44.4 per cent, i.e. 800,000 manats (approximately \$470,000), was allocated to non-Islamic religious communities in the country. It should be noted that it was considered essential for these funds to be distributed to a certain number of members of non-Islamic religious organizations.

131. At the same time, the Office of the President has a Department of Inter-Ethnic, Multicultural and Religious Affairs. This department is directly involved in determining State policy on inter-ethnic relations and freedom of religion, and in preserving and developing multicultural traditions.

132. By Presidential Decree of 10 October 2017, the Foundation for the Promotion of Spiritual Values attached to the State Committee for Work with Religious Associations was established. The main purpose of the Foundation is to provide State support for the implementation of educational activities in Azerbaijan in the field of religion, the protection and development of spiritual values and the preparation and implementation of targeted

programmes involving relations between religion and the State, to ensure that citizens and religious organizations enjoyed religious freedom and to implement social projects in this area.

### **Concluding observations, paragraphs 27 and 28 (Inflammatory speech by politicians)**

133. The preservation and development of the historical traditions of tolerance and strengthening of mutual understanding and dialogue between ethnic minorities and religious faiths in the country are among the priorities of government policy in Azerbaijan. The Government of Azerbaijan has always shown respect for the ethnic minorities living in the country.

134. The State supports and will further intensify all efforts aimed at protecting ethnic minorities and combating racial discrimination in the country. In this regard, we wish to point out that the information contained in paragraph 28 of the concluding observations is inaccurate and unfounded.

135. For information, it should be noted that, according to the data of the 2009 population census, more than 120,000 ethnic Armenians live in Azerbaijan (see the table Population composition by ethnicity in annex 1). These persons do not conceal their ethnic origin and have equal rights as citizens of Azerbaijan, which are protected by the public authorities.

### **Concluding observations, paragraphs 29 and 30 (People of African descent)**

136. Foreign nationals and stateless persons may enter Azerbaijan on a visa or visa-free basis in accordance with the procedures prescribed by law. Foreign nationals, including citizens of African countries entering the country on a visa, must apply for a visa in person or through a representative at the diplomatic missions and consulates of Azerbaijan in their country of residence or in a third country. At the same time, since 2017, foreign nationals and stateless persons are granted a visa within 3 days, or 3 hours through the ASAN Visa system. African countries, including South Africa, Algeria, Morocco, Mauritius and Djibouti, are now also using this system.

137. Between 2015 and 2018, 26,185 citizens from African countries visited Azerbaijan. The largest numbers were nationals of South Africa, Kenya, Mauritius, Cameroon, Gabon, Ghana, the Sudan, Senegal, Sierra Leone, Angola, Uganda, Nigeria, the United Republic of Tanzania, Ethiopia and Somalia. During this period, the number of people visiting from African countries has been growing every year and has increased by and large by a factor of 2.9.

138. Between 2015 and 2018, the State Migration Service granted 92 per cent of the 2,169 applications made by citizens of African countries for an extension of their temporary stay or for temporary or permanent residence permits and work permits for gainful employment in Azerbaijan. In particular, the residence status of about 130 undocumented foreign nationals from Africa was legalized.

139. During this period, a temporary residence permit was granted to 40 football players from Mali, Uganda, Cameroon, Ghana, Liberia, Guinea-Bissau, Senegal, Guinea, Togo, the Congo, Côte d'Ivoire, the Gambia, South Africa and Nigeria, who play in various football clubs in Azerbaijan.

140. The period 2015–2018 also saw an increase in the number of students from African countries studying in higher education institutions in Azerbaijan. Thus, the number of Africans studying in Azerbaijan went from 72 students in 2015 to 136 in 2018. The students who chose to pursue their studies in higher education institutions in Azerbaijan came mainly from Nigeria, the Sudan, Ghana, Sierra Leone, the Gambia and Zimbabwe.

141. During this period, five citizens from Africa were granted refugee status. In addition, the Office of the United Nations High Commissioner for Refugees (UNHCR) country office in Azerbaijan issued a certificate of guardianship to a national of Côte d'Ivoire.

142. In addition, since October 2016, the Education and Training Centre of the State Migration Service has been offering foreign nationals and stateless persons residing in Azerbaijan free courses in the Azeri language and the history and culture of Azerbaijan and on the legislation on the rights and obligations of foreign nationals and stateless persons.

