



International Convention on the Elimination of All Forms of Racial Discrimination

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Summary record of the 2904th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 16 August 2022, at 10 a.m.

Chair: Ms. Shepherd

Contents

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

Combined tenth to twelfth periodic reports of Azerbaijan (continued)

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The meeting was called to order at 10 a.m.

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

Combined tenth to twelfth periodic reports of Azerbaijan (continued)
([CERD/C/AZE/10-12](#); [CERD/C/AZE/Q/10-12](#))

1. *At the invitation of the Chair, the delegation of Azerbaijan joined the meeting*
2. **Ms. Chung** (Country Rapporteur) said that she would like to learn how the figure of 168,155 foreigners and stateless persons resident in the State party had been reached and what the ethnic or national origin of those persons was. She also wished to know what measures had been taken to address obstacles to birth registration and statelessness at birth; to ensure that all persons born in the State party were issued with a birth certificate, irrespective of their legal status; and to implement a framework for the registration, documentation and access to citizenship of stateless persons. Data on the number of asylum-seekers in the State party and information on the obstacles to regularly reporting the numbers of migrants, asylum-seekers, refugees and stateless persons living in Azerbaijan would be welcome, as would details of the legislative and policy measures guaranteeing access to education, employment and health care for all persons without discrimination.
3. Information would be helpful on the situation of undocumented migrants, particularly those who had entered the State party irregularly, and how their human rights were protected, including with regard to arbitrary detention and refoulement. She would appreciate details of the measures taken to replace work permits with an alternative system in order to prevent the exploitation and abuse of migrant workers by employers; information on efforts to help migrant workers lodge complaints of abuse or exploitation; and statistics on the number of complaints registered and investigated, and the prosecution and conviction of perpetrators. Details of the application to migrant workers, particularly undocumented migrants, of strengthened social protection under the Employment Strategy of the Republic of Azerbaijan for 2019–2030, the nature of forced labour and trafficking in the State party and the implementation of the National Action Plan on Combating Trafficking in Human Beings for 2020–2024 would also be welcome.
4. The Committee was aware of reports of repression of religions other than Islam; she would like to know what legal protections were in place for visitors who engaged in religious practices. It would be useful to know whether ethnic minorities were entitled to equal access to and treatment before the courts, including the provision of translation services. Were there plans to allow the Constitutional Court to accept complaints submitted in minority languages? She wished to know more about the functioning of the Baku International Multiculturalism Centre and how its functions differed from those of the Department of Inter-Ethnic, Multicultural and Religious Affairs and the Foundation for the Promotion of Spiritual Values. Details of the measures taken to consult ethnic minority groups on issues that affected them would also be helpful.
5. In the light of reports of racially motivated killings and assaults of ethnic Armenians by representatives of the Azerbaijani authorities and military personnel, she wished to know what measures were taken to investigate all human rights violations, including those that had occurred during the conflict between Armenia and Azerbaijan in Nagorno-Karabakh in 2020, how perpetrators were punished and victims received redress, and whether statistics were available on the resulting investigations, prosecutions and sanctions. Details of the measures taken to investigate human rights violations that were alleged to have taken place after the ceasefire would also be appreciated. She asked whether the State party planned to take measures to ensure the enjoyment of social and economic rights by ethnic Armenians in the Nagorno-Karabakh region. She invited the delegation to comment on: reports that captured Armenians had not been permitted to return to Armenia; the legal protections offered to all persons captured in relation to the Nagorno-Karabakh conflict who remained in detention; the alleged desecration of Armenian cultural heritage, such as churches and gravestones; the implementation of the Order of the International Court of Justice of 7 December 2021 on the Application of the International Convention on the Elimination of All Forms of Racial Discrimination (*Armenia v. Azerbaijan*); the isolation by the State party of the Nagorno-

Karabakh region, including the lack of access for almost all international organizations to conduct humanitarian missions and for the United Nations Educational, Scientific and Cultural Organization (UNESCO) to make an inventory of heritage sites; and the measures taken to promote sustainable peace in the Nagorno-Karabakh region.

6. Information would be welcome on the measures taken to promote human rights education, including on racial discrimination, in all schools and universities and in teacher training, and the impact of those measures. Updated information on efforts to raise awareness of the importance of cultural diversity, tolerance and inter-ethnic understanding among the public, civil servants and law enforcement agencies would also be appreciated.

