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**THIRD REPORT SUBMITTED BY AZERBAIJAN  
PURSUANT TO ARTICLE 25, PARAGRAPH 2  
OF THE FRAMEWORK CONVENTION FOR  
THE PROTECTION OF NATIONAL MINORITIES**

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## Unofficial translation

### **Third Periodic Report of the Government of the Republic of Azerbaijan on the Council of Europe Framework Convention for the Protection of National Minorities**

#### **Introduction**

By choosing the path of democratic development, the Republic of Azerbaijan has guaranteed the rights and freedoms to everybody inhabiting Azerbaijan, including national minorities.

According to article 12 of the Constitution of the Republic of Azerbaijan, ensuring human rights and freedoms is the supreme goal of the State. The paragraph 3 of article 25 of the Constitution of the Republic of Azerbaijan envisages safeguards by the State for equal rights and freedoms to every person regardless of race, nationality, religion, language, sex, origin, property status, occupation, conviction and affiliation to political parties, professional trade unions or other public organizations. According to the Constitution, restriction of human rights and freedoms based on race, nationality, religion, language, sex, origin, conviction and political or social affiliation is prohibited in the Republic of Azerbaijan.

The Republic of Azerbaijan is a party to the Convention on Protection of Human Rights and Fundamental Freedoms, Council of Europe Framework Convention for the Protection of National Minorities, International Convention on Elimination of All Forms of Racial Discrimination, UNESCO Convention on Protection and Promotion of the Diversity of Cultural Expressions and other major international legal instruments in the field of human rights.

Since the early years of restoration of independence, necessary legal and organizational measures on protection of rights and freedoms of national minorities and promotion of their language and culture have been taken in Azerbaijan. The tasks defined in the Decree of the President of Azerbaijan on “State assistance for the protection of rights and freedoms of national minorities, minority people and ethnic groups living in Azerbaijan and promotion of their language and culture” dated 16 September 1992 have been fulfilled by the authorities.

This Decree instructs the state bodies to take measures for the protection and development of cultural, language and religious rights and freedoms of national

minorities and ethnic groups, observance of their national traditions and religious rituals, preservation and use of places for prayer, free development of national craftsmanship, vocational and folk arts, preservation of historical and cultural monuments.

The population of Azerbaijan has a rich ethnic, religious and confessional background. Throughout history large number of ethnic groups has migrated to Azerbaijan mixing with local population. Notwithstanding diverse ethnic background, throughout the centuries no ethnic minorities were forced to resettle to other places and all minorities preserved their national and religious identity.

Fight against discrimination, racism and xenophobia is one of the priorities of the Azerbaijani authorities. No cases of racism and xenophobia have ever been recorded in Azerbaijan. Azerbaijan is thus known as the land of tolerance.

Currently the national policy of Azerbaijan pursues the following objectives: ensuring the principle of state sovereignty and territorial integrity; preserving relationships and ethnic cultural diversity based on mutual respect and confidence among peoples and religions; implementation of the provisions of the Constitution and international treaties and agreements on the protection of national minorities; improvement of national legislation in line with international standards; rendering state assistance to social economic and ethnic cultural development of national minorities.

This strategy carried out on a regular basis since the restoration of independence ensured the success of the state policy on the protection of national minorities in Azerbaijan. Significant achievements have been made in the development of language and culture of national minorities, preservation of their national cultural identity and regulation of relations among nations living in Azerbaijan.

It should be noted that, due to the occupation of Nagorno Karabakh region of Azerbaijan and seven districts surrounding it by the Republic of Armenia, Azerbaijan is unable to ensure the implementation of the provisions of the Council of Europe Framework Convention for the Protection of National Minorities in those territories.

## PART I

- a) Around 50 national cultural centres of minorities, as well as large number of NGOs dealing with problems of national minorities operate in Azerbaijan. These organizations take an active part in all official and other public cultural events devoted to the issue of protection of national minorities.

Round tables and conferences were held in the framework of the Project on “Support to the promotion of ethnic culture of national minorities living in Gakh, Zagatala and Balakan regions of Azerbaijan”. These events were arranged with the financial assistance of the Council of State support to NGOs’ under the President of the Republic of Azerbaijan. The representatives of the educational, cultural and art fields participated at those events.

The public union of “Azerbaijani Youths’ integration to Europe” held an event devoted to the “State Program on Azerbaijani Youth in 2011-2015” with the participation of national cultural centres of minorities and large group of youth belonging to national minorities. The participants of this event, organized with the financial support of the Council of State Support to NGOs, held extensive debates on the place and role of youth belonging to national minorities in the implementation of the mentioned program.

- b) The State Committee on the Work with Religious Communities of the Republic of Azerbaijan implemented a series of measures for dissemination and promotion of religious aspects of the conclusions of the second periodic report. The reports on those works were published on “Dövlət və Din (“State and Religion”) magazine and “Cəmiyyət və Din” (“Society and Religion”) newspaper. Those publications were regularly distributed free of charge among religious organizations, relevant government agencies and NGOs, as well as the religious communities where the national and religious minorities constitute majority.
- c) Respect for social and cultural rights of national minorities, support and development of their culture, preservation of cultural heritage, traditions, language and religious peculiarities are among the policy priorities of the Republic of Azerbaijan. The work with embassies and representations of kin states of minorities living in Azerbaijan, cooperation with cultural centres and societies representing national minorities, consistent and target oriented activities in the direction of protection of ethnic cultural heritage of

minorities based on relevant provisions of the “National Action Plan on Protection of Human Rights” approved by the Order of the President of Azerbaijan on 28 December 2006, is the evidence of a great importance attached by the State to the issues of national minorities.

Several scientific conferences on the topics of “Cultural heritage of national minorities and modernism” (2006), “Protection of cultural heritage of national minorities” (2008), “Ethnic culture in Azerbaijan during globalization (2011) were organized with the support of the Ministry of Culture and Tourism. Well-known scientists and specialists, government and parliament representatives, national cultural centres of minorities and civil society representatives attended those events. Participants held exchange of views on the issues of protection of national minorities and promotion of their social-cultural rights. The events received wide coverage in “Musigi Dunyasi” (“Music World”) magazine and other relevant media outlets.

Large photo exhibition displaying ethnography and lifestyle of national minorities was organized in the exhibition hall of the Baku Museum Centre.

Since 2006, the Ministry of Culture and Tourism has organized three festivals under the title of “Azerbaijan - Motherland”. The festivals devoted to the art of the national minorities attracted more than 800 participants representing around 40 groups of almost all national minorities from Baku and 15 regions of Azerbaijan. These events received wide coverage on TV channels and different media outlets printed in languages of national minorities.

Since the last report “Azerbaijan’s traditional music atlas” reflecting music culture of national minorities and “Album dedicated to Azerbaijan’s ethnic music” have been prepared and presented to the public.

