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**SECOND REPORT SUBMITTED BY AZERBAIJAN  
PURSUANT TO ARTICLE 25, PARAGRAPH 1  
OF THE FRAMEWORK CONVENTION FOR  
THE PROTECTION OF NATIONAL MINORITIES**

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

A number of measures have been taken at national level for following up the results of the first monitoring cycle on the implementation of the Framework Convention of the Council of Europe for the Protection of National Minorities in the Republic of Azerbaijan.

Taking into account the good knowledge of Azerbaijani or Russian language by major national minorities living in Azerbaijan, Framework Convention of the Council of Europe for the Protection of National Minorities, Opinion on Azerbaijan of 22 May 2003 adopted by the Advisory Committee on the Framework Convention, Written Comments of the Government of the Republic of Azerbaijan on that Opinion, and Resolution of the Committee of Ministers of the Council of Europe of 13 July 2004 on the implementation of the Convention by Azerbaijan have been translated into Azerbaijani and Russian languages.

Framework Convention for “Protection of National Minorities” has also been translated into Talysh language and all international legal documents concerning national minorities into the Azerbaijani language and were published as a collection (“Collection of international acts on rights of national minorities”, Baku, 2005) and distributed.

On 19 December 2005, a seminar on implementation of the Framework Convention of the Council of Europe for Protection of National Minorities was held in Baku. Representatives and organizations of all the national and religious minorities living in Azerbaijan, including a number of relevant local and regional organizations and representatives of non-governmental organizations, representatives of media, members of Baku Office of the UN High Commissioner for Human Rights, representatives of the OSCE Baku Office participated at the seminar. Head of the Advisory Committee on Framework Convention of the Council of Europe for Protection of National Minorities Mr. Asbjorn Eide took part in that event and made a report which was translated into Azerbaijani and Russian languages.

In connection with the first part of Resolution of 13 July 2004 of the Committee of Ministers of the Council of Europe on implementation of the Framework Convention of the Council of Europe for Protection of National Minorities by Azerbaijan, it must be stated that Law on “State language in the Republic of Azerbaijan” of 30 September 2002 *regulates the legal status of the Azerbaijani language as an official language in the country* in compliance with Part I of Article 21 of the Constitution of the Republic of Azerbaijan.

Moreover, in conformity with Part II of Article 21 (*The Republic of Azerbaijan ensures the free use and development of other languages spoken*) of the Constitution of the Republic of Azerbaijan, in several provisions of the Law on “State language in the Republic of Azerbaijan” besides the application and use of the state language it was determined to use also other languages. In compliance with Article 5.2 of the Law *the activity of educational institutions in other languages* in the Republic of Azerbaijan is implemented in accordance with the legislation. Teaching of the state language is compulsory in such institutions.

According to Articles 7.1 and 11 of the Law, besides the state language in all fields of service, advertisements and announcements, *other languages may be used* in relevant fields

connected with rendering foreigners service and in advertisements and announcements (boards, indicator boards, placards) when necessary.

Article 6 of the Law on “State language” has been changed and restated by the Law of 10 June 2003 of the Republic of Azerbaijan and Paragraph 6.1 targeting some restriction in the field of electronic mass media was taken out of the Law.

In accordance with the Law of the Republic of Azerbaijan on “Notary” of 26 November 1999, if the person applying for notarial acts doesn’t know the state language or asks to carry out notarial acts in other language, notary may work out the texts of the formalized documents *in asked language* within its opportunities or the text may be translated by the translator.

The cases are conducted in state language in the Constitutional Court of the Republic of Azerbaijan. Persons participating in the cases brought before the Constitutional Court and not knowing the state language are provided with the translation of all the materials of the case *in the language they know* and their speeches *in their native languages* in the sittings of the Constitutional Court are assured.

The cases on civil, criminal, administrative offences are conducted in the Republic of Azerbaijan in the Azerbaijani language or in the language of the majority people in certain territory. Persons, participating in the processes, not knowing the languages in which the cases are conducted, have rights to give information, explanations, petition and make complaints in their native language or in any language they know, including the right to use translation services in accordance with Criminal-Procedural, Administrative Offences and Civil-Procedural Codes.

### **1. Information on discussions concerning the adoption of a new law on the protection of national minorities**

According to Article 25, paragraph 3 of the Constitution - the Main Law of the Republic of Azerbaijan “The 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. Rights and freedoms of man and citizen may not be restricted for reasons of race, nationality, religion, language, sex, origin, convictions, and political or social affiliation”.

According to the Article 44 of the Constitution “Every person has the right to preserve their nationality and no person may be forced to change his national affiliation”. Furthermore, Article 45 of the Constitution says that “Every person has the right to use his native language, right to training, education and creative endeavor in any language desired. No person may be deprived of the right to use his native language”.

As it is seen, all the citizens of Azerbaijan have the same rights regardless of their belonging to national or religious minorities. According to Article 3 of the Law of the Republic of Azerbaijan on “Citizenship of the Republic of Azerbaijan” of 30 September 1998, “Citizenship of the Republic of Azerbaijan is equal for everybody regardless of the grounds of its acquirement. Rights, freedoms and obligations of the citizens of the Republic of

Azerbaijan are equal irrespective of their origin, social and property status, racial and national belonging, sex, education, language, religion, political and other convictions, types and character of employment, place of residence and period of living there, and other cases”.

However, providing the idea of superiority for reasons of national or religious belonging, demonstrating active initiative, using physical pressure for realization of these ideas by a group or representative of nation, national and ethnic minority are restricted by law, persons or group abusing in this area are prosecuted and punished within the relevant laws. According to Article 109 (“Persecution”) of the Criminal Code of the Republic of Azerbaijan, entered into force on 1 September 2000, “persecution of any group or organization on political, racial, national, ethnic, cultural, religious, sexual basis or any persecution prohibited by the standards of international law, in other words rough deprivation of fundamental rights of people on the ground of their group or organization affiliation are punishable for imprisonment from 5 to 15 years.

