



# FIFTH OPINION ON AZERBAIJAN



## ADVISORY COMMITTEE ON THE FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES

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## SUMMARY OF THE FINDINGS

1. Azerbaijan is a multi-ethnic country which strives to promote ethnic, cultural, linguistic and religious tolerance and respect. Its understanding of cultural diversity is based on the idea of Azerbaijani multiculturalism relying on strict equality of rights. Certain rights which states are expected to protect in order to ensure the implementation of the Framework Convention are enshrined in the Constitution of the Republic of Azerbaijan, such as the right to equality and the right to use one's "native language". National minority folklores and traditions are celebrated both at national and local levels. Many national minority languages, including numerically smaller ones, are taught at the primary education level. The authorities are developing infrastructures and public services in regions traditionally inhabited by persons belonging to national minorities. However, the overall situation of human rights, democracy, and the rule of law in Azerbaijan remains a great source of concern. Restrictions on the freedoms of expression, assembly and association severely limit the possibilities of persons belonging to national minorities to effectively enjoy their human rights, including minority rights. There is also still no comprehensive legislation on the protection of minority rights, including in the areas of non-discrimination, language rights and education.

2. During this monitoring cycle, Azerbaijan reestablished its effective control over Karabakh, as well as seven adjacent districts, which resulted in the mass displacement of more than 100 000 ethnic Armenians. In order to secure sustainable peace in the region, it will be of utmost importance to ensure all the rights contained in the Framework Convention for persons belonging to the Armenian and other minorities. The Advisory Committee assesses, for the first time, the situation in this region and addresses recommendations to the Azerbaijani authorities, with the intention of supporting them in the post-conflict reintegration and reconciliation process, including in carrying out confidence-building measures to ensure a peaceful co-existence of persons belonging to different communities.

### Effective equality and non-discrimination

3. While equality and prohibition of discrimination are granted by law and a Commissioner for Human Rights institution is in place, the legal provisions and practical measures taken are insufficient to guarantee full and effective equality. Information available suggests that discrimination and unequal treatment do affect persons belonging to national minorities, but data on discrimination on ethnic, linguistic or religious grounds and on potential socio-economic or gender inequalities is not collected systematically, and no targeted policies are in place.

### Promotion of minority cultures

4. Azerbaijan promotes the cultures of its national minorities, including the numerically smaller ones. Religious tolerance and interreligious dialogue are high on the government's agenda. Unfortunately, the focus is on traditions and folklore rather than also on contemporary expressions of culture, and there is no transparent support scheme based on earmarked funding and involving representatives of national minorities.

### Protection from hostility

5. Though legislation criminalising incitement to national, racial or religious hatred and hostility exists, only very few cases are reported. While the authorities explain this with the good climate of interethnic understanding, the Advisory Committee considers that this can also be interpreted as an indicator of a lack of knowledge of the legal remedies available or a lack of trust in the willingness or ability of the authorities to investigate such cases effectively.

### Freedom of expression and freedom of association

6. The 2021 Law on Media increases restrictions on media freedom. The 2014 Law on Non-Governmental Organisations (NGOs) and the 2022 Law on Political Parties are detrimental to the freedom of expression and freedom of association. Reports of ongoing detention of civil society representatives, human rights defenders, political activists, journalists, bloggers, and lawyers, including from national minorities, illustrate a general climate hostile to civil society and have a dissuasive effect on any civic activism by persons belonging to national minorities.

### Language rights

7. TV and radio broadcasting and very limited print and online media exist in some minority languages, but programming is insufficient and there is a lack of funding for media projects run by minorities themselves. The use of minority languages in contact with the administration is not enshrined in law and is limited to ad hoc and oral communication. Concerning topographical signage, the Advisory Committee considers that the introduction of a transparent procedure ensuring the display of traditional local names, street names and other topographical indications in areas traditionally inhabited by

substantial numbers of persons belonging to a national minority would permit to affirm the long-standing presence of national minorities as appreciated and welcome part of Azerbaijan's multicultural society.

8. The list of names to be banned for new-born babies to protect them from "ridicule, revulsion, and humiliation", established by a Terminology Commission under the Cabinet of Ministers and which includes names popular among persons belonging to national minorities, should be reviewed so as to ensure effective access to the core linguistic right, the personal identity and dignity of persons belonging to national minorities.

### Education

9. Efforts to review educational materials to address stereotypical and negative portrayal of minorities are needed and attention should also be paid to ensuring that the historic presence of Armenians in Azerbaijan, particularly in Karabakh and Baku, is reflected in educational materials. Critical thinking in history teaching should be developed, based on the appreciation of multiple perspectives and the promotion of intercultural understanding.

10. While the teaching and learning of Russian, Georgian and to some extent Hebrew and Lezgin languages are promoted and ensured, the scope and volume of other national minority languages taught only at the primary school level remain limited. Recent efforts carried out to create, update and renew a certain number of textbooks in these languages should be further continued. A dedicated strategy to expand the teaching offer to national minority languages currently not being taught in mainstream education, to recruit qualified teachers and specialists, and to offer the study and research at university level should be adopted and implemented.

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

11. The 2022 Law on Political Parties increases restrictions on the freedom of association as well as on the degree of participation of persons belonging to national minorities. Several articles can be interpreted as specifically targeting national minorities and persons belonging to them, and could prevent the establishment of political parties promoting their rights and political participation. Persons belonging to the Dom minority continue to face social exclusion and higher rates of unemployment, leaving them in a situation of extreme poverty.

### Situation of the Armenian national minority in Karabakh

12. There is a strong public narrative against the Republic of Armenia in the context of the Karabakh conflict, impacting directly the attitudes towards ethnic Armenians. Following an almost ten-month blockade of the Lachin corridor, the military operation of the Azerbaijani authorities in September 2023 and the sudden reopening of the corridor, more than 100 000 Armenians have left the region. Ensuring the possibility for safe return, restitution of property or compensation, protecting Armenian cultural and religious heritage, effectively guaranteeing minority rights and fostering a genuine truth and reconciliation process will be essential to lay the foundations for peaceful coexistence in the future. The current negotiations between Azerbaijan and Armenia aimed at normalising their relations could be seen as an opportunity to develop confidence building measures in line with the principles of the Framework Convention and to strive for a lasting peace in the region.

## RECOMMENDATIONS

13. The Advisory Committee considers that the present concluding remarks and recommendations could serve as the basis for the resolution to be adopted by the Committee of Ministers with respect to the implementation of the Framework Convention by Azerbaijan.

14. The authorities are invited to take account of the detailed observations and recommendations contained in the present Opinion of the Advisory Committee. In particular, they should take the following measures to improve further the implementation of the Framework Convention:

### Recommendations for immediate action

15. The Advisory Committee urges the authorities to inventory, protect and preserve all Armenian religious and cultural sites and artefacts and to investigate all allegations of vandalism, destruction and alteration of historic and cultural monuments and cemeteries used by ethnic Armenians in the region. All relevant authorities, including at the highest political level, should clearly recognise the historical contribution of ethnic Armenians to the cultural heritage of Karabakh and guarantee the protection of cultural and religious rights of ethnic Armenians from Karabakh, including those who are now in refuge abroad.

16. The Advisory Committee urges the authorities to refrain from and condemn firmly any manifestation of intolerance and spreading of ethnic hatred against persons belonging to the Armenian community. All such statements and actions inciting to ethnic hatred need to be fully investigated and sanctioned in accordance with the law.

17. The Advisory Committee urges again the authorities to bring legislation and practice of NGO registration and operation in line with European human rights standards so that all persons belonging to national minorities can effectively enjoy the freedom of association.

18. The Advisory Committee urges the authorities to increase the offer of teaching of minority languages, including of numerically smaller minorities, in the general curriculum at primary and secondary levels, not only in territories in which these minority languages are traditionally used but also where persons belonging to national minorities live in substantial numbers.

19. The Advisory Committee urges the authorities to create the political, legal and practical conditions necessary for safe, unimpeded and sustainable return of displaced Armenians from Karabakh and to set up a dedicated mechanism to deal with property issues, with clear criteria to be defined in co-operation with all relevant actors. The authorities should refrain from and resolutely combat anti-Armenian narratives to prepare the ground for the reconciliation process.

### Further recommendations<sup>1</sup>

20. The Advisory Committee calls on the authorities to carry out adequate consultations with representatives of national minorities concerned when designing and implementing new cultural policies. The authorities should further revisit the support schemes for minority cultures in a way to ensure that long-term baseline funding, earmarked for activities of persons belonging to national minorities, is available and accessible in a transparent way at the national and local levels, and to ensure participation of minority representatives in the procedure that leads to the allocation of these funds.

21. The Advisory Committee calls on the authorities to ensure that all cases of alleged police abuse and misconduct are properly and independently investigated. The authorities should continue to ensure that initial and in-service training for law enforcement is regularly organised on protection from discrimination, hostility and violence. It should be regularly assessed whether such training achieves the objectives set.

22. The Advisory Committee calls on the authorities to resolutely continue the reconciliation process initiated recently, to use commemorations as an opportunity to promote understanding and empathy towards the suffering of all persons affected by the conflict, and to promote multiple perspectives in the treatment of painful historical events, including in education and in the media.

23. The Advisory Committee reiterates its call on the authorities to expand broadcasting in minority languages in radio and television and to financially support national minority organisations in developing their own print, broadcasting and online media, without prejudice to the editorial independence of the media.

24. The Advisory Committee reiterates its call on the authorities to take all necessary legal and practical measures to facilitate the oral and written use of minority languages in relations with administrative

<sup>1</sup> The recommendations below are listed in the order of the corresponding articles of the Framework Convention.

authorities, in regions inhabited by persons belonging to national minorities traditionally or in substantial numbers.

25. The Advisory Committee calls on the authorities to ensure the right of persons belonging to national minorities to freely use first names and surnames (patronyms) of their choice in the minority language and to have these names officially recognised.

26. The Advisory Committee calls on the authorities to raise awareness about the right to display traditional local names, street names and other topographical indications in minority languages in areas traditionally inhabited by substantial numbers of persons belonging to a national minority and, in co-operation with the local population of such areas, to establish a transparent procedure ensuring the implementation of this right.

27. The Advisory Committee calls on the authorities to ensure that all pupils and students are provided with quality information in school curricula on the multicultural character of society and on the histories and cultural heritage of persons belonging to national minorities, including through efforts to promote critical thinking and the understanding of multiple perspectives in the teaching of history.

28. The Advisory Committee calls on the authorities to develop a comprehensive strategy to ensure that children belonging to the Dom minority have effective and equal access to education at all levels. They should further commission an independent gender-sensitive study to evaluate the rate of absenteeism and early school dropouts of girls belonging to national minorities in rural areas and, on that basis, to develop and implement targeted measures.

29. The Advisory Committee calls on the authorities to create the normative conditions for the effective participation of persons belonging to national minorities in the decision-making process at all levels.

#### Follow-up to these recommendations

30. The Advisory Committee encourages the authorities to organise a follow-up event after the publication of this fifth-cycle Opinion. It considers that a follow-up dialogue to review the observations and recommendations made in this Opinion would be beneficial. Furthermore, the Advisory Committee stands ready to support the authorities in identifying the most efficient ways of implementing the recommendations contained in the present Opinion.

## MONITORING PROCEDURE

### Follow-up activities related to the recommendations of the Fourth Opinion of the Advisory Committee

31. No round table to follow up on the recommendations of the Fourth Opinion of the Advisory Committee took place.

### Preparation of the state report for the fifth cycle

32. The state report was received on 17 October 2022.<sup>2</sup> Organisations representing and promoting the rights of persons belonging to national minorities were not consulted in its preparation.

### Country visit and adoption of the Fifth Opinion

33. This fifth-cycle Opinion on the implementation of the Framework Convention for the Protection of National Minorities (hereinafter “the Framework Convention”) by Azerbaijan was adopted in accordance with Article 26(1) of the Framework Convention and Rule 25 of Resolution (2019)49 of the Committee of Ministers. The findings are based on information contained in the fifth state report, other written sources, as well as information obtained by the Advisory Committee from governmental and non-governmental sources during its visit to Lankaran, Baku, Quba and Khynalyg from 23 to 27 October 2023. The Advisory Committee expresses its gratitude to the authorities for their co-operation before, during and after the visit, and to the other interlocutors it met during the visit for their valuable contributions. The draft opinion, as approved by the Advisory Committee on 8 February 2024, was transmitted to the Azerbaijani authorities on 15 February 2024 for observations, according to Rule 37 of Resolution (2019)49. The Advisory Committee welcomes the observations received from the Azerbaijani authorities on 23 April 2024.

\* \* \*

34. A number of articles of the Framework Convention are not covered in the present opinion. Based on the information currently at its disposal, the Advisory Committee considers that the implementation of these articles does not give rise to any specific observations. This statement is not to be understood as signalling that adequate measures have now been taken and that efforts in this respect may be diminished or even halted. Rather, the Advisory Committee considers that the obligations of the Framework Convention require a sustained effort by the authorities. Furthermore, a certain state of affairs which may be considered acceptable at this stage may not necessarily be so in further cycles of monitoring. Finally, it may be that issues which appear at this stage to be of relatively minor concern prove over time to have been underestimated.

