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**Comments of the Government of Azerbaijan on the Fifth Opinion of the  
Advisory Committee on the implementation of the Framework Convention for the Protection of National  
Minorities by Azerbaijan**

received on 12 November 2024

*The comments have been submitted under the sole responsibility of Azerbaijan and made public by the Council of Europe Secretariat in accordance with Rule 29 of Resolution CM/Res(2019)49 on the revised monitoring arrangements under Articles 24 to 26 of the Framework Convention for the Protection of National Minorities.*

# **Comments of the Government of the Republic of Azerbaijan on the Fifth Opinion of the Advisory Committee on the implementation of the Framework Convention for the Protection of National Minorities by the Republic of Azerbaijan**

## **Summary**

The Government of the Republic of Azerbaijan has closely cooperated with the Advisory Committee of the **Framework Convention (ACFC) for the Protection of National Minorities** during the fifth cycle of the country-specific monitoring in accordance with the requirements of the Framework Convention. Following submission of the report under the fifth cycle, the delegation of the Committee visited the country, met with the representatives of national minorities in the regions, had a meeting at the Office of the Commissioner for Human Rights (Ombudsman) and with minority NGOs. The round table discussion with participation of representatives of relevant authorities was organized by the MFA where the ACFC members had a chance to elaborate on numerous issues included in the report of the Government and following their visit to the regions.

**While the 5<sup>th</sup> opinion of the Advisory Committee** notes the efforts of the Government in implementation of the Framework Convention for the Protection of National Minorities, the following are the concerns arising from the text of the opinion:

In general, it should be mentioned that some of the statements and conclusions in the 5<sup>th</sup> Opinion are of subjective nature and do not accurately reflect the current realities in the country. Regrettably, they are unsubstantiated, based on the biased interpretations of the past events and particularly, in some cases have little practical applicability.

The Advisory Committee applies ***selective approach*** by focusing more on one specific ethnic group, while neglecting others, and the issues raised mostly by the external actors representing the interests of that group receive disproportionate attention; those imbalances in the text are very common.

The Advisory Committee relies heavily on the information/reports of the ***unidentified sources*** without specifying the relevant examples, which makes it difficult to address the possible shortcomings.

The character of comments in the opinion proves the ***insufficient grasp of national contexts***. An one-size-fits-all approach is ineffective and unfair since it does not take into account the unique historical, cultural, and political contexts in certain countries.

The Committee has ***overlooked positive national achievements*** in this area, as successful national policies, reforms, and initiatives are ignored to a great extent in the opinion.

Another matter of great concern is ***inconsistent application of the standards to the Member States***. Some countries are treated differently despite similar situations regarding the minority rights. The rights of Azerbaijanis who were forcibly expelled from their native

lands in Armenia as a result of the ethnic cleansing policies should also be considered within the scope of the Framework Convention.

Protection of human rights and fundamental freedoms and ensuring a decent standard of living of its citizens is the supreme goal of the state. Consistent measures have been and are being taken in this direction in Azerbaijan. However, the evaluation of the overall human rights situation in the country goes beyond **the mandate** of the Advisory Committee and **the scope** of the Convention, while also lacking a clear connection with the purpose and objectives of the opinion. In this regard, the call by the ACFC to revise the Law on Media, Law on NGOs is neither relevant nor acceptable.

Furthermore, the authorities are of the view that some issues reflected in the opinion fall beyond the **timeframe** of the fifth monitoring cycle and should not be evaluated during this cycle. Since the Fifth State Report understandably does not contain the relevant data, the Advisory Committee has not been subsequently provided with the essential information to conduct an accurate assessment in this regard. As the delicate efforts in the post-conflict period were in the process of planning following the elimination of military occupation of a part of the Republic of Azerbaijan, which had impeded the Government to exercise sovereign control in these territories and fully apply the provisions of the Framework Convention with respect to persons belonging to Armenian ethnicity residing therein, the Advisory Committee should not have rushed in its assessment, and deployed the necessary caution not to impede the already fragile process.

Due to the above-mentioned reasons, during the confidential dialogue the authorities strongly objected to the inclusion of the specific chapters on ethnic Armenians, and proposed textual amendments to correct certain mistakes in those chapters. Regretfully, these amendments have not been taken on board and the Advisory Committee has preferred to focus and dedicate two chapters under two different articles of the convention to one national minority specifically.

It is a strong conviction of the Azerbaijani authorities that the consistency of the application of standards and the principle of impartiality should be cornerstone of the Advisory Committee's methodology to ensure balanced and fair evaluations. Greater transparency, use of diverse and reliable data sources, as well as the increased understanding of local cultural and political aspects would only benefit the work of the Advisory Committee.

When it comes to specific areas, the following information is provided:

## SUMMARY OF THE FINDINGS

### Effective equality and non-discrimination

**Paragraph 3.** Article 25 of the Constitution states that everyone is equal before the law and the court. State guarantees the equality of rights and freedoms of everyone, regardless of the race, ethnicity, language, religion, gender, origin, property status, service position, belief,

affiliation to political parties, trade unions and other public associations and prohibits both direct and indirect discrimination. Other sectorial normative acts also contain equality and non-discrimination clauses. The Ombudsman institution performs the functions of an independent monitoring mechanism for monitoring and promoting the provision of the right to equality and prevention of discrimination. No high-profile discrimination/inequality cases are pending before the courts.

### **Promotion of minority cultures**

**Paragraph 4.** It is not clear, what the Committee means when referring to lack of focus of the Government on “contemporary expressions of culture”. National minorities fully enjoy all their rights as enshrined in the Constitution, including the rights related to culture.

A clear and transparent procedure has been put in place for cultural activities of national minorities within the Baku International Multiculturalism Center (BIMC). The Advisory Council representing national minorities operates under the BIMC. National minorities can submit their projects to the BIMC through this Advisory Council. The decision of the Advisory Council is then forwarded to the board of the BIMC for execution. It should be noted that the BIMC considers the request of each national minority on equal basis.

### **Freedom of expression and freedom of association**

**Paragraph 6:** The authorities disagree with the assessment of the Advisory Committee. None of the NGOs defending the interests of national minorities in Azerbaijan was suspended. The claims on continuous detention of civil society representatives, human rights defenders, political activists, journalists, bloggers and lawyers on groundless charges related to their activities are not based on any concrete facts.

The Republic of Azerbaijan remains steadfast in its commitment to fostering a dynamic and inclusive society. The Law of the Republic of Azerbaijan “On non-governmental organizations (public unions and funds)” of 2000 with relevant changes made in 2014 was introduced to enhance transparency, accountability, and good governance within the sector, ensuring that NGOs operate in the public interest. It is important to clarify that this legal framework is designed to create a stable environment where civil society can thrive, while fully respecting the constitutional right to freedom of association as guaranteed under Article 58 of the Constitution. Inclusivity is at the heart of the Government’s approach. Priority is given to the engagement of all segments of society, including national minorities and marginalized groups, ensuring their equitable participation in civic activities. Country remains fully committed to ensuring that the legal framework continues to empower civil society.