According to Article 38 of the Constitution of the Republic of Azerbaijan every person has the right to social protection. Upon attaining the age of majority prescribed by law, every person has the right to social protection in cases of sickness, disability, loss of the head of family and capacity to work or unemployment and other cases prescribed by law. In compliance with this provision of the Constitution, the equal rights of all citizens in the field of pension and benefit provision is stipulated in the laws adopted on pension benefits and social maintenance of population - the laws of the Republic of Azerbaijan on “Pension payments of public officers” of 1 July 2004, on “Labour pensions” and “Social benefits” of 7 February 2006. In these particular laws no restriction is intended for persons on the basis of their ethnic origin.

According to Article 31, paragraph 2, sub-paragraph “n” of the Labour Code of the Republic of Azerbaijan, entered into force on 1 July 1999, the mutual obligations of the parties are included in the collective labour contract on measures to assist the explanation and hand over of information about overt hostility and humiliating treatment, mock at workers at workplace or connected with work, to prevent such actions and protect workers from such treatment.

State control upon protection of labour, employment and social rights of employees, including representatives of minorities working at enterprises and organizations, acting in the Republic of Azerbaijan is carried out in accordance with the requirements of legislation in this field.

Articles 47, 48, 49, 58 and 59 of the Constitution of the Republic of Azerbaijan determine “Freedom of thoughts and speech (expression)”, “Freedom of religion”, “Freedom of assembly”, “Right to association”, “Right to free entrepreneurship” of people living in the territory of the Republic of Azerbaijan.

The relevant periodical reports on the measures taken by the Republic of Azerbaijan on the International Labour Organization (ILO) Conventions - No.87 concerning Freedom of Association and Protection of the Right to Organise, No.98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively, No.135 concerning Protection and Facilities to be Afforded to Workers’ Representatives, No.154 concerning the Promotion of Collective Bargaining ratified by the Republic of Azerbaijan have been prepared and

presented to the ILO in accordance with the Article 22 of the Charter of ILO and on the basis of regular report tables of the ILO.

Draft law on “Protection of national minorities” has been discussed by the relevant commission of the Parliament of the Republic of Azerbaijan with the participation of the leaders of national-cultural centers of minorities, including historians, ethnographers, linguists and other specialists. At present the work on the draft law is being carried out at the level of experts.

## **2. Statistical data broken down by ethnicity, been collected since 1999 concerning electoral participation, socio-economic indicators and other issues**

The Republic of Azerbaijan is a multinational and multi-religious country. The national policy of the country has been determined on the basis of principles of coexistence and tolerance of various nations, ethnic groups and religious minorities. The geographical location, nature and climate, flora, fauna and other material and moral features of Azerbaijan created conditions for the settlement of people in these lands since ancient times.

A number of people speaking Caucasus Iberian language live in the northern part of Azerbaijan. Lezghins, Avars, Tsakhurs, Udins belong to this group.

Lezghins-one of the ancient nations of Dagestan live mainly in the north-western and north regions of Azerbaijan.

People that are related to so called Udin ethnic group differing with their way of life and traditions, live in Nij village of Gabala district, in the centre of Oguz district and partially in Tovuz district located in the north-western part of Azerbaijan. Udin language belongs to Lezghin subgroup of Dagestani languages of the Caucasian language family.

People that are related to Ingiloy ethnic group mainly together with Avars and Tsakhurs inhabit in Zagatala, Gakh and Balakan districts.

A group of nationalities that are related to Iranian group of Indo-European language family also settled in Azerbaijan. They consist of Tats, Talyshs, Lahijs and Kurds.

Tats and a group of population speaking Tat language mainly live in Balakhany, Surakhany, Khizy, Siyazan, Guba, Davachy districts and in Malham village of Shamakha district. Talyshs live in the south-eastern regions of Azerbaijan bordering with Iran, as well as in Lankaran, Lerik, Astara and partially in Masally districts, while Lahijs mainly live in Lahij settlement of Ismayilli district.

Kurds inhabit in the western part of Azerbaijan. 27000 Kurds out of 116000 living before in the territory of the former USSR settled in Azerbaijan. In 1999 13.1 thousand Kurds were registered in Azerbaijan. As a result of Armenian aggression against Azerbaijan about 20% of the territory of the Republic of Azerbaijan was occupied and consequently population of Azerbaijan, including Kurds lived in Kalbajar, Lachin, Gubadli and Zangilan districts settled in other regions of the Republic leaving their homes, and became IDPs.

It should be noted, that as a result of Armenian aggression against Azerbaijan about 300 thousand Azerbaijanis were driven out of their homes in Armenia and came to Azerbaijan and therefore a number of Armenian population in Azerbaijan also reduced (56.6%). By the estimates of 1999 totally 120700 Armenians live in Azerbaijan. 30 thousand Armenians live in Azerbaijan, remote from the Nagorno-Karabakh region and the territories of the districts surrounding that region of Azerbaijan.

	Number of population	Number of population in percentage terms
	1999	
TOTAL SUM OF POPULATION	7953400	100.0
AZERBAIJANIS	7205500	90.6
LEZGHINS	178000	2.2
RUSSIANS	141700	1.8
ARMENIANS	120700	1.5
TALYSHS	76800	1.0
AVARS	50900	0.6
TURKS	43400	0.5
TATARS	30000	0.4
UKRAINIANS	29000	0.4
TSAKHURS	15900	0.2
GEORGIANS	14900	0.2
KURDS	13100	0.2
TATS	10900	0.13
JEWS	8900	0.1
UDINS	4100	0.05
OTHER NATIONS	9600	0.12

*Mountain Jews* live in the part of Guba district called “Girmizi gasaba” and in Oguz district.

*Budugs, Krizes and Khinaluqhs* that are related to the “Shahdag” nationality group inhabit in the north-east of Azerbaijan - in the territory of Guba district and in Ismayilli, Khachmaz, Guba, Gabala and Zardab districts.