<sup>2</sup> State report submitted by Azerbaijan, received on 17 October 2022, available in English at: <https://rm.coe.int/5th-sr-azerbaijan-en/1680a8bfc1> and in Azerbaijani at <https://rm.coe.int/5th-sr-azerbaijan-az/1680a8c096>.



## ARTICLE-BY-ARTICLE FINDINGS

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

35. The authorities have continuously developed an inclusive approach with regard to the scope of application of the Framework Convention, which applies at present to more than 20 national minorities. They consider that the protection of the rights of persons belonging to national minorities is included in the framework of their multiculturalism policy, developed through the “ideology of Azerbaijanism”, according to which the population of Azerbaijan, including persons belonging to national minorities, should enjoy strict equal rights.<sup>3</sup> All persons self-identifying as belonging to an ethnic group other than “Azerbaijani” in the 2019 census,<sup>4</sup> including those belonging to numerically small communities summarised in the category “other nationalities” in the published census data, can benefit from the protection of the Framework Convention on an article-by-article basis. With regard to the territorial scope of application of the Framework Convention, the Advisory Committee notes that, different from the situation in previous monitoring cycles,<sup>5</sup> Karabakh and the seven surrounding districts<sup>6</sup> are under the effective control of the Azerbaijani authorities and considers that persons belonging to national minorities living in this area should also benefit from the protection offered by the Framework Convention and be made aware of this possibility (see Article 16).

36. The Advisory Committee encourages the authorities to pursue their inclusive approach, to raise awareness about the Framework Convention and to apply it throughout the territory of Azerbaijan.

**Census (Article 3)**

37. The last population census was held in 2019. In the questionnaire, respondents could indicate only one ethnic affiliation (“national [ethnic] identity”). However, they had the possibility to indicate more than one language.<sup>7</sup> Compared to the previous census from 2009,<sup>8</sup> the share of those identifying themselves as “Azerbaijani” has increased by 3.2% while the number of all ethnic minorities has decreased sharply (for instance, by 7% for Lezgins, by 22% for Talysh, by 40% for Russians, by 35% for Ukrainians, by 32% for Tatars or by 44% for Jews). According to the results, most persons who identified with a minority also speak the respective minority language.<sup>9</sup> The Dom minority is absent from the result of the census.<sup>10</sup>

38. According to the authorities, efforts were made to raise awareness of the census among minorities and of their right to free self-identification. With the support from the United Nations Population Fund (UNFPA), awareness raising posters and banners were installed in the streets and other public places in cities and regions and persons belonging to minorities were among the interviewers. The authorities explain the general decrease of the number of persons belonging to national minorities by a decline of birth rates and an increase of “mixed marriages”, with a higher number of individuals now self-identifying as Azerbaijani, which also comprises a notion of civic identity.

39. Representatives of most national minorities have informed the Advisory Committee that the official figures of the 2019 census do not reflect the actual number of persons belonging to their respective community and that the real numbers are considerably higher. Moreover, several interlocutors indicated that they were not visited and interviewed or that interviewers refused to enter their indicated ethnic minority affiliation.

40. The Advisory Committee reiterates that reliable information about the ethnic composition of the population is an essential condition for implementing effective policies and measures to protect minority rights, for helping to preserve and assert minority identities as well as for addressing minority needs and interests. Furthermore, “the right to free self-identification also extends to multiple affiliations. In fact, the Framework Convention implicitly acknowledges multiple affiliations by promoting the

<sup>3</sup> [Azerbaijani Multiculturalism \(preslib.az\)](#).

<sup>4</sup> [Population of Azerbaijan | The State Statistical Committee of the Republic of Azerbaijan](#). Azerbaijan has a population of 9 951 400 inhabitants. The 2019 census results list 20 “nationalities and ethnic groups” living on the territory of Azerbaijan, as well as “other nationalities”: 167 600 Lezgins, 87 600 Talysh, 71 000 Russians, 48 600 Avars, 30 500 Turkish, 27 700 Tats, 17 700 Tatars, 13 900 Ukrainians, 13 400 Tsakhurs, 8 400 Georgians, 5 100 Jews, 4 100 Kurds, 3 500 Udis, 3 500 Khynalygs, 2 500 Haputs, 2 100 Kryzs, 1 800 Ingiloys, 1 100 Budukhs, 200 Armenians, 5 000 “other nationalities”.

<sup>5</sup> ACFC, [Fourth Opinion](#), adopted on 8 November 2017, paras. 17-18.

<sup>6</sup> The seven districts are Kalbajar; Lachin; Qubadli; Zangilan; Jabrayil; Fuzuli; Agdam.

<sup>7</sup> The question was formulated as follows: Mother tongue; What languages do you speak fluently: 1. Azerbaijani 2. Other; What language do you usually speak at home? 1. Azerbaijani 2. Other.

<sup>8</sup> It should be noted that said results were already considered as controversial in the Fourth Opinion: ACFC, [Fourth Opinion](#), para. 19.

<sup>9</sup> Population of Azerbaijan | The State Statistical Committee of the Republic of Azerbaijan, p. 22.

<sup>10</sup> The Dom national minority (also called Garachi) is the Roma community living in Azerbaijan. Their language is Domari, although they speak usually Turkish, Azeri or Kurdish, especially outside the family/community. The Dom communities are scattered in different countries, including Azerbaijan, Georgia, and Turkey. They live in Azerbaijan for centuries. Historical evidences about them, however, are extremely scarce and fragmented and the same is true about their current situation.

preservation of minority identities in parallel to successful and effective integration in broader public life. Persons belonging to national minorities should never be obliged to choose between preserving their minority identity or claiming the majority culture, as both options must be fully available to them. This implies that practices by which an individual affiliates with a particular minority should not be seen as exclusive, as he or she may simultaneously identify with other minorities or with the majority. In some instances, such a choice may be the consequence of previous assimilation processes into the majority or into another dominant minority. However, this must not be used as an argument against the rights of persons belonging to national minorities to self-identify freely and to claim minority protection.”<sup>11</sup>

41. The Advisory Committee considers that, in general, multiple affiliation would better capture the multi-ethnic character of the population. The national minorities expressed a strong sense of belonging to Azerbaijani society and may therefore wish to state that they are Azerbaijani in addition to their minority affiliation. In this context, it is important that the opportunity to express multiple affiliations be provided. The Advisory Committee therefore regrets that it was not possible for respondents to indicate more than one ethnic affiliation in the 2019 census, contrary to its previous recommendations.<sup>12</sup> This seems to affect in particular national minority women and children in ethnically diverse families.<sup>13</sup> Furthermore, the Advisory Committee is concerned about the information reported by some of its interlocutors that the results might not reflect the reality. However, it welcomes the possibility to indicate multiple linguistic affiliations and reminds the authorities of the importance of collecting accurate disaggregated data on persons belonging to national minorities, including on numerically smaller minorities, from different sources to develop meaningful policies for effective protection of minority rights.

42. The Advisory Committee strongly encourages the authorities to maintain the possibility to indicate multiple linguistic affiliations and to extend this possibility to multiple ethnic affiliations in the next census and in all data collection processes, which need to be prepared in close co-operation with representatives of national minorities.

43. The Advisory Committee invites the authorities to complement the results of the census by collecting periodically, in co-operation with persons belonging to national minorities, additional qualitative and quantitative disaggregated data on persons belonging to national minorities.

#### Legal framework on national minorities and non-discrimination (Article 4)

44. Certain rights which states are expected to protect in order to ensure the implementation of the Framework Convention are enshrined in the Constitution of the Republic of Azerbaijan, such as the right to equality and the right to use one’s “native language”. However, as pointed out in its Fourth Opinion,<sup>14</sup> there is no comprehensive legislation on minority rights. The Advisory Committee was informed during the country visit that in the authorities’ view a coherent set of sectorial legislation proved to be effective in protecting minority rights and therefore they have no intention to develop a comprehensive law on national minorities.

45. Non-discrimination provisions are contained in the Constitution of the Republic of Azerbaijan (Article 25)<sup>15</sup> and sectorial legislation relating to the areas of employment, social assistance and healthcare.<sup>16</sup> However, as the Advisory Committee noted in its Fourth Opinion, legislation is not sufficiently comprehensive, and a draft non-discrimination law prepared by the government in 2021 has not been adopted.<sup>17</sup> Furthermore, there is no legal provision explicitly allowing for positive measures as required by Article 4(2) of the Framework Convention. Article 25(4) of the Constitution of the Republic of Azerbaijan<sup>18</sup> continues to be interpreted by Azerbaijan as prohibiting the granting of advantages or privileges on grounds such as “race, ethnicity, religion, language or origin”.<sup>19</sup>

<sup>11</sup> ACFC, [Thematic Commentary No. 4](#), The Framework Convention: a key tool to managing diversity through minority rights. The scope of application of the Framework Convention for the Protection of National Minorities, adopted on 27 May 2016, para. 13.

<sup>12</sup> ACFC, [Fourth Opinion](#), para. 22.

<sup>13</sup> The Advisory Committee was informed that women belonging to national minority are more likely to declare Azerbaijani ethnicity if married to Azerbaijani men, as compared to men belonging to national minority married to Azerbaijani women.

<sup>14</sup> ACFC, [Fourth Opinion](#), para. 23.

<sup>15</sup> Article 25 of the [Constitution](#) of the Republic of Azerbaijan.

<sup>16</sup> [State report](#), pp. 9-11.

<sup>17</sup> For more information, see ACFC, [Fourth Opinion](#), paras. 24-25; [Comments](#) of the Government of Azerbaijan on the Fourth Opinion of the Advisory Committee on the implementation of the Framework Convention for the Protection of National Minorities by Azerbaijan, received on 25 January 2019, para. 23; European Commission against Racism and Intolerance (ECRI), [sixth monitoring cycle on Azerbaijan](#), adopted on 29 March 2023, paras. 2 and 9.

<sup>18</sup> Article 25(4) of the [Constitution](#) of the Republic of Azerbaijan, Right to equality: “No one may be harmed, granted advantages or privileges, or refused to be granted advantages and privileges on the grounds laid down in Paragraph III of the present Article”. Article 25(3) stresses that “the State shall guarantee the equality of rights and freedoms to everyone, irrespective of race, ethnicity, religion, language, sex, origin, property status, occupation, beliefs or affiliation with political parties, trade union organisations or other public associations. Restrictions of rights and freedoms on the grounds of race, ethnicity, religion, language, sex, origin, beliefs, or political or social affiliation are prohibited”.

<sup>19</sup> UN Committee on the Elimination of Racial Discrimination (CERD), [Concluding observations](#) on the combined tenth to twelfth periodic reports of Azerbaijan, adopted on 26 August 2022, para. 12.

46. The Advisory Committee observed during its visit that there is little awareness of the concept of discrimination, of norms protecting against it and especially a possible entitlement to positive measures among persons belonging to national minorities. Some representatives of the Talysh minority highlighted severe discrimination based on ethnic grounds, stressing that some policies or practices that appear neutral on the surface in fact disproportionately disadvantage specific groups and persons belonging to them.

47. The Advisory Committee reaffirms the view that the implementation of the principles set out in the Framework Convention shall be done through national legislation and appropriate governmental policies. It therefore underlines that a comprehensive legislative framework for the effective protection of minority rights is important, whether that be through the adoption of one single law or through a cohesive set of sectorial legislation in the relevant areas. Furthermore, it is particularly important in this context to collect and regularly evaluate reliable, disaggregated data on the situation of persons belonging to national minorities, in order to address minority concerns and design well-targeted and sustainable measures meeting their needs and interests.

48. The Advisory Committee regrets the absence of a comprehensive legislative framework for the effective protection of minority rights, and the current interpretation of Article 25(4) of the Constitution of the Republic of Azerbaijan, which prevents the authorities from taking measures specifically targeted at persons belonging to national minorities and thus addressing the impact of structural discrimination. It is unfortunate that the existing legislation does not expressly prohibit both direct and indirect discrimination in the public and private spheres.<sup>20</sup> The Advisory Committee considers that the lack of awareness among persons belonging to national minorities is worrying given the fact they are potentially exposed to significant inequalities, in particular those living in rural areas or in an otherwise vulnerable situation such as the Dom (see Article 15).<sup>21</sup> A systematic collection of equality data and, therefore, information about the actual needs and interests of persons belonging to national minorities is needed.

49. The Advisory Committee strongly encourages the authorities to advance their legislative framework on the effective protection of minority rights and on the protection from discrimination, including by prohibiting indirect discrimination and allowing the adoption of positive measures to promote full and effective equality.

50. The Advisory Committee strongly encourages the authorities to collect equality data and develop a wide-ranging non-discrimination strategy with targeted measures taking into account the specific conditions of persons belonging to each national minority.