In accordance with Article 4 of the Law of the Republic of Azerbaijan "On Media" adopted in 2021, ensuring diversity of opinion and freedom of action in the field of media, creating conditions for providing information to everyone in the Republic of Azerbaijan and protecting users, especially children, from the effects of harmful information is considered one of the main tasks of the state in the field of media. Freedom of activity in the field of media is guaranteed by the state acknowledging everyone's right to legally seek, obtain, prepare,

transmit, produce and distribute information. Freedom of activity in the field of media is provided by this Law and may be limited in the cases and in the manner determined by other laws of the Republic of Azerbaijan regulating the field of media.

## **Language rights**

**Paragraph 7.** Both state-funded broadcasts and private broadcasters in Azerbaijan allocate sufficient slots to the national minorities' programs (about their culture and traditions), documentaries, and special coverage. Programs with the participation of representatives of national minorities are regularly included in the program schedules of television and radio broadcasters.

For example, on the "ITV" television channel of the Public Television and Radio Broadcasting Company from 01.08.2023 to 01.08.2024 a series of programs named "This is the Motherland", "Nobody is forgotten, nothing is forgotten", "Garabagh is Azerbaijan!" were broadcast with participation of the representatives of national minorities such as Tats, Talysh, Udi, Lezgins, Avars, and Ahiska Turks. A further program on the same channel, entitled "Brave Tankman", was dedicated to Albert Agarunov, Jew by birth. On "İctimai Radio" (Public radio channel) during the aforementioned time period, programs dedicated to national minorities such as "Textbooks in the Talysh language", "Azerbaijan - multicultural values", "Zagatala: The folklore of the minorities living in this area", "Lahij and the people of Lahij", "Gakh: The folklore of the minorities living in this area" and other similar programs were broadcast. It should be noted that the television and radio programs of the public broadcaster regularly broadcast content dedicated to national minorities residing in our country, their history, culture and national heritage. Another example is the radio channel "CBC FM", which broadcasts regionally in the Garabagh and Eastern Zangezur economic regions, and where "Daily" program discusses the reintegration of the Armenian population living in this region into Azerbaijani society, "The cultural wave" covers the culture of national minorities living in our country, and the Armenian-language "News" reports on events occurring in Azerbaijan and around the world, including "Reports in Armenian" program, broadcast 2-3 times a week after the "News" program and provides in Armenian analyses of these events taking place in Azerbaijan and around the world. Another example is the program schedule of "International Radio", which currently broadcasts in multiple languages in Garabagh and Eastern Zangezur. "Turkish-language programs group", "Persian-language programs group" and "Arabic-language programs group" are broadcast daily, "Georgian-language programme group" is broadcast three days a week, "Talysh-language programs group", "Lezgian language programs group" and "Kurdish-language programs group" are broadcast two days a week, and "English-language programs group" is broadcast once a week on "International Radio" channel.

**Paragraph 8.** The issue related to the assignment and change of first name, patronymic and surname of the citizens of the Republic of Azerbaijan is regulated by the "Rules for assignment and change of first name, patronymic and surname" (hereinafter referred to as the Rules) approved by the decision of the Cabinet of Ministers of the Republic of Azerbaijan No. 79 from May 12, 2011.

According to paragraph 1.2 of these Rules assignment and change of first names, patronymics and surnames of citizens of the Republic of Azerbaijan who are representatives of national minorities, small-numbered peoples and ethnic groups shall be carried out in accordance with these Rules on the basis of their applications.

According to Paragraph 1.4 of the Rules assignment of first name that may be detrimental to the child's interests and that does not match the person's gender or is ridiculous shall not be allowed.

It should be also noted that supervisory functions in the field of regulation and coordination of work related to the terminology development in the Azerbaijani language, enriching the vocabulary of the language, determining the possibility of using new literary concepts and expressions in the language are carried out by this Commission in accordance with paragraph 1.1 of the Regulation of the Terminology Commission under the Cabinet of Ministers (hereinafter referred to as the Commission) established by the Order of the President of the Republic of Azerbaijan No. 2236 from May 23, 2012.

According to paragraph 2.1.11 of this Regulation, the main task of the Commission is to determine the principles for the assignment of personal names. When the meaning of the name the parents would like to give during birth registration is unknown or the name needs to be written in different forms, the registration departments of the Ministry of Justice forward an application to the Commission and examine the opinion of that institution. According to Paragraph 1.5 of the Rules a decision of the registration body on refusal to assign or change a name may be appealed in administrative and (or) judicial manner.

### **Participation of persons belonging to national minorities in decision making and socio-economic life**

**Paragraphs 11, 73 and 161:** In accordance with Articles 1.1.7 and 20.1 of the Law "On Political Parties" adopted on 16.12.2022, a fully capable citizen of the Republic of Azerbaijan who has reached the age of 18 can be a member of a political party. According to Article 20.3 of the Law, membership in a political party cannot be limited by race, ethnicity, religion, language, sex, origin, beliefs, or social affiliation. According to Article 4.3 of the Law, it is not allowed to establish and operate political parties for the promotion of racial, religious, origin, gender, ethnic and other discrimination, incitement of racial, religious or ethnic enmity.

In accordance with Article 38 of the Constitution of the Republic of Azerbaijan, everyone has the right to social security. At the same time, foreigners permanently residing in the territory of the Republic of Azerbaijan and stateless persons enjoy all rights equal to citizens of the Republic of Azerbaijan.

Pursuant to Article 8.0.4 of the "Employment" Law of the Republic of Azerbaijan, which establishes the legal, economic, and organizational principles of state policy in the field of employment, as well as social guarantees for the employment of citizens and social protection of the unemployed persons, equal opportunities are provided to all individuals to freely choose employment and occupation regardless of their race, ethnic origin, religion,

language, gender, disability, including limitations due to their limited capabilities (apart from situations where their limited capabilities make it difficult for them), family status, socio-economic background, place of residence, property status, beliefs, political party affiliations, trade union memberships, and other social affiliations. Furthermore, according to Article 3 of the mentioned Law, this Law applies to foreigners and stateless persons residing in the Republic of Azerbaijan. Within the framework of policies and active employment measures implemented in the country, no discrimination based on ethnic origin is allowed.

## **Situation of the Armenian national minority in Garabagh**

**Paragraph 12.** The authorities do not see it appropriate to differentiate one particular ethnic group over others. Focusing mainly on one particular minority in the draft opinion calls into question the impartiality and neutrality of the opinion as a whole.

It is worth noting that many factual errors were made in the text, including the misinterpretation of relevant decisions of the International Court of Justice. The Advisory Committee expresses a politicized position that differs significantly from the evaluations of the ICJ and the Human Rights Commissioner of the Council of Europe on issues that are not related to its mandate (for example, the situation around the Lachin road or the migration of ethnic Armenians from the Garabagh region to Armenia).

The Framework Convention not only provides for the protection of the rights of persons belonging to national minorities, but also envisages the necessity of respecting the rule of law and the sovereignty, territorial integrity and constitutional structure of the respective states. Despite this, the opinion unilaterally mentions the need to protect the rights of ethnic Armenian residents and ignores their obligation to comply with the legislation of Azerbaijan. Such an approach is an example of attempts to politicize the evaluation process of the period report of Azerbaijan.

