



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

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Item 4 of the provisional agenda

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention

List of themes in relation to the combined tenth to twelfth reports of Azerbaijan

Note by the Country Rapporteur

1. The Committee on the Elimination of Racial Discrimination decided at its seventy-sixth session¹ that the Country Rapporteur would send to the State party concerned a short list of themes with a view to guiding and focusing the dialogue between the State party's delegation and the Committee during the consideration of the State party's report. The present document contains a list of such themes. It is not an exhaustive list; other issues may also be raised in the course of the dialogue. No written replies are required.

Statistics

2. Statistics on the demographic composition of the population, disaggregated by ethnic origin, as well as on migrants, refugees, asylum-seekers, stateless persons and internally displaced persons. Economic and social indicators on various groups living in its territory, disaggregated by national or ethnic origin, gender and age.²

The Convention in domestic law and the institutional and policy framework for its implementation (arts. 1, 2, 4, 6 and 7)

3. Steps taken to develop and adopt a comprehensive anti-discrimination law, which includes a definition of direct and indirect discrimination. Measures to adopt a comprehensive strategy and a national action plan to combat racism, racial discrimination and intolerance.³

4. Steps taken to amend its legislation with a view to allowing the adoption and implementation of special measures for the purpose of securing adequate advancement of disadvantaged minority groups in conformity with articles 1 (4) and 2 (2) of the Convention.⁴

5. Statistics and details on registered complaints before courts or any other national institution for acts of racial discrimination, racist hate speech and racist hate crimes, including over the Internet and through the media outlets, and on the number of investigations, prosecutions and convictions of perpetrators.⁵

¹ A/65/18, para. 85.

² CERD/C/AZE/CO/7-9, para. 24; and CERD/C/AZE/10-12, paras. 116–126.

³ CERD/C/AZE/CO/7-9, para. 22; and CERD/C/AZE/10-12, paras. 101–115.

⁴ CERD/C/AZE/CO/7-9, para. 8; and CERD/C/AZE/10-12, paras. 34–35.

⁵ CERD/C/AZE/CO/7-9, para. 20; and CERD/C/AZE/10-12, paras. 97–98.



6. Measures to facilitate the lodging of complaints for racial discrimination acts and activities to raise the awareness on rights under the Convention and remedies and the available judicial and non-judiciary remedies. Measures to strengthen the legal aid services and provide assistance to facilitate litigation in racial discrimination cases.⁶

7. Measures taken to ensure that civil society organizations, human rights defenders and journalists, including those working on the rights of ethnic minorities, are able to carry out their work effectively and without intimidation.⁷

8. Measures to strengthen the mandate of the Human Rights Commissioner (Ombudsman) to effectively promote human rights and to monitor and evaluate progress in the implementation of the Convention in an independent and transparent manner, while ensuring adequate financial and human resources to carry out its mandate.⁸

Racist hate speech, incitement to racial hatred and racist hate crimes (arts. 2, 4 and 6)

9. Measures to ensure that the provisions of the Criminal Code and other relevant legislation on racist hate speech, incitement to racial hatred and racist hate crimes are fully in line with article 4 of the Convention.⁹

10. Specific measures taken or envisaged to combat racist hate speech, including in political discourse and over the media and the Internet. Information on measures taken to ensure that provisions of the Criminal Code, particularly article 283, to monitor and combat racist speech are not used in a manner that leads in unnecessary or disproportionate interference with freedom of expression, including for those who defend the rights of minorities.¹⁰

Situation of ethnic groups (arts. 2, 5 and 7)

11. Information on the legislative framework on the rights of persons belonging to ethnic minority groups to ensure their ability to fully enjoy all the rights covered by the Convention without discrimination. Measures taken to establish effective instruments of consultation and dialogue with ethnic minority groups to ensure that their views and concerns are taken into consideration in debates on issues affecting them.¹¹

12. Measures taken to ensure the effective participation and representation of ethnic minority groups in public and political life, including in State institutions and the administration at all levels. Information on the adoption and implementation of special measures to ensure their enjoyment of economic, social and cultural rights.