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

51. The Commissioner for Human Rights (hereinafter “the Commissioner”) functions as the only multi-mandated national human rights institution.<sup>22</sup> The institutional independence of the Commissioner has been regularly questioned by international bodies,<sup>23</sup> particularly because of its selection and appointment procedure.<sup>24</sup> As a consequence, the Sub-Committee on Accreditation of the Global Alliance of National Human Rights Institutions (GANHRI) downgraded in May 2018 the Commissioner from status “A” to “B”, which signifies only partial compliance under the UN Principles relating to the Status of National Institutions (Paris Principles).<sup>25</sup>

52. According to the Commissioner’s office, amendments were made to the Constitutional Law on the Commissioner for Human Rights on 9 June 2023 with the purpose of strengthening its powers and independence. By law, the competences of the Commissioner remain limited to the public sector, with no litigation competences.<sup>26</sup> According to the Commissioner’s office, no cases of discrimination on ethnic, linguistic or religious grounds have been reported to them during the reporting period.<sup>27</sup> The Commissioner has four regional offices across the country and the opening of a fifth regional office is planned in Karabakh.

53. The Advisory Committee observed during its visit that there is no systematic practice in the Commissioner’s office to consult with representatives of national minorities and that no actions to

<sup>20</sup> CERD, [Concluding observations](#), para. 11.

<sup>21</sup> During the visit, the Advisory Committee has not been able to meet with any representative of the Dom minority and received very little information about the situation of this national minority.

<sup>22</sup> [Constitutional Law on the Commissioner for Human Rights](#).

<sup>23</sup> See for instance: CERD, [Concluding observations](#), paras. 14-15; UN Committee on Economic, Social and Cultural Rights (CESCR), [concluding observations](#) on the fourth periodic report of Azerbaijan, adopted on 15 October 2021, paras. 8-9; ECRI, [sixth monitoring cycle on Azerbaijan](#), para. 8.

<sup>24</sup> ACFC, [Fourth Opinion](#), para. 28.

<sup>25</sup> UN, [Principles relating to the Status of National Institutions](#) (Paris Principles), 1993.

<sup>26</sup> According to the Commissioner’s office, the [amendments](#) made to the Constitutional Law on the Commissioner for Human Rights on 9 June 2023 were aimed at giving “more powers to the Commissioner and strengthening its independence”.

<sup>27</sup> During its visit, the representative of the southern regional office of the Commissioner indicated that no cases of discrimination on ethnic, linguistic or religious grounds have been registered over the last 16 years.

promote the existing minority rights are undertaken, despite the legal possibilities offered by its mandate. For example, there are no efforts to address obstacles faced by persons belonging to the Dom minority as a human rights issue.

54. The Advisory Committee emphasises that ombudsperson institutions should have both de jure and de facto independence and they should function without any interference from the state, political parties or other actors. Persons holding leading positions in ombudsperson institutions should be selected and appointed by transparent, competency-based and participatory procedures. The Advisory Committee reiterates that the competences granted to the Commissioner should also enable the officeholder to pursue an effective role in protecting minority rights.

55. The Advisory Committee considers that the amendments which were made to the Constitutional Law on the Commissioner for Human Rights in June 2023 have not yet resulted in the desired improvement regarding the reinforcement of the Commissioner's powers and independence. While the Advisory Committee acknowledges that mutual respect and understanding prevails among the population of Azerbaijan, with a notable exception towards ethnic Armenians, it also notes that instances of discrimination have been reported by its interlocutors and in NGO reports.<sup>28</sup> It therefore considers that the unusual absence of complaints may be interpreted as an indicator of a lack of public awareness about what kind of behaviour constitutes an act of discrimination,<sup>29</sup> a lack of trust in the institution and in the effectiveness of the legal remedies available. The institution of the Commissioner should also increase its engagement with persons belonging to national minorities, including in minority languages, to realise the full potential of the mandate.

56. The Advisory Committee encourages the authorities to review the selection and appointment procedure of the Commissioner for Human Rights with a view to enhancing its independence and allowing it to use its powers proactively, including by raising awareness of minority rights both among persons belonging to minorities and in the majority population, sharing information in minority languages and by exercising its protection mandate more vigorously.

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

57. Article 30 of the Law on Culture provides that the cultures of national minorities are an integral part of Azerbaijan's national heritage and as such are protected by the state. According to the authorities, the Baku International Multiculturalism Centre has been established to ensure the preservation of tolerance, cultural, religious and linguistic diversity in accordance with the "ideology of Azerbaijanism", as well as to represent Azerbaijan as the centre of multiculturalism in the world, and to explore and promote existing multicultural models.<sup>30</sup> Support for minority cultures is also provided through the provision of premises for cultural events, language or dance classes or similar activities, the allocation of funds for the construction and renovation of places of worship or for activities of religious institutions belonging to national minorities. The state report lists a range of cultural festivals and projects with an intercultural dimension.<sup>31</sup>

58. Information collected during the visit shows that there are well-equipped cultural centres in the country, such as the Lankaran Cultural Centre visited by the Advisory Committee. Cultural centres organise events to promote the traditions and folklore of the Lezgin and Molokan minorities.<sup>32</sup> The Advisory Committee commends the existence of Russian, Georgian and Lezgin drama theatres<sup>33</sup> as well as the organisation of mobile library services for Akhiska Turks. The National Library of Azerbaijan and regional libraries keep copies of books published in minority languages. Furthermore, events are regularly organised to raise awareness of national minorities living in Azerbaijan. In addition, the state supports activities carried out by Mountain Jews in the Red Village of Quba or in Baku and efforts are made to cater for the needs of persons belonging to numerically smaller minorities, such as the Khynalyg, in protecting their cultural heritage and preserving their identities and traditional way of life.

59. As regards the situation of persons belonging to the Talysh minority, the Advisory Committee notes a discrepancy between the information received at meetings organised by the authorities and information received at meetings which were not officially organised by them. From the latter, the Advisory Committee learned that many persons belonging to the Talysh minority are dissatisfied with the current situation. For instance, despite repeated demands, there is still no Talysh Drama Theatre operating in the Lankaran district. More support is also asked for the publication of books and the production of films in Talysh language. Talysh representatives further reported that they experience difficulties to get their organisations registered under the national legislation and consequently to

<sup>28</sup> Public Council of the Talysh People in Azerbaijan, [an alternative report](#), 2021, p. 6.

<sup>29</sup> The Commissioner's [website](#) and its publications are available in Azerbaijani and English languages only.

<sup>30</sup> Our Goal - Baku International Multiculturalism Centre ([multikulturalizm.gov.az](#)).

<sup>31</sup> [State report](#), pp. 14-17.

<sup>32</sup> [State report](#), p. 17. Such cultural centres also operate in Quba, Zagatala, Balaken and Ismayilli regions.

<sup>33</sup> The Azerbaijan State Academic Russian Drama Theatre, the Lezgin State Drama Theatre and the Gakh State Georgian Drama Theatre are located in Baku, in Gusar and Gakh districts respectively.

receive financial support (see Article 7). No efforts have been made to help persons belonging to the Dom minority to preserve and develop their culture either, whether towards the preservation of their cultural identity or in terms of efforts to raise awareness and respect for their distinct identity and culture amongst society.

60. As the national legislation does not provide for the possibility to have earmarked state, regional and/or local sources of funding, even registered national minority organisations struggle financially. While they can apply for grants in the framework of a national competition held annually between projects, the amount provided is not sufficient to carry out their cultural activities and they must rely almost exclusively on the contribution of their members and sometimes on donations (see Article 7).

61. The Advisory Committee reiterates that “when designing and implementing cultural policies affecting persons belonging to national minorities, it is important that the authorities carry out adequate consultations with them so as to meet their need effectively.”<sup>34</sup> The authorities must ensure that cultural policies are developed in a way that is respectful of minority traditions and identities. The Advisory Committee emphasises the importance to secure funding for national minority organisations and to respond to the needs and interests of persons belonging to national minorities at the national and local level, in particular in areas where they traditionally live. Persons belonging to national minorities, through their representatives, should be effectively involved in processes of allocation of public support for their cultural initiatives. The allocation of funds based on national competition between projects, without stable long-term and operational funding, does not fully ensure the possibility to carry out cultural activities in a predictable and sustainable manner.

62. The Advisory Committee notes with interest the existence of cultural festivals and projects with an intercultural dimension throughout the country, and commends the existence of Russian, Georgian and Lezgin drama theatres. However, it remains concerned by the difficulties experienced by persons belonging to some national minorities to receive support from the authorities to promote their cultural activities. The Advisory Committee considers it particularly important that Talysh be granted more support for their cultural activities, that their request to have a drama theatre be considered and examined and that no undue obstacles be put in the way of registration of a Talysh cultural organisation. The authorities may also envisage to portray positive images of the Dom traditions and customs to the public and that their specific status as a minority with distinct cultural heritage is highlighted.

63. The Advisory Committee is conscious that substantial funds are already allocated for the Baku International Multiculturalism Centre, members of which are directly appointed by the President of the Republic of Azerbaijan, to ensure the wider promotion of the traditions of multiculturalism in Azerbaijan. However, the Advisory Committee remains concerned by the difficulties experienced by some national minority organisations to receive financial support in a foreseeable and sustainable manner.

64. Finally, the Advisory Committee notes that the European Charter for Regional or Minority Languages has not been ratified yet, in line with Azerbaijan’s pre-accession commitments to the Council of Europe. There were no steps taken to implement the Advisory Committee’s previous recommendation to this effect. It considers that the ratification of the Language Charter could help the authorities to promote in a structured way the languages spoken by persons belonging to national minorities, including numerically smaller ones. This would also help to provide conditions necessary for them to develop their respective languages and cultures as essential elements of their identities, thereby contributing also to the implementation of the Framework Convention.

65. The Advisory Committee calls on the authorities to carry out adequate consultations with representatives of national minorities concerned when designing and implementing new cultural policies. The authorities should further revisit the support schemes for minority cultures in a way to ensure that long-term baseline funding, earmarked for activities of persons belonging to national minorities, is available and accessible in a transparent way at the national and local levels, and to ensure participation of minority representatives in the procedure that leads to the allocation of these funds.

66. The Advisory Committee, with a view to promoting minority cultures and languages as part of Azerbaijan’s cultural heritage and cultural diversity, encourages again the authorities to ratify the European Charter for Regional or Minority Languages.

<sup>34</sup> ACFC, [Thematic Commentary No. 2](#), The effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, adopted on 27 February 2008, para. 66.

## Armenian cultural heritage in Karabakh (Article 5)

67. According to its Constitution and its domestic legislation, Azerbaijan has a positive legal obligation to ensure that the cultural heritage is respected and protected.<sup>35</sup> Furthermore, Azerbaijan has ratified the Hague Convention of 1954 for the protection of cultural property in the event of armed conflict.<sup>36</sup> According to its Article 19, Azerbaijan is bound to apply the provisions of this Convention which relate to respect for cultural property.<sup>37</sup> Recently, Azerbaijan has reaffirmed its commitment to protecting cultural sites, regardless of their secular or religious origins.<sup>38</sup> According to the authorities, the national legislation criminalises any deliberate destruction or damaging of over 6 300 sites that are listed on a State Registry.<sup>39</sup> Cultural, historical, or archaeological buildings have been marked with signs indicating that they are protected by the Azerbaijani government, police forces have been stationed near these sites to ensure their safety and caution tape has been placed around various churches and related religious sites to prevent unauthorized access.

68. After the 9 November 2020 ceasefire agreement,<sup>40</sup> examples of desecration of Armenian religious buildings in Karabakh were documented.<sup>41</sup> Several international bodies have in this context stressed the need for Azerbaijan to prevent and punish such acts.<sup>42</sup> More recently, following the military operation conducted on 19 September 2023, a United Nations mission, which visited Karabakh for the first time in about 30 years, saw “no damage to cultural and religious infrastructure in parts of [Khankendi] that the team visited”.<sup>43</sup> The Advisory Committee further notes several attempts by state officials<sup>44</sup> and academics,<sup>45</sup> to minimize and even sometimes to deny the origin of the Armenian heritage in Karabakh. Those sources claim that this heritage is of a Caucasian Albanian origin.

69. The Advisory Committee emphasises that the long-standing conflict between Armenia and Azerbaijan in Karabakh and its surrounding districts has led to irreparable destructions of Azerbaijani and Armenian cultural heritage in this multi-ethnic region, animated on too many occasions by a spirit of revenge and intolerance on the side of all parties involved in the conflict. The Advisory Committee underlines that the damages and destructions that have occurred during this conflict constitute “a harmful impoverishment of the heritage of all the nations of the world.”<sup>46</sup>

70. The Advisory Committee considers that the illegal destruction of cultural heritage and attempts to deny historical roots and cultural diversity in this context can fuel and exacerbate conflicts and impede post-conflict reconciliation.<sup>47</sup> In this vein, it is of utmost importance to acknowledge and recognise at the highest political levels the contribution of ethnic Armenians to cultural heritage in Karabakh, including, but not limited to, churches and other places of worship, monuments, landmarks, cemeteries and artefacts, and to protect their cultural and religious rights accordingly. The valorisation of Armenian cultural heritage in Karabakh requires independent and depoliticised research. It is essential to inventory – in co-operation with UNESCO and in consultation with persons belonging to the Armenian

<sup>35</sup> Articles 40 and 77 of the [Constitution](#) of the Republic of Azerbaijan. See also the [2012 Law on Culture](#), the [1998 Law on the Preservation of Historical and Cultural Monuments](#) or the 2000 [Law on Museums](#). See also Article 246 of the Criminal Code.