## **RECOMMENDATIONS**

### **Recommendations for immediate action**

**Paragraph 15:** The Ministry of Culture interacts with the central and local executive authorities in order to protect the monuments located in the territories liberated from occupation. According to the relevant legislation, the protection of immovable historical and cultural monuments located in the border zone and border lanes of the state border of the Republic of Azerbaijan, in the zones of military operations during armed conflicts, in the land areas used by military institutions is carried out by the Ministry of Defense and the State Border Service. The representatives of the mentioned institutions participated in the process of inventorying the monuments located in those areas and provided necessary support.

Persons who violate the legislation of the Republic of Azerbaijan on the protection of monuments bear criminal, administrative, disciplinary and civil liability in accordance with the legislation of the Republic of Azerbaijan. Article 246 of the Criminal Code of the Republic of Azerbaijan stipulates the punishment for the intentional destruction or damage of

historical and cultural monuments protected by the state. It should be noted that representatives of international organizations and the foreign diplomatic corps who visited the liberated areas witnessed a willful and complete destruction of historical and religious sites and heritages belonging to Azerbaijanis. Nevertheless, the Advisory Committee refrains from meaningfully addressing the large-scale and targeted acts of vandalism against Azerbaijani heritage.

During 30 years of occupation, Armenia destroyed the existing mosques and sanctuaries, turned them into objects of insult. After territories were liberated from occupation, the facts of complete destruction of more than 900 cemeteries by the armed forces of Armenia, removal of corpses and insulting and looting of grave monuments were revealed.

When Garabagh and its surrounding areas were under occupation, Armenia destroyed about 200 shrines, 65 out of 67 mosques (13 in Shusha, 5 in Aghdam, 16 in Fuzuli, 12 in Zangilan, 5 in Jabrayil, 8 in Gubadli, 8 in Lachin), 2 mosques were partially destroyed and rendered unusable, in only one of them - the Yukhari Govhar Agha Mosque in Shusha city, under the pretext of renovation carried out in 2016-2018, the inscription of the mosque was changed and presented as a Persian mosque, its historical authenticity was violated.

The purpose of erasing or expropriating the cultural heritage in the historical and ancient lands of Azerbaijan was to destroy the connection of these territories with Azerbaijanis and to present false information to the world community. With all these criminal acts, the Armenian side grossly violated the requirements of the 1954 Hague Convention "On the Protection of Cultural Values in the Event of Armed Conflict", the 1992 European Convention "On the Protection of Archaeological Heritage" and the 1972 UNESCO Convention "On the Protection of World Cultural and Natural Heritage". These terrifying facts have been overlooked by the Advisory Committee over years.

**Paragraph 17:** The list of documents required for non-governmental organizations wishing to obtain the status of legal entity after the state registration is specified in the Law "On State Registration and State Register of Legal Entities". It is not allowed to refuse the state registration and inclusion in the state register of organizations, representative offices or branches of foreign legal entity wishing to obtain the status of legal entity, representative offices or branches of foreign legal entity, except for the reasons provided for by the legislation of the Republic of Azerbaijan, also the refusal due to the considerations of the inappropriateness of establishing the organization is not allowed. The law does not provide grounds for refusing to register non-governmental organizations because they are established by persons belonging to national minorities. When the state registration of a non-governmental organization is refused, written information, indicating and explaining the provisions of the legislation that have served as the reason for this refusal is provided to the person who applied. A complaint about illegal refusal or avoidance of state registration of a legal entity can be filed with a higher authority or a court in the manner prescribed by the legislation of the country. Also according to the current legislation, refusal of state registration of a non- governmental organization cannot prevent the re-submission of documents for state registration after the elimination of violations.



## **Further recommendations**

**Paragraph 20:** According to Article 6 of the Law on Culture, the State shall guarantee the implementation of rights and freedoms to every person in the field of culture, irrespective of sex, race, language, religious or political beliefs, nationality, social status, social origin, health or affiliation with public associations. In the field of culture, the state ensures the equality of the cultures, rights and freedoms of the peoples and national minorities living in the territory of the state, as well as it ensures that peoples and national minorities living in the territory of the state protect their culture, define their cultural identity, restore, strengthen and develop their cultural values. According to Articles 30.5 and 30.6 of the abovementioned Law, cultural patterns of national minorities living in the country are integral part of the national cultural values of the Republic of Azerbaijan; also their cultural values are protected by the state.

**Paragraph 21:** Topics related to the "Convention on Human Rights (Prohibition of discrimination)", "Women as victims of domestic violence", "Requirements of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment", "The practice of applying Article 14 of the Convention on the Elimination of All Forms of Racial Discrimination" are regularly included into the mandatory courses for new recruits in the justice system, as well as for new recruits in the middle commanding staff of the Penitentiary Service of the Ministry of Justice, and into the preliminary training courses for candidates for judges. In addition, trainings on the topics related to the "Article 14 of the European Convention on Human Rights (Prohibition of Discrimination)" are also included in the training programs of professional development courses organized annually for judges.

## **Further recommendations**

### **Equal access to education (Article 12)**

**Paragraph 28, 134 and 135:** It is prohibited to omit children from obligatory secondary education according to Article 22 of the Law on Children's Rights adopted in 1998. According to Article 24.3 of the Law on Secondary Education, parents who exclude their children from education are responsible according to the abovementioned Law. According to the Law on the Prevention of negligence and violations of the law of juveniles adopted in 2005, and in accordance with the Rule of State control over the implementation of children's rights approved by the Decree of the President in 2012, registration of minors who do not attend classes without a valid excuse or who regularly miss classes should be carried out in educational institutions and necessary measures should be taken for their upbringing and obligatory secondary education. According to Article 189 of the Code of Administrative Offenses, administrative responsibility is provided for the failure to fulfill or improperly fulfill the duties of upbringing and education of juveniles by parents or their substitutes without a valid reason (in this case, individuals shall be given a warning or fined in the amount of forty to 60 manats), and if these actions cause the neglect of juveniles (in this case, individuals shall be fined from 60 to 100 manats).

"Strategy of the Republic of Azerbaijan for Children for 2020-2030" defines the main directions such as the creation of an effective mechanism for the protection of children, the

provision of state support for their development in early childhood, the protection of children in difficult living conditions, the growth and upbringing of children in a healthy environment, the development of a system of monitoring and evaluation of measures implemented in relation to children and the main goals of children's policy in the Republic of Azerbaijan by improving the existing legal framework in the field of children's rights in the Republic of Azerbaijan. Both the Strategy and its Action Plan for 2020-2025 have been elaborated taking into account all the children without differentiating on ethnic background.

**Paragraph 29:** The issue of creating normative conditions for the participation of national minorities in the decision-making process is reflected in the following legal acts: Election Code of the Republic of Azerbaijan, Law on Civil Service, Law on Service in Judicial Authorities, Law on Service in Prosecution Bodies, Law on Approval of the Regulation on Service in Migration Authorities, Law on Approval of Service in Emergency Authorities, Law on Approval of the Regulation on Service in State Tax Authorities.