Having gained the independence, the Republic of Azerbaijan started the process of population census. It should be stressed that during the last population census carried out in 1999, statistical data on national composition was generalized.

Indicators of national composition, education and issues concerning the employment of population in Azerbaijan are the following:

## National composition of population in the Republic of Azerbaijan

### National composition of population in the city of Baku

	Number of population--	Number of population in percentage terms
	1999	
TOTAL SUM OF POPULATION	1788900	100.0
AZERBAIJANIS	1574300	88.0
LEZGHINS	26100	1.5
RUSSIANS	119400	6.7
ARMENIANS	400	0.0
TALYSHS	900	0.1
AVARS	500	0.1
TURKS	1100	0.1
TATARS	27700	1.5
UKRAINIANS	24900	1.4
TSAKHURS	100	0.0
GEORGIANS	2300	0.1
KURDS	800	0.0
TATS	800	0.0
JEWS	5200	0.3
UDINS	100	0.0
OTHER NATIONS	4300	0.2

(0.0) - information is less than used unit

### Division of trainings and education activities according to the languages in infant schools at the beginning of 2006

*(Excluding infant schools being under thorough repairs)*

	Total sum	including	
		public	private
Total number of children	110017	109867	150
Receiving education in languages:			
Azerbaijani	101330	101207	123
Russian	8347	8320	27
Georgian	340	340	--
Armenian	--	--	--
In comparison with the total number of children, in percentage terms:			
Azerbaijani	92.1	92.1	82.0
Russian	7.6	7.6	18.0
Georgian	0.3	0.3	--
Armenian	--	--	--

(--) - information has not been worked out



**Number of pupils receiving education in languages in morning shift secondary schools at the beginning of 2005/2006 academic year**

*(Excluding special schools for disabled children; at the beginning of the school year)*

	Total sum	including	
		public	private
Number of schools	4529	4517	12
providing education in languages:			
Azerbaijani	4153	4146	7
Russian	20	19	1
Georgian	6	6	--
Azerbaijani and Russian	343	340	3
Azerbaijani and Georgian	5	5	--
Azerbaijani, Russian and Georgian	1	1	--
English	1	--	1
Armenian	--	--	--
Number of pupils	1576615	1571566	5049
receiving education in languages:			
Azerbaijani	1465348	1461358	3990
Russian	108737	108165	572
Georgian	2043	2043	--
English	487	--	487
Armenian	--	--	--
in comparison with the total sum of pupils, in percentage terms:			
Azerbaijani	93.0	93.0	79.0
Russian	6.9	6.9	11.3
Georgian	0.1	0.1	--
English	0.0	--	9.7
Armenian	--	--	--

(--)- information has not been worked out

**Number of students on academic language at the beginning of 2005/2006 academic year**

	Higher schools			Specialized secondary schools		
	Total sum	Including		Total sum	including	
		public	private		public	private
Total sum of students	129948	105997	23951	57896	55028	2868
receiving education in languages:						
Azerbaijani	110190	89677	20513	55712	52892	2820
Russian	16843	15305	1538	2135	2087	48
Turkish	570	476	94	--	--	--
English	2345	539	1806	49	49	--
Armenian	--	--	--	--	--	--

in comparison with the total sum of students, in percentage terms:						
Azerbaijani	84.8	84.6	85.7	96.2	96.1	98.3
Russian	13.0	14.4	6.4	3.7	3.8	1.7
Turkish	0.4	0.5	0.4	--	--	--
English	1.8	0.5	7.5	0.1	0.1	--
Armenian	--	--	--	--	--	--

(--) - information has not been worked out

**Educational level of population on each nation**  
(On the basis of population census information of 1999)

	Population aged 15 and above with higher and secondary education	including			
		Higher educated	Incomplete higher educated	Specialized secondary educated	Secondary educated
person					
Total sum of population	5421430	573574	44022	680987	2811666
including:					
Azerbaijanis	4877332	513760	38625	603229	2563388
Lezghins	122358	9290	696	14374	59857
Russians	121596	22444	2080	26271	48422
Armenians	85230	7299	1239	12528	32684
Talyshs	51796	2227	114	3162	30820
Avars	35057	1748	104	3716	18084
Turks	27305	1830	116	1795	14397
Tatars	23433	3974	359	4751	9896
Ukrainians	22472	5142	353	4224	9170
Tsakhurs	11044	638	35	1203	5389
Georgians	10942	1626	97	1929	4213
Kurds	8397	476	39	672	4453
Tats	7431	393	13	534	3778
Jews	6680	1333	65	1065	2630
Udins	2877	145	3	337	1584
Other nations	7480	1249	84	1197	2901

**Economical activity status and employment of different nations in the Republic of Azerbaijan**

*(On the basis of population census information of 1999)*

Nations	Economically active population	Including employed population		Ratio of employed population to economically active population
		person	percent	
Total sum of population	3400319	2847693	100.0	83.7
<i>including:</i>				
Azerbaijanis	3064536	2555744	89.7	83.4
Lezghins	77657	68878	2.4	88.7
Russians	62896	50289	1.8	80.0
Armenians	54395	45908	1.6	84.4
Talyshs	37576	36184	1.3	96.3
Avars	25291	24114	0.8	95.4
Turks	18515	17393	0.6	93.9
Tatars	12768	10141	0.4	79.4
Ukrainians	12508	9943	0.4	79.5
Tsakhurs	7642	6870	0.25	89.9
Georgians	7207	6569	0.2	91.2
Kurds	5591	4166	0.2	74.5
Tats	4259	3877	0.1	91.0
Jews	3179	2617	0.1	82.3
Udins	1959	1334	0.05	68.1
Other nations	4340	3666	0.1	84.5

235 Schools of music, arts and paintings act in the Republic of Azerbaijan. There are 39 Schools of arts and music for children in Baky city and 5 in Sumgayit city. Children are educated here regardless of their national affiliation. More than 12000 children are educated on various specialties at 41 schools of arts and music in Lankaran, Astara, Balakan, Davachy, Gadabay, Khachmaz, Ismayilli, Gakh, Gabala, Gusar, Lerik, Zagatala, Masally districts where national minorities live compactly.