<sup>36</sup> UN, [Convention for the Protection of Cultural Property in the Event of Armed Conflict](#), 1954.

<sup>37</sup> Article 1 of the [Convention for the Protection of Cultural Property in the Event of Armed Conflict](#) for the definition of “cultural property”.

<sup>38</sup> Ministry of Foreign Affairs, [Commentary](#) of the MFA Spokesperson Aykhan Hajizada, November 2023.

<sup>39</sup> According to the authorities, the Ministry of Culture has carried out an inventory of 542 monuments, as well as 368 historical, architectural and archaeological objects in Karabakh.

<sup>40</sup> [Statement](#) by President of the Republic of Azerbaijan, Prime Minister of the Republic of Armenia and President of the Russian Federation, 10 November 2020.

<sup>41</sup> See for instance BBC, [Nagorno-Karabakh: The mystery of the missing church](#), 25 March 2021.

<sup>42</sup> In its [Order](#) of 7 December 2021, the International Court of Justice (ICJ) ordered that “Azerbaijan must [...] take all necessary measures to prevent and punish acts of vandalism and desecration affecting Armenian cultural heritage, including but not limited to churches and other places of worship, monuments, landmarks, cemeteries and artefacts”, para 98(c). Furthermore, in its [Concluding observations](#), CERD recommended Azerbaijan to “(c) Investigate reports on the destruction of and damage to Armenian cultural heritage, including but not limited to churches and other places of worship, monuments, landmarks, cemeteries and artefacts, adopt measures to prevent such acts, facilitate the mission proposed by the United Nations Educational, Scientific and Cultural Organization to draw up a preliminary inventory of significant cultural properties, and strengthen its efforts to preserve these sites while ensuring effective and meaningful consultation with ethnic Armenian communities”, p. 2.

<sup>43</sup> UN, [UN team completes mission to Karabakh](#), 2 October 2023.

<sup>44</sup> See for instance the [announcement](#) made by the former minister of culture of Azerbaijan in February 2022 of the setting up of a working group of specialists to remove “the fictitious traces written by Armenians on Albanian religious temples”. See also the different [projects](#) carried-out by the Baku International Centre for Multiculturalism on the Ethnocultural Heritage of Caucasian Albania.

<sup>45</sup> See for instance Gunel Seyidahmedli, “[Heritage of Albanian architectural monuments in Karabakh](#)”, 9<sup>th</sup> International Conference “Ohrid-Vodici, 2021”, p. 190. See *a contrario* [“Forgeries”: The Armenian Art That Azerbaijan May ‘Erase’ From Churches \(rferl.org\): Caucasian Albania](#), an international handbook, Edited by Jost Gippert and Jasmine Dum-Tragut, 2023.

<sup>46</sup> UN, [Convention Concerning the Protection of the World Cultural and Natural Heritage](#), 1972.

<sup>47</sup> UN, [Nagorno-Karabakh: Reaffirming the obligation to protect cultural goods, UNESCO proposes sending a mission to the field to all parties](#), 20 November 2020.

community from Karabakh – to protect and preserve all Armenian sites and artefacts and to investigate all allegations of vandalism, destruction and alteration of historic and cultural monuments and cemeteries.<sup>48</sup> This also requires genuine public commitments by the political leadership at the highest levels to renovate, preserve and protect the existing cultural heritage and to guarantee its full access to all ethnic Armenians from Karabakh, including those who left Azerbaijan in the context of the Karabakh conflict.<sup>49</sup>

71. The Advisory Committee urges the authorities to inventory, protect and preserve all Armenian religious and cultural sites and artefacts and to investigate all allegations of vandalism, destruction and alteration of historic and cultural monuments and cemeteries used by ethnic Armenians in the region. All relevant authorities, including at the highest political level, should clearly recognise the historical contribution of ethnic Armenians to the cultural heritage of Karabakh and guarantee the protection of cultural and religious rights of ethnic Armenians from Karabakh, including those who are now in refuge abroad.

### Intercultural respect and dialogue (Article 6)

72. The authorities report on different measures to promote intercultural dialogue between persons belonging to minorities and the population at large, essentially fostered by the concept of “Azerbaijani multiculturalism”.<sup>50</sup> Minority cultures are represented at events and festivals throughout the country.<sup>51</sup>

73. During the visit, interlocutors reported about a general atmosphere of tolerance and respect in Azerbaijan and highlighted the co-operation and dialogue between the religious communities – Shi’a, Sunni, Jewish and Christian. However, some interlocutors indicated that their concerns and views on daily issues such as education, the labour market are not adequately taken into account.

74. The Advisory Committee had the opportunity to witness how the Jewish and Christian histories and cultural identities as well as the historical contribution of persons of Muslim faith – both Shi’a and Sunni – are made visible in Azerbaijani society and culture. This atmosphere of religious tolerance is also reflected by the public support provided for the construction and renovation of places of worship and activities carried out by different religious institutions.<sup>52</sup> However, the Advisory Committee notes that this atmosphere of tolerance and respect in Azerbaijan excludes persons belonging to the Armenian minority and, to some extent, certain persons belonging to the Talysh community. The Advisory Committee further notes that there is little effort to effectively consult representatives of national minorities about their concerns at the national, regional and/or local levels. While it seems that national TV channels and radio programmes may occasionally cover national minority traditions or cultures,<sup>53</sup> reporting on national minorities and persons belonging to them remains scarce (see Article 9).

75. The Advisory Committee would like to draw attention to the principle previously expressed in its Thematic Commentary No. 4 that “openness and tolerance in society can only be genuine if they are not limited to certain predefined groups but embrace everyone.”<sup>54</sup> Awareness raising among the majority population about the national minorities and persons belonging to them is of utmost importance in this respect. It requires constant efforts and targeted policies in education, culture and the media and participation of representatives of national minorities in the decision-making process at the national, regional and local levels. In view of the overarching aim of establishing integrated societies that are respectful of their diversities, the Advisory Committee stresses the importance of qualitative media programmes on, for and by persons belonging to national minorities, that are not exclusively dedicated to minority folklores, traditional costumes, food and habits.

76. The Advisory Committee considers that, except in its religious dimension, the concept of “Azerbaijani multiculturalism” as promoted by the authorities is mostly interpreted through the traditional and folkloric characteristics of persons belonging to minorities and there is no dedicated strategy to adequately inform the public at large or to consult representatives of national minorities at the national, regional and local levels regarding targeted policies in education, culture and media. Furthermore, daily

<sup>48</sup> In December 2020, four Azerbaijani soldiers were arrested for desecration and vandalism during the second Karabakh war. See RFERL, [Azerbaijani Soldiers Arrested For Desecration, Vandalism During Nagorno-Karabakh Conflict](#), 14 December 2020.

<sup>49</sup> In the proceedings before the ICJ, Azerbaijan accepted that “all persons who are lawfully present in Azerbaijan, including persons of Armenian national or ethnic origin, must be able to visit on an equal basis, historic, cultural and religious sites that are safely open to the public in its territory”. See ICJ, [Order](#) of 7 December 2021, para. 54.

<sup>50</sup> [State report](#), pp. 17-21.

<sup>51</sup> For instance, within the framework of the International Day of Tolerance on 16 November.

<sup>52</sup> [State report](#), pp. 14-17.

<sup>53</sup> During the visit, the Advisory Committee was for instance informed that a programme dedicated to Lezgin cuisine and lifestyle is broadcast in Azerbaijani twice a week on private television channel AzerTV.

<sup>54</sup> ACFC, [Thematic Commentary No. 4](#), para. 54.

issues faced by national minorities are not addressed in the media – a space saturated by the majority culture – nor in socio-political fora.

77. The Advisory Committee strongly encourages the authorities to continue and increase their efforts to promote tolerance, respect and mutual understanding in society and to create channels for consultation with representatives of national minorities about their concerns at the national, regional and/or local levels.

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

78. The legislation contains several provisions protecting persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identities.<sup>55</sup> Article 47(III) of the Constitution of the Republic of Azerbaijan states that “agitation and propaganda inciting racial, national, religious, social discord and animosity or relying on any other criteria is inadmissible.”<sup>56</sup> Article 283 of the Criminal Code covers incitement to national, racial, social or religious hostility.<sup>57</sup> As for countering online hate speech, the Law on Information, Informatization and Protection of Information and the Code of Administrative Offences were amended in 2020 to prohibit internet providers and individuals from distributing information promoting violence and religious extremism or inciting national, racial or religious hatred and hostility, including on the internet and social media.<sup>58</sup> Anti-cybercrime institutions were established within the Ministry of Internal Affairs to effectively monitor, prevent and combat online hate speech.<sup>59</sup> Several training activities have been carried out during this monitoring cycle for prosecutor and law enforcement personnel.

79. According to the authorities, during the monitoring period, charges under Article 283 of the Criminal Code were brought in nine cases and one person was convicted.<sup>60</sup> It is unclear to the Advisory Committee under what grounds these cases were brought. Crime statistics collected and consolidated by the Ministry of Internal Affairs indicate that in the last five years, no crimes of harassment, racial discrimination or violation of the right to equality have been registered.<sup>61</sup> Under the amended provisions of the Code of Administrative Offences (under Article 388(1) on liability for dissemination through internet),<sup>62</sup> out of 43 persons prosecuted in 2020, 33 were sentenced with an administrative detention,<sup>63</sup> while ten persons were issued administrative fines (500 manats [AZN]). No disaggregated data has been provided to the Advisory Committee as to grounds under which these persons were prosecuted.

80. Representatives of the Talysh minority informed the Advisory Committee of alleged arbitrary and retaliatory procedures initiated by law enforcement officials against persons denouncing acts of discrimination as a consequence of their work to promote and protect the rights of persons belonging to national minorities.<sup>64</sup>

81. The Advisory Committee reaffirms its view that it is an obligation of states parties to undertake appropriate measures to protect persons who may be subject to threats or acts of hostility or violence as a result of their ethnic, cultural, linguistic or religious identities. In its Recommendation to member States on combating hate speech, the Committee of Ministers of the Council of Europe stressed that states have the obligation to take all necessary preventive measures as well as to ensure that cases of alleged hate crime and criminal hate speech are effectively investigated.<sup>65</sup> Active efforts by the authorities are needed to combat deeply rooted prejudices against minorities and persons belonging to them. It reaffirms that all relevant authorities are expected to investigate promptly and in a transparent manner all cases of alleged police abuse and misconduct, so as to ensure that the public have confidence in the impartiality and effectiveness of the police and judicial system. Any entity mandated

<sup>55</sup> [State report](#), pp. 18 and 20.

<sup>56</sup> Article 47 of the [Constitution](#) of the Republic of Azerbaijan.

<sup>57</sup> In case they are found guilty of inciting hatred and enmity in the media, on ethnic, religious, racial or social grounds, perpetrators may face a fine ranging between 8 000–12 000 manats (AZN), correctional labour for up to two years, or up to four years of imprisonment. In cases where these crimes are committed using violence, or with threats of violence, perpetrators can face up to 5 years of imprisonment. During the visit, the exchange rate for 1 manat (AZN) was €0.55.

<sup>58</sup> ECRI, [sixth monitoring cycle on Azerbaijan](#), para. 48.

<sup>59</sup> *Ibid.*, paras. 37 and 48.

<sup>60</sup> *Ibid.*, para. 37.

<sup>61</sup> *Ibid.*, Comments of the Government of Azerbaijan, p. 45.

<sup>62</sup> See Article 388(1) of the [Code of Administrative Offences](#).

<sup>63</sup> Administrative detention (for up to 30 days) does not require a public hearing prior to sentencing.

<sup>64</sup> Public Council of the Talysh People in Azerbaijan, [an alternative report](#), 2021, pp. 12-14; Amnesty International [public statement](#) on the case of Talysh activists, 8 June 2020. See also ECRI, [sixth monitoring cycle on Azerbaijan](#), para. 50; CERD, [Concluding observations](#), paras. 22-23.

<sup>65</sup> [Recommendation of the Committee of Ministers to member States on combating hate speech](#), adopted on 20 May 2022, paras. 12 and 58.



to investigate complaints against law enforcement agents must be fully independent and adequately trained in order to carry out its functions effectively.