## **ARTICLE-BY-ARTICLE FINDINGS**

### **Personal and territorial scope of application of the Framework Convention (Article 3)**

**Paragraph 35:** According to international practice, a person's national (ethnic) affiliation is determined by how he (she) self-identify with a particular national (ethnic) affiliation. This approach was strictly adhered to during the latest census which was held in 2019. Once the census was completed, respondents were given the opportunity to review them on-site. Based on international statistical practice, due to the small size of these groups, data related to some ethnic minorities was aggregated and categorized as "other nationalities" when the census results were published.

### **Census (Article 3)**

**Paragraph 37:** Differences observed in the dynamics during the comparison of data from the previous and most recent censuses may be attributed to both objective (internal and external migration, decline in birth rates, increase of cases of inter-ethnic marriages) and subjective (individuals identifying themselves with different ethnic affiliation) factors. Additionally, data was collected on all ethnic minorities residing in Azerbaijan, including Dom community. As previously stated, due to the small size of some groups, information related to the Dom community is categorized as "other nationalities".

**Paragraph 38:** Persons born to parents of different nationalities have the right to choose the nationality of one of his/her parents on the birth certificate during state registration of their child's birth.

In accordance with the requirements of paragraph 2.8.1 of the "Rules for state registration of civil status acts" approved by the decision of the Cabinet of Ministers of the Republic of Azerbaijan No. 145 from October 31, 2003, the nationality of the father and mother shall be recorded in the birth record on the basis of the information contained in their identity (ID) documents, if these documents do not contain information on nationality, it shall be recorded on the basis of notes from birth certificates or on the basis of information on birth record

obtained from the information system of the Ministry of Justice of the Republic of Azerbaijan. If the nationality of the father's or mother's parents is different, the nationality of both parents shall be indicated in the act on birth record. If the birth certificate of the father or mother does not indicate the nationality of their parents, or if they can not provide the birth certificate, and if this information is not archived in the registration departments, as well as in the Ministry of Justice, the birth record shall not indicate the nationality of that parent. In this case, the words 'Information is not provided' are written in the "Nationality" column of the birth record. If the nationality of the father or mother's parents in the birth record is different, one of these nationalities is indicated in the child's birth certificate, depending on the preference of the father or mother.

**Paragraph 39:** After the completion of the census, the quality checks were conducted and control visits were carried out in the field to include individuals who for various reasons had not participated in the census. The operational teams were established in local statistical offices to address deficiencies identified during quality checks of the census and to include individuals who were missed during the census for various reasons.

**Paragraph 41:** The 2019 population census was conducted in accordance with the UN “recommendations for the 2020 Round of Population and Housing Censuses” from the Conference of European Statisticians. Respondents were provided with all necessary opportunities to freely state their ethnic affiliation.

**Paragraphs 42 and 43:** The statistical data on the results of the 2019 census has been published in accordance with the “Calendar Plan for the preparation and conduct of population census in the Republic of Azerbaijan in 2019”. The final census data has been submitted to the UN Department of Demographic Statistics and is also available on the Committee’s website.

#### **Institutional framework on non-discrimination (Article 4)**

**Paragraph 54:** According to the Law on the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan, the Commissioner shall be elected by 83 votes majority of the Milli Majlis (Parliament) from among three candidates nominated by the President. The Commissioner fulfills the functions of the National Preventive Mechanism in accordance with the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. With the purpose of preventing torture and other cruel, inhuman and degrading treatment or punishment she/he on regular basis or in the circumstances deemed necessary visits places which detained persons. The Commissioner supervises over execution of duties by the information holding state bodies, municipalities and state officials in accordance with the requirements of the Law of on Access to Information. The Commissioner performs the functions of an independent monitoring mechanism for monitoring and promoting the implementation of the Convention on the Rights of Persons with Disabilities and the Convention on the Rights of the Child, and the provision of the right to equality and prevention of discrimination.

#### **Protection and promotion of minority cultures (Article 5)**

**Paragraph 58:** In addition to the Lankaran Cultural Center, cultural centers also operate in Guba, Zagatala, Balaken, and Ismayilli regions, which are densely populated by minority peoples. Promotion of the cultural heritage and folklore of the minority peoples living in those regions takes a special place in the activities of the centers. Among those Tat, Lezgi, Hapit, Russian (Malakan), Jewish and Kurdish minorities can be mentioned. Lahij and Ivanovka folklore collectives, in particular, adequately represent the region and our country at national and international events.

In general, promotion of the cultural heritage and folklore of national minority representatives is one of the main priorities of the regular activities of cultural centers.

The Khari Bulbul International Festival which was halted during the 1990s due to the outbreak of the war was revived in 2021 and has been held annually in May in Shusha. The Khari Bulbul Festival, rich in cultural events, concerts, exhibitions, and traditional arts places great emphasis on promoting the cultures of various ethnic groups. Azerbaijanis, Russians, Lezgins, Talysh, Kurds, and other ethnic groups participate and demonstrate their cultures, languages, and traditions during this festival. The Khari Bulbul Festival brings together participants representing these diverse cultures, fostering ethnic diversity and enhancing cultural dialogue. Folk ensembles representing different ethnic groups ("Cahan" Folk Ensemble (Avar language), "Nənələr" (Talysh language), Tunar Rəhmanoğlu (Kurdish), "Mel" Folk Ensemble (Lezgin language), "Slavyanochka" Folk Ensemble (Russian language), "Lahıc" Folk Ensemble (Tati language), "Shvidgadza" Folk group, "Nanaybi" Folk Group (Georgian language), "Micaqna" Folk Ensemble (Sakhur language)) performed during the festival held on May 12-13, 2021.

The National Library of Azerbaijan conducts virtual exhibitions called "Minorities living in Azerbaijan" in order to demonstrate the culture of minority peoples living in the country. The virtual exhibition presents books, articles, and photos on the literature, culture, and traditions of minority nations. An event on the occasion of February 14 International Book Donation Day and the presentation of the book "Folklore of minority peoples in the Ismayilli ethno-environment" was held in the Lahij settlement library branch of Ismayilli district. There are 61,257 copies of books in Russian, 4 copies of Lezgi and 1 copy of Tat language in the fund of Ismailli district Central Library System, and 9,606 books in the fund of Khilmilli village library branch of Gobustan district (serving 16 Malakan families living in Khilmilli village).

The library institutions under the Lankaran-Astara Regional Culture Department have many printed works written in the languages of national minorities and minority peoples living in the territory of the Republic of Azerbaijan, including books in Talysh, Georgian, Hebrew, Lezgi and Avar languages.

The Lankaran State Drama Theater, currently operating in Lankaran, employs 29 individuals belonging to the Talysh national minority residing in Azerbaijan. Like all nationalities living in Azerbaijan, they face no restrictions on their right to freely express their cultural rights, as guaranteed by the Law on Culture.

**Paragraph 62:** Talysh Cultural Center and "Mada" International Society operating in the

field of preserving the cultural heritage of the Talysh peoples have been state registered by the Ministry of Justice.