Situation of migrants, asylum-seekers, refugees and stateless persons (arts. 2 and 5)

13. Measures to prevent and protect individuals from statelessness, including information on the statelessness determination procedure, and updated statistics on stateless persons and those at risk of statelessness, including their ethnic origin. Information on additional measures to address obstacles to birth registration and childhood statelessness at birth, in line with decision of the Cabinet of Ministers of 21 July 2017.¹²

14. Information on the legislative and policy frameworks on asylum-seekers, refugees and internally displaced persons and measures to ensure access to education, employment and health services without discrimination to all persons under the State party's jurisdiction.

15. Information on the situation of migrants, particularly those who entered the State party irregularly and on measures taken to improve their human rights protection, particularly against arbitrary detention and refoulement. Measures to replace the work permit for migrant workers with a residency permit or an alternative system to prevent and combat the

⁶ CERD/C/AZE/CO/7-9, paras. 18 and 20; and CERD/C/AZE/10-12, paras. 71–76, 88–89 and 96.

⁷ CERD/C/AZE/CO/7-9, paras. 10 and 36; and CERD/C/AZE/10-12, paras. 161–168.

⁸ CERD/C/AZE/CO/7-9, para. 26.

⁹ Ibid., paras. 12 and 20; and CERD/C/AZE/10-12, paras. 51–60.

¹⁰ CERD/C/AZE/CO/7-9, para. 14; and CERD/C/AZE/10-12, paras. 61–66.

¹¹ CERD/C/AZE/CO/7-9, paras. 24 and 26; and CERD/C/AZE/10-12, paras. 116–132.

¹² CERD/C/AZE/CO/7-9, para. 32; and CERD/C/AZE/10-12, paras. 145–152.

exploitation and abuse of migrant workers by their employers, and information on measures to combat such exploitation and abuses. Information on the measures to facilitate the lodging of complaints by victims and statistics on registered complaints and on the number of investigations, prosecutions and convictions of perpetrators. Updated information on measures to ensure that migrant workers and their families enjoy equal access to education and health care.¹³

16. Information on specific measures taken to prevent and combat trafficking in persons, including on their impact.

17. Information on the impact of the coronavirus disease (COVID-19) pandemic on the persons most vulnerable to discrimination and the different groups protected by the Convention, including ethnic minority groups and non-citizens. Include measures taken: (a) to protect them against the effects of the COVID-19 pandemic; (b) to protect them against discriminatory acts, and to counter hate speech and stigmatization in connection with the COVID-19 pandemic; and (c) to mitigate the socioeconomic impact of the COVID-19 pandemic on such persons and groups.

Situation of ethnic minority groups in the Nagorno-Karabakh region (arts. 2 and 5)

18. Measures to promptly and impartially investigate all human rights violations committed, in particular against ethnic minority groups, in areas impacted by the Nagorno-Karabakh conflict, which erupted on 27 September 2020 and ended on 9 November 2020 following the ceasefire agreement, to hold perpetrators accountable and to provide victims with effective redress and remedies.¹⁴ Measures taken to promote and ensure peaceful settlement and sustainable peace in the Nagorno-Karabakh region.

19. Measures to ensure the enjoyment of social and economic rights, particularly to health, adequate housing, education and social protection, by the ethnic Armenians minority group in the Nagorno-Karabakh region. Statistics on persons who have been made refugees and internally displaced persons as a result of the conflict, and measures to create safe conditions for their return.

20. Information on instruments of consultation and dialogue with ethnic minorities in place to ensure that their views and concerns are taken into consideration in debates on issues affecting them.¹⁵

Human rights education to combat prejudice and intolerance (art. 7)

21. Information on measures to promote human rights education, including on racial discrimination, in all school curricula, university programmes, teacher training and information on the impact of these measures. Updated information on the activities of the Baku International Multiculturalism Centre.¹⁶ Measures taken to raise awareness among the general public, civil servants, law enforcement and judicial authorities on the importance of cultural diversity, tolerance and inter-ethnic understanding.

¹³ CERD/C/AZE/CO/7-9, para. 34; and CERD/C/AZE/10-12, paras. 153–160.

¹⁴ CERD/C/AZE/10-12, paras. 7–19.

¹⁵ CERD/C/AZE/CO/7-9, para. 26; and CERD/C/AZE/10-12, paras. 127–132.

¹⁶ CERD/C/AZE/10-12, paras. 127–132 and 169–178.