Since 2001, 21 May is being celebrated as an international day of “Cultural diversity, dialogue and development” by the General Assembly of United Nations. To this end, special ceremony was held in Baku on 20 May 2010, to mark this special international day. The presentation of the “UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions” (entered into force in 2010 in respect of Azerbaijan) was organized in the margins of the ceremony. The representatives from national cultural centres of minorities, international organizations, NGOs, scientific-cultural communities and government agencies attended this event.

“World Inter-Confessional Harmony Week” was widely celebrated in Azerbaijan in accordance with the relevant Resolution of the United Nations General Assembly. On 1-7 February 2011, an exhibition of books promoting mutual respect, confidence, humanism and goodwill ideas among religions and confessions was held in the framework of this event. Moreover, on 4 February 2011, the State Committee on the Work with Religious communities of the Republic of Azerbaijan jointly with the Ministry of Culture and Tourism held round table on the topic of “Inter-confessional harmony in building of civil society: dialogue and peaceful coexistence”. The representatives of the government, members of parliament and scientists as well as the representatives of different confessions took part in the round table.

On 21 May 2011, presentation of the museum educational programme for students and schoolchildren of the information education centre "Russian museum: Virtual branch" was held in the Museum Centre to mark the “World Day for the Cultural Diversity for Dialogue and Development”. This event will play an important role in promotion of culture and art of national minorities to the high extent.

The Conference of the Ministers of Culture of the Council of Europe Member States on “Intercultural dialogue as a basis for peace and sustainable development in Europe and its neighbouring regions” was held in Baku on 2-3 December 2008.

VI Conference of the Ministers of Culture of the Organization of Islamic Conference Member States was held in Baku on 13-15 October 2009. The Conference was organized in the framework of “Baku – the capital of the Islamic Culture 2009”. During that year a number of important events were held in the regions of Azerbaijan. National minorities were provided with all opportunities to present their culture.

As a follow up to the “Baku process on intercultural dialogue” and with the support of the President of the Republic of Azerbaijan Mr. Ilham Aliyev the “World Forum for Intercultural Dialogue” was successfully organized in Baku on 7-9 April 2011. Nearly 500 representatives from 102 countries, including ministers from around 20 countries, high ranking officials from more than 10 international organizations, representatives from prestigious think tanks and mass media attended this Forum.

The major topics discussed in the Forum were “Intercultural understanding and cultural diversity to achieve peace and dialogue”, “Making intercultural dialogue meaningful: culture, art and heritage”, “Women as key agents of intercultural dialogue”, “Impact of technology, social media and journalism on cross-cultural relations”, “Dialogue between and among the world’s religions”. Before the closing ceremony of the Forum, presentations on new initiatives and projects on the development of intercultural dialogue and cooperation were made by UNESCO, United Nations Alliance of Civilizations and Council of Europe. Furthermore, the Forum also hosted the international conference titled “The philosophy of dialogue and cultural diversity in the modern world” which was organized by the National Academy of Sciences of Azerbaijan. As a side event, the Council of Europe organized the meeting of the mayors and representatives of the member cities of the Intercultural Cities Project.

An international conference on “Interreligious dialogue: from mutual understanding to joint cooperation” was held in Baku on 6-7 November 2009. 167 representatives from 4 continents, 31 countries and 8 international organizations participated in this conference.

Another important event was the World Summit of Religious Leaders held in Baku on 26-27 April 2010. The organization of the Summit was initiated by the Caucasus Muslims Board and Russian Orthodox Church. This event was financed by the Government of the Republic of Azerbaijan.

The preparations are well underway for an international conference on “State – religion relations: historical traditions and new approaches” in Baku.

Apart from playing an important role in promotion of intercultural dialogue among people, including national minorities, these events would serve to the promotion of dialogue among different civilizations by building bridges among different cultures, especially between the West and Islamic world.

During the past period, the strengthening of environment of tolerance, creation of relevant conditions for extending the activities of religious bodies, supporting construction and restoration of religious prayer houses belonging to various confessions were among the priorities. Bibiheybet, Tazapir, Icherisheher Juma and other mosques and pilgrimage places opened

for the believers after the restoration and reconstruction. Currently, the restoration and rebuilding works are being carried out in Ajdarbey and Hezreti Muhammad mosques in Baku, Juma mosque in Shamakhi and Imamzada pilgrimage complex in Ganja.

At the same time, the historical and religious monuments and prayer houses were restored and new ones were built in the regions densely inhabited by national minorities, such as Gusar, Khachmaz, Guba, Shabran, Zagatala, Balakan, Gakh, Astara, Lerik, Lankaran, Masalli, Shaki, and Oguz.

Meanwhile, “Jen Mironosets” temple which was used during the Soviet period for other purposes was returned to Russian Orthodox Church and it was renovated with the financial aid of an Azerbaijani businessman.

An official opening ceremony of the Roman Catholic Church was held in downtown Baku on 7 March 2008. The Agreement between the Republic of Azerbaijan and the Holy See on the “Legal status of Catholic Church in the Republic of Azerbaijan” was signed in May, 2011.

The opening of the Historical Lutheran Church in Baku which was renovated in accordance with the Order of the President of Azerbaijan was held on 30 December 2010. Necessary conditions were established for religious community of Lutheran Church for observance of their religious rituals and ceremonies.

New synagogue for mountainous Jews was constructed in downtown Baku with the support of the President of the Republic of Azerbaijan. The synagogue was opened on 5 April 2011. The officials, leaders of religious confessions acting in Azerbaijan, members of the Jewish community, as well as a number of visitors from Israel, Russia and some other countries participated in the opening ceremony of the synagogue. This synagogue differs from other such temples in Azerbaijan and in the whole region with its unique architectural features and dimensions.

The reopening ceremony of Gilaki synagogue after its renovation took place in Girmizi Gasaba settlement of Guba on 3 October 2010. At the moment, there are 2 synagogues in this settlement. Overall there are 6 synagogues in Azerbaijan (2 each in Baku, Guba and Oguz). During the reported period two synagogues have been renovated in Oguz region.



Opening of the renovated Georgian Orthodox Saint Nino Church in Alibeyli village of Gakh region took place on 1 June 2011. Renovation of the Chotari Church located in “Nij” settlement of Gabala region is currently underway.

It should be noted that there are 876 historical, cultural and religious monuments, including 87 mosques, 68 entombments, and 31 ancient Alban temples in the territories of the Republic of Azerbaijan occupied by the Republic of Armenia. According to the reports, almost all those monuments have been destroyed. Moreover, thousands of our historical cultural monuments have been destroyed in the territory of the Republic of Armenia.

- d) During the reported period series of awareness raising activities on Council of Europe Framework Convention for the Protection of National Minorities were carried out in the regions inhabited by national minorities. Throughout the year, a number of seminars and workshops on human rights, the rights of national minorities, and freedom of religion were held with the participation of representatives of Baku Police Department and regional police departments of Guba, Sheki, Lankaran, Ganja, and Yevlakh.

These trainings particularly focused on the importance of international legal instruments in this field, such as the Convention on the Protection of the Human Rights and Fundamental Freedoms, the Universal Declaration on Human Rights, Council of Europe Framework Convention for the Protection of National Minorities and Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

Round table on “National minorities and immigrants’ rights: legal aspects and implementation” was held at the Police Academy of the Ministry of Internal Affairs. This event was organized in the framework of the “Human rights month” which was held in Azerbaijan from 15 May to 15 June 2011.