### **Armenian cultural heritage in Garabagh (Article 5)**

**Paragraph 67-71:** Persons who violate the legislation of the Republic of Azerbaijan on the protection of monuments bear criminal, administrative, disciplinary and civil liability in accordance with the legislation of the Republic of Azerbaijan. Article 246 of the Criminal Code of the Republic of Azerbaijan stipulates the punishment for the intentional destruction or damage of historical and cultural monuments protected by the state.

According to the relevant legislation, the protection of immovable historical and cultural monuments located in the border zone and border lanes of the state border of the Republic of Azerbaijan, in the zones of military operations during armed conflicts, in the land areas used by military institutions is carried out by the Ministry of Defense and the State Border Service. The representatives of the mentioned institutions participated in the process of inventorying the monuments located in those areas and provided support. The Ministry of Culture interacts with the central and local executive authorities in order to protect the monuments located in the territories freed from occupation.

The representatives of international organizations and the foreign diplomatic corps who visited the liberated areas witnessed a willful and complete destruction of historical and religious sites and heritages belonging to Azerbaijanis. Nevertheless, the Advisory Committee refrains from meaningfully addressing the large-scale and targeted acts of vandalism against Azerbaijani heritage.

In accordance with Presidential Decree No. 1170 dated October 29, 2020, on the "Organization of Temporary Special Management in the Liberated Territories of the Republic of Azerbaijan," initial inventory and protection efforts for monuments have commenced.

Each monument in the territories liberated from occupation is kept under control by the relevant authorities in accordance with the requirements of the relevant legislation of the Republic of Azerbaijan. Also, objects that can receive monument status are listed and protected as soon as they are discovered. In order to determine the historical-architectural and archaeological significance of any object (in order to conduct an independent and non-political investigation), opinions and opinions of relevant scientific organizations and other scientists are obtained. The scope of the statements "the contribution of ethnic Armenians in Garabagh, including to the cultural heritage" should be clarified. Thus, during the inventory work carried out by the Ministry of Culture, churches and memorial buildings built during the occupation were also discovered. In the reports submitted by the Government of Armenia to international organizations, such buildings are given as immovable historical and cultural monuments. This is part of the illegal activity carried out by the occupying forces in the territory of the Republic of Azerbaijan.

Monitoring results indicate that in the liberated territories of Azerbaijan 68 monuments were completely destroyed, while 114 monuments suffered damage which was done by the Armenian forces during 30 years of occupation.

In 2022 the delegation headed by the Director General of the Islamic Education, Science and Culture Organization (ICESCO) visited the liberated Aghdam region where they witnessed the consequences of the vandalism committed in the Aghdam city. Members of the organization visited Fuzuli region and saw vandalism also in the city cemetery where marble tombstones had been removed and graves destroyed. During the inspection of the remains of the destroyed Juma Mosque Fuzuli, it was revealed that Armenians kept cattle and pigs there, as in other mosques.

In addition to Islamic religious monuments, Christian religious monuments also fell victim to vandalism. Two temples in the Khojavand district were used as battle positions by the occupying forces. The presence of various words and phrases in Cyrillic and Armenian script on the walls of three Christian religious landmarks demonstrates a disregard for these sacred sites. The discovery of mangers, straw, and dung remains inside two temples further attests to the invaders' use of these monuments for purposes other than their intended religious and cultural functions.

During the occupation by the Armenian armed forces, the cultural heritage of Caucasian Albania, an integral part of the history of the Azerbaijani people, was vandalized. Despite these monuments being examples of the early Christian era, they were not spared. Inscriptions, architectural structures, and ornaments of Albanian heritage monuments were altered under the guise of repair and restoration, and signs indicating their affiliation with the historical and cultural heritage of the Azerbaijani people were destroyed.

For instance, in 2004-2005, the originality of the Khudaveng ("Dadiveng") monastery in Kalbajar region was significantly altered through construction and "improvement" works funded by the Armenian-American businessman Edele Hovnanian. The entrance gate of the monastery was dismantled, auxiliary buildings were rebuilt and adapted to the Armenian architectural style. When Azerbaijan's territories were liberated from occupation, it was discovered that Armenians had established a workshop there to forge stone inscriptions of historical and religious monuments. It should be noted that although the Khudaveng monastery had been in a usable condition for centuries, Armenians were not observed worshiping there. However, in April 1993, after the occupation of the Kalbajar region, Armenians began to use the monastery from 1994.

One of the monuments vandalized during the occupation is the Agoghlan monastery in Lachin district. During the occupation, the monument's protective wall was destroyed. The 26 Albanian symbols and wall inscriptions on the inner and outer walls of the monument were altered, the original artistic elements were completely erased, and several 2.5-meter high crosses made of basalt stone were installed at the entrance of the complex. The monument was covered with iron plates, even though there was no need for it. Ganjasar monastery in Aghdara district also faced a similar fate. The walls of this temple, the central church of Caucasian Albania, were covered with marble.

## **Intercultural respect and dialogue (Article 6)**

**Paragraph 75:** In the "Azerbaijani Culture - 2040" Concept project that is being prepared, the intensification of scientific research in the field of studying the ethnogenesis, history, culture, traditions of multiculturalism of different nationalities living in Azerbaijan using modern research methods is defined as a sub-direction of the state policy.

**Paragraphs 76-77:** The Committee did not meet with the Baku International Multiculturalism Center and was not interested in its projects. The Center in accordance with requirements of the Azerbaijani model of multiculturalism performs a coordinating function, assists in the implementation of ethno-cultural projects, strengthens and promotes coexistence, mutual life. It is an institution that identifies threats to ethnic stability, conducts scientific research, implements local and international projects, observing respect and co-operation between ethnic and religious communities in the country. In 2023, the Center completed the preparation of series documentaries within the framework of "Promotion of ethnic culture of the peoples living in Azerbaijan" project. Those films are about history, customs and traditions of Germans, Udis, Malokans, Ingiloyes, Akhiska Turks, Mountain Jews, Avars, Shahdag peoples, Lezgis, Talish, Sakhurs, and Tatars. Azerbaijan organizes international events to promote tolerance, dialogue and multiculturalism. "Preserving Diversity: Fighting Islamophobia in 2024" conference and Baku World Forums on Intercultural Dialogue are vivid examples of country's dedication to the cause.

26 Christian, 8 Jewish, 1 Krishna, 2 Baha'i and Mormon communities have been registered in Azerbaijan. In January 2024, Government provided financial support (AZN) to different communities: Caucasian Muslims Board – 2 million, Russian Orthodox Church – 350 thousand, Mountain Jews – 350 thousand, European Jews – 350 thousand, Apostolic Prefecture of the Catholic Church – 350 thousand, Albanian-Udi Christians – 350 thousand, 24 Christian, 2 Baha'i, 1 Krishna communities – 350 thousand.

### **Protection from discrimination, hostility and violence (Article 6)**

**Paragraph 78:** Ensuring the complete elimination of discrimination and the right to equality, taking measures to prevent the exposure of individuals in the risk group to unlawful actions are being closely monitored by the law enforcement agencies. Increasing the professional readiness to defend against discrimination, hostility, and coercion, protection of the equality of individuals belonging to national minorities, are of paramount importance. Therefore, every year, training programs and methodological tools related to human rights and freedoms, as well as the equality of individuals belonging to national minorities, are prepared and sent to the units and departments of the Ministry of Internal Affairs. Theoretical and practical knowledge regarding inquiries conducted about individuals with different racial, ethnic, religious, linguistic, and origin backgrounds is imparted to cadets and listeners of specialized educational institutions of the ministry.