143. In the period 2016–2018, all foreign nationals and stateless persons who applied were regularly offered courses at the Education and Training Centre on their rights and obligations under the law, the State language, psychosocial issues and other subjects. During this period, tens of foreign nationals from Africa, including Egypt, Nigeria, Algeria, Morocco, Tunisia and the Congo, participated in courses organized by the Training and Education Centre.

144. The State Migration Service has not received any complaints from the diplomatic missions of these countries regarding violations of the rights of citizens of African countries in Azerbaijan or discrimination against them on the grounds of race, ethnicity, religion, language, sex, origin, beliefs or political or social affiliation.

### **Concluding observations, paragraphs 31 and 32 (Identity papers and statelessness)**

145. In 2017, Azerbaijan provided OHCHR with information on the implementation of paragraph 32 of the Committee's concluding observations of 12 May 2016.

146. Taking into account the recommendation put forward, according to the amendments made by the decision of the Cabinet of Ministers of 21 July 2017 on the procedures for State civil registration of births and deaths, foreign nationals and stateless persons are not required to produce documents on the registration of their residence in Azerbaijan in order to register births.

147. At the same time, we would like to note that, during 2015–2018 period, a number of amendments were made to legislative acts concerning issues of citizenship of Azerbaijan and new acts were also adopted. Thus, the rules for determining a person's citizenship of Azerbaijan were approved by a Cabinet of Ministers decision on 18 March 2015.

148. In addition, the Citizenship Act was amended to facilitate the naturalization of stateless persons living in the country. According to these amendments, in cases stipulated by the international treaties to which Azerbaijan is a party, the courts are to establish whether persons residing in Azerbaijan who entered the country before 1 January 2006 with a passport of the former Union of Soviet Socialist Republics or other document are stateless, not being nationals of any other State and lacking valid identity documents, and also the fact of their permanent residence in Azerbaijan.

149. Azerbaijan has joined the UNHCR campaign to end statelessness within 10 years. The State Migration Service periodically carries out extensive awareness-raising activities in various cities and regions of the country to prevent and reduce statelessness and to document stateless persons in Azerbaijan.

150. As a result of measures taken by the State Migration Service to document stateless persons in the period 2015–2018, 743 stateless persons were granted Azerbaijani citizenship by presidential orders. They include:

- 181 people in 2015
- 117 people in 2016
- 378 people in 2017
- 67 people in 2018

151. Furthermore, the applications of 173 stateless persons who have applied for citizenship of Azerbaijan are under consideration.

152. In addition, between 2015 and 2018, 104,241 persons were identified as Azerbaijani citizens and the relevant authorities ensured that they were issued with identity documents of Azerbaijan.

### **Concluding observations, paragraphs 33 and 34 (Migrant workers)**

153. In 2017, Azerbaijan provided OHCHR with information on the implementation of paragraph 34 of the Committee's concluding observations of 12 May 2016.

154. For general information on the situation of migrant workers in Azerbaijan, however, it should be added that, under article 75 of the Migration Code, except in the cases provided for in the Labour Code, migrant workers are subject to the same working conditions as those established by law for Azerbaijani citizens and are paid in accordance with the procedure established by law for Azerbaijani citizens. Any matters related to the employment of migrant workers that are not covered by the Migration Code are regulated by the Labour Code.

155. National legislation affords migrant workers the same social and labour rights as Azerbaijani citizens, prohibits any form of restriction on their reunification with family members and provides that foreign nationals and stateless persons married to Azerbaijani citizens may be recruited without having to obtain the corresponding authorization.

156. Pursuant to article 13 of the Labour Code, foreign nationals and stateless persons may, unless domestic law or the international agreements to which Azerbaijan is a party provide otherwise, enjoy all labour rights equally with citizens of Azerbaijan and have obligations in keeping with those rights. The employment contracts concluded between legal or natural persons and migrant workers may provide for other conditions conducive to improving the social protection of migrant workers. In accordance with national legislation, migrant workers have the right at any time to terminate a labour contract in accordance with the procedure established by law and to leave Azerbaijan. Migrant workers have the same rights as Azerbaijani citizens in respect of working conditions, wages, working hours, rest periods and social security.