Training workshops on “State-Religion relations in Azerbaijan”, “Legal basis of State-religion relations”, “Place and role of religions in combating against terrorism and violence”, “Interreligious dialogue”, “Religious minorities and their rights” etc. were organized in different regions of Azerbaijan, including those areas inhabited densely by national minorities. The aim of those trainings was strengthening tolerance and mutual respect existing in Azerbaijan and promotion of Council of Europe Framework Convention on the Protection of National Minorities in all cities and regions of Azerbaijan. In general, since 2007, approximately 470 events were held

on these important topics. During those conferences and round tables organized with close participation of representatives of national minorities particular emphasis was put on the provisions of the Framework Convention.

Active participation of religious and national minorities and NGOs working in this field, as well as of different religious entities is ensured in such events.

The trainings were also organized at several secondary schools with the participation of executive authorities of districts of Baku, as well as the police officers and youth organizations. The trainings were devoted to the topic of “Religions and confessions in Azerbaijan”. Furthermore, several seminars were held in Baku Islamic University, as well as some prisons of the Penitentiary Service of the Ministry of Justice for the purpose of raising awareness of inmates on freedom of conscience and religious beliefs.

In the meantime, the youth studying at several higher educational institutions, including Ganja and Lankaran State Universities, as well as in branches of Azerbaijan Teachers’ Institute and vocational schools of the regions have been informed on the norms of international law and basic human rights and freedoms. Furthermore, a number of meetings were held discuss threats posed to peace and security by the ethnic-religious extremism and radicalism. Moreover, specific workshops were organized in several secondary schools of Baku jointly with the State Committee for Family, Women and Children Affairs of the Republic of Azerbaijan. The workshops were aimed at highlighting the role of moral and religious values in the behaviour of children and youth.

## **PART II**

### **A. Measures taken in respect of the recommendations of the Committee of Ministers:**

1. A number of normative legal acts containing provisions on prohibition of national, racial and religious hatred and hostility were adopted in Azerbaijan. These acts include inter alia the “Law on Freedom of Religion”, “Law on accession to the International Convention on Elimination of All Forms of Racial Discrimination” and “Law on approval of the Agreement on the issues related to the restoration of rights of deported individuals, national minorities and

peoples”. Relevant orders of the President of Azerbaijan on prohibition of racial discrimination, as well as the Criminal Code and Code of Administrative Violations which contain relevant provision also provide for legal regulation in this field.

Regarding the implementation of the Framework Convention, it should be noted that during the reported period a number of changes have been made to the legislation in this field. In the process of drafting of legal acts special emphasis has been placed on the freedom of conscience of multinational and multi-religious ethnic groups living and acting in the territory of Azerbaijan. The main goal was to strengthen the religious and national traditions of tolerance of minorities living for a long period of time in harmony and fraternity in Azerbaijan and preserving this from outside influences.

It should be noted that up to this date the Constitution of Azerbaijan has been amended twice (24 August 2002 and 18 March 2009) through referendum. Important amendments were introduced to three articles of the Constitution governing normative basis of the issues pertaining to the freedom of religion. For instance, Article 18 of the Constitution is an important norm governing the basis and legal status of the relations between the state and religion. This article implies the separation of religion from the state and equality of all religions before the law. Through this article the state declares its supreme intention towards religions at the constitutional level. The second part of this Article prohibits dissemination and propagation of religions that degrade human dignity and run contrary to humanistic principles. This amendment is considered as a step aimed at preventing harmful influence of recently established non-traditional trends to religious situation in the country and ensuring the rights of people of different religions on an equal footing.

Moreover, two new paragraphs were added to Article 25 on the “Right for equality”. The third part of the article reads as follows: “State guarantees equal rights and freedoms to every person regardless of race, nationality, religion, language, sex, origin, property status, occupation, convictions, and affiliation to political parties, professional trade unions or other public organizations”. Furthermore, it is prohibited to restrict the human rights and freedoms on the grounds of race, nationality, religion, language, sex, origin, convictions, and political or social affiliation. As a result of the referendum, following paragraphs have been added to the article in order to strengthen provision of rights and freedoms at constitution level:

*4. No one may be harmed, granted advantages or privileges, or deprived from granting advantages and privileges on the basis of the grounds laid down in Part III of this Article.*

*5. Everyone shall be guaranteed equal rights in any proceeding before state authorities and bearers of public authority that decide on his or her rights and duties.*

As it is evident, these items serve to ensure the rights of equality among all people, including various national and religious groups and entrusts government authorities with protection of these rights.

Important amendments were made to Article 48 (“The freedom of conscience”) of the Constitution that reflects the main principles of the freedom of religion. The text of that article reads as follows:

- 1. Everyone has the freedom of conscience.*
- 2. Everyone has the right to determine his or her attitude towards a religion independently, to have faith in any religion by him or herself or together with others, or not to have faith in any religion, to express or disseminate views regarding the attitude towards religion.*
- 3. Performance of religious ceremonies shall be permitted if they do not violate the public order or are not against public morals.*
- 4. Religious belief and faith do not excuse violation of the law.*
- 5. No one shall be forced to express (to demonstrate) his or her religious faith and belief, to execute religious rituals or participate in religious ceremonies.*

Amendments made to articles of Constitution as to the freedom of religion demonstrate the willingness of the State to protect interests of citizens and religious minorities.

Amendments to the legislation on religion from the human rights perspective are not limited to only those reflected above. A number of amendments and changes have been made to one of the principal laws in this sphere, namely the “Law of the Republic of Azerbaijan on Freedom of Religion”. In order to ensure conformity with the Constitution, a number of additions were made to the preamble and article 1 of this Law. According to Part 2 of Article 1, “no obstacle shall be put on expression of religious conviction of a person, his participation in religious rituals and ceremonies or learning the religion. 5. No one shall be forced to express (to demonstrate) his or her religious faith and belief, to execute religious rituals or

participate in religious ceremonies. Propaganda of religious faith or religious way of life by force or threat of force and for the purpose of stirring up racial, national, religious, social hostility or enmity is prohibited. The dissemination and propaganda of religions (religious trends) that degrade human dignity or contradict with humanist principles are forbidden". The international treaties acceded to by the Republic of Azerbaijan were taken as a basis in drafting of these amendments.

Furthermore, important changes reflecting types of legal responsibility were made to the Criminal Code, Code of Administrative Violations and Code of Criminal Procedure of the Republic of Azerbaijan. According to Article 283 of the Criminal Code, excitation of national, racial or religious hostility is considered a crime. Thereby, such acts as well as the deeds aimed at degrading national dignity, as well as restricting citizens' rights or determining advantages on the basis of their national or racial belonging or creed committed publicly or through mass media are penalised with a fine ranging from one thousand to two thousand AZN (national currency) or imprisonment for the term from two to four years.