**Paragraph 79:** During the period covering 2023 and first half of 2024, the Main investigation Department of the State Security Service completed preliminary investigation on 5 criminal cases involving 6 individuals under Article 283 of the Criminal Code. Those individuals were also charged with other serious crimes such as theft, terrorism and treason. During the period covered by the Opinion, the Investigation Department of the Prosecutor General's

Office conducted preliminary investigation into 9 criminal cases (1 in 2020, 1 in 2021, 2 in 2022 and 5 in 2023). Preliminary investigation was completed for 3 criminal cases involving 4 individuals, and these cases were sent to the courts for trial. Preliminary investigation is ongoing for six cases.

**Paragraph 80.** Law-enforcement agencies have not initiated any case against any person due to his/her ethnic origin.

**Paragraph 82:** In the activities of the Scientific-Educational Centre of the General Prosecutor's Office, the subjects dedicated to the protection of the human rights and freedoms hold a significant place. In the period of January 2023 – April 2024, numerous trainings were held on various topics, including “Combating Religious Radicalism: Domestic Legislation and International Experience”, “Principles and Specifics of Applying Ethical Conduct Rules”, “Principles and Practices of Ethical conduct, as well as their Implementation”, “The role of Persecution Agencies in Protecting Fundamental Human Rights and Freedoms”, etc.

**Paragraph 83:** In the activities of the Scientific-Educational Centre of the Prosecutor General's Office (hereinafter referred to as the Center), teaching subjects dedicated to the protection of human rights and freedoms, irrespective of nationality, ethnicity, and religion, hold a significant place. During the years 2023-2024, numerous events have been implemented by the Center, guided by the requirements of international agreements and normative legal acts regulating this area. As one of the main directions of the Center's activities is to enhance professional training, a significant number of educational and enlightening events have been organized for prosecutors and other law enforcement personnel. The majority of the training programs prepared specifically for each audience group include practical topics focusing on the protection of human rights and freedoms. The topics covered during these sessions included "Combating Religious Radicalism: Domestic Legislation and International Experience," "Recommendations of the Council of Europe on Preventing Torture and Ill-Treatment or Inhuman or Degrading Treatment or Punishment," "Children's Rights: National Legislation and International Standards," and "Compliance with the Requirements of the European Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment." Lectures have been provided on "Characteristics of Evidence of Crimes against Peace and Humanity" and "Characteristics of Evidence of Crimes of National, Racial, Social, or Religious Hatred and Enmity".

### **Protecting Armenians from ethnic hatred (Article 6)**

**Paragraphs 85-90:** In the last 15 years, no crime or other offense has been registered regarding persecution, racial discrimination (apartheid) and violation of the right to equality (Articles 109,111 and 154 of the Criminal Code). In 2019-2023 and in the past period of the current year, 13 crimes related to inciting national, racial, social or religious hatred and enmity were investigated by the relevant state institutions (Article 283 of the Criminal Code).

### **Freedom of expression (Article 7)**



**Paragraph 91-95:** Media Development Agency of the Republic of Azerbaijan has already expressed its official position regarding the Joint Opinion of the Venice Commission and DGI on the Law on Media of Azerbaijan. The issues raised under these paragraphs, i.e. Law on Media, media freedom, independent journalism do not fall within the mandate of the Framework Convention.

### **Freedom of association (Article 7)**

**Paragraph 96:** Azerbaijan is committed to supporting an inclusive and independent civil society. State funding for NGOs is allocated through a transparent, competitive process open to all registered organizations. Regulatory measures ensure compliance and accountability, applied equally across sectors, in line with international standards.

The State Support Agency for Non-Governmental Organizations of the Republic of Azerbaijan is a national donor organization operating in the areas of development of non-governmental organizations (NGOs), improvement and promotion of cooperation mechanisms between state, private and non-governmental organizations, as well as support for non-governmental organization projects on issues of importance to the state and society. The Agency provides non-governmental organizations with information, consultative, methodological, and financial assistance.

Over the past three years, the Agency has held nearly 20 grant competitions on various topics related to NGO projects. More than 2000 NGO projects have received financial support. For the first time in 15 years, relevant Regulations were approved by the Cabinet of Ministers, establishing procedures for organizing the competitions and overseeing the implementation of projects. In preparing these regulations, extensive analysis of previous grant competitions was conducted, with a strong emphasis on the principles of transparency, objectivity, and equal opportunities. These regulations have opened unprecedented opportunities for NGOs to better realize their potential.

Furthermore, in accordance with its charter, the Agency is also able to support international NGOs. Within the framework of the Agency's grant competition, NGOs representing national minorities across various regions have consistently received support. Notable examples include the Akhiska Turks Homeland Public Union, the Azerbaijan-Bulgaria Friendship Development Support Public Union, the Faig Agricultural Producers Public Union (representing the Buduq people in Guba), the "Azeri" Tat Cultural Center Public Union, and the "Khinalug" Tourism Development Support Public Union, among others, which have been successful grant recipients.

**Paragraph 97:** NGOs that have been successful in the Agency's grant competitions implement their projects not only in Baku but across all regions of the country, as well as in various foreign countries. For all projects executed both in the capital and in the regions, the necessary coordination with central and local executive authorities are carried out in accordance with established procedures, ensuring that all planned activities are conducted effectively.

**Paragraph 98:** According to the Law of the Republic of Azerbaijan "On Grant", donors and recipients are completely free to give or receive grants, choose the recipient or donor of the grant, as well as the projects and programs for which they give or receive grants. Rules related to the financing of projects implemented by non-governmental organizations in various fields shall be determined by the relevant institutions, as in international practice. Non-governmental organizations can receive grants throughout the year from various donor agencies. In this regard, domestic legislation does not provide for any restrictions. In recent years, not a single non-governmental organization has been brought to administrative responsibility by the Ministry of Justice on the grounds provided for by the Code on Administrative Offences. In accordance with the national legislation, conditions are created for foreign donors to provide grants. The process is regulated with the Law on Grants (Articles 2.5 and 2.6).

### **Minority language television, radio broadcasting and print media (Article 9)**

**Paragraphs 102-110:** The Law on Media (2021) was developed with consideration of international norms and principles, experience of foreign countries, as well as in line with social demand of the society. Article 5 of the law guarantees freedom of the media. According to the Article 14.1.9 of the Law, slander, insult and hate speech are prohibited. Local journalists are also guided by "Rules of Ethical Conduct of Azerbaijani Journalists".

Law on Public Television and Radio Broadcasting ensures public broadcasting of programs in the languages of national minorities residing in the territory of the country (Article 12.3). Right to equality, freedom of expression and right to information are enshrined in the Constitution (Articles 25, 47 and 50). The principles of editorial independence, the prohibition of censorship, and freedom of creativity are taken into account as legal requirements in regulating relations with media entities.

There are no legal restrictions in the legislation regarding media projects carried out by national minorities.