82. As noted in its Fourth Opinion,<sup>66</sup> the Advisory Committee continues to share the view that Article 47 of the Constitution of the Republic of Azerbaijan “may justify far-reaching restrictions on freedom of expression as guaranteed by Article 10 of the European Convention on Human Rights (ECHR),”<sup>67</sup> and considers that the amended provisions of the Code of Administrative Offences may have similar consequences. The Advisory Committee further considers that the fact that no crimes of harassment, racial discrimination or violation of the right to equality have been registered could be the consequence of a lack of knowledge of the legal remedies available, a lack of trust in the willingness or in the ability of the authorities to investigate these cases effectively or even fear of repercussion. It could also be interpreted as a lack of adequate training of the police, the prosecution service and the judiciary to identify hate crimes and address such issues effectively. It is important that the authorities improve the identification and sanctioning of cases of alleged discrimination and ethnically motivated hostility, including hate crime. The Advisory Committee is deeply concerned by alleged cases of repression of persons belonging to the Talysh national minority.

83. The Advisory Committee calls on the authorities to ensure that all cases of alleged police abuse and misconduct are properly and independently investigated. The authorities should continue to ensure that initial and in-service training for law enforcement is regularly organised on protection from discrimination, hostility and violence. It should be regularly assessed whether such training achieves the objectives set.

84. The Advisory Committee encourages the authorities to ensure effective investigation, prosecution and sanctioning of all cases of discrimination, hostility and violence and to collect data of such cases disaggregated by, inter alia, minority affiliation and gender.

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

85. In its Fourth Opinion on Azerbaijan,<sup>68</sup> the Advisory Committee pointed out the strong public narrative against the Republic of Armenia as well as negative attitudes against persons of Armenian ethnicity in the context of the Karabakh conflict. During the monitoring period, Karabakh was at the centre of a major armed conflict in 2020 (the so-called “44 days war”, from 27 September to 9 November 2020), during which a rhetoric of hate and hostility towards Armenia and ethnic Armenians reached its peak. Before, during and after these hostilities, several public figures, politicians, including at the highest political level, made statements and speeches targeting explicitly ethnic Armenians.<sup>69</sup> Similarly, it is a well-documented fact that state-owned mainstream media and social networks had widely disseminated hateful content.<sup>70</sup> The opening of the Baku Trophy Park in April 2021 attracted international condemnation as an additional incitement to hatred.<sup>71</sup>

86. Furthermore, the Advisory Committee noticed that all schools it visited host a memorial in tribute to Azerbaijani soldiers who died during the armed conflict, as well as posters inside the schools with their pictures. The Advisory Committee understands the importance for the entire society to honour the memory and mourn of all those who died and to collectively pay respect to all those who were affected by this long-lasting conflict. However, it is concerned that the display of posters of fallen soldiers in schools might give children an image of Armenia and all Armenians as the enemy, which shapes their attitude towards Armenians from an early age and could impair the reconciliation process. More generally, the Advisory Committee is of the view that the authorities should endeavour to promote multiple perspectives in the treatment of painful historical events and to adapt history educational materials accordingly.

87. Observing that in some cases ethnic hatred has been spread by politicians, the Advisory Committee reiterates that the impact of such statements is critical, given their particular influence as communicated by public figures and the immediate amplification of their actions and speeches in the media. The

<sup>66</sup> ACFC, [Fourth Opinion](#), para. 42.

<sup>67</sup> European Commission for Democracy through Law (Venice Commission), [Opinion](#) on the draft modifications to the Constitution submitted to the referendum of 26 September 2016, adopted on 14-15 October 2016, para. 40.

<sup>68</sup> ACFC, [Fourth Opinion](#), para. 40.

<sup>69</sup> See for instance the President of the Republic of Azerbaijan [address to the nation](#) on 17 October 2020 or the speech of the President of Azerbaijan during the [opening](#) of a new presidential complex in Baku on 2 May 2022. See also ECRI, [sixth monitoring cycle on Azerbaijan](#), paras. 38 and 41.

<sup>70</sup> ECRI, [sixth monitoring cycle on Azerbaijan](#), para. 40. By way of illustration, see for instance an [Article](#) published in July 2023 in Azernews or the release of [stamps](#) commemorating the country’s fight against Covid-19 and the 2020 Nagorno-Karabakh War.

<sup>71</sup> This [controversial](#) park reportedly displays Armenian military equipment taken as a trophy during the war. It showed dehumanising scenes, including wax mannequins depicting dead and dying Armenians soldiers. See in this regard the [letter](#) sent by the Council of Europe Commissioner for Human Rights on 20 April 2021. The wax figures and the helmets were only [partly removed](#) from main display in October 2021.

Advisory Committee considers that politicians should strive to promote cohesion, tolerance and coexistence based on mutual respect and understanding. The Advisory Committee further emphasises the significance of the role played by the media in contributing to societal cohesion and good inter-ethnic relations. Media have a responsibility – including through self-regulatory bodies – to promote tolerance and respect, safeguard against xenophobia and to avoid stereotyping and negative portrayal of persons belonging to different ethnic and religious groups. The Advisory Committee further affirms the importance of avoiding the use of the names of controversial political or historical figures when making choices on names of public buildings (such as schools), street names, town names and other topographical indications.

88. The Advisory Committee is deeply concerned about the state narrative towards ethnic Armenians, which was largely disseminated in the media and in the social networks. As stressed by the Council of Europe Commissioner for Human Rights in her observations,<sup>72</sup> “rampant and long-standing impunity when it comes to hate speech and hate crimes and the absence of condemnation by the public authorities of such hatred represents a major source of concern.” However, the Advisory Committee welcomes the fact that recently, civil society representatives from Azerbaijan have been involved in the Council of Europe confidence building programme between Armenia and Azerbaijan to discuss ways to train journalists on professional journalistic standards.<sup>73</sup> Such measures are essential steps to heal wounds and to combat the spread of ethnic hatred and support initiatives that promote co-existence and reconciliation.

89. The Advisory Committee urges the authorities to refrain from and condemn firmly any manifestation of intolerance and spreading of ethnic hatred against persons belonging to the Armenian community. All such statements and actions inciting to ethnic hatred need to be fully investigated and sanctioned in accordance with the law.

90. The Advisory Committee calls on the authorities to resolutely continue the reconciliation process initiated recently, to use commemorations as an opportunity to promote understanding and empathy towards the suffering of all persons affected by the conflict, and to promote multiple perspectives in the treatment of painful historical events, including in education and in the media.

#### Freedom of expression (Article 7)

91. The authorities have adopted on 30 December 2021 a new Law on Media<sup>74</sup> which redefines the organisational, legal and economic foundations of media activities in Azerbaijan, and sets out general rules for receiving, preparing, transmitting, producing and broadcasting media contents. According to the law, journalists must be delivered a certification by the Media Development Agency, a state agency headed by a person directly appointed by the President of the Republic of Azerbaijan. This certification is a requirement for being listed into a Media Registry. According to the Media Development Agency, the registry does not testify to the journalistic profession of the holder. Journalists who do not register will be able to work as before, receiving responses from any government agencies and sending requests.<sup>75</sup>

92. According to information provided by the Platform to promote the protection of journalism and safety of journalists, since the beginning of the formation of the Media Registry, more than 50 media outlets operating in the country have been denied registration.<sup>76</sup> Furthermore, the Media Development Agency has recently started filing lawsuits against media entities that have not been registered.<sup>77</sup> According to interlocutors the Advisory Committee met during its visit, the Law on Media already affects national minority media, especially as some journalists who do not fit the new narrow definition of a “journalist”

<sup>72</sup> Council of Europe Commissioner for Human Rights, [Observations](#) on the Human Rights Situation of People affected by the Conflict between Armenia and Azerbaijan over the Karabakh region, para. 99.

<sup>73</sup> See for instance the four meetings held under the aegis of the Council of Europe’s confidence building programme between Armenia and Azerbaijan in 2022 and 2023 in [Venice](#), [Tbilisi](#), [Paris](#) and [Istanbul](#) respectively.

<sup>74</sup> The adoption of this law led to numerous mass protests and actions by independent journalists. In January 2023, a group of Azerbaijani journalists signed a “[Position Statement](#)” pointing out that the law is against the Constitution of the Republic of Azerbaijan and the European Convention on Human Rights. On 22 July 2023, on National Press Day, a group of independent journalists in Azerbaijan [appealed](#) to the Council of Europe, reminding that the provisions of this law have an extremely negative impact on the activities of independent media and free journalism. At the Council of Europe level, the Commissioner for Human Rights [called on](#) the President of the Republic of Azerbaijan to return the law to Parliament for revision to make it in line with international standards regarding freedom of speech and media. The assessment that the Law on Media does not meet the standards of the Council of Europe was also repeated in a [statement](#) by the Parliamentary Assembly of the Council of Europe (PACE) co-rapporteurs for monitoring of Azerbaijan.

<sup>75</sup> Jam News, [Media registration has begun in Azerbaijan. What does it mean for freelance journalists?](#), 17 October 2022.

<sup>76</sup> Platform to promote the protection of journalism and safety of journalists (coe.int).

<sup>77</sup> According to the head of the Communications Department of the Media Development Agency, such lawsuits are directed against “media outlets that grossly violate the Law on Media”. See Jam News, [the process of closing "non-restricted" media outlets through courts has begun in Azerbaijan](#), 07 November 2023.

or the conditions for the operation of online media.<sup>78</sup> Contrary to the information provided by the authorities, only journalists who hold the said certification and work in registered media are recognised as such.<sup>79</sup> As stressed by the Venice Commission, many provisions of the new law are not in line with European standards on freedom of expression and media freedom.<sup>80</sup> Internet and online social networks remain the main platforms for obtaining and sharing information and to express views openly, despite several reports on restrictions of internet freedom in the country through the blocking of online content, pro-government trolling in social networks and the intimidating arrests of individuals in reaction to posts on blogs or social networks (see Article 6).<sup>81</sup>

93. The Advisory Committee reiterates that “any measures taken by the authorities to restrict the freedom of assembly or the freedom of expression, which necessarily includes the freedom to express criticism of the government or diverging opinions, can have a direct, negative impact on the enjoyment of rights contained in the Framework Convention as they are likely to deter persons belonging to national minorities, like other members of society, from exercising their rights and to create an intimidating environment that is not conducive to the implementation of minority rights and human rights generally.”<sup>82</sup>

94. The Advisory Committee notes that, since the previous monitoring visit, media freedom in Azerbaijan has deteriorated.<sup>83</sup> In the context of an already extremely limited space for the activities of independent journalism and media, the creation of a new registry has gravely limited the freedom of expression of several media outlets of national minorities and their employees, who were unable to register and therefore are no longer officially considered as part of the media sector and as journalists. It has in addition a dissuasive effect for those who would want to create a new media on, for and by persons belonging to national minorities.

95. The Advisory Committee strongly encourages the authorities to revise the Law on Media, in particular with a view to ensuring the independence of the Media Development Agency, and with regard to the establishment and registration schemes of media entities and journalists working for them. They should further refrain from any intimidation of journalists working in national minority media outlets or reporting on minority issues.

#### Freedom of association (Article 7)

96. According to the authorities, there are more than 4 700 non-governmental organisations (NGOs) registered in Azerbaijan. No registration is required under the Law on Non-Governmental Organisations (Law on NGOs). However, financial support is provided only to registered NGOs through a simplified procedure. According to the information provided by the State Registration of Non-Profit Organisations, 55 of the registered NGOs are related to national minorities.<sup>84</sup>

97. Information collected during the visit shows that some national minority NGOs – even those referred to as the “main organisations” in the state report<sup>85</sup> – continue to face bureaucratic hurdles, which often delay their registration. Such hurdles include requests for further information about the organisation itself, its project, or organisation’s documents and further updates.<sup>86</sup> These NGOs also encounter

<sup>78</sup> According to the law, an internet portal that publishes less than 20 materials per day is not considered as an active online media outlet (Article 60.5 of the [Law on Media](#)).

<sup>79</sup> It should be noted that a journalist who wants to have his/her name included in the registry must work in an already registered media. Only journalists with higher education degree in journalism can get registered.

<sup>80</sup> In their [Joint Opinion](#) on the Law on Media, adopted on 17-18 June 2022, the Venice Commission and the Directorate General of Human Rights and Rule of Law of the Council of Europe concluded that “in the context of an already extremely confined space for independent journalism and media in Azerbaijan, the Law will have a further “chilling effect”. Many provisions are not in line with European standards on freedom of expression and media freedom and do not allow the media to effectively exercise its role as a “public watchdog”. Therefore, the Law should not be implemented as it stands”.

<sup>81</sup> The Advisory Committee notes that during the monitoring period, several bloggers and social media users have been summoned to the prosecutor’s office, where they were involved in a “preventative discussion” and issued a warning, arrested and/or condemned with prison sentences. See Jam News, [Azerbaijani Prosecutor General’s Office takes up freedom of press on social networks](#), 11 August 2022; See also Public Council of the Talysh People in Azerbaijan, [an alternative report](#), 2021, pp. 12-13.

<sup>82</sup> ACFC, [Thematic Commentary No. 4](#), para. 68.

<sup>83</sup> Azerbaijan is now ranked 151<sup>st</sup> out of 180 countries in the [Reporters Without Borders 2023 media freedom rating](#). Most independent news sites, such as [Azadliq](#) and [Meydan TV](#), targeted by state censorship, are based abroad. According to the [Platform to promote the protection of journalism and safety of journalists](#), 15 journalists and other media actors are currently in detention in Azerbaijan.