157. Under article 51.1 of the Migration Code, foreign nationals and stateless persons wishing to reside temporarily and engage in gainful employment in Azerbaijan must obtain a work permit along with a temporary residence permit. In addition, in the 20 cases set out in article 64 of the Migration Code, foreign nationals and stateless persons do not need a work permit to engage in gainful employment. For example, they include persons conducting business in Azerbaijan, heads of organizations established under international treaties and their deputies, accredited journalists in Azerbaijan, professors and lecturers invited to give lectures in higher education institutions, artists, coaches and athletes invited to work in sports clubs that are registered with the State, persons engaged in professional religious activities in religious organizations that are registered with the State, heads of branch offices and representatives of foreign corporations in Azerbaijan and their deputies, heads and deputy heads of corporations that are registered in Azerbaijan, founders or at least one of the founders that are foreign corporations or natural persons, persons who are married to a citizen of Azerbaijan and others. Thus, between 2015 and 2018, some 58,000 foreign nationals and stateless persons were granted a temporary residence permit and were not required to obtain a work permit.

158. During 2015–2018 period, 25,748 foreign nationals and stateless persons studying in Azerbaijan, in accordance with article 45.0.9 of the Migration Code, were issued temporary residence permits on the basis of obtaining full-time education in higher and secondary special education institutions and in general education institutions. Permits for temporary residence in Azerbaijan are documents that grant a foreign national or stateless person authorization to stay temporarily in Azerbaijan for a short period of time and the right to leave and return to the country without a visa, attest to the identity of such persons and confirm their registration at the place of residence in the country.

159. The State Migration Service has set up an advisory board under it, with the participation of representatives of local and foreign business confederations, employer

associations and large companies operating in Azerbaijan, to ensure transparency in the issuance of work permits and to analyse the difficulties faced by employers.

160. Furthermore, it is worth noting that efforts are being made to improve the work permit system.

### **Concluding observations, paragraphs 35 and 36 (Human rights defenders and journalists)**

161. By law, all media, including the Internet, are free. At the same time, the media may not be used to spread rumours that offend citizens' honour and dignity, to publish false or malicious articles or to cause harm to the business reputation of voluntary or State organizations by slander, and liability arises for the abuse of these freedoms. No one in Azerbaijan, including journalists and human rights defenders, has been prosecuted or subjected to torture in connection with politically engaged speech or the exercise of freedom of thought. The penalties applied to them are only related to specific offences committed, including criminal mischief, impairment of health and other unlawful acts.

162. Azerbaijan has an enabling environment in which human rights defenders and journalists can operate freely. In Azerbaijan, considerable attention has been focused on the development of civil society, an essential element of any democratic State, and a strong partnership between State bodies and NGOs has been set up. One notable example is the work being done by the Public Affairs Committee, composed of prominent human rights defenders and NGO representatives, which has been exercising public oversight of the justice system for many years.

163. It is also worth noting that the presidential State support fund for the development of the media has made regular financial contributions to the media, organized press awards for individual pieces of journalism and fostered mutually beneficial cooperation between central and local authorities and between other State bodies and the media. Pursuant to orders of the Head of State, the housing and living conditions of media professionals have been improved.

164. Human rights defenders and journalists are not threatened or prosecuted in connection with their activities. Only persons suspected of committing a specific crime are held criminally liable in accordance with the procedure established by law and are guided by the principle of the equality of all before the law, irrespective of race, ethnicity, attitude to religion, official position or other circumstances.

165. Between 2017 and 2018, only five media professionals were convicted under articles 147 (Defamation) and 148 (Insult) of the Criminal Code; one was sentenced to deprivation of liberty and three to punitive deduction of earnings and one received a fine.

166. At the same time, it should be noted that such humanistic institutions as pardons, amnesties and release on parole are effectively put into practice in the country. On 16 March 2019, the President signed yet another order pardoning a number of convicted persons. There have been 65 orders issued with respect to 431 convicted prisoners, including 399 who were released before the remainder of their custodial sentences was served. In total, since 1995, about 8,000 persons have been pardoned under the relevant decrees and orders and about 30,000 persons have been released under amnesties.

167. Since 2008, the courts have not ordered the termination of any NGO's activities on the application of State bodies.

168. Currently, there are no NGOs or media outlets that have had their assets frozen or seized. At the same time, there is not a single person in prison who is an NGO representative or works as a professional journalist. None of the NGOs whose bank accounts have been seized in the past were organizations representing ethnic minorities.

### **Concluding observations, paragraph 37**

169. Azerbaijan condemns all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance. Intercultural and interreligious dialogue and multiculturalism remain part of State policy, while Azerbaijan continues to contribute to the development of multiculturalism and plays an active role in strengthening dialogue among civilizations and cultures.