The previously presented statistical data was not properly reflected in the text of Opinion. State and private TV channels regularly broadcast programs about the lifestyle, music of ethnic traditions. The activities of media resources are aimed not only at the promotion of national traditions of ethnic minorities, but also at the dissemination of daily news. Programs with the participation of representatives of national minorities are regularly included in the program schedules of television and radio broadcasters.

"Voice of Azerbaijan" radio station is broadcast in the following languages: in Armenian language twice a day with each program lasting 1 hour, in Russian language once a day with each program lasting 30 minutes, in Georgian language three times a week with each program lasting 30 minutes, in Talysh language twice a week with each program lasting 30 minutes, in Kurdish language twice a week with each program lasting 30 minutes, in Lezgin language twice a week with each program lasting 30 minutes. "Vatan" program is aired every day for 30 minutes in Azerbaijani and Armenian languages. "News" program is broadcast in Armenian language 7 times per day on CBC FM. On weekdays on repeat, daily reports on various topics related to the current events are broadcast in Armenian language.

During the period of 01.08.2023–01.08.2024, a series of programs were broadcast with participation of the representatives of national minorities such as Tats, Talysh, Udi, Lezgins, Avars, Ahiska Turks on ITV television channel.

15 newspapers and more than 30 internet information resources belonging exclusively to members of national minorities operate especially in the northern and southern regions of Azerbaijan.

Media Development Agency provides non-discriminatory support to print and online media entities only on a competitive basis for the financing of educational materials arising from the public and state interest. 2 out of 17 print media entities receiving financial assistance from the Agency operate in the language of a national minority. To date, 20 print and online media entities operating in languages of ethnic minorities have already declared themselves in the Media Register.

The Law of the Republic of Azerbaijan "On Public Television and Radio Broadcasting" does not abolish or contradict the requirements of the "Law on Media". Article 12.3 of the Law "On Public Television and Radio Broadcasting" stipulates the requirement to include programs in the languages of national minorities living in the territory of the Republic of Azerbaijan into public broadcasting programs. Acknowledging that broadcasting in the languages of national minorities living in the territory of the Republic of Azerbaijan has some practical problems, we would like to point out that there is no obstacle to this in the legislation.

In addition, while the repealed Law "On Television and Radio Broadcasting" stipulated that all broadcasters' programs should be in the state language, the current Law on Media, in Article 14.2, only requires the use of the state language in the programs of open terrestrial broadcasters. It should be noted that programs of broadcasters not operating on terrestrial television can be broadcast in various languages. For example, the "CBC" television channel, which has been broadcasting since 2013 in various languages (primarily in Russian), as it is broadcast via satellite, thus being retransmitted by all multiplex, cable, and IPTV operators and can be accessed by 92% of Azerbaijan's population. Furthermore, according to the Law on Media, irrespective of national affiliation, a physical or legal person established by a citizen of the Republic of Azerbaijan may obtain a broadcasting license for a platform (excluding terrestrial broadcasting) by collecting the necessary documents and applying to the Audiovisual Council without undergoing any competition procedure and can obtain the relevant license.

Additionally, considering the necessity of broadcasting in the languages of national minorities living in the territory of the Republic of Azerbaijan, based on the Decision No. 05/1 dated April 7, 2021 of the Azerbaijan Republic Audiovisual Council, "Caspian International Broadcasting Company" LLC (editorial name "CBC FM") was granted a regional (territory of Garabagh and Eastern Zangazur economic regions) terrestrial radio broadcasting license and based on the Decision No. 36/23-14 dated October 3, 2023, "Azerbaijan Television and Radio Broadcasts" Closed Joint Stock Company (editorial name: "Azerbaijan International

Radio"/"Radio International") was granted a nationwide terrestrial radio broadcasting license. Currently, these radio channels are operating and broadcasting in various languages of national minorities (Kurdish, Lezgin, Talysh, Georgian, Russian, Armenian, etc.).

In Article 14.3 of the Law on Media, the requirement allowing terrestrial broadcasters to use other languages in their programs with the approval of the Audiovisual Council has been specified. This requirement applies only to terrestrial broadcasters operating on open airwaves. Currently, with the approval of the Audiovisual Council, programs such as news programs in Russian and English on the "AZTV" channel, the "Gaynar Gazan" program presenting world cuisine and broadcast in Russian, and the "Real Interview" program on the "Real TV" channel featuring interviews with various celebrities are broadcast in Russian.

Pursuant to Part 1 of Article 14 of the Law "On Mass Media", permission from state bodies is not required for the establishment of print media. Simplified procedures have so far resulted in the registration of 5,375 publications. Eleven publications of persons belonging to national minorities are registered by the Ministry of Justice and operate without any hindrance.

More than 15 newspapers and magazines are published in the languages of ethnic minorities. "Samur", "Gusar" newspapers (Azerbaijani and Lezgin), "*Chirag*" and "*Alam*" magazines (Talysh), "*Tolışi sədo*", "*Tolışon sədo*", "*Dodo*" and "*Soz*" magazines (Azerbaijani and Talysh), "Khinalug" newspaper (Khinalug language), a page in Georgian language in the "*Shalala*" newspaper (Gakh), "*Birlik*" newspaper and "*Gudyal*" magazine of the Jewish community (Guba's Red Village), "*Denge kurd*" newspaper published by the Ronayi Kurdish Cultural Center, "*Vestnik*" and "*Oko*" newspapers by the Azerbaijani Russian community, "*Sodrujestvo*" is the media outlet of the "Sodrujestvo" Society, "*Akkord*" is affiliated with the "Aid to the Development of Azerbaijan-Bulgaria Friendship" public union and "*Visnik*" is published by the Ukrainian Community in Azerbaijan. The Russian Orthodox Church also publishes a regular religious journal in Russian.

## **Use of names in minority languages (Article 11)**

**Paragraph 117:** It should be noted that the issue related to the assignment and change of first name, patronymic and surname of the citizens of the Republic of Azerbaijan is regulated by the "Rules for assignment and change of first name, patronymic and surname" (hereinafter referred to as the Rules) approved by the decision of the Cabinet of Ministers of the Republic of Azerbaijan No. 79 from May 12, 2011.

According to Paragraph 1.4 of the Rules assignment of first name that may be detrimental to the child's interests and the one that does not match the person's gender or is ridiculous shall not be allowed. According to Paragraph 1.5 of the Rules a decision of the registration body on refusal to assign or change a name may be appealed in administrative and (or) judicial manner.

Supervisory functions in the field of regulation and coordination of work related to the terminology development in the Azerbaijani language, enriching the vocabulary of the language, determining the possibility of using new literary concepts and expressions in the language are carried out by this Commission in accordance with paragraph 1.1 of the Regulation of the Terminology Commission under the Cabinet of Ministers (hereinafter referred to as the Commission) established by the Order of the President of the Republic of Azerbaijan No. 2236 from May 23, 2012. According to paragraph 2.1.11 of this Regulation, the main task of the Commission is to determine the principles for the assignment of personal names.

When the meaning of the name the parents would like to give during birth registration is unknown or the name needs to be written in different forms the registration departments of the Ministry of Justice forward an application to the Commission and examine the opinion of that institution.