7. **Ms. Stavrinaki** (Country Task Force) said that information would be appreciated on the State party's methods for collecting data on hate crimes, together with updated statistics on hate crimes reported, investigated and prosecuted and the outcome of those prosecutions. In the light of the Committee's competence and duty, under articles 8 and 9 of the Convention, to monitor all issues that fell under the scope of the Convention, she would welcome updated information on the implementation of the decision of the European Court of Human Rights in case No. 17247/13 (*Makuchyan and Minasyan v. Azerbaijan and Hungary*) and the measures taken to improve enforcement of the law on hate crimes. Information would be appreciated on the application of amended article 47 (3) of the Constitution prohibiting propaganda inciting racial, ethnic, religious or social hostility; the prohibition in law of dissemination outside of the Internet of ideas based on racial superiority and of the provision of assistance other than financial assistance to racist activities; the application of the prohibition contained in the Non-Governmental Organizations (Voluntary Associations and Foundations) Act of organizations and activities that fomented racial, ethnic or religious strife; and whether the leaders and members of organizations that were prohibited under article 4 of the Convention were also prosecuted under article 218 of the Criminal Code.

8. Updated information was needed on the implementation in practice of article 13 (2) of the Information, Informatization and Protection of Information Act, including whether third parties could inform the authorities of the dissemination of information advocating violence and religious extremism on the Internet, what measures were taken in response to such reports and whether guidelines had been issued based on the Committee's general recommendation No. 35 (2013). Updated information should be provided on complaints, prosecutions and convictions related to hate speech since 2016, and whether an effective mechanism was in place to monitor racial discrimination on the Internet, including on social media. The Committee would appreciate details of the State party's efforts to condemn, investigate and punish inflammatory speech by politicians and to combat stereotypes and prejudices, for instance by removing the depictions of dead and dying Armenians soldiers in displays in a public park marking the country's victory in the Nagorno-Karabakh conflict. Information on measures aimed at preventing the incitement of hatred and discrimination based on national or ethnic origin and measures to encourage ethnic minorities to submit complaints of hate speech would also be useful.

9. Data, disaggregated by ethnic origin, on the number of deaths related to the coronavirus disease (COVID-19) pandemic would be welcome, as would information on the measures adopted to provide access to COVID-19 vaccines and treatment for ethnic minorities, non-citizens and other persons protected under the Convention. In the light of reports that the imposition of quarantine restrictions in an area where members of the Dom and Roma communities resided had led to protests and the arrest and prosecution of 21 persons, she wished to know how the State party was combating the COVID-19 pandemic by building trust with ethnic minorities.

10. Data would also be useful on access to health care, including primary health care, hospitals and reproductive health care, in areas with ethnic minority populations, given reports that women from ethnic minority groups often gave birth at home due to fear of racial discrimination and problems in accessing medical care. Details would also be appreciated of the requirements for migrants, refugees, asylum-seekers and stateless persons to be able access health care, and of the content of the emergency oncological care provided free of charge to foreigners and stateless persons who resided permanently in the State party.

11. **Mr. Amir** said that it should be recalled that the Committee had a unique mandate to deal with inter-State relations. Given the status of Baku as a centre of Islamic civilization, he suggested that the invocation of article 12 of the Convention could provide an opportunity for Azerbaijan and Armenia to participate in a conciliation commission, with members of the Committee, in order to discuss how to mitigate any issues of racial discrimination between the two countries. The ultimate aim of such a commission would be to build a lasting peace.

12. **The Chair** noted that the provisions of the Convention relating to inter-State complaints could only be invoked by States parties.

13. **Ms. Esseneme** said that she would appreciate information from the delegation concerning allegations that hatred of ethnic Armenians who lived in Azerbaijan was instilled in students at schools and universities.

14. **Mr. Diaby** said that he wished to know how the State party had participated in the ten-year campaign to end statelessness launched by the Office of the United Nations High Commissioner for Refugees. He also wished to know whether the constitutional provisions that made it possible to suspend funding for or dissolve organizations that promoted racism or discrimination had ever been invoked and, if so, in what circumstances. In addition, he asked whether discriminatory portrayals of minorities in the media, including social media, were punishable by law and how the issue of the ethnic Armenians and other minorities living in the State party was covered in the textbooks used in its schools.

15. **Mr. Guissé** said that he would like to learn, for example, whether the Baku International Multiculturalism Centre developed policies for the integration of the State party's minority communities and whether the Government intended to set up an institution that would be exclusively devoted to minority issues.