Similar actions committed by force or threat of force or by a person using his/her service position or by organized group are penalised with imprisonment for the term from three to five years.

Overall, important amendments aimed at strengthening promotion of human rights and duties have been introduced to almost all normative-legal acts governing state-religion relations. These legal acts include relevant decrees and orders of the President of the Republic of Azerbaijan, Resolutions of the Cabinet of Ministers, Statute of the State Committee on Work with Religious Communities, etc.

Furthermore, special emphasis is placed on the regulation of religious and national issues in law drafting. The Laws of the Republic of Azerbaijan on "Status of Refugees and Internally Displaced Persons", "Personal Data", "Education", "Approval of the Convention on Fight against Discrimination in the Area of Education", "Approval of the Convention on the Protection of the Human Rights and Fundamental Freedoms" and of its Protocols № 1, 4, 6 and 7, as well as the Laws on "Freedom of Assembly", "Legal Status of Foreigners and Stateless Persons", and "Political Parties" could be cited as genuine examples.

2. Coordination Council operates under the Ministry of Culture and Tourism where almost all national-cultural centres of the minorities are represented. The Council takes an active role in holding discussions on all matters and organization of events concerning the minorities. Furthermore, many NGOs dealing with the issues of

national minorities hold regular events in cooperation with the government bodies (See Subsection (a) of Part 1).

3. The Council of State Support to NGOs under the President of the Republic of Azerbaijan was established in July 2007. NGOs operating in Azerbaijan, including the national-cultural centres of the minorities have the possibility to receive financial aid by applying to the Council with relevant grant projects. It is necessary to underline that some national-cultural centres, as well as NGOs dealing with the issues of national minorities managed to organize different events through benefiting from this type of funding.

The Foundation of State Support to Mass Media Outlets under the President of the Republic of Azerbaijan has been functioning since 2009. Different media outlets published in the languages of national minorities have been benefiting from the financial aid received through applying to the Foundation with relevant grant projects. In accordance with the procedures, both the Council of State Support to NGOs and the Foundation of State Support to Mass Media Outlets call for project applications several times a year.

4. The Government of Azerbaijan legally ensures peaceful coexistence and equal rights of all citizens, including national minorities living in Azerbaijan.

Registration of each person at the place of residence and necessary documentation to this end are not carried out on the grounds of national or ethnic origin and there is not any such requirement in laws. The fact that ethnic or national origins are not specified in the identification documents (ID card, international passport, etc.) is a clear testament to non-discrimination in Azerbaijan.

Paragraph 5 of the Law on Police reads: *“In the course of performing of its duties, the police shall protect the rights and legal interests of all individuals specified by the Constitution of the Republic of Azerbaijan and treaties to which it is a party, irrespective of race, nationality, religion, language, sex, origin, property, official position, beliefs, affiliation to political parties, trade unions or any other civil associations.”*

Similar provisions have been set forth in Article 7 of the Code of Administrative Violations (Principle of equality), Article 6 of the Criminal Code (Principle of equality before the law) and Article 11 of the Code of Criminal Procedure of the Republic of Azerbaijan (Equality before the law and the courts).

Chiefs of local police bodies take appropriate measures for timely addressing of any issues that may lead to violation of rights of national minorities by carefully examining the situation on the ground. The applications and complaints of national minorities are treated with particular attention and the issues raised by them are scrutinized thoroughly.

All relevant measures are taken in line with the legislation in order to protect the rights of the persons belonging to national minorities in the process of the criminal prosecution or administrative process initiated against them.

5. Article 44 of the Constitution of the Republic of Azerbaijan establishes the right for every person to preserve their national identity. Article 48 ensures freedom of conscience and religion for every person as well as the right to express or disseminate his/her views and attitudes towards religion, and to perform his/her religious rituals. Article 49 provides for the freedom of peaceful assembly for everyone.

Article 8 of the “Law on Freedom of Assembly” prohibits any assemblies accompanied by calls for discrimination, hostility and violence and instigation of national, racial and religious hatred.

Police takes necessary measures to ensure public order and security during events organized by persons belonging to national minorities.

6. Article 45 of the Constitution establishes the right of every person to use his/her mother tongue.

Furthermore, Article 26 of the Code of Criminal Procedure stipulates the following:

*“Criminal proceedings in the courts of the Republic of Azerbaijan shall be conducted in the official language of the Republic of Azerbaijan or in the language of the majority of the population in the relevant area. In the event that the parties do not know the language used in court, the judicial authority shall guarantee the right to use the services of an interpreter free of charge (at the expense of the budget of the Republic of Azerbaijan) during the investigation and court hearings, to be fully familiar with all documents relating to the case and criminal prosecution, and to use their mother tongue in court.”*

## **B. Measures taken to implement various findings contained in the Opinion of the Advisory Committee:**

Economic reforms carried out in the regions of Azerbaijan in the framework of the “State Programme for Social and Economic Development of the Regions of the Republic of Azerbaijan in 2004-2008” and “State Programme for Social and Economic Development of the Regions of the Republic of Azerbaijan in 2009-2013” have ensured within the short period of time the macroeconomic stability and dynamic development of economy, thereby considerably improving the living conditions of the Azerbaijani population, including national minorities.

Moreover, several Presidential Decrees were issued in 2005 and 2006 approving action plans aimed at the development of education, culture, health care, environment, sports and all spheres of social-economic and national-cultural life in south (Lankaran, Astara, Lerik, Masalli and Yardimli), north (Guba, Khachmaz, Gusar, Siyazan and Shabran) and north-western regions (Shaki, Balakan, Gakh and Zagatala) densely populated by the national minorities. Considerable work has been done for the implementation of these programs during the last 7 years.

Approximately 900 thousand new jobs and more than 35 thousand new enterprises have been established in Azerbaijan during the last seven years. National minorities have a significant share in those figures. According to the data provided by the State Statistics Committee, 77.1 percent of the new jobs have been provided in the regions of Azerbaijan. 22.2 percent of that figure is the share of the regions densely populated by national minorities.

### **Article 4 of the Convention**

The constitutional norms establishing the right of equality in Azerbaijan have been further improved in the Referendum held on 18 March 2009. The amendments introduced to Article 25 (right of equality) of the Constitution envisages that no one may be harmed, granted advantages or privileges, or deprived from granting advantages and privileges on the basis of their race, nationality, language, religion, sex, identity or any other reasons. Everyone shall be guaranteed equal rights in any proceeding before state authorities and bearers of public authority that decide on his or her rights and duties.

The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was approved by the Law of the Republic of Azerbaijan dated 2 December 2008. According to Article 18.2 of the



Protocol, the States Parties shall ensure gender balance and equal representation of ethnic groups in their respective countries.

Furthermore, in accordance with Article 2 of the Convention on Protection and Promotion of the Diversity of Cultural Expressions, approved by the Law of 26 November 2009, the protection and promotion of the diversity of cultural expressions presumes the recognition of equal dignity of and respect for all cultures, including the cultures of persons belonging to national minorities and indigenous peoples. Moreover, in accordance with the Article 7 of the Convention, the Parties shall endeavour to create an environment within their territory that encourages individuals and social groups to disseminate, distribute and have access to their own cultural expressions.