Also, according to Article 53 of the Family Code of the Republic of Azerbaijan, a name shall be assigned to a child with the consent of the parents; patronymic shall be based on the father's name. When paternity is not determined, the child's name shall be assigned on the mother's request, the patronymic shall be assigned by the name of the person registered as the child's father in accordance with Article 46.3 of that Code, and the surname shall be based on the mother's surname.

As a general rule, a child's surname shall be determined by the surname of the parents. When parents have different surnames, the child shall be assigned the surname of the father or mother with the consent of the parents. If the parents have not reached an agreement on the child's first name and surname, any disagreements that arise shall be resolved by the guardianship and trusteeship bodies of local executive authorities, taking into account the provisions of the Rules.

### **Intercultural education and knowledge about national minorities (Article 12)**

**Paragraph 126:** There have never been a negative attitude towards national minorities in textbooks, especially regarding the ethnic Armenians nation. Textbooks only reflected the realities of 30 years of occupation of internationally recognized territories of the Republic of Azerbaijan. All textbooks are online and can be viewed and reviewed for any such claims.

### **Equal access to education (Article 12)**

**Paragraph 133:** The Cabinet of Ministers of the Republic of Azerbaijan issued a decree (№ 213) on the approval of the "Education Regulation on the negative consequences of early marriage and marriage between relatives in order to protect and strengthen the importance of family and marriage among young people" in June 2020.

### **Access to and quality of minority language education (Article 14)**

**Paragraphs 137:** The subject of mother language is included in the curricula of the institutions in settlements with minority ethnic groups. New textbook for teaching Haput language was introduced in 2023. Regarding the number of hours of language teaching, schools always have the choice to increase the number of hours through elective lessons.

The subject of “Introduction to Multiculturalism” is taught in higher education institutions with focus on the history and culture of the peoples, as well as confessions. Department of Folklore of Minorities operates in the Institute of Folklore of Azerbaijan National Academy of Sciences.

**Paragraph 138:** For the 2023/2024 academic year, the number of general education institutions in Azerbaijan where teaching is conducted in Russian is 324. 153,645 students study in these institutions. In addition, 801,227 students learn Russian as a second foreign language. 26 higher education institutions across the country offer Russian language teaching, and 15,492 students study in Russian in these institutions in the 2023/2024 academic year.

### **Participation of persons belonging to national minorities in decision making (Article 15)**

**Paragraph 152:** The national legislation does not provide concept of special political rights. According to the logic of the national legislation, this contradicts fundamental principles of the constitutional legislation, including “equality right” (Article 25 of the Constitution), which stipulates that “The state guarantees equality of rights and liberties of everyone, irrespective of race, nationality, religion, language, sex, origin, financial position, occupation, political convictions, membership in political parties, trade unions and other public organizations. Rights and liberties of a person, citizen cannot be restricted due to race, nationality, religion, language, sex, origin, conviction, political and social belonging. No one may be harmed, granted allowances or privileges, or deprived from granting allowances and privileges on the basis of the grounds elaborated in Part III of this Article”.

**Paragraph 153:** In the process of formation of the parliamentary deputy corps, the ethnic origin of the candidates is not taken into account. External interference in the formation of the deputy corps is not only prohibited by law, but also is impossible (secret and personal voting). It is impossible to fulfill the requirements of that paragraph without violating the fundamental rules of the formation of legislative power. The fact of belonging of 3 members of Parliament to the representative of the national minorities was found out after formation of the corps.

**Paragraph 155:** It is not clear which articles of the Law of the Republic of Azerbaijan "On Political Parties" adopted on 16.12.2022 are interpreted as articles specifically targeting national minorities and persons belonging to them, and it is also unclear what restrictions are provided for those persons in this Law. According to Article 5.1 of that Law a political party shall be created by not less than 50 fully capable citizens (founders) of the Republic of Azerbaijan. In accordance with Articles 1.1.7 and 20.1 of this Law a fully capable citizen of the Republic of Azerbaijan who has reached the age of 18 can be a member of a political

party. According to Article 20.3 of the Law membership in a political party cannot be limited by race, ethnicity, religion, language, sex, origin, beliefs, or social affiliation. According to Article 4.3 of the Law, it is not allowed to establish and operate political parties for the promotion of racial, religious, origin, gender, ethnic and other discrimination, incitement of racial, religious or ethnic enmity.

**Paragraph 156:** Indeed, there are mechanisms that have a normative legal basis and are institutionalized. The law “On Public Participation” (2013) regulates the relations arising in connection with the involvement of citizens in the implementation of public administration. Every citizen, including those belonging to national minorities, can participate in every type of public participation (public council, public discussion, public hearing, study of public opinion, public discussion of drafts of legal opinions, and written consultation). The recommendation of the Advisory Committee has already been implemented in the national legislation.

**Paragraph 158:** There are numerous legislative-normative acts in the national legislation that envisages effective participation of all citizens, including national minorities in the decision-making process at all levels. In this regard the replacement of the words “to create normative conditions” with the words “improve conditions” is more appropriate.

**Paragraph 159:** The Consultative Council of the Baku International Multiculturalism Center established in 2016 in order to ensure active involvement of diverse groups and individuals coming from different backgrounds such as art, minorities, science, religion and culture in the nationwide efforts dedicated to the advancement of progressive environment and accessibility of the decision-making processes relating to peaceful coexistence in the country is a platform to offer news ideas and, share eye-opening experiences based on different perspectives.

## **Situation of persons belonging to the Armenian national minority in Garabagh (Article 16)**

**Paragraph 166-176:** The Advisory Committee has neither investigative nor judicial authority and means to investigate and make a definitive conclusion about the events taken place in September 2023 in the Garabagh region of Azerbaijan. It therefore should refrain from drawing one-sided conclusion on the issues that are currently subject to the review of international courts.

Information provided does not fully cover or comprehensively encompass the practical activities related to the integration of these residents and the functionality of the relevant portal. Integration portal operates in 4 languages, via the call center, Whatsapp contact, and email. 7/24 uninterrupted on-site service of initial registration of applications from Armenian residents living in these areas, organization of mobile services for sick and elderly persons who are unable to apply in person and other services are constantly provided by the representatives of the State Migration Service deployed to the region. Regular information regarding sustainable reintegration of Armenian residents living in the territory of the

Garabagh region of the Republic of Azerbaijan into Azerbaijani society and available opportunities was posted on the website.

### **Internally displaced persons (IDPs) (Article 16)**

**Paragraphs 177-179:** Regular meetings are held with displaced communities, including elders, martyr families, war veterans, women, and youth to discuss the return process. Regardless of ethnicity IDPs are provided with privileges in accordance with national legislation. Under national legislative acts, social protection measures for IDPs remain in effect for a period of 3 years from the time conditions are created for their return to their former places of residence.

### **Cross-border contacts (Article 17)**

**Paragraph 183:** NGOs managed by representatives of national minorities are actively operating throughout the entire territory of country, including the southern region. These NGOs make significant contributions to the protection of minority rights, the development of cultural heritage, and cooperation with civil society. Their activities are fully supported within the framework of national legislation and contribute to the promotion of inclusivity.