The meeting was suspended at 10.45 a.m. and resumed at 11.05 a.m.

16. **Mr. Mammadov** (Azerbaijan) said that the delegation had again been given a large number of questions to respond to. At the previous meeting alone, the Committee had asked 45 questions, many of them complex, but the delegation had been given only an hour to answer them. It would be appreciated if there could be a more reasonable balance between the number of questions asked and the time allocated for answers.

17. **A representative of Azerbaijan** said that the Ministry of Health worked with civil society organizations to ensure that minorities were involved in the implementation of public health programmes. The Ministry's Public Council was a platform for such organizations to convey messages from the communities they represented. Ethnic minorities participated in and were represented at all levels of the country's health-care system. All health-care personnel, regardless of their origin, had equal career opportunities.

18. Births were registered upon submission of the mother's identity documents. Where no such documents could be submitted, the parents, including asylum-seekers, refugees and stateless persons, needed to obtain a document from the State Migration Service.

19. Emergency health-care services were provided to all. By law, asylum-seekers, refugees and internally displaced persons had access to health care on a footing of equality with others.

20. Illegal immigrants could in some cases be placed in detention, but they were provided with shelter, food and medical care provided at no cost by the State Migration Service and health-care stakeholders. All citizens, including those from minority communities, had equal access to health-care services, including vaccination programmes.

21. During the COVID-19 pandemic, modular hospitals had been set up in various parts of the country, including those with large populations of ethnic minorities. Vaccination campaigns had been rolled out throughout the country. Medical care had been provided to non-citizens, including migrant workers and members of their families, internally displaced persons, refugees and stateless persons. The Ministry of Health, in partnership with international institutions, had organized campaigns to ensure equal access to information on the pandemic.

22. At the initiative of Azerbaijan, the Ministers of Health of the States members of the Movement of Non-Aligned Countries had met in May 2022 to strengthen international partnerships with a view to building resilient health-care systems. The fieldwork done by Ministry employees during the pandemic had made it possible to collect relevant data on the situation of the country's people, including ethnic minorities. The results of health surveys and studies, including the behavioural insight studies conducted every four months during the pandemic, informed the development and implementation of targeted public health programmes. The Government ensured the health rights of all citizens, including the ethnic Armenian citizens of Azerbaijan residing in the liberated territories of the country.

23. **Mr. Mammadov** (Azerbaijan) said that there were 661 stateless persons in Azerbaijan, which was a party to Convention on the Reduction of Statelessness. The Government took measures to prevent statelessness and, in 2021, more than 200 stateless persons had become naturalized Azerbaijani citizens. A working group on statelessness had been set up and steps had been taken to facilitate the acquisition of Azerbaijani citizenship by stateless persons in the country in the wake of its two meetings.

24. **A representative of Azerbaijan** said that prospective judges enrolled in a six-month training programme with both theoretical and practical components. The programme included a course on the prohibition of discrimination that covered instruments such as the Convention. Like judges, lawyers were selected on the basis of competitive examinations, and during their training they, too, studied the provisions of domestic law relating to the prohibition of discrimination and the promotion of equality.

25. **Mr. Mammadov** (Azerbaijan) said that, as the Office of the United Nations High Commissioner for Human Rights had suggested in a 2021 report, Azerbaijan and the Office cooperated closely on a number of human rights issues. For example, the second phase of the Office's joint programme with the legal department of the Baku State University to develop a new human rights curriculum for the master's programme at the University had recently been launched. In January 2022, the University had put in place a new human rights curriculum, introducing, in the process, courses on international human rights law, including the international and regional human rights systems, women's rights and the rights to freedom from discrimination enshrined in both domestic law and international instruments. The Office had also supported the development of a textbook on human rights that would be used at Baku State University and made available to other institutions of higher learning in the country.

26. Talysh and Lezgin were the first two minority languages in Azerbaijan that the Convention had been translated into, on request, as the country had significant numbers of speakers of those two languages. Any other requests for translation of the Convention into minority languages would be given due consideration. The Convention was also available in languages such as Russian, Ukrainian, Armenian and Georgian, other minority languages spoken in Armenia.

27. International treaties ratified by Azerbaijan were an integral part of the country's national legislation. Article 1 of the Convention, with its definition of racial discrimination, was thus directly applicable in Azerbaijani courts.