The representatives of national minorities living in Azerbaijan are appointed to high posts, granted honorary titles and awarded Presidential grants (scholarships). The representatives of national minorities are represented in the governmental structures, parliament and central executive power bodies, as well as in the state bodies and municipalities of regions densely populated by them. For instance, more than 1000 employees (about 4%) working for the Ministry of Internal Affairs of the Republic of Azerbaijan (including, persons filling high positions at the level of heads of departments and sections) belong to national minorities. They are Lezghins, Talyshs, Russians, Tats, Avars, Tatars, the Jews and others.

Non-indication of ethnic affiliation on new identification cards in Azerbaijan restricts the possibility of discrimination cases of the citizens of the Republic of Azerbaijan as well as national minorities for that reason.

**3. Information on recent activities carried out by the Ombudsman in respect of persons belonging to minorities, details regarding the human and financial resources available to the Ombudsman and plans related to creation of permanent regional representatives of the Ombudsman.**

The Ombudsman institution, one of the important institutes in protection of human rights and freedoms, has been acting in Azerbaijan for more than 4 years. During this period one of the directions of the multiple-branched activity done by the Ombudsman in protection of human rights and freedoms was combating against discrimination, prevention of such cases and the acknowledgement of enlightening in this field. According to the Constitutional Law of the Republic of Azerbaijan on “Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan”, the commitment of the Commissioner is to restore human rights and freedoms stipulated in the Constitution of the Republic of Azerbaijan and in the international agreements to which Azerbaijan is a party, violated by the governmental and municipal bodies and high officials.

In accordance with the provisions of Constitutional Law on Ombudsman, every person living in Azerbaijan has the right to apply to the Ombudsman regardless of his/her race, nationality, religion, language. According to Article 8.1 of the Law, the Ombudsman examines complaints on violations of human rights of the citizens of the Republic of Azerbaijan, foreigners and stateless persons, as well as legal entities.

Taking into consideration the fact that Azerbaijan is a multinational state and a great number of ethnic groups and national minorities live there, different complaints are addressed to the Ombudsman by the representatives of national minorities too, but these appeals are mainly connected not with national affiliation, but the general socio-economic problems.

During the term of activity, the Ombudsman took a number of measures aimed at ensuring rights and religious freedom of national minorities. At the conferences held by own initiative the Ombudsman promoted constructive proposals on religious tolerance, spiritual education and mutual relations of persons with different religious views.

On the round table organized by the Ombudsman and held on topic “The role of the Ombudsman in ensuring freedom of conscience in Azerbaijan” with the participation of the representatives of the State Committee on Work with Religious Institutions of the Republic of Azerbaijan, other governmental bodies and non-governmental organizations, as well as the Coordinator of Global Religions Network for Children on the Caucasus and Central Asia, such issues as ensuring of freedom of conscience in the country, international treaties on freedom of conscience and participation of Azerbaijan in these treaties, the role of the Ombudsman in ensuring freedom of conscience, the equal rights of all persons, the role and responsibility of every person in protection of these rights were broadly discussed and Ombudsman expressed her opinion and promoted appropriate proposals.

The Commissioner regularly keeps contact with the international network “Religions for Children” for the purpose of promoting religious tolerance to the children and the youth.

It is obvious that there are people related to various religions in detention centers. The religious affiliation of these persons should be taken into account and suitable conditions must be created for realization of the freedom of conscience. Taking these into consideration, the Commissioner made a proposal on improvement of detention conditions of the detainees belonging to various religions, arranging regular meetings with the figures of relevant religious confessions and other related issues. In addition, the Commissioner in order to reform the convicts morally and ethically, proposed to invite the representatives of state - registered religious unities to detention centers for spiritual education of convicts and ensure their use of religious supplies and equipment as well as religious literature.

The Commissioner also maintains close relations with the representatives of various religions and regularly takes an interest in their problems. The Commissioner visited Jewish "Khabad Or-Avner" educational complex, met with the teachers and pupils, was interested to find out the level of knowledge of pupils in the field of children rights.

Taking into consideration that national and religious tolerance is the peculiarity of the Azerbaijani society and the most substantial achievement, the Commissioner proposed to set up an inter - religious Council called "Peace culture through religion" where all religious communities presented in Azerbaijan are included.

The Commissioner took part in some international events dedicated to religion and human rights, as well as rights of national minorities. Among them the conference held on topic "Dialogue, tolerance, education: Joint activity of the religious communities with the Council of Europe" organized by the Commissioner for Human Rights of the Republic of Tatarstan and the Council of Europe jointly, in Russia, Kazan on 22-23 February 2006 holds specially important place. The Commissioner for Human Rights of the Republic of Azerbaijan took part in that conference and made a report on topic "Religion and human rights".

During the term of activity the Ombudsman signed agreements of mutual cooperation with 7 foreign Ombudsman institutions (the Ombudsman of the Russian Federation, Tatarstan and other subjects of Russia, Ukraine, Georgia and Uzbekistan). In these agreements issues connected with the mutual exchange of experience, including joint participation directions in the solution of problems of the nations living in both countries, in ensuring the rights and freedoms affirmed in international agreements were taken into consideration.

In accordance with the cooperation agreements, on the basis of the applications addressed to the Ombudsman of the Republic of Azerbaijan, the Commissioner took necessary actions and measures in the direction of solution of the problems (e.g. taking necessary documents from relevant governmental bodies, eliminating artificial obstacles created by some officials against the realization of rights affirmed in the legislation etc.) of persons from various nations.