Meanwhile, Council of Europe Convention on Action against Human Trafficking was approved by the Law of 11 May 2010. According to Article 3 of the Convention, the implementation of the provisions of this Convention by Parties, in particular the enjoyment of measures to protect and promote the rights of victims, shall be secured without discrimination on any ground such as sex, race, language, religion, national or social origin, association with a national minority, property or other status.

The Labour Code of the Republic of Azerbaijan, which is in force as of 1 July 1999, is a legal-normative act that ensures the protection of rights of the national minorities in labour relationships. Parts 1 and 2 of Article 16 of the Labour Code prohibits any discrimination on any ground such as nationality, sex, race, religion, national origin, language, residence, property, public and social origin, age, marital status, faith, political opinions, membership to labour unions or other public associations, occupation and other factors which are not related to professional qualifications, professional capacity and outputs of labour of an employee and establishment of any privileges directly or indirectly as well as the restriction of the rights in labour relations.

In accordance with Article 6.2.1 of the “Law on Employment of the Republic of Azerbaijan” all citizens are provided with equal opportunities in exercising their rights to choose labour and employment independently without discrimination on any ground such as race, national origin, religion, language, sex, marital status, public and social origin, residence, property, faith, and membership to political parties, labour unions and other public associations.

Moreover, this Law also implies that every person has the right to choose its work place independently by direct application to employers or through free of charge mediation of the relevant executive authorities or by other forms established by relevant laws and regulations. Citizens also have the right to enjoy free consultancy offered by relevant executive authorities on professions, vocational training and re-training, as well as skills upgrading in order to be able to choose the type of employment, work place and labour regime and to obtain pertinent information.

Consistent measures aimed at strengthening employment and social security of the citizens including the national minorities are carried out to implement the measures envisaged in the “Employment Strategy of the Republic of Azerbaijan”, “State Programme for Implementation of the Employment Strategy of the Republic of Azerbaijan in 2007-2010”, “State Programme on Social and Economic Development of the Regions of the Republic of Azerbaijan in 2009-2013”, “State Programme on Poverty Reduction and Sustainable Development in 2008-2015” and “State Programme on Improvement of Living Conditions of IDPs and Increasing their Employment” and other relevant state programmes.

Article 38 of the Constitution of the Republic of Azerbaijan provides for everybody’s right for social security. Everyone has the right to enjoy social security by reaching a specific age established by laws and in case of disease, disability, and loss of head of family or labour capacity, unemployment and in other cases established by applicable laws.

“Law on Labour Pensions”, “Law on the Provision of Civil Servants with Pension” and “Law on Social Allowances” establish the principle of equal opportunities for all citizens on pensions and provision of social allowances guided by above-said provision of the Constitution.

Meanwhile, in accordance with Article 4.1 of the “Law on the Provision of Social Services to Elderly People”, the latter may enjoy social services provided by state municipality and private social service enterprises of the appropriate executive power and by persons engaged in professional activity in the social services.

In accordance with Article 3.1 of the “Law on Social Allowances”, the citizens of the Republic of Azerbaijan have the right to obtain monthly and/or one-time allowances under the terms and conditions established by the Law.

In accordance with Article 3 of the “Law on Targeted Social Allowances”, the right to social allowances is applicable for poor families, whose average monthly

income is below the living minimum for each family member due to reasons not depending on them (loss of family members' working capability, registration of a member of the family as an unemployed person with the appropriate state authority, death, announcement by court as a missing or dead person, imprisonment, unknown location of a family member, etc.).

Under Article 8 of the “Law on Prevention of Disability and Health-related Restrictions of Children and Rehabilitation and Social Protection of Disabled Persons and Children with Restricted Health” protection of the rights, freedoms and legal interests of children with restricted health are guaranteed by the State.

Currently a new “Law on Social Service” is being drafted. This Law will regulate issues pertaining to provision of assistance to persons living in difficult economic conditions who are in need of social protection.

The abovementioned laws establish the right to equal opportunities for all citizens in the social protection area. The laws do not envisage any restriction based on ethnic origin of a person and prohibit all types of discrimination.

In accordance with Article 41 of the Constitution of the Republic of Azerbaijan, every person has the right to protect his/her health and to enjoy medical care.

Provision of health care is free at state-owned medical enterprises in the Republic of Azerbaijan and the State guarantees the right of every person for access to these services without any discrimination based on religion, race, sex, etc.

In the framework of the large-scale public health reforms in Azerbaijan, medical diagnostic centres, first aid services and clinics fully equipped with the latest medical technologies and devices have been opened in the north, north-west, south and central regions of Azerbaijan densely populated by national minorities. Lezgis, Sakhurs, Avars, Ingiloyes, Jews, Meskhetian Turks, Tats, Talishs and other Azerbaijani citizens of different national origins of these regions benefit from high-quality medical services.

During the last 5 years, more than 300 large medical enterprises have been constructed or renovated by the Ministry of Health in the regions of Azerbaijan, including in those inhabited by national minorities.

This year a Prenatal Centre and other health enterprises located in central regions of Azerbaijan inhabited among others by Meskhetian Turks were opened after undergoing major renovation.

The national minorities also enjoy the opportunities presented to them by a number of important state programmes in the field of health.

As a result of the large-scale measures taken in different parts of the country, including in the regions populated by national minorities, epidemiological situation has been stabilized.

The Ministry of Health has attached special emphasis on improvement of professional knowledge and skills of medical personnel of the regions populated by national minorities. In 2010, 80 percent of the graduates of the medical university of Baku were deployed to the regions of Azerbaijan.

During this year alone 250 Azerbaijani medical professionals have improved their professionalism in the improvement courses abroad. 22 percent of them are the representatives of the national minorities.

Representatives of national minorities have been awarded with honourable titles of “Honoured Doctor”, “Honoured Scientist” as well as with the “Medal of Taraggi” (“Medal of Progress”) for their exclusive services in the development of public health in Azerbaijan.

### **Article 5 of the Convention**

In compliance with Paragraph 5 of the Framework Convention and according to the Recommendation of the Advisory Committee on Increasing Measures of Promotion of Cultural and Language Heritage of National Minorities, the following activities have been carried out:

Considerable achievements in the spheres of preservation of ethnic and cultural diversity, development of languages and culture of the national minorities and strengthening religious and ethnic tolerance in Azerbaijan have been observed through the years. The State policy towards these issues have strengthened the historically friendly and fraternal relationships as well as exemplary coexistence based on mutual respect and confidence between the peoples residing in the country regardless of their religion, ethnicity and race.

There are up to 50 national cultural centres and other public associations of the national minorities, including Russians, Ukrainians, Kurds, Laks, Lezgis, Tats, Tatars, Georgians, Ingiloys, Talishs, Avars, Ahiska (Meskhetian) Turks, Jews and some other national communities in Azerbaijan.