28. Procedures for birth registration were laid out in article 166.3 of the Family Code. Birth information was automatically transmitted by medical facilities to the Ministry of Justice's registration offices. Parents and medical facilities could be held accountable for any failure to take the required steps to ensure that births were registered. A presidential decree signed in 2020 provided for the expansion of electronic birth and death registration systems. Birth certificates were issued both electronically and on paper.

29. Migrant workers could change jobs or employer by applying for a new work permit. Temporary residence permits were granted to migrant workers on the basis of their work permits. Some foreign workers, such as entrepreneurs and accredited journalists, did not have to have work permits.

30. **A representative of Azerbaijan** said that, as at 1 July 2022, 77 people with families, most from the Islamic Republic of Iran and Afghanistan, had been registered as refugees by

the State Migration Service. There were also 104 asylum-seekers and 654,839 internally displaced persons.

31. **A representative of Azerbaijan** said that migrant workers had the same labour rights as nationals of Azerbaijan, which was a party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Discrimination against migrant workers was clearly prohibited.

32. The relevant State bodies monitored the application of the country's labour laws. The State Labour Inspection Service, for example, investigated complaints submitted by migrant workers and stateless persons, who could also complain directly to the Ministry of Labour and Social Protection. Upon completion of an investigation, the Service could fine an employer or take any other necessary action.

33. In the previous six months, about 4,800 of the nearly 6,400 applications for work permits had been approved. A system to digitize the issuance of work permits was nearing completion.

34. **Mr. Mammadov** (Azerbaijan) said that Azerbaijan took every necessary measure to combat trafficking in persons and had recently been upgraded in the report on trafficking in persons produced by the United States Department of State from the Tier 2 watch list to Tier 2. Azerbaijan had also acceded to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse and had adopted a national action plan to combat domestic violence. The Government, trade unions and employers had agreed to support State efforts to regulate labour migration and eliminate child labour, forced labour and trafficking in persons.

35. Perpetrators of crimes involving forced labour and trafficking in persons were brought to justice. In 2020, criminal proceedings had been instituted against 20 persons, 15 of whom had been convicted; 12 had been given prison sentences. Victims of trafficking in persons were provided with the support they needed, including psychological and medical care.

36. The Committee should be aware that references to the "Nagorno-Karabakh region" were incorrect; Nagorno-Karabakh was a historical name that had been in use until November 1991, when Azerbaijan had abolished the Nagorno-Karabakh Autonomous Oblast. Since July 2021, the area formed part of Karabakh Economic Region and East Zangezur Economic Region. Accordingly, his delegation requested the Committee to refer to the region as Karabakh rather than Nagorno-Karabakh.

37. **A representative of Azerbaijan** said that racial discrimination was forbidden under the Constitution and national legislation; human rights, equality and fundamental freedoms were promoted and protected in all areas of life. Azerbaijan was fully committed to its international obligations under the conventions to which it was a State party.

38. Since the 44-day war in Karabakh in 2020, the Office of the Procurator General had conducted preliminary investigations in 85 criminal cases relating to offences committed by Armenian leaders, officials, armed forces and illegal armed groups against Azerbaijan and its citizens. Thirty-eight of the cases related to the deliberate killing or injury of civilians or the wilful destruction or damage of civilian property. Twenty-four cases involved the deliberate killing or injury of civilians as a result of the detonation of mines and other explosives. Other cases related to the targeting of infrastructure on the territory of Azerbaijan with heavy artillery and ballistic missiles; the destruction of historical and cultural monuments; illegal logging and environmental crimes; the resettlement of Armenian civilians, the use of phosphorus munitions; the illegal participation of mercenaries in military operations; and illegal appeals to support the independence of the so-called Nagorno-Karabakh region and thus compromise the territorial integrity of Azerbaijan.

39. It should be recalled that, during the war, the armed forces and illegal armed formations of Armenia had organized the shelling of the city of Ganja and other regions of Azerbaijan, killing and injuring many civilians and causing significant material damage to private housing and other civilian infrastructure.

40. The Procurator General's Office had also opened 11 criminal investigations into members of the Azerbaijani military for gross violations of international human rights law

and international humanitarian law under articles 115.2, 115.4 and 245 of the Criminal Code, which proscribed, inter alia, the torture and ill-treatment of prisoners of war. As a result, four Azerbaijani servicemen had been charged with desecrating the tombs or corpses of Armenian soldiers and had been referred to the courts. Proceedings had also been opened following the posting on social media of videos that showed individuals in Azerbaijani military uniforms torturing and mistreating prisoners of war.