The Commissioner for Human Rights of the Republic of Azerbaijan carried out necessary activities within her competence in the direction of protection of rights of national minorities living in the country, on the basis of bilateral agreements concluded with the Commissioners (Ombudsman) of the CIS member states in the field of protection of human rights (realization of cultural rights of persons pertaining to national minorities, pension provision, protection of rights of the convicts and other issues).

A round-table was arranged in the Commissioner's initiative, at the Ombudsman Office with the participation of three large religious communities (Muslims, Mountain Jews and Russian Orthodox religious communities). At the round-table, the condition of ensuring the rights and freedoms of various nations living in the territory of the country was discussed and the Ombudsman's legal rights and authorities in protection of human rights and freedoms were explained to the representatives of religious communities.

The Ombudsman held a number of meetings in separate regions, areas where national minorities are densely populated, arranged several training-workshops for their legal enlightening. Regional centers of the Commissioner for Human Rights were opened in 3 regions of the Republic of Azerbaijan where national minorities are densely populated, in Guba (covering 6 districts), Shaki (covering 6 districts), Jalilabad (covering 9 districts) regions by support of the UNDP in July-August 2003 for the purpose of improving the ensuring of human and civil rights. Enlightenment measures were regularly realized by the regional centers in the regions where national minorities are densely populated. For instance, workshops were held by the Commissioner in Nij village of Gabala district where Udins are densely populated and in Katekh village of Balakan district, Aliabad village of Zagatala district where Avars are densely populated and in other regions.

The Commissioner maintains close relations with the communities of the national minorities in Azerbaijan, e.g. the Commissioner constantly holds meetings with the representatives of the Russian Community Council and Tatar Community.

The Commissioner and the representatives of Ombudsman Office participated at a number of international conferences including the OSCE annual report meetings on Human Dimension, the conference of the "Ombudsmen network on protection of rights of minorities" held by the initiative of the European Center on Minority issues in Berlin, Germany on 16-17 October 2003, and during these conferences put forward proposals on the determination of activity strategies implemented by OSCE and other international organizations in this field. Ombudsman of the Republic of Azerbaijan presented a report with the initiative to establish "Ombudsmen network on protection of rights of minorities".

For the purpose of more effective protection of the rights of national minorities, improvement of legislation and analysis of current international documents in this field, the Counselor under Ombudsman was appointed, dealing with different directions in the field of human rights protection (protection of rights of detainees, refugees and IDPs, children and elder people) including the protection of rights of national minorities.

The Commissioner, in view of the importance of acceding to the Convention on "Fight against discrimination in education" of 14 December 1960, adopted within the framework of UNESCO, applied to the Government of the Republic of Azerbaijan in regard to the ratification of this convention. At present, this issue is under discussion in Milli Majlis (Parliament) of the Republic of Azerbaijan.

#### **4. System used by the State to allocate financial support for the cultural activities of national minorities**

In 1993, by the relevant decree of the President of the Republic of Azerbaijan 1.5 million manats were allocated from the Presidential Fund for the development of languages and cultures of national minorities. In 1996-1997, 200 million manats were allocated from the state budget for the cultural-organizational activities and press agencies of national minorities, and were transferred to the account of national-cultural organizations of minorities. In 1996, 27 million manats of state funds were allocated to publish manuals and other literature in the languages of national minorities. For the purpose of supporting the activity of Russian Orthodox Church and Jewish synagogue in Baku some resources were allocated from the Presidential Fund in various times, and some events of national-cultural organizations were also financed by the state.

Regular radio broadcasts in Kurdish, Lezghin, Talysh, Georgian, Russian, Armenian languages are financed at the expenses of state budget. ABC-books, educational programs, other manuals, school dictionaries, and other literature in the languages of more than 10 national minorities are published on account of state and are distributed free of charge.

At present the possibilities of allocating funds from the state budget aiming at stimulating the activities of national-cultural organizations and development of languages and cultures of national minorities are being analyzed.

The Government of the Republic of Azerbaijan has developed the Action Plan related to the protection and development of cultural values and cultural heritage of national minorities, as well as ethnic groups living in the country and at present the Plan is being implemented taking into consideration the following:

- Work with the representations and embassies of the countries that are historically native land of ethnic groups living in the Republic of Azerbaijan;
- Cooperation with cultural centers and units representing minorities;
- Holding workshops and meetings with the cultural workers connected with the protection and development of cultural heritage and cultural values of national minorities and ethnic groups;
- Organizing exhibitions reflecting ethnography, art and customs of national minorities;
- Arranging tour visits of folklore groups of national minorities in the Republic and abroad;
- Celebrating anniversaries of outstanding Art and cultural workers of national minorities;
- Provision of non-professional groups with garments of folklore, musical instruments, technical supply etc.

Buildings, that belong to the past of the citizens of the Republic of Azerbaijan, regardless of their national affiliation, were included to the list and were restored as “historical and cultural monuments” and now they are being protected. Churches in Kish village of Sheki district (the opening ceremony of restored memorial was in 2003) and Nij village of Gabala district (the opening ceremony of Alban-Udin church was held in 2006 within the framework of commitments on implementation of Framework Convention for the

Protection of national minorities and “State program on socio-economic development of regions of the Republic of Azerbaijan for 2004-2008 years” by direct support and assistance of the Government of the Republic of Azerbaijan) may be the example.

XIX century mosque that belongs to Talyshs in Arkivan village of Masally district and Christian church in Gakh district were restored. On the basis of initiative of the Government of the Republic of Azerbaijan, the project dealing with the establishment of the museum called “Culture and ethnography of national minorities” in Allahverdi church located in Gakh district, was developed and positively evaluated by the Council of Europe.