<sup>84</sup> [State report](#), pp. 21-22.

<sup>85</sup> [State report](#), p. 6.

<sup>86</sup> ICNL, [Civil Society Organization Sustainability Index for Azerbaijan 2021](#), published in November 2022.

difficulties in obtaining a permit from the presidential administration and local authorities in order to carry out activities in the regions, although such a requirement is not foreseen by law.<sup>87</sup>

98. Access to foreign funding has been seriously hindered since the adoption of the Law on NGOs in 2014 and several NGOs developed self-sustaining mechanisms to continue operating since then, shifting their areas of focus to humanitarian, environmental or agricultural issues rather than sensitive political issues such as election transparency, media freedom, human rights – including national minority rights – or corruption.<sup>88</sup> Additionally, state financial support to NGOs is constantly decreasing since 2016,<sup>89</sup> and the allocation of project grants depends directly on the decision taken by the Agency for State Support to Non-Governmental Organisations of the Republic of Azerbaijan.<sup>90</sup> Several critics say that the vast majority of the state funding goes to NGOs controlled by the government (GONGOs), which promote topics and produce work in the government's interests. According to several representatives of NGOs, certain sanctions and fines that only apply to NGOs (and not to commercial entities for instance) are totally disproportionate and add to the psychological pressure and intimidating environment suffered by NGOs.<sup>91</sup>

99. The Advisory Committee reiterates in this context “its deep concern when the overall working conditions for non-governmental organisations engaged in the protection of minority rights have been made difficult, as their role in promoting the awareness and understanding of human and minority rights standards in society is crucial and must be supported rather than hindered. The Advisory Committee has further held that any measures taken by the authorities to restrict the freedom of assembly or the freedom of expression, which necessarily includes the freedom to express criticism of the government or diverging opinions, can have a direct, negative impact on the enjoyment of rights contained in the Framework Convention as they are likely to deter persons belonging to national minorities, like other members of society, from exercising their rights and to create an intimidating environment that is not conducive to the implementation of minority rights and human rights generally.”<sup>92</sup>

100. The Advisory Committee, having in mind the Opinion of the Venice Commission according to which the Law on NGOs reflects a “very paternalistic approach towards NGOs”,<sup>93</sup> remains deeply concerned about the legal and political environment for independent NGOs promoting human rights, including minority rights. Although taking into account that these restrictions are not specifically targeted towards national minorities and persons belonging to them, the Advisory Committee is concerned by the continuing denial of registration of some minority NGOs, based on grounds that are allegedly the same as those found unlawful by the European Court of Human Rights.<sup>94</sup> It is further concerned by the impression shared by a number of civil society representatives that the registration process functions as a “performance review tool” rather than a clear and transparent legal procedure for acquiring the status of a legal entity. While historically, foreign funding has been the main source of income for NGOs in Azerbaijan, it regrets that it is nowadays almost impossible to receive such funding. The Advisory Committee, which stresses the importance to secure funding for national minority organisations, regrets the absence in the law of the possibility to provide for earmarked state, regional and local funding for national minority cultural institutions. The allocation of funds based on national competition between projects, whereby an organisation cannot get more than one grant per year, does not ensure the possibility to carry out activities in a foreseeable and sustainable manner.

101. The Advisory Committee urges again the authorities to bring legislation and practice of NGO registration and operation in line with European human rights standards so that all persons belonging to national minorities can effectively enjoy the freedom of association.

<sup>87</sup> ICNL, [Azerbaijan](#), 22 October 2023. In the regions outside the capital, NGOs are expected to seek approval of the regional executive authorities in order to conduct their events, despite there being no such requirement in the law.

<sup>88</sup> Global voices, [After a decade of constrictions, how are NGOs operating in Azerbaijan?](#), 7 June 2023.

<sup>89</sup> While in 2016, the volume of grants issued to NGOs was of AZN 6.61 million, it was reduced to AZN 5.01 million in 2017. On 26 May 2023, the Agency for State Support to Non-Governmental Organisations of the Republic of Azerbaijan published a list of 416 selected grant projects for 2023 in seven areas. As part of this grant competition, 3.25 million AZN were allocated from the state budget to which 135 000 AZN were added as part of the grant competition dedicated to the “Year of Heydar Aliyev”. See Jam News, [Grant scandal in Karabakh](#), 31 May 2023.

<sup>90</sup> The [Agency for State Support to Non-Governmental Organisations of the Republic of Azerbaijan](#) was established on 19 April 2021. Among its new [prerogatives](#), the Agency is entitled to access and solicit funding from sources other than the state budget.

<sup>91</sup> The law defines serious financial penalties for violation of provisions of NGO legislation. For example, the failure to register a grant agreement with the Ministry of Justice may be penalised in an amount ranging from 1 000-2 500 AZN; the margin is very broad and is applied in a discretionary manner. For more information, see ICNL, [Azerbaijan](#), 22 October 2023.

<sup>92</sup> ACFC, [Thematic Commentary No. 4](#), para. 68.

<sup>93</sup> Venice Commission, [Opinion](#) on the Law on Non-Governmental Organisations (public associations and funds), adopted on 12-13 December 2014, para. 92.

<sup>94</sup> Ramazanova and others v. Azerbaijan [group of cases](#) followed by the Department for the Execution of judgments of the European Court of Human Rights.

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

102. According to the authorities, there are programmes in minority languages on television and radio and regular publication of magazines.<sup>95</sup> The new 2021 Law on Media, different from the previous Law on Mass Media, requires that all media be only in the state language, except when a specific consent of the Audiovisual Council of the Republic of Azerbaijan is granted.<sup>96</sup> The Law on Public Television and Radio Broadcasting requires to include programmes in the languages of national minorities living in the territory of the Republic of Azerbaijan into public broadcasting programmes. The Azerbaijani authorities acknowledge that these legal provisions are not sufficiently implemented in practice. The state radio regularly broadcasts programmes in six minority languages (Kurdish, Lezgin, Talysh, Georgian, Russian and Armenian languages) through the radio channel 'Voice of Azerbaijan', also known as 'International Radio'.<sup>97</sup>

103. Information collected during the visit suggests that there are no television programmes (on terrestrial television or via satellite) in minority languages, including among private television channels, except in Russian.

104. Representatives of national minorities informed the Advisory Committee that channel 1 of Azerbaijani radio broadcasts a 5-minute news broadcast in Russian every day and there is a 30-minute radio programme in Lezgin four times per week in the Quba-Khachmaz economic region. During the visit, the Advisory Committee was made aware by several representatives of national minorities that the frequency and length of such programmes are insufficient.

105. The Advisory Committee is greatly concerned about the consequences of the new restrictions imposed by the Law on Media on the use of minority languages. Furthermore, it is not clear to the Advisory Committee under what criteria can a new minority media be established, in the light of the new legislation on media (see Article 7). Therefore, the Advisory Committee considers that an increased offer of radio broadcasting in minority languages covering topics relevant to persons belonging to national minorities is necessary, as radio programmes, in their current format, are not meeting the needs of persons belonging to national minorities. Each minority language should benefit from programmes to be broadcast at regular intervals and of sufficient duration, with persons belonging to national minorities actively contributing media contents.

106. The authorities stress that there are more than 15 newspapers and magazines published in minority languages.<sup>98</sup> During the visit, several minority organisations indicated that in practice, they rely exclusively on the contribution of their members or on private donations. Generally speaking, the majority of national minorities, but more particularly numerically smaller minorities, struggle to maintain their existing print or online newspaper and magazines.

107. The Advisory Committee regrets that no specific support or subsidies are available to smaller media outlets that use minority languages and/or reflect positions of persons belonging to national minorities. Due to their size, they suffer a disadvantage and have difficulties in becoming commercially viable or to compete against bigger and mainstream print media.

108. The Advisory Committee reiterates that "the availability of print, broadcast and electronic media in minority languages has very specific emblematic value for national minorities, in particular for the numerically smaller ones. Through them, persons belonging to national minorities not only gain access to information, but minority language media also raise the visibility and prestige of the minority language as an active tool of communication."<sup>99</sup> In addition, "the Advisory Committee has repeatedly observed that minority communities consider their minority language print media as an important means to preserve and develop their specific culture and language within mainstream society."<sup>100</sup>

109. Generally speaking, access to media in minority languages for persons belonging to national minorities, both print and broadcast, remains insufficient, especially in the regions where persons belonging to national minorities live in substantial numbers. The Advisory Committee considers it

<sup>95</sup> [State report](#), p. 30.

<sup>96</sup> Article 14 of the [Law on Media](#): "14.1.3. norms of the state language must be observed; 14.2. Along with the requirements provided for in Article 14.1 of this law, a terrestrial broadcaster must also ensure the use of the state language in its programmes; 14.3. A terrestrial broadcaster may use other languages in its programmes only with the consent of the Audiovisual Council of the Republic of Azerbaijan. Article 18 of the [Law on the State Language](#) forbids to "resist the development of [the state] language, and to try to limit its historically defined rights".

<sup>97</sup> [State report](#), pp. 30-31. According to the authorities, 'Voice of Azerbaijan' broadcasts programmes (agenda discussions, interviews, art programmes, etc.) two hours per day in Armenian, 30 minutes per day in Russian, three times per week in Georgian (30 minutes per programme), and twice per week in Talysh, Kurdish, and Lezgin (30 minutes per programme). Furthermore, news programmes are broadcast 30 minutes per day in Armenian, 10 minutes per day in Russian, 15 minutes per week in Georgian, 10 minutes per week in Talysh, Kurdish and Lezgin.

<sup>98</sup> [State report](#), p. 31.

<sup>99</sup> ACFC, [Thematic Commentary No. 4](#), para. 69.

<sup>100</sup> ACFC, [Thematic Commentary No. 3](#), The language rights of persons belonging to national minorities under the Framework Convention, adopted on 24 May 2012, para. 47.

necessary to ensure an adequate broadcasting duration, as well as regularity and accessibility of television and radio programmes in minority languages. The Advisory Committee also emphasises the need to provide for earmarked funding to support print or online newspapers and magazines in minority languages.

110. The Advisory Committee reiterates its call on the authorities to expand broadcasting in minority languages in radio and television and to financially support national minority organisations in developing their own print, broadcasting and online media, without prejudice to the editorial independence of the media.

### Use of minority languages in relation with administrative authorities (Article 10)

111. The legal framework regarding the use of minority languages with public authorities and local self-government bodies has not changed during the monitoring period. There is still no formal possibility to use minority languages in contacts with local or regional authorities as the Law on the State Language prescribes the use of Azerbaijani in the public sphere.<sup>101</sup> Representatives of the authorities stressed during the visit that although there are no restrictions in using minority languages in public, Azerbaijani is the language to be used in official contexts. If needed, administrations can have recourse on an ad hoc basis to staff members speaking minority languages to answer oral requests.

112. Representatives of national minorities confirmed that persons belonging to national minorities address public institutions in Azerbaijani in practice. They further stressed that minority languages are absent from the public sphere.

113. The Advisory Committee regrets that no progress has been made regarding the implementation of Article 10(2) of the Framework Convention on the use of minority languages in relations with administrative authorities in areas inhabited by persons belonging to national minorities traditionally or in substantial numbers. As already stressed in the Fourth Opinion, the possibility to have recourse to speakers on an ad hoc basis for oral communications does not qualify as an effective possibility to use minority languages in relations with administrative authorities.<sup>102</sup> The Advisory Committee stresses that “language rights are effective only if they can be enjoyed in the public sphere.”<sup>103</sup>

114. The Advisory Committee reiterates that “states should carefully study the demand and assess existing needs in the geographical areas where there is substantial or traditional settlement of persons belonging to minorities, taking also into account the specific local situation. ‘Need’ in this context does not imply the inability of persons belonging to national minorities to speak the state language and their consequent dependence on services in their minority language. Protective arrangements must be in place to maintain services in the minority language [...], even if it is not widely used, as it may otherwise disappear from the public sphere.”<sup>104</sup>

115. Consequently, the Advisory Committee considers that the Law on the State Language should be reviewed to ensure implementation of Article 10(2) of the Framework Convention. For instance, awareness raising about this right could be conducted in areas where national minorities live traditionally or in substantial numbers and their respective needs assessed. Webpages of national, regional and local institutions present in such areas could be made bilingual, and forms and documents could be translated in minority languages and available at least electronically.

116. The Advisory Committee reiterates its call on the authorities to take all necessary legal and practical measures to facilitate the oral and written use of minority languages in relations with administrative authorities, in regions inhabited by persons belonging to national minorities traditionally or in substantial numbers. This includes awareness raising and needs assessment among persons belonging to national minorities, and financial support in covering costs for the provision of services in minority languages.