41. **Mr. Mammadov** (Azerbaijan) said that Azerbaijan was committed to its obligations under the Convention, including the obligation to investigate acts of racial discrimination and prosecute the perpetrators. The first criminal case relating to human rights violations committed during the conflict had been opened on 5 October 2020, while the war was still ongoing. By contrast, Armenia had violated its international obligations, including under the Convention, by failing to make any credible efforts to investigate the numerous reports of war crimes committed by Armenian military forces within the borders of Azerbaijan.

42. All Armenian military personnel captured during the war who were not suspected or convicted of a crime had been returned to Armenia, in accordance with the trilateral statement of the leaders of Azerbaijan, Russian Federation and Armenia of 10 November 2020 and international humanitarian law. Those who remained in custody either were under investigation for the commission of serious offences, had been detained after the issuance of the trilateral statement while conducting provocative military operations in the territory of Azerbaijan, or had been convicted of offences such as torture, murder, espionage, hostage-taking and mercenarism. Investigations and prosecutions had been conducted in accordance with international and national law and the obligation of Azerbaijan to bring to justice those who had committed grave breaches of the Geneva Conventions of 12 August 1949. All convicted individuals had been tried and sentenced by regularly constituted courts with full respect for due process requirements. Azerbaijani law required that all accused persons, regardless of national or ethnic origin, be treated equally before the courts. In all cases, the courts had carefully assessed the available evidence and in some instances had reduced or dropped the charges.

43. The Government did not condone torture or ill-treatment of any kind and was committed to ensuring that detainees were treated humanely. Various measures had been put in place to protect detainees' rights. The International Committee of the Red Cross (ICRC) had been granted access to all Armenian detainees and conducted regular visits to assess their treatment and conditions of detention and to facilitate contact with family members. Between February 2021 and June 2022, ICRC representatives had met with Armenian detainees in various facilities on more than 50 occasions. The Office of the Commissioner for Human Rights (Ombudsman) also visited the detainees regularly and provided them with medical examinations upon request. Any credible allegations of mistreatment would be investigated.

44. The Government was committed to protecting cultural heritage on a non-discriminatory basis, in accordance with the Constitution and national laws. Cultural rights were protected, without distinction, under the Act on the Protection of Historical and Cultural Monuments and the Criminal Code. Tragically, Azerbaijani cultural heritage in the liberated territories had been either completely destroyed or desecrated. For instance, the city of Aghdam, formerly a thriving cultural centre, had been systematically looted and burned by Armenian forces following its capture in 1993, and now stood in ruins. The Government had made it a priority to restore and preserve all heritage sites on Azerbaijani territory, regardless of their ethnic, religious or cultural origin.

45. **A representative of Azerbaijan** said that the reconstruction and renovation of cultural sites – including churches and mosques throughout the country – had been spearheaded by the Heydar Aliyev Foundation within the framework of the project “Azerbaijan – the address of tolerance”. The Government had also advanced a proposal for the creation of a museum on the culture and ethnography of ethnic minorities, to be located in the Allahverdi church in the Qakh district, which had been approved by the Council of Europe. The Foundation also contributed to the protection of the world's cultural heritage through its participation in restoration activities as far afield as Bulgaria, France, Germany, the Holy See and Italy.

46. The liberated territories were a culturally rich area, containing 706 State-registered historical and cultural monuments, including 6 of international importance. Since October 2020, the authorities had surveyed 403 of those monuments, as well as 162 unregistered historical, architectural and archaeological objects. Unfortunately, over 95 per cent of the sites had been destroyed, with the remainder vandalized or misappropriated, in gross violation of the Convention for the Protection of Cultural Property in the Event of Armed Conflict. The survey had also registered the complete destruction of 864 cultural institutions, including libraries, clubs, museums, music schools, cinemas and theatres. Although the Government planned to continue its inventory exercise in the liberated territories, the large number of mines laid throughout the area – including banned anti-personnel mines – meant that it could not reach all sites.

47. **Mr. Mammadov** (Azerbaijan) said that, following the conflict, the Government had urged UNESCO to send a commission of independent experts to the liberated territories for the first time in 30 years. As UNESCO itself had recognized in a report of 2005, Armenia had refused to allow any missions to assess the state of cultural sites during the occupation. For over a year, Azerbaijan had made clear that it would welcome a UNESCO mission to its territory.