In Baku City and several regions of Azerbaijan, there are more than 40 music and folklore collectives of the national minorities. Many of them take an active part in national and foreign festivals.

In accordance with the National Action Plan on Protection of Human Rights in the Republic of Azerbaijan, a number of national and international events have been organised by the Ministry of Culture and Tourism. Projects on the promotion of cultural rights of the people, as well as actions aimed at the preservation and development of cultural heritage of ethnic groups have been carried out. It is noteworthy that the realization of those measures contributes to the honouring of commitments arising from the European Convention on Human Rights as well.

Unfortunately, 20 percent of the Azerbaijani territories have been occupied by Armenia and all cultural institutions which functioned in those areas have been destroyed. In order to ensure cultural development in the areas where refugees and IDPs reside, the Government of Azerbaijan takes necessary measures to ensure the functioning of music schools, museums and other cultural institutions there.

Azerbaijan has ratified the Council of Europe Convention for the Protection of the Architectural Heritage of Europe and UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions.

Currently an Action Plan is being developed in compliance with the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions. A Project titled “Our cultural diversity is our cultural unity” is envisaged within the framework of the Action Plan. This project implies the organisation of seminars on national-cultural solidarity in the areas inhabited by national minorities and indigenous people in substantial numbers, training courses for cultural figures and talented people with the purpose of their integration into the cultural life of the country, conduction of researches on the state of intercultural dialogue, publication of booklets and brochures describing cultural diversity in the country, as well as organisation of exhibitions, concerts, competitions and similar events.

The Programme of Folk Arts Capitals for 2010-2014 has been approved. In the framework of this Programme, Ganja city was declared as the Capital of Legends of Azerbaijan, Shaki as the Capital of Craftsmanship and Gazakh as the Capital of Folklore in 2010; Shabran as the Capital of Legends, Lankaran as the Capital of Folklore and Ismayilli as the Capital of Craftsmanship in 2011. This enabled the mentioned cities to strengthen the preservation and development of national culture, including ethnic and cultural specificities, ethnographic features, historical traditions and customs and folk craftsmanship, and contributed to further improvement of social and economic life there.

Azerbaijan's Mugam music, Ashig arts, Carpet weaving and Novruz Holiday have been included in the Representative List of the Intangible Cultural Heritage of the UNESCO, which consequently contributed to the protection and promotion of the examples of cultural self-expression of people practicing in the mentioned spheres.

Furthermore, in order to promote the historically rooted tolerance and ethnic-cultural diversity, Lahij, Nij and Girmizi Gasaba settlements inhabited by the national minorities, were suggested by the Government of Azerbaijan to be included in the Representative List of the Intangible Cultural Heritage of the UNESCO under the "Culture Space". It is noteworthy that the residents of Lahij are Muslims, while those of Nij (Udins) are Christians and Girmizi Gasaba residents are Jews.

### **Article 6 of the Convention**

Approval of the National Actions Plan on Protection of Human Rights in the Republic of Azerbaijan by the President of the Republic of Azerbaijan on 28 December 2006 has streamlined the actions taken in the field of protection of human rights in the country, improvement of the mechanisms of ensuring human rights and freedoms, strengthening the protection of the rights of different groups of population and created favourable conditions to carry out this work expediently. In accordance with the National Actions Plan, protection and development of cultural heritage of the national minorities is a priority. Moreover, awareness-raising is carried out in the cities and regions of the Republic of Azerbaijan for the promotion of legal understanding and legal culture, peace, tolerance and anti-discrimination among the population.

The publications aimed at protection of human rights and freedoms, as well as prohibition of discrimination, promotion of peace and tolerance are highlighted in

the printed media of the Ministry of Justice, and relevant information is placed on the web site of the Ministry.

Moreover, last April, the World Forum for Intercultural Dialogue was held in Baku with participation of local and international communities. Conceptual, managerial, political and practical aspects of intercultural dialogue were discussed at the Forum.

Criminal legislation of the Republic of Azerbaijan implies responsibility for the crimes committed on the basis of ethnic discrimination.

The Criminal Code of the Republic of Azerbaijan effective as of 1 September 2000 envisages responsibility for such crimes as genocide (Article 103), solicitation to commitment of a genocide (Article 104), deportation or forced exile of population (Article 107), prosecution on political, racial, national, ethnic, cultural, religious, gender grounds or prosecution of any group or organization on the grounds as prohibited by international legal norms (Article 109), racial discrimination (Article 111), violation of the right of equality (violation of equality right of a person by causing damages to his/her legal interest on the basis of his/her racial, national, religious, language, gender background, origin, property status, position, belief, membership to political parties, trade unions and other public unions, Article 154). In accordance with Article 283 of the Criminal Code, criminal responsibility is envisaged for actions aimed at incitement of national, racial or religious hostility, humiliation of national dignity, as well as actions to restrict citizens' rights or establishment of the superiority of certain people over others on the basis of their national or racial background. The acts listed in this norm are classified as causing lesser public danger or as less serious offences, and the penalty provided for such crimes vary from one up to two thousand of nominal financial unit, or imprisonment for the term of up to five years.

It should be noted that nobody was sentenced by the courts of the Republic of Azerbaijan under Articles 103, 109, 154, and 167 (obstruction of implementation of religious activities) of the Criminal Code of the Republic of Azerbaijan during 2006-2010, while during the same period 2 persons were sentenced under Article 168 (Interference with citizens' rights on the pretext of discharging religious activities), 5 persons were sentenced under Article 283 of the Criminal Code (instigation of national, racial or religious hostility).

According to paragraph 2.n. of Article 31 of the Labour Code of the Republic of Azerbaijan the content of collective labour contracts include mutual obligations on

assistance in provision of information and conducting explanatory work with regard to humiliation of individual employees, offensive and insulting actions at the workplace or in connection with the occupation and prevention of such actions, taking all necessary and appropriate measures in order to protect employees from such treatment.

State control over protection of labour, employment and social rights of employees, including those of national minorities working in enterprises and organizations operating in the Republic of Azerbaijan is carried out in accordance with the requirements of relevant legislation.

There have not been any complaints of citizens about violation of their labour, employment and social rights on the basis of their ethnic identity.

### **Article 7 of the Convention**

The freedoms of thought and speech, of conscience, of assembly, of association, as well as the right to business activity are enshrined in Articles 47, 48, 49, 58 and 59 of the Constitution of the Republic of Azerbaijan.

Favourable conditions for the development of civil society existing in the country have led to the positive dynamics in the activity of non-governmental organizations, as well as organizations dealing with issues of national minorities. There are 49 such NGOs registered to date.

Only few such NGOs have not been registered, as their founding documents were not drafted in accordance with the relevant legislation, including the Law on State Registration and State Registry of Legal Entities. While rejecting their registration, the authorities have indicated to them the defects and shortcomings existing in the founding papers. Organizations whose founding documents were prepared in accordance with the legislation are registered without any prejudice.