170. In 2008, Azerbaijan put forward the Baku Process for the establishment of a dialogue among cultures. As part of this process, over the past 11 years, every two years since 2011, the World Forum on Intercultural Dialogue and the Baku International Humanitarian Forum have been held on six occasions.

171. The fourth World Forum on Intercultural Dialogue, on the theme “Advancing intercultural dialogue: new avenues for human security, peace and sustainable development”, held in Baku from 4 to 6 May 2017, can be considered the first international event in the world that was not a United Nations conference to be broadcast live on United Nations Television. The fifth World Forum on Intercultural Dialogue was held from 2 to 3 May 2019 on the theme “Building dialogue into action against discrimination, inequality and violent conflict”.

172. In the report of the Secretary-General on the promotion of a culture of peace and interreligious and intercultural dialogue, understanding and cooperation for peace, submitted at the seventy-second session of the General Assembly in September 2017, the particular emphasis placed on the successful implementation of the Baku Process since 2008 should be seen as a recognition at the international level of the contribution that Azerbaijan has made to intercultural dialogue in recent times and the role it has played as a bridge between civilizations since ancient times.

173. In this connection, the President signed an order on 17 November 2017 to hold celebrations marking the tenth anniversary of the Baku Process. Pursuant to this order, the Baku International Humanitarian Forum was successfully held in Baku on 25 and 26 October 2018.

174. On the President’s initiative, the seventh United Nations Alliance of Civilizations Forum was held in Baku from 25 to 27 April 2016. As well as measures aimed at strengthening intercultural and interreligious dialogue and promoting multiculturalism, issues related to new challenges and threats were raised during the Forum, including the prevention of discrimination, xenophobia and racism and action against belligerent separatism.

175. The Baku International Multiculturalism Centre was established by presidential decree on 15 May 2014. Pursuant to the relevant presidential decrees, 2016 was declared the Year of Multiculturalism and 2017 the Year of Islamic Solidarity.

176. The Heydar Aliyev Foundation makes a major contribution to the development of multiculturalism and tolerance in the country. One of the Foundation’s projects, entitled “Azerbaijan: the address of tolerance”, includes the reconstruction and restoration of mosques, churches and temples, both in Azerbaijan and elsewhere. The Catacombs of Marcellinus and Peter in Rome were restored under a bilateral agreement between the Foundation and the Holy See.

177. The Foundation has also provided financial support for the restoration of five fourteenth-century stained-glass windows in Strasbourg Cathedral, carried out the restoration of works of art in the Park of Versailles Palace in Paris that have been on the World Heritage List since 1979 and assisted in the restoration of seven tenth-to-twelfth-century churches in the Department of Orne in France. It has also supported the restoration of the Capitoline Museums in Rome.

178. As noted above, the prevention of racial discrimination in Azerbaijan is guaranteed by the Constitution and the country’s laws and regulations, which are regularly being improved in accordance with international standards. Guarantees of racial equality in

Azerbaijan are provided for in numerous laws, presidential decrees and orders and decisions of the Cabinet of Ministers.

### **Concluding observations, paragraph 39 (Amendment to article 8 of the Convention)**

179. The position of Azerbaijan on amending article 8 of the Convention and the financial implications of doing so is still being examined.

### **Concluding observations, paragraph 40**

180. Azerbaijan has updated its common core document of 2008 by submitting an updated report to OHCHR in October 2017 (HRI/CORE/AZE/2018, Distr.: 5 February 2018).

181. Furthermore, with a view to regularly updating the common core document of Azerbaijan, on 28 April 2017, the President signed an order requesting the Government of the country to submit updates to the common core document to OHCHR at least once every two years. A working group composed of representatives from the relevant State bodies has been set up to prepare the document and the Ministry of Foreign Affairs has been tasked with coordinating their activities.

182. In April 2019, the Government provided OHCHR with the information prepared by this working group in the form of a new annex to the 2017 common core document of Azerbaijan.

### **Concluding observations, paragraph 41**

183. In 2017, Azerbaijan provided OHCHR with information on the implementation of paragraphs 32 and 34 of the Committee's concluding observations of 12 May 2016.

### **Concluding observations, paragraph 43 (Dissemination of information)**

184. The concluding observations of the Committee on Racial Discrimination of 12 May 2016, following consideration of the combined seventh to ninth periodic report, have been translated into Azeri and distributed to the State authorities.

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