48. The Government categorically rejected allegations that it sought to intimidate or otherwise target Armenian civilians in Karabakh. Such allegations were untrue and distorted the reality on the ground. The Government remained committed to security, stability and peace in the region, including through the full implementation of the trilateral statement of 10 November 2020, article 4 of which provided that “the peacekeeping contingent of the Russian Federation shall be deployed in parallel with the withdrawal of the Armenian armed forces”. The Government regretted that Armenian armed detachments continued to operate in the sovereign territory of Azerbaijan, in clear violation of the trilateral statement. Azerbaijan had engaged in legitimate and limited operations only in response to the actions of those detachments, which had fired on Azerbaijani military positions and carried out unlawful engineering and fortification works.

49. Azerbaijan was dedicated to upholding the core values protected by the Convention; it did not condone statements or actions that promoted hatred or incited violence against Armenians. During two wars and almost 30 years of occupation, some high-ranking Azerbaijani officials had made statements criticizing the policies of the Armenian Government and the actions of the Armenian armed forces, which were responsible for the wholesale destruction and pillage of entire villages and towns, the desecration of religious sites and the killing and displacement of over 700,000 Azerbaijanis. The Committee had itself recognized, in its general recommendation No. 35 (2013), “the special importance of freedom of speech in political matters”. Moreover, the International Court of Justice had observed that “declarations criticizing a State or its policies cannot be characterized as racial discrimination within the meaning of [the Convention]”. In fact, the Government consistently directed a message of reconciliation to the Armenian people. In December 2021, President Aliyev had stated that Armenians and Azerbaijanis were neighbours and must learn to live side by side. In April 2022, he had reaffirmed that the Government regarded Armenians living in Karabakh as citizens of Azerbaijan and that, as such, their rights and security would be ensured. Some speeches by Azerbaijani politicians had been intentionally mischaracterized, misconstrued and taken out of context by Armenian officials and media sources as part of a campaign of anti-Azerbaijani disinformation and incitement. In that regard, in February 2021, Twitter had disclosed that it had investigated and removed a network of 35 accounts with ties to the Armenian Government. The accounts had been created to advance narratives favourable to the Armenian Government; some purported to represent Azerbaijani political figures and news sources.

50. The Military Trophy Park in Baku had opened in April 2021 to commemorate the lives lost in the conflict between Armenia and Azerbaijan and the liberation of Azerbaijani territories. It had never been intended to provoke anti-Armenian sentiment, which would be contrary to the Government’s commitment to diversity. The few exhibits that had been the subject of complaints had been permanently removed from the Park.

51. **A representative of Azerbaijan** said that compulsory general education was free for Azerbaijani children and migrant children who held a temporary or permanent residence permit. Foreign and stateless children residing legally in the territory of Azerbaijan could also receive vocational education. In the academic year 2020/21, 42 school-age children had been repatriated to Azerbaijan and 28 of them were now enrolled in general education institutions; 14 out of 25 repatriated preschool-age children had been enrolled in preschool. Between 2015 and 2022, the Ministry of Science and Education had provided many refugee and stateless children with the opportunity to study in general education institutions. Moreover, the Government had made a commitment to provide refugee children with the opportunity to go on to higher education; since 2020/21, three students with refugee status had been awarded higher education scholarships. Foreign nationals and stateless persons with permanent residence in Azerbaijan were also eligible to apply for scholarships for higher education.

52. A new regulation on the recognition of foreign higher education qualifications, including those held by refugees and displaced persons, was expected to enter into force at the end of 2022. Moreover, rules had been adopted to ensure that foreigners and stateless persons with little or no knowledge of the Azeri language attended preparatory classes in general education institutions and were thus able to receive a proper education in the State language.

53. The Government understood the importance of developing teaching materials for human rights education. Every four years, the Ministry of Education and Science reviewed its textbooks and published new ones, which addressed human rights issues with a view to increasing the knowledge of teachers and children.

54. **A representative of Azerbaijan** said that the allegation that Azerbaijan had isolated the Karabakh region did not hold true. Under the trilateral statement of 10 November 2020, Azerbaijan allowed Armenians access to the region through the Lachin corridor, which had remained open since 10 November 2020, its security ensured by Russian peacekeepers. In addition, Azerbaijani armed forces allowed Armenian civilians to use a road through the Kalbajar district of Azerbaijan.