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

117. Since 2015, a Terminology Commission under the Cabinet of Ministers has established a list of names to be banned for new-born babies to protect them from “ridicule, revulsion, and humiliation.”<sup>105</sup> Names which are popular among persons belonging to Russian, Lezgin, Armenian and Talysh national minorities were included on the list.<sup>106</sup>

118. The Advisory Committee contends that the right to use one’s personal name in a minority language and have it officially recognised is a core linguistic right of persons belonging to national minorities, linked closely to personal identity and dignity. States must make sure that individuals are free from obstacles or pressure on this right. In this context, it reiterates that civil servants, including those belonging to the Terminology Commission under the Cabinet of Ministers or those issuing birth

<sup>101</sup> Article 1.2 of the [Law on the State Language](#) provides that “as the state language of the Republic of Azerbaijan, the Azerbaijani language is used in all political, social, economic, scientific and cultural spheres of the state”.

<sup>102</sup> ACFC, [Fourth Opinion](#), para. 66.

<sup>103</sup> ACFC, [Thematic Commentary No. 3](#), para. 51.

<sup>104</sup> ACFC, [Thematic Commentary No. 3](#), para. 56.

<sup>105</sup> OC media, [The name game in Azerbaijan: protection or discrimination?](#), 26 February 2020.

<sup>106</sup> In an [interview](#) given in October 2019, the head of the Terminology Commission explicitly stated that “if you are a citizen of Azerbaijan, you cannot call your child Pyotr or Pavel. We cannot bring Russian names to our country”. In another [interview](#) in September 2019, the head of the Terminology Commission explained that “a people’s history is reflected through its names. When parents choose names for their children, they must remind themselves that the child is Azerbaijani and must have an Azerbaijani name. Names must reflect the identity of the Azerbaijani people”.

certificates, must be made aware of this right. The list of names to be banned for new-borns should be reviewed accordingly, in close consultation with minority representatives.

119. The Advisory Committee calls on the authorities to ensure the right of persons belonging to national minorities to freely use first names and surnames (patronyms) of their choice in the minority language and to have these names officially recognised.

#### Display of minority language signs and topographical indications (Article 11)

120. In the state report, the Azerbaijani authorities, referring to the Law on the State Language and the Law on Names of Geographical Objects, stress that national legislation does not allow the names of administrative-territorial units, as well as geographical objects, to be written also in the language of national minorities.<sup>107</sup> The authorities have indicated that the Toponymy Commission of the Parliament has renamed several territorial units during the monitoring period,<sup>108</sup> always following the principle that the names of the territorial units should be preserved in national minority languages.

121. However, some representatives of national minorities indicated that, in areas traditionally inhabited by persons belonging to the Lezgin, Talysh and Armenian national minorities, names of villages are also being replaced with Azerbaijani names. In some cases, traditional place names in minority languages have been translated into Azerbaijani language or adapted to the Azerbaijani grammar, but in other cases they have been replaced by entirely different names.<sup>109</sup>

122. The Advisory Committee reiterates that state parties must establish an unambiguous legal basis and a clear procedure for the introduction and use of topographic signage in minority languages in line with Article 11 of the Framework Convention. The Advisory Committee reaffirms that topographical indications in minority languages contribute to the maintenance of the local linguistic and cultural heritage and raise awareness of national minorities, conveying the message “that a given territory is shared in harmony by various population groups.”<sup>110</sup>

123. The Advisory Committee regrets that the authorities do not promote the preservation and display of topographical indications in minority languages in areas traditionally inhabited by substantial numbers of persons belonging to a national minority. It notes that the Law on the State Language provides for the possibility to write names of the administrative territorial units and of geographical objects in foreign languages and that other pieces of legislation – the Law on Names of Geographical Objects and the Law on Territorial Structure and Administrative Territorial Division<sup>111</sup> – provide for the obligation, under certain conditions, to take into account the opinion and the interests of the population of the relevant areas. It notes, however, that the said conditions are so restrictive that they are never applied in practice.<sup>112</sup> Taking into account Article 151 of the Constitution of the Republic of Azerbaijan,<sup>113</sup> the Advisory Committee considers that the Law on the State Language should be interpreted more extensively so as to include names in minority languages, in addition to names in foreign languages.<sup>114</sup> Similarly, the conditions to take into account the opinion and the interests of the population of the relevant areas regarding changing the name of a determined territorial unit could be reviewed so as to allow this provision to be used more widely, including by effectively taking into account minority interests. For the Advisory Committee, the introduction of traditional place names, in addition to the respective place names in Azerbaijani, would not only result into topographical indications in minority languages, but also constitute an affirmation of the long-standing presence of national minorities as appreciated and integral part of Azerbaijan’s multi-ethnic society.

124. The Advisory Committee calls on the authorities to raise awareness about the right to display traditional local names, street names and other topographical indications in minority languages in areas traditionally inhabited by substantial numbers of persons belonging to a national minority and, in co-

<sup>107</sup> [State report](#), pp. 32-33. The authorities refer to Article 9 of the [Law on the State Language](#) and Article 7 of the [Law on Names of Geographical Objects](#).

<sup>108</sup> See for instance the [Decree](#) of 7 July 2021 on the new division of economic regions in the Republic of Azerbaijan or the [changes](#) of names of municipalities made on 12 June 2018.

<sup>109</sup> Public Council of the Talysh People in Azerbaijan, [an alternative report](#), 2021, pp. 8-9.

<sup>110</sup> ACFC, [Thematic Commentary No. 3](#), para. 67.

<sup>111</sup> Articles 5, 6 and 7 of the [Law on Names of Geographical Objects](#) and Article 9 of the [Law on Territorial Structure and Administrative Territorial Division](#).

<sup>112</sup> For instance, according to Article 9.4 of the [Law on Territorial Structure and Administrative Territorial Division](#), “When changing the name of a territorial unit, the requirement to take into account the opinion of the local population does not apply to the restoration of the historical name of the territorial unit. As a rule, the names of prominent state or public figures are given to newly created territorial units”.

<sup>113</sup> Article 151 of the [Constitution](#) of the Republic of Azerbaijan states that “if a conflict arises between normative legal acts of the legislative system of the Republic of Azerbaijan (with the exception of the Constitution of the Republic of Azerbaijan and acts adopted by referendum) and inter-state treaties to which the Republic of Azerbaijan is a party, the international treaties shall apply”.

<sup>114</sup> Articles 9 and 10 of the [Law on the State Language](#).



operation with the local population of such areas, to establish a transparent procedure ensuring the implementation of this right.

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

125. The authorities report that the Azerbaijani model of multiculturalism is promoted and taught at all levels. Hundreds of excursions of pedagogical staff and pupils are taking place every year to educate young persons on multiculturalism and tolerance, in particular to promote the historical and cultural values of persons belonging to national minorities at the primary and secondary school levels. A grant competition, which is held annually since 2017 on the “development and innovations in education”, has permitted to promote, among other projects, the “Azerbaijani language among minorities in Balakan district”; “integrative education in schools in Gusar district” (where Lezgin language is taught) or to highlight the contribution of national minorities through the “different cultures and talents under one flag” event in the Gabala region.<sup>115</sup> The authorities further highlight that lectures are offered at university level, as well as in vocational schools, with the assistance of the Baku International Centre for Multiculturalism.

126. During the visit, some interlocutors of the Advisory Committee expressed their satisfaction that in certain schools, Muslim, Jewish and Christian holidays were celebrated together. However, other interlocutors reported that information on the identities, cultural heritage, languages and religions of persons belonging to national minorities in textbooks and teaching materials remains limited. They further underlined that there is also limited support for research on national minority cultures and histories and minority languages at university level. The Advisory Committee was also informed that stereotypical and negative portrayals of persons belonging to the Armenian minority in the textbooks still exist. More particularly, history textbooks are still construed in a way that puts more emphasis on so-called patriotic education and without a possibility to accommodate other perspectives, which is likely to further strengthen and multiply stereotypes and prejudice against some minorities and persons belonging to them.<sup>116</sup>

127. The Advisory Committee notes the efforts mentioned in the state report to promote knowledge on national minorities and persons belonging to them and foster respect and mutual understanding through extracurricular activities. However, it considers that a more systematic approach in the general curriculum could be taken, where teachers would be adequately trained (including pre-service and in-service training) and educational materials adapted to children of different age groups. Such educational materials could be used in all schools to provide education about national minorities and the contributions of individuals, including women, belonging to national minorities to various fields, whether in art, music, literature or science.<sup>117</sup>

128. The Advisory Committee is of the view that efforts to review educational materials to address stereotypical and negative portrayal of minorities and persons belonging to them are also needed. In a spirit of reconciliation, attention should also be paid to ensuring that the historic presence of Armenians in Azerbaijan, particularly in Karabakh and Baku, is reflected in educational materials. In particular, critical thinking in history teaching should be developed, based on the appreciation of multiple perspectives and the promotion of intercultural understanding.<sup>118</sup>

129. The Advisory Committee calls on the authorities to ensure that all pupils and students are provided with quality information in school curricula on the multicultural character of society and on the histories and cultural heritage of persons belonging to national minorities, including through efforts to promote critical thinking and the understanding of multiple perspectives in the teaching of history.

### Equal access to education (Article 12)

130. The Law on General Education guarantees educational opportunities for all citizens of Azerbaijan, without discrimination.<sup>119</sup> According to the authorities, the Law provides for the possibility to remedy the shortages of teachers, by offering incentives for those working in rural areas.

131. During the visit, representatives of national minorities informed the Advisory Committee that pupils and students belonging to national minorities generally face no obstacles in accessing education. The Advisory Committee notes that in the village of Khynalyg, where the semi-nomadic people Khynalyg live and whose culture and lifestyle are defined by the seasonal migration between summer and winter

<sup>115</sup> [State report](#), p. 33.

<sup>116</sup> Caucasus Edition, [Armenian and Azerbaijani History Textbooks: Time for a Change](#), 20 May 2022.

<sup>117</sup> OSCE HCNM, [Ljubljana Guidelines on Integration of Diverse Societies](#), 2012, Guideline 45: “integrated education should also include teaching all pupils about the diversity in their society.”

<sup>118</sup> See in this context the [Recommendation of the Committee of Ministers to member states on intercultural dialogue and the image of the other in history teaching](#), adopted on 6 July 2011; [Observatory on History Teaching in Europe](#), Working Group on the [Reference Framework of Competences for Democratic Culture \(RFCDC\)](#) or the [UNESCO's Guidebook methodology for textbook research and revision](#).

<sup>119</sup> Article 5.2 of the [Law on General Education](#).

pastures (the “KöçYolu” Transhumance Route),<sup>120</sup> the authorities have built, in consultation with representatives of the Khynalyg, a boarding school to meet the children’s educational needs.

132. Little attention is given to the Dom minority,<sup>121</sup> which suffer low levels of educational attainment among children. The authorities claimed that there are 477 pupils belonging to the Dom minority in Yevlakh and Agdash and expressed satisfaction concerning their academic results. However, different sources suggest that many of the children are not sent to school and have no formal education.<sup>122</sup> During the country visit, the Advisory Committee was surprised that this important issue lacks systematic attention from the Commissioner for Human Rights’ office (see Article 4). The Advisory Committee is of the view that all relevant authorities should address this issue without further delay and in a comprehensive manner.<sup>123</sup>

133. The Advisory Committee is further concerned by the lack of data provided on education of girls belonging to the Talysh national minority. Already in its Third Opinion, the Advisory Committee stressed that “significant numbers of early dropouts from school are reported [...] with girls disproportionately affected due to early marriages as well as to a possible preference among low-income families to support the education of boys”.<sup>124</sup> The lack of in-depth studies on this issue makes it difficult to obtain a clear picture as to its prevalence.

134. The Advisory Committee reiterates that ensuring the access of all persons belonging to national minorities to good quality education means that States need to act resolutely in ensuring that all children are duly enrolled in schools and that difficulties encountered – such as physical access to schools and transportation, parents’ socio-economic problems – are addressed in constructive and active ways.

135. The Advisory Committee notes that information regarding school attainments, including absenteeism and drop-out rates, literacy, completion of studies, grades, gender disparities, access to higher educational levels and subsequently access to employment, is lacking, in particular with regard to persons belonging to the Dom minority. Therefore, the Azerbaijani authorities must thoroughly monitor the situation and take measures accordingly.

136. The Advisory Committee calls on the authorities to develop a comprehensive strategy to ensure that children belonging to the Dom minority have effective and equal access to education at all levels. They should further commission an independent gender-sensitive study to evaluate the rate of absenteeism and early school dropouts of girls belonging to national minorities in rural areas and, on that basis, to develop and implement targeted measures.

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

137. Article 45 of the Constitution of the Republic of Azerbaijan provides that everyone shall have the right to receive education in their “native language”.<sup>125</sup> The possibility to introduce education in a national minority language is also envisaged in general terms in Article 5 of the Law on the State Language and Article 7 of the Law on Education.<sup>126</sup> Pupils belonging to the Russian and Georgian minorities can follow the whole curriculum in their respective language from grade 1 to 11. Eight other minority languages (Talysh, Lezgin, Avar, Tsakhur, Udi, Kurdish, Khynalyg and Hebrew) are taught one hour per week (with the option of one additional hour) in grades 1-4 (grades 1-9 for Lezgin, 1-11 for Hebrew). This is down from two compulsory hours to just one since 2017. Teaching of Tat will gradually be introduced starting from the school year 2024/2025.