Nowadays important work connected with the centers and units, representing national minorities is being done. Material and technical basis of the State Puppet Theatre established in Gakh district and the Lezghin State Dram Theatre in Gusar district funded by the state budget was strengthened. In compliance with decree № 551 of the President of the Republic of Azerbaijan of 16 December 2004 and decree № 54 of the Cabinet of Ministers of the Republic of Azerbaijan of 22 February 2005, Georgian theatrical group established in 1981 in Alibayli village culture house of Gakh district and named “National Theatre” in 1985, was given governmental status. In addition, Russian departments of the Russian Dram Theatre named after S.Vurgun and Azerbaijan State Musical Comedy Theatre, Azerbaijan State Young Spectators Theatre and Azerbaijan State Puppet Theatre are successfully acting.

Measures are taken to develop repertoires of collectives of amateur art activities on the national ground aimed at widely propagating the culture, folk-lore of minorities. Some national collectives of this kind are famous not only in the Republic, but also in a number of foreign countries. Saatli district “Adigun” Turkish, Gakh district “Shvidkatsa” Georgian, Zagatala district “Jeyranim” Tsakhur, Guba district Tat, Jewish, Gusar district “Shahnabat”, “Mel”, “Gayibulag”, “Kard” (eagle), “Dustar”, “Yaran oker”, (“Novruz ishigleri”) Lezghin, Balakan district “Jahan” Avar, “Shelale” Ingiloy, Lankaran district “Shanlik”, Masalli district “Halay”, Astara district “Sevinj”, “Avasor” Talysh, Ismayilli district, Ivanovka village Cultural house malakan collectives of amateur art activities are of this kind.

With a view of improvement of the activities of national minorities in the field of culture, performances of art amateur collectives in Balakan, Zagatala, Gakh, Lankaran, Astara, Lerik, Jalilabad, Gusar, Guba, Khachmaz districts have been organized. Also, for the purpose of wide propagation of cultures of national minorities, regional workshops and conferences were held for cultural workers in Khachmaz and Lankaran districts. Special places were formed in methodic rooms of cultural houses to widely display the life of national minorities. Regardless of national composition, “Sevinj” group of Astara district culture house, “Avasor” folklore group of Kokolos culture house, Georgian chorus, Georgian dance groups of Gakh district Alibayli, Gakhbash village cultural houses and “Zopu-zopu” national collective of Gabala district play an important role in propagation of national customs and traditions in those regions. Musical compositions like “Talysh toyu”, “Bahar” in Astara district also highlight the customs and traditions of national minorities. By the “Shvidkatsa” culture house of Gakh-Ingiloy village of Gakh district a chorus studio consisting of children and teenagers was created. Georgian and Ingiloy folklore holds special place in repertoire of both collectives. Collectives of art amateur activities consisting of representatives of minorities act in the village clubs of Narajan, Lajat and Yalama culture house of Khachmaz district, Gimil, Digah, Zargova, Velvele, Vladimirovka culture houses, Pusteqasim, Galakhudat, Khanegah village clubs of Guba district, Urva, Kohne Khudat, Gazmalar, Hil culture houses of Gusar district. Collectives representing national minorities take an active



part during the events on regional and Republican levels. Many collectives acting in cultural institutions go on tour to the regions of Azerbaijan and abroad.

Permanent methodical and practical assistance is rendered to “Samur” Lezghin cultural center acting in cultural house named after H.Sarabski in the city of Baku. Members of national minorities’ art group are provided with musical instruments, methodical assistance, national garments and technical supplies. Sections of exposition and special objects reflecting the history, culture, life, customs and traditions of these nations function at the historical-ethnographic museums in the regions and cities where national minorities live compactly (Astara, Zagatala, Gakh, Guba districts). Necessary conditions have been created to exhibit works of art and handworks of creative and skillful persons from those nations at these museums.

Photo exhibition devoted to national minorities living in Azerbaijan was organized within the framework of cultural measures on topic “Azerbaijan week” held at UNESCO Headquarters in Paris on 16 - 23 October 2006.

Special department for work with national minorities was organized at the central library of the city of Baku. Arrangements dedicated to the anniversaries of poets, writers, outstanding scientists and cultural workers of national minorities are being held at the libraries, and exhibitions are organized. Books of poets and writers belonging to national minorities, published in their native languages are distributed to the libraries. There are books in Udi, Lezghin and other languages in the fund of the Azerbaijan National Library named after M.F Akhundov.

The interests of national minorities are taken into account in Azerbaijani history manuals and they are treated as citizens equal in right.

##### **5. Information about the progress on preparation of new draft law in the field of freedom of religion and re-registering of religious communities**

Azerbaijan used to carry out a series of reforms on ensuring the freedom of religion, regulation of religion-state relations, and set up the State Committee for Work with Religious Organizations by the Presidential Decree No. 512 of 21 June 2001. The main obligations of the new State Committee are to create appropriate conditions for implementation of Article 48 of the Constitution of the Republic of Azerbaijan ensuring the freedom of religion, to ensure control on observation of other legislative acts concerning the freedom of religious belief and to seriously regulate relations between religious institutions and the state.

The Law of the Republic of Azerbaijan on “Freedom of Faith” was passed on 20 August 1992.

Along with the drafting a new law in the field of freedom of religion, many relevant amendments meeting the present-day requirements had been made to the current laws in the field. Thus, according to the Law of 10 June 2005, paragraph 3 of Article 12 of the abovementioned Law on “Freedom of Religious Faith” of the Republic of Azerbaijan was re-edited:

***Article 12. State registration of religious institutions***

For the state registration of the religious community, at least ten mature aged persons who created the community should apply to the religious centre or institution with establishment protocol and charter of the community attached to the application. The religious center or institution sends all the documents to the relevant executive body (State Committee for Work with Religious Organizations) together with its own presentation in 15 days after application.

For the registration of religious centers, religious institutions, religious educational institutions and congregations, establishment protocol and regulation are presented to relevant executive body (State Committee for Work Religious Organizations).