55. Regarding access for United Nations specialized agencies to Karabakh, it should be noted that the region had witnessed ethnic cleansing and the expulsion of Azerbaijani residents. The Government's immediate priority was therefore reconstruction and the safe return of the displaced persons. Unfortunately, the affected territories – an area the size of Lebanon – had suffered massive destruction and landmine contamination. The Government had so far funded reconstruction and reintegration efforts solely from its own resources; it would highly appreciate support from the international community.

56. Since the end of the conflict, Azerbaijan had welcomed visits from several United Nations specialized agencies to the Karabakh region. The United Nations Mine Action Service had carried out a demining needs assessment mission in December 2020, following which the National Agency for Mine Action had been working with international and private sector partners to undertake demining activities in the most heavily contaminated areas. The Office of the United Nations High Commissioner for Refugees had conducted a visit in October 2021 and subsequently issued a series of recommendations on the return of displaced Azerbaijani citizens to their homes. In March 2022, the United Nations Environment Programme had carried out a scoping mission to assess the damage caused to Azerbaijani territory during the years of Armenian occupation. The mission report would soon be published and the Government was already planning rehabilitation projects based on its findings. Also in March 2022, a joint needs assessment mission had been carried out by the United Nations Development Programme, the World Bank and the European Union. It should be noted that, although ICRC had been the only international agency authorized to carry out humanitarian activities on the ground during the conflict, a number of other international organizations had since started working alongside the Government of Azerbaijan in Karabakh.

57. **Mr. Mammadov** (Azerbaijan) said that acts of genocide, discrimination, racial discrimination, violation of citizens' equality of rights and intentional homicide motivated by ethnic, racial or religious hatred or enmity were all criminalized under the Criminal Code,

and ethnic, racial or religious hatred or fanaticism was considered an aggravating circumstance. The Code also provided 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 certain citizens on the basis of their ethnic, racial or social affiliation or attitude to religion, if such acts took place in public. Following a recent amendment, tougher penalties had also been imposed for acts of ethnic, racial, social or religious enmity or hatred.

58. **A representative of Azerbaijan** said that the Baku International Centre for Multiculturalism was a not-for-profit organization that had been founded in 2014. It worked with government agencies, local authorities, the mass media, local and international organizations and ethnic groups to fulfil its mission of promoting multiculturalism, tolerance and cultural, religious and linguistic diversity. The Centre provided expert support for the implementation of the national policy on multiculturalism, including through regular meetings and discussions held with cultural organizations and representatives of ethnic minorities. It had also developed a master's degree course and summer and winter school programmes on Azerbaijani multiculturalism, which had been taught to hundreds of students around the world. The Centre was currently running a project aimed at exploring the negative impact of terrorism on multiculturalism with the support of the National Academy of Sciences and the State Committee for Work with Religious Associations.

59. **Mr. Mammadov** (Azerbaijan) said that efforts were being made at various levels to re-establish bilateral relations with Armenia. The Government was represented on a bilateral commission tasked with establishing the border between the two countries, which had met for the first time in May 2022; it had also agreed to form a bilateral commission to negotiate a comprehensive peace treaty. Azerbaijan was taking action to reopen transport and communication lines between the two countries, although those efforts had not as yet been reciprocated by Armenia. With respect to humanitarian issues, demining activities were under way and the Government was waiting for Armenia to provide a response to its request for information on the whereabouts of the approximately four thousand Azerbaijani citizens who had gone missing during the first conflict in Karabakh. Members of the public and representatives of non-governmental organizations from the two countries had also taken part in meetings aimed at building confidence and bringing their nations closer together.

60. Azerbaijan was open to any proposals that would help to bring about a lasting peace, including the establishment of a conciliation commission, as had been suggested, provided that the Armenian Government was in agreement.

61. **Ms. Chung** said that she wished to know whether the Government had any plans to collect population data disaggregated by ethnicity. She would also welcome further information about the situation of undocumented migrant workers and specifically on any measures taken to guarantee their access to health care, education and justice. She would like to hear about the Government's vision for sustainable peace in the Karabakh region and, in that regard, what action was being taken to implement the orders handed down by the International Court of Justice, particularly in relation to the restoration of cultural property by the State party. The Committee would raise the issue of destruction of the cultural heritage of Azerbaijan by Armenia when reviewing that country's periodic report.