According to Article 14 of the Law on Mass Media, there is no need to get permission from the authorities for the establishment of printed media. The legal or physical person wishing to establish printed media has only to notify officially the relevant executive authority 7 days prior to the issue of that printed media. The application shall include the title, aims, circulation, legal address, editor of the printed media, and name of the founder or, in case it is a legal entity, its registered charter.



In accordance with Article 22 of the Charter of the International Labour Organization (ILO) as well as the Conventions of the ILO ratified by the Republic of Azerbaijan namely N 87 on “Freedom of Association and Protection of the Right to Organize”, N 98 on “Right to Organise and Collective Bargaining”, regular reports on the actions taken by the Government of the Republic of Azerbaijan are submitted to the ILO.

### **Article 8 of the Convention**

96 percent of the population of Azerbaijan is Muslims. The rest are Christians, Jews and people belonging to other religions or not affiliated with any. Unlike Islam, which is a majority religion in Azerbaijan, almost all trends of Christianity are represented here.

The Christians affiliated with Orthodox, Catholic, Lutheran and Protestant branches, as well as members of historical Albanian Church live in Azerbaijan. The Christian population of the country mainly live in Baku, Sumgayit, Ganja cities, as well as in Gakh (Georgian-orthodox), Ismayilli, Gadabey, Gobustan (molokans) and Gabala (Alban-Udins at Nij settlement) regions. The Catholics and Lutherans mainly live in Baku. German-Lutherans once living in Shamkir and Goygol regions were deported by the Soviet authorities during World War II.

There thousands of persons belonging to other protestant denominations. They are mainly Adventists, Baptists, Fifties, the Jehovah’s Witnesses and others. They mainly live in Baku, Sumgayit and Ganja cities.

The Jews reside mainly in Guba and Oghuz regions, as well as in Baku and Sumgayit cities. It should be noted that Girmizi Gesebe (Guba region) is the only place in the world, except Israel, where the Jews live densely.

Furthermore, there are people belonging to Krishna and Bahai denominations. The Krishnas mainly live in Baku, while Bahais in Baku and Sumgait cities. Udins live densely at Nij Settlement of Gabala region. The Government of the Republic of Azerbaijan makes great efforts for renaissance of Udins who are one of the most ancient ethnos of this land, preserving material and cultural patterns and ethnic-cultural peculiarities up to date.

Despite different religious affiliations of citizens, there is a strong religious tolerance in the Azerbaijani society. Currently, favourable conditions have been created in the country for realization of the freedom of conscience of all citizens.

Protection and strengthening of these conditions are one of the main priorities of the Government.

Changes and innovations in the normative and legal system concerning religious freedom played an essential role in implementation of freedom of conscience more completely, defining the status, rights and duties of religious entities, and regulation of the activities of religious entities, and launched a new stage in state registration of religious entities, and simplified the existing procedure.

In 2009, 534 religious entities were registered with the State Committee prior to making any addendums and changes to the Law “On Freedom of Religion” and 32 of them were non-Muslim communities.

One of the addendums made to the legislation implies re-registration and state registration of all religious entities established and registered until that time. By January 1, 2010 more than 800 applications have been submitted to the State Committee, and up to date 544 religious entities have passed the registration. However, the activity of existing religious entities prior to acceptance of the addendums is not considered illegal.

The legal guarantee of the state registration is provided by the State Committee on the basis of Decree No. 48 of the President of the Republic of Azerbaijan, dated April 12, 2004 “On application of the Law of the Republic of Azerbaijan on state registration of the legal entities and state register”, in accordance with the Civil Code of the Republic of Azerbaijan, laws of the Republic of Azerbaijan “On freedom of religious convictions”, “On state registration of the legal entities and state register”, and other normative and legal acts adopted accordingly, as well as Orders 70 and 265 of the Cabinet of Ministers of the Republic of Azerbaijan, and on the basis of principles of ensuring legality, transparency, objectivity, human rights and freedoms.

Though the legislation envisages it, the registration of religious entities was rarely rejected, only in cases of serious violation of the requirements of laws.

For excluding any problems in re-organization of registration, the changes occurred prior to acceptance of the documents were taken into account in the course of registration.

According to statistics, 35 non-Muslim religious communities have obtained legal status and they continue their activities in more than 40 places of worship owned

by them within the framework of law. Currently, the composition of non-Muslim religious communities and the number of places of worship are as follows:

- Orthodox – 1 religious community or eparchy (5 Orthodox churches and 2 houses of prayer)
- Catholic – 1 religious community (1 Catholic church and 1 house of prayer)
- Evangelical Lutheran – 1 religious community (1 Lutheran church)
- Molokan – 3 religious communities (3 houses of prayer)
- Alban-Udin – 2 religious communities (Chotari Udin church in Nij settlement of Gabala region and a temple in Oghuz city)
- Georgian Orthodox – 2 religious communities (4 Georgian orthodox churches in Gakh region)
- Baptist – 3 religious communities (3 houses of prayer)
- Seventh-Day Adventists – 2 religious communities (2 houses of prayer)
- Jehovah's Witnesses – 1 religious community (1 house of prayer)
- Doxology Church – 1 religious community (1 house of prayer)
- Life-giving Annunciation – 1 religious community (1 house of prayer)
- Star in the East – 1 religious community (1 house of prayer)
- Nehemiah Christian – 1 religious community (1 house of prayer)
- New Apostle – 1 religious community (1 house of prayer)
- New Life Christian Gospel – 1 religious community (1 house of prayer)
- Religious community of the Christian-oriented devout – 1 religious community (1 house of prayer)
- Jewish – 8 religious communities (6 synagogues and 2 houses of prayer)
- Bahai religious community – 3 religious communities (3 houses of prayer)
- Krishna consciousness – 1 religious community (1 house of prayer)

Stability of religious situation that is ensured in the country is the pre-condition for existing tolerance and non-discrimination among the citizens, free functioning of religious communities as legal entities in their places of worship, unimpeded conduction of religious ceremonies and holidays. Mutual respect among members of different religious denominations is a present day reality in Azerbaijan.

Both Muslim and non-Muslim religious communities are treated equally in the process of registration, including on reception and examination of their documents in accordance with the legislation. Currently, state registration of the religious entities continues.

In accordance with the "Law on Freedom of Religion" the non-Muslim religious communities have the right to be subordinated and to change their subordination to religious centres acting abroad. Moreover, non-Muslim religious entities whose

organizational centres are located abroad are entitled to follow the regulations of those centres in cases not contradicting the legislation of the Republic of Azerbaijan. Currently, centres of the most non-Muslim religious entities, as well as Russian Orthodox, Catholic, Lutheran, Georgian-Orthodox churches are located abroad and the clergy heading those churches, as well as the protestant and Jewish religious communities are appointed by the centres located abroad.

Furthermore, religious centres and offices existing in Azerbaijan have working relations with similar centres in foreign countries, and frequently attend international religious events.

Along with places of worship, there are Christian and Jewish religious educational establishments in the country. Thus, Sunday schools at Orthodox churches, Bible courses of protestant communities, courses of Hebrew language, Judaism and Jewish culture etc. are provided in Azerbaijan.