*Relevant executive body (State Committee for Work Religious Organizations) conducts the state registration of religious communities in a period determined by legislation (this period is determined by the Article 8 of Law on “State registration of legal persons and state register” of 12 December 2003).*

The right to state registration of religious communities, rejection of state registration, settlement of disputes and application to court are carried out in compliance with the relevant legislation of the Republic of Azerbaijan.

In accordance with the Law of the Republic of Azerbaijan on “Amendments and supplements to some legislative acts of the Republic of Azerbaijan and consideration of some legislative acts of the Republic of Azerbaijan invalid in connection with the application of Election Code of the Republic of Azerbaijan” of 30 December 2003, expression “*religious hostility*” was replaced with “*religious hatred and hostility*” in the name and text of Article 283 of the Criminal Code of the Republic of Azerbaijan.

Besides, in accordance with paragraph 7.5 of “Regulations on National TV and Radio Council” approved by the Presidential Decree No. 795 of 5 October 2002, the Council also controls the non-propagation of religious discrimination.

It should be noted that from 2002 to 2005 no one was sentenced by the courts of the Republic of Azerbaijan on the grounds of religion, ethnic, culture, religious hatred and hostility etc., i.e. Articles 103 (genocide), 109 (persecution), 120.2.12 (intentional murder on the basis of national, racial, religious hostility), 154 (violation of the right to equality), 167 (prevention of religious ceremonies), 168 (making attempts on rights of citizens under cover of performing religious ceremonies) and 283 (stirring up national, racial, social or religious hatred and hostility) of the Criminal Code of Azerbaijan Republic.

At present all the mosques, churches, synagogues and other religious temples and most of the religious communities in the territory of Azerbaijan are officially registered and are acting legally.

Currently there are officially registered Christian religious communities representing 3 traditional Christian confessions (orthodox, catholic and protestant) in the territory of the Republic of Azerbaijan. They are:

1. Orthodox confession:	
Eparchy	1
Russian Orthodox Church	5
Georgian Orthodox Church	1
2. Roman-Catholic confession:	
Roman-Catholic church	1
3. Trends in Protestants:	
- Religious community of Christian Molokans	3
-Evangelical-Lutheran Church	1
-Novo Apostle Church	1
- Communities of Evangelical Christian Baptists	3
-Seventh-Day Adventists	2
-Fiftieth-day Evangelical Christian Gospel community	1
- Community of Evangelical Christian	2
- Jehovah's witnesses	1
- Albanian-Udin Christian religious community	1

Jewish synagogues among historical and traditional sects in Azerbaijan should be mentioned:

-Religious community of European Jews "Ashkinazi"	3
-Mountain Jews' community- sefarts	3
-Georgian Jews' community	1

Among new non-traditional sects are:

-"Nehemiah"	1
-"Praising church"	1
-"International Krishna consciousness"	1
-"Baha'i"	3

Moreover, Christian and Jewish religious educational institutions, including Sunday schools under Orthodox Church, Bible courses of Evangelical –Christian Orthodox community, training courses on Jewish Hebrew, Jewish religion and culture act in the territory of the Republic of Azerbaijan.

The religious communities with headquarters mainly in the USA, Sweden and Germany and acting in Azerbaijan are supported by the Republic of Azerbaijan and they cooperate with their religious centers within the framework of the law.

Religious centers and institutions in Azerbaijan maintain business-like cooperation with relevant centers abroad and take an active part in international religious events. There are close relations between Caucasian Muslim Board and International Organization of the Islamic Conference and the religious organizations of other foreign Muslim and non-Muslim countries.

The episcopacy of Russian Orthodox churches in Baku heads all the Christian Orthodox Churches of the Caspian Region and has close relations with internal and foreign religious centers.

Jewish communities of Azerbaijan maintain close contacts with international organizations like “Sokhnut”, “Agudath Israel”, “Tshuva Israel” including Jewish communities of the USA, England and other countries.

Muslims constitute 96 %, but representatives of other religions, including Protestants, orthodoxies, representatives of Alban-Udin church, Jews, Bahais, Molokans, Krishnas and others constitute 4% of the population of the country.

Religious communities with a non-Muslim bias among all the state registered and non-registered religious communities acting in Azerbaijan constitute 2 % (Protestants-0.85%, orthodoxies-0.25%, Jews-0.46%, Bahais-0.19%, Molokans-0.19%, Krishnas-0.06 %).

## **6. Information on legal framework governing the use of languages in television and radio broadcasting**

In compliance with Paragraph 2 of Article 21 of the Constitution of the Republic of Azerbaijan, the Republic of Azerbaijan ensures the free use and development of other languages spoken by the population.

The Law of the Republic of Azerbaijan on “Public Television and Radio Broadcasting” was adopted on 28 September 2004 for ensuring radio and television broadcasting in different languages or common interests of the society including separate strata in social, scientific, educational, cultural, entertainment and other fields, preparing balanced information with correct content aiming to reflect freedom of speech and thought, various points of view and to broadcast these information.

According to Articles 12.3 and 13.2, *programs in languages of national minorities living in the territory of the Republic of Azerbaijan are included in public broadcast programs.*

*National-moral values, customs and traditions, richness of culture and art must be reflected in programs.*

In accordance with the Law of the Republic of Azerbaijan on “Television and radio broadcast” of 25 June 2002, broadcasting in the territory of the Republic of Azerbaijan is possible only *on the basis of special agreement (license) in compliance with the law and special agreement (license) as the only legal document within radio and television broadcasting, also reflects information about language (languages) of radio and television broadcasting.*

Languages of national minorities are protected in Azerbaijan. Mass Media has a great role in forming tolerance between the nations. Radio and television programs are regularly broadcasted in languages (Avar, Georgian, Kurdish, Lezghin, Russian, Talysh and in other languages) of several national minorities.

## **7. Information about the current status of reforms aimed at strengthening the role of the Azerbaijani language in the field of education and adoption of the new law in this field**

The adoption of documents like “Spelling rules of the Azerbaijani Language” approved by the Decision No. 108 of 5 August 2004 of the Cabinet of Ministers of the Republic of Azerbaijan and “Program of provision of all comprehensive schools with information and communication technologies (2005-2007)” affirmed by the Presidential Order No. 355 of 21 August 2004, can be considered as legislative measures aimed at strengthening of the Azerbaijani language.