62. **Mr. Mammadov** (Azerbaijan) said that, instead of collecting data disaggregated by ethnicity, the Government chose to collect data on the regions with the densest populations of ethnic minorities. Similarly, measures taken to improve the living conditions of ethnic minorities were applied to geographical areas rather than specific ethnic groups. The Government did not wish to risk causing unrest by collecting data on ethnic minorities, which might be considered in some quarters to be acting in a discriminatory way.

63. **A representative of Azerbaijan** said that a national action plan for the prevention of informal employment had been adopted by presidential decree in 2017. The digitization of the work permit application process would make it easier for migrants to obtain a work permit and thus have access to all the public services and benefits provided by the Government.

64. **Mr. Mammadov** (Azerbaijan) said that, following the decision handed down by the International Court of Justice, Azerbaijan had taken additional steps to ensure the protection of heritage sites in the Karabakh region, including some that were the subject of specific

concerns raised by Armenia. The Government had implemented security restrictions and was regularly monitoring the condition of all sites. Building firms undertaking reconstruction activities had also been provided with instructions on minimizing the risk of damage to the sites.

65. **A representative of Azerbaijan** said that, in accordance with the International Court of Justice ruling, the protection of Armenian monuments had been made a priority by the Ministry of Culture, which had set up an urban planning working group to study the potential impact of infrastructure activities in the Karabakh region.

66. **Ms. Stavrinaki** said that, as international treaties were rarely invoked before domestic courts, the Committee recognized that extensive case law on the application of the Convention might not have been developed in the State party; it was thus important for the Committee to ascertain whether all grounds of discrimination had been incorporated into national law.

67. It was still unclear whether the Government had access to statistical data on hate crimes. If it did, the delegation should specify the body responsible for collecting that information and submit any relevant data to the Committee within 48 hours. She would also welcome further information with regard to hate speech, including the specific legislative measures taken to combat verbal abuse on the grounds of skin colour and any relevant penalties.

68. **Mr. Kut** urged the Government of Azerbaijan to take the necessary measures to resolve the situation of the more than six hundred stateless persons in the State party.

69. **Mr. Balcerzak**, supported by **the Chair**, said that he wished to put it on the record that the Committee was ready and willing to exercise its functions in respect of Mr. Amir's proposal on the establishment of a conciliation omission under article 12 of the Convention.

70. **Mr. Yeung Sik Yuen** said that the application of articles 11 and 12 of the Convention had already proven to be an effective tool in resolving inter-State conflicts, as shown by the recent thawing in relations between Qatar and the neighbouring Gulf States, which had resulted in the signing of the Ula Declaration. Although article 11 might appear to be of a confrontational nature, it triggered the establishment of a conciliation commission under article 12 and could therefore constitute a first concrete step towards inter-State conflict resolution.

71. **Ms. Chung** said that she wished to thank the delegation for its contribution to the dialogue. She was also grateful to the civil society organizations that had engaged with the Committee in the context of the review. She hoped that the State party's participation in the review process and its implementation of the Committee's recommendations would contribute to the continued promotion of human rights and multiculturalism in Azerbaijan. She was also sure that addressing issues regarding racial discrimination could only benefit the situation of the people in the Karabakh region.

72. **Mr. Mammadov** (Azerbaijan) said that the Government was conscious that it had received relatively few complaints in relation to hate crimes and was open to the Committee's recommendations concerning any steps that could be taken to investigate the reasons behind that. It would also intensify its efforts to resolve the situation of all stateless persons in Azerbaijan. With regard to relations with Armenia, the fact that a case had already been filed with the International Court of Justice meant that it might not be possible to submit an inter-State communication under article 11 of the Convention. He nonetheless confirmed that the Government of Azerbaijan was open to considering the establishment of a conciliation commission, or an equivalent truth and reconciliation body, as part of its efforts to bring about a lasting peace between the two countries.

73. He wished to thank the Committee for the fruitful and constructive dialogue. His country placed the utmost importance on the fight to eliminate racial discrimination and took its obligations under the Convention extremely seriously. Azerbaijan was committed to bringing about a lasting peace in the region and to upholding the rights of everyone in its territory on an equal basis, regardless of their race, colour, or national or ethnic origin. There was still much work to do, but he was sure that the outcomes of the dialogue would help the

Government in its efforts to overcome existing challenges and make further progress in its implementation of the Convention.

The meeting rose at 1 p.m.