Recently, the procedure of examination of religious literature has been significantly simplified. Meanwhile, the control by the authorities over importation of religious literature and religious items to the country did not affect negatively the minorities.

The Republic of Azerbaijan does not spare any effort to ensure and promote the freedom of religion, thought and expression for all people in the country in accordance with the existing legislation and international legal instruments to which it is a party.

### **Article 10 of the Convention**

In accordance with Article 71 of the Constitution of the Republic of Azerbaijan, legislative, executive and judicial powers are obliged to ensure and protect human rights and freedoms enshrined in the Constitution.

Pursuant to Article 11 of the Code of Criminal Procedure of the Republic of Azerbaijan, criminal proceedings in the Republic of Azerbaijan shall be carried out on the basis of the equality of all persons before the law and the courts.

According to Article 11.2 of the Code of Criminal Procedure, the judicial authorities may accord no advantage to any participant in the criminal proceedings regardless of citizenship, social status, gender, race, ethnicity, political and religious affiliation, language, origin, property situation, work situation, beliefs,

dwelling place, place of origin or of any other reasons which are not based on law. Similar norms are enshrined in Article 7 of the Administrative Violations Code of the Republic of Azerbaijan.

In accordance with Article 26 of Criminal Procedure Code, criminal proceedings in the courts of the Republic of Azerbaijan shall be conducted in the official language of the Republic of Azerbaijan or in the language of the majority of the population in the relevant area. According to the same code, in case the parties do not know the language used in court, the judicial authority shall ensure for them the right to use the services of an interpreter free of charge during the investigation and court hearings, to be fully familiar with all documents relating to the case and criminal prosecution and to use their mother tongue in court.

The rights of parties who do not know the language used in criminal proceedings shall be secured at the expense of the budget of the Republic of Azerbaijan. The judicial authority shall provide the relevant persons with necessary documents in the language used during the trial.

### **Article 11 of the Convention**

As regards the ensuring of the right of persons belonging to national minorities to use their first name, surname and patronymic, the Rules of Naming and Changing the Name, Patronymic and Surname approved by decree No.79 of the Cabinet of Ministers of the Republic of Azerbaijan on 12 May 2011 envisages no restrictions with regard to national minorities. That is to say that everybody, including the persons belonging to national minorities should follow the same rules in this regard.

### **Article 12 of the Convention**

#### ***Fostering knowledge of the culture, history, language and religion of the national minorities***

A number of measures have been taken in the field of strengthening the respect to the right of persons belonging to national minorities in the field of education.

The Ministry of Education in cooperation with the International Committee of the Red Cross has organized several round tables and seminars for teachers within the framework of the project “Spreading the knowledge on the international humanitarian law” since 2007.

Particularly during the academic years 2010-2011, in the framework of the same project trainings on such topics as “national minorities”, “strengthening the respect to human rights and freedoms for all peoples with different racial, national, ethnic and language backgrounds”, “promotion of mutual understanding, tolerance, amity and equality among the people with different racial, national, ethnic and language backgrounds”, “our traditions and laws” were held.

A number of round tables and conferences were organized within the framework of the project “Supporting the development of ethnic culture of the national minorities inhabiting Gakh, Zagatala and Balakan regions.”

A book named “The publications of the national minorities living in Azerbaijan” was published in Baku in 2010. The book, which is the result of the research of the media published in the languages of the national minorities, was presented to the public with the participation of the representatives of national cultural centres, NGOs, mass media and prominent personalities.

### ***Textbooks and teacher training***

Teachers for educational institutions which provide education in the language of the national minorities are trained in the colleges (technical secondary schools) which have relevant departments for such training. For instance, since 1990, the subjects “Lezgi language” and “Teaching methodology of Lezgi language” have been included in the curriculum of Gusar Branch of Baku Pedagogical College. Currently, the teachers trained in this educational institution are involved in pedagogical activity in schools in Guba, Gusar and other regions inhabited by Lezgis.

In 1993, textbooks in Talish language for primary school teachers have been introduced in Lankaran and Astara Pedagogical Colleges. Talish students study in Lankaran State Humanitarian College, and more than 1000 Talish students study in Astara Pedagogical College.

For the purpose of coordination of activities aimed at preparation and publication of curricula, textbooks, dictionaries, teaching and didactic materials in the languages of national minorities a Department of Teaching Methodology of the Languages of National Minorities was established in the Scientific-Research Institute of Pedagogical Sciences in 1989.

In order to promote the access of the persons belonging to national minorities to education in their language at higher level educational institutions, several colleges have been established in the regions densely inhabited by persons belonging to national minorities. Thus, in such regions most of the students studying in the local branches of Baku Industrial College and Baku Food Industry College as well as in Astara Pedagogical College are persons belonging to national minorities.

### **Article 13 of the Convention**

#### ***Private schools for the national minorities***

In accordance with the legislation, any educational institution should obtain a special license from the authorities in order to be established and discharge educational activity.

The license for the state educational institutions is issued for an infinite period. The license issued to legal and physical persons of the Republic of Azerbaijan establishing municipal and private educational institutions is limited to five years. The license issued to foreigners and stateless persons as well as foreign legal persons for establishment of private educational institutions is limited to three years. The recognition by the Republic of Azerbaijan of licenses obtained by foreign legal entities, their branches and representations, as well as foreigners or stateless persons for educational activity in their respective countries is governed by intergovernmental agreements concluded by the Republic of Azerbaijan.

Legal guarantee is ensured for the activity of any educational institution registered as a legal entity and accredited in the Republic of Azerbaijan, which has a license.

In October 2010, a new private Jewish education facility started functioning in Baku. This educational institution which is open for all Jewish children living in the Caucasus and Caspian basin region provides teaching of Jewish language, culture and history.

## **Article 14 of the Convention**

### ***Teaching the minorities' language***

In accordance with the Law on Education of the Republic of Azerbaijan, all citizens have the right to get education regardless of their race, nationality, religious affiliation, sex, age, health status, social and material situation, profession, social affiliation, place of residence, political views and previous sentences. The citizens have the right to choose the form of education, the institution and the language of education.

At the present time, general education in Azerbaijan is provided in three languages – Azerbaijani, Russian and Georgian. With the aim of preservation and development of the languages of national minorities, particular attention is devoted to teaching of their languages at secondary schools. All necessary conditions are ensured for the national minorities to get education in their native languages in the regions inhabited densely by the national minorities. Mother tongue of the national minorities is taught at the primary grade level.

The special attention is given to updating and development of the curricula, textbooks and other materials used in teaching of the national minorities' languages. New alphabet books have been published in Lezgi (for 1<sup>st</sup> grades), Talish, Tat, Kurdish, Sakhur and Khinalig (for 2<sup>nd</sup> grades) languages. It should be noted that all schools where the national minorities' languages are taught have been provided with relevant textbooks and teaching materials. For increasing the quality of the education provided to the national minorities, new teaching materials and dictionaries have been published recently.

Moreover, programs on teaching “mother tongue” of the national minorities' for I-IV grades in the regions inhabited densely by the minorities have been published.