According to Paragraph 2.2 of the program, preparation, distribution and application of present-day electronic educational materials, e-textbooks, e-libraries, digital educational resources in the Azerbaijani language and preparation, scientific dissemination of terminology on information and communication technologies in educational, scientific and methodic publications in the Azerbaijani language are considered as necessary to reach the goals of the program and ensure the efficient use of common information environment.

Support for education of Azerbaijanis living abroad in their native language, including learning the Azerbaijani language, literature, history and geography was entrusted to the Ministry of Education in accordance with paragraph 8.46 of the “Regulation on the Ministry of Education of the Republic of Azerbaijan” approved by the Presidential Decree of 1 March 2005.

It should be noted that learning Azerbaijani as an official language is conducted on the same level throughout Azerbaijan and no problem has been observed in this sphere. 2-3 hours a week are targeted for teaching of the Azerbaijani language in educational institutions.

In conformity with the requirements of Article 25 on “Equal rights” of the Constitution of the Republic of Azerbaijan and Law on Education No. 324 of 7 October 1992 of the Republic of Azerbaijan, right to education of the citizens is guaranteed irrespective of their race, language, national and religious affiliation. According to Presidential Decree No. 212 on “State support for protection of rights and freedoms, development of language and culture of national minorities, ethnic groups and minority nations living in the Republic of Azerbaijan” of 16 September 1992, all required conditions were created to teach their languages at comprehensive schools. Implementation of rights to use native language, receive any education and engage in creative activities is kept in the center of attention as indicated in Article 45 of the Constitution of the Republic of Azerbaijan.

1764 pre-school educational institutions act in the educational system of Azerbaijan. 8347 children in 248 schools study in Russian and more than 300 children in 7 schools study in Georgian (Information about education in the Armenian language has not been worked out).

Education at comprehensive schools is conducted in the Azerbaijani, Russian, Georgian and Armenian (in Nagorno Karabakh region of the Republic of Azerbaijan) languages. According to this, curricula were approved for schools providing trilingual education. 2 hours a week in curricula for first-fourth grades of schools where the language of national minorities (Avar, Kurd, Udin, Tsakhur, Hebrew, Khinalyg etc.) is taught as a native one, were indicated. The Lezghin language is taught in the first and eleventh grades two hours

a week in Gusar district, the first-ninth grades in Ismayilli, Gabala, Khachmaz, Oguz districts, first-fourth grades in Guba district.

In 13 regions of Azerbaijan (Lankaran, Astara, Balakan, Oguz, Guba, Gusar, Gabala, Zagatala, Ismayilli, Lerik, Masally, Samukh and Khachmaz) all necessary conditions were created for children of national minorities to learn their native language, national customs, traditions and culture.

Preparation and publication of programs, books, school and methodic supplies, recommendations etc., for efficient organization of teaching the languages of national minorities and ethnic groups are always in the focus of attention.

The works on the draft “Law on Education” of the Republic of Azerbaijan was completed and it is intended to be submitted for the discussion of the Permanent Commission of Milli Majlis (Parliament) on Science and Education. Discussion of the draft law was included into the legislative plan of the autumn session of the Parliament.

Currently, issues concerning education are regulated by the Law on Education of the Republic of Azerbaijan of 7 October 1992 improved by supplements and amendments.

#### **8. Information about the status of Council for National Minorities established in 1993 as a consultation structure for national minorities and other consultative structures for minority representatives set up at the central or local level**

According to the Presidential Disposal of 3 September 1992, Consultation Council was created under presidential adviser on national issues. Representatives of all national minorities and ethnic groups, including heads of national-cultural centers, associations, societies, unions and other public organizations, scientists and cultural workers, religious people, linguists, historians and ethnographers are represented in the Council.

Consultation Council established as a consultative organization on national minority issues, is a consultative body partaking in state policy in the field of development of language and culture, protection of customs and traditions, the ethnic-cultural peculiarities of national minorities living in Azerbaijan, making proposals and recommendations in regulation of the relations among the nations and in the above mentioned field, coordinating the activities of state structures and social-cultural organizations of national minorities.

Besides, since 1990 Solidarity of Azerbaijani Nations Society- “Sodrujestvo” is acting in Azerbaijan. “Sodrujesstvo” Society, a Social Organization, takes an active part in democratic legal reforms, process of building free civil society, plays an important role in strengthening friendship and brotherhood among nations, developing national customs and traditions, ethnic languages and culture in Azerbaijan and ensuring human rights cooperating with the official governmental bodies, socio-political organizations of Azerbaijan, including foreign international organizations in accordance with its regulations. “Sodrujestvo” newspaper is a publishing of the society.

The Project “Cultural Diversity in Azerbaijan” is implemented by the Ministry of Culture and Tourism of the Republic of Azerbaijan within the framework of UNESCO’s “Cultural Diversity” program. Conference on the same topic was held in Baku with the

support of the OSCE Baku representation within the framework of this project. The main principles - like development of relations between the public and private sectors, taking necessary measures for protection of cultural diversity in the country, carrying out regular monitoring were affirmed under the Declaration adopted at the end of the conference on cultural diversity in Azerbaijan. It was decided to set up a Coordination Council on Cultural Diversity attached to the Ministry of Culture and Tourism of the Republic of Azerbaijan at the conference and the main goal of this Council is to coordinate the cooperation with the cultural unions of national minorities.

It is demanded to re-envisage the activity of the Consultative Council on national minorities connected with the structural reforms implemented in the Administrative Department of the President of the Republic of Azerbaijan. At present Consultations are held in compliance with the national-cultural organizations and societies of minorities connected with the organizational renewal keeping the previous status of this organization.