138. According to the authorities, there are currently 16 Russian-language primary and secondary schools and 345 multilingual secondary schools (Azerbaijani-Russian, Azerbaijani-Georgian, and Azerbaijani-Russian-Georgian). In Baku, many of the public and private high schools have Russian departments and it is the only language, apart from Azerbaijani, that has complete curricula, at the level of primary and secondary schools as well as higher education institutions. Teaching in Russian is also provided in technical-vocational schools.

<sup>120</sup> UN, [Cultural Landscape of Khinalig People and “Köç Yolu” Transhumance Route](#), 2023.

<sup>121</sup> ECRI, [sixth monitoring cycle on Azerbaijan](#), para. 83.

<sup>122</sup> See for instance: Global Voices, [exploring a Kurdish quarter in Azerbaijan](#), 20 March 2023.

<sup>123</sup> During the visit, the authorities reported that 2% of them “have high marks” and that “16% of them continued to college after being graduated”.

<sup>124</sup> ACFC, [Third Opinion](#), adopted on 10 October 2012, para. 102.

<sup>125</sup> Article 45 of the [Constitution](#) of the Republic of Azerbaijan.

<sup>126</sup> It should be noted that the previously applicable 1992 Law on the State Language provided in its Article 3 that national minorities residing compactly on the territory of Azerbaijan had the right to separate schools, classes or groups in their language. Article 5 of the Law on State Language currently in force states that the functioning of educational institutions in languages other than Azerbaijani is conducted “in accordance with the legislation”.

139. Education is also conducted in six Georgian-language primary and secondary schools in the Gakh district. There are also Azerbaijani-Georgian schools.<sup>127</sup> According to a bilateral agreement with Georgia of 20 December 2011, textbooks in Georgian and Georgian literature are provided by Georgia, but Azerbaijan prints its own textbooks for the Georgian schools for mathematics and other primary school subjects. Contrarily to other national minority languages, there is no shortage of teachers, as many students who go to university in Tbilisi (Georgia) come back to teach in Azerbaijan after their studies.

140. According to the authorities, teaching in Lezgin is provided for up to two hours per week in grades 1-9 for 8 005 pupils (6 242 in grades 1-4; 1 763 in grades 5-9, including for pupils not belonging to the Lezgin minority) in 95 schools in several places designated by the authorities as “places of compact settlement” (in Qusar and eight villages in the Quba district, in six villages in the Khachmaz district and in five villages in the Gabala District).<sup>128</sup> Teaching of Lezgin is also offered in Baku in the context of Sunday schools.

141. During the visit, representatives of the Lezgin national minority pointed out the good quality of teaching materials and indicated that they had had recent exchanges with the Ministry of Science and Education about obtaining new textbooks in the near future. However, they also stressed the importance to have good quality teaching and advocated for the reopening of the Qusar pedagogical college to provide pre-service and in-service teacher training for teachers at primary and secondary school levels. They also indicated their wish to have a chair on Lezgin language created at the university level. At the moment, those wishing to get higher education in Lezgin go to Dagestan (Russian Federation). Generally speaking, they pointed out the risk for the preservation of the language, especially among children who do not speak Lezgin on a daily basis in their families.

142. According to the state report, 254 schools teach Talysh for 20 240 pupils.<sup>129</sup> According to the authorities, Talysh classes have been offered in 70 schools (out of 83 in the Lankaran district) at the primary school level (grades 1-4).

143. Representatives of the Talysh minority drew the Advisory Committee’s attention to the discrepancy between such figures and the outcome of the census, according to which 87 600 individuals self-identified as Talysh. While they welcome that new textbooks in Talysh were published in 2023,<sup>130</sup> they highlighted the fact that the teaching of Talysh was reduced from two to one compulsory hour per week.<sup>131</sup> They call for having the teaching of Talysh offered in grades 1-9 for at least two mandatory hours per week. It should, however, be noted that during the visit, the authorities indicated that there is no plan to increase Talysh language teaching to grades 5-9. They also indicated that the pedagogical college in Astara which provided pre-service and in-service training for teachers at the primary and secondary school level has been closed since 1996, which has a direct impact on the quality of the teaching. They advocated for its reopening and further pointed out the need to establish a chair on Talysh language at the Lankaran state university. Representatives of the Talysh minority further underlined the need to have the teaching of Talysh offered in Baku and Sumqayit, where many persons belonging to the Talysh minority live.

144. According to the authorities, in places of compact settlement of national minorities, pupils may have lessons of their language for up to two hours per week in grades 1-4. The teaching of Avar, Kurdish (Kurmanji), Tsakhur, Udi and Khynalyg is provided in grades 1-4 in areas “densely populated” by those minorities. For instance, Udi is taught in three schools in the village of Nij, Khynalyg is taught in Khynalyg, and Tat will be taught in the 40 villages where this minority lives starting from 2024/2025. Hebrew, and more generally Jewish history and culture, is also taught in two primary schools in Baku and in the “Red village” in Quba in grades 1-11.<sup>132</sup> As persons belonging to the Kurdish minority live dispersed throughout the country, also as a consequence of the Karabakh conflict, only 31 children of this minority, according to official figures, are taught their language. During the visit, the Advisory Committee was informed that different textbooks have recently been published or re-published and disseminated in Tsakhur, Khynalyg, Haput and Udi languages.<sup>133</sup> It was further informed that with the start of teaching of the Tat language in the school year 2024/2025, a new textbook in that language will be published. However, there are no opportunities for pedagogical training in these minority languages. As a result, teaching of minority languages is often provided by teachers who lack the proper training,

<sup>127</sup> Overall, teaching in Georgian is provided for about 1 800 pupils in the country.

<sup>128</sup> However, classes are not offered in the Sheki-Zaqatala and Gakh districts, where the language – albeit slightly different – is also spoken.

<sup>129</sup> [State report](#), p. 7.

<sup>130</sup> Information collected during the visit shows that the latest publication of textbooks in Talysh language was of 2006.

<sup>131</sup> [Order](#) of the Ministry of Science and Education of the Republic of Azerbaijan on the approval of the curricula of general educational institutions for the 2023-2024 academic year.

<sup>132</sup> However, the local dialect “Jihuri” is only transmitted in the private sphere.

<sup>133</sup> The Advisory Committee had the possibility to see these textbooks. It noted that they are adapted for young pupils and the local contexts, with lots of colours and images and short texts for reading, grammar and poems.

and minority language classes are increasingly cancelled, as teachers are no longer available. Some representatives of these numerically small national minorities highlighted the need to provide additional support for activities of the national minorities to ensure the preservation of their languages.

145. The Advisory Committee stresses that it is important that effective consultations are held in close co-operation with representatives of school boards, teachers and parents' organisations to determine the demand for teaching in and of minority languages. The Advisory Committee emphasises that one of the purposes of minority language education is to maintain or inculcate a degree of fluency and literacy which enables the learner to use the language in public and private life, and to pass it on to the next generation. In this context, teaching a minority language for only one or two hours per week is unlikely to ensure learners to acquire sufficient linguistic competences, especially when that language is not the predominant language in their families. Continuity is therefore necessary to ensure that the results achieved in the first four years of primary education are built upon. The Advisory Committee reiterates that "for minority languages that are only spoken by small numbers of people, there may be a particular need to revitalise the language, for instance through the creation of separate classes or through language immersion."<sup>134</sup> The Advisory Committee further emphasises the importance to allow, encourage or provide teaching of minority languages in territories other than those in which they are traditionally used, taking into account the movement of population and the fact that some minorities are dispersed throughout the country. While acknowledging the operating costs of suitable minority language teacher training, the Advisory Committee underlines that sustained efforts are indispensable to ensure that a sufficient number of adequately trained teachers are available, including for persons belonging to numerically smaller minorities. It reaffirms that the availability of higher education in minority languages is also an important precondition for the long-term vitality of minority languages.

146. The Advisory Committee welcomes the authorities' willingness to preserve teaching and learning of minority languages spoken in Azerbaijan. It especially welcomes the teaching in Russian and Georgian languages. However, it regrets that with the exception of Lezgin and Hebrew, minority language lessons are only provided in grade 1-4, and that such teaching is compulsory only for one hour per week. From the point of view of Article 14 of the Framework Convention, the scope and volume of such teaching, where available, remain therefore insufficient. This particularly concerns the Talysh language, which could be taught at least until grade 9 considering the size of the minority and the demand coming from persons belonging to this community. The Advisory Committee is also of the view that Lezgin and Talysh languages should be taught in Baku and Sumqayit, where persons belonging to these national minorities live in substantial numbers.

147. The Advisory Committee further notes that the authorities have engaged in a programme to create, update and renew a certain number of textbooks in all these languages, which is to be welcomed as it requires a substantial effort from the authorities. However, other minority languages are taught only to a very limited extent (Kurdish) or are not taught in the public education system at all and no educational materials are provided (for instance Kryz, Budukh, Ukrainian, Armenian or Tatar).<sup>135</sup> The Advisory Committee considers that the authorities need to develop a specific strategy towards these languages, which could include a stronger support for activities offered by national minority organisations, such as Sunday schools (which already exist in the case of Tatar or Ukrainian).

148. The Advisory Committee also notes shortcomings in the recruitment of qualified teachers and specialists, given the fact that there are no pedagogical centres to provide pre-service and in-service training for teachers at the primary and secondary school level and improve the quality teaching in minority languages, except for Russian and Georgian language teachers, for whom such offer already exists.<sup>136</sup> It further remarks the absence of dedicated chairs and departments for minority languages and cultures at the university level. There is limited support for research and study in and on minority languages and that there is, in general, a lack of attention to these languages in universities. It is important that the authorities take measures to promote the reintroduction of university courses, to stimulate students to follow such courses and to promote the recruitment and training of teachers of minority languages. The Advisory Committee sees a pressing need and interest for Lezgin and Talysh languages in that regard.

149. The Advisory Committee urges the authorities to increase the offer of teaching of minority languages, including of numerically smaller minorities, in the general curriculum at primary and secondary levels, not only in territories in which these minority languages are traditionally used but also where persons belonging to national minorities live in substantial numbers.

<sup>134</sup> ACFC, [Thematic Commentary No. 3](#), para. 69.

<sup>135</sup> During the visit, the authorities stressed that they are aware of the situation and have already done a "mapping", highlighting the need to start teaching Budukh for instance.

<sup>136</sup> It should be noted that in the case of Lezgin and Talysh languages, such pedagogical centres existed in the past but have been closed for several years now (since 1996 concerning the Talysh language).

150. The Advisory Committee strongly encourages the authorities to ensure adequate training of teachers of minority languages and to provide for the possibility to study and research on minority languages at the university level.

151. The Advisory Committee invites the authorities to extend their organisational and material support to Sunday schools and other educational institutions run by minority communities that at present do not benefit from minority language education in public schools.

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

152. On 16 December 2022, the Parliament adopted a new Law on Political Parties and a Presidential decree on the implementation of the law was issued on 11 January 2023.<sup>137</sup> In Azerbaijan, persons belonging to national minorities do not enjoy special political rights such as guaranteed representation in elected bodies, exemption from threshold requirements or reserved seats.

153. According to the authorities, three Members of Parliament belong to national minorities.<sup>138</sup> They further stress that persons belonging to national minorities are represented in many administrations, including in cultural institutions, local authorities, in ministries and in the police, especially in areas where substantial numbers of persons belonging to national minorities live.<sup>139</sup> During the country visit, some representatives of national minorities shared a different position with the Advisory Committee and pointed out that they are not represented in Parliament despite their size.

154. The Advisory Committee reiterates that “the degree of participation of persons belonging to national minorities in all spheres of life can be considered as one of the indicators of the level of pluralism and democracy of a society. Creating the conditions for effective participation of persons belonging to national minorities should, therefore, be considered by the state parties as forming an integral part of the implementation of the principles of good governance in a pluralistic society.”<sup>140</sup> If “registration of national minority organisations and political parties may be subject to certain conditions, such requirements should, however, be designed so that they do not limit, unreasonably or in a disproportionate manner, the possibilities for persons belonging to national minorities to form such organisations and thereby restrict their opportunities to participate in political life and the decision-making process.”<sup>141</sup>

155. The Advisory Committee notes that in their joint Opinion published in March 2023, the Venice Commission and the Office for Democratic Institutions and Human Rights (ODIHR) considered that the provisions of the new Law on Political Parties have become “much stricter” and found that several changes give rise to serious concerns with respect to the right to freedom of association.<sup>142</sup> More specifically, the Advisory Committee also notes that several Articles of this new law seem to be specifically targeted at national minorities and persons belonging to them and could be interpreted as preventing the establishment of political parties promoting the rights and political participation of persons belonging to national minorities, religious or belief communities or promoting minority identities.<sup>143</sup> The Advisory Committee is deeply concerned about restrictions introduced by the new Law on Political Parties and the intimidating effect it might have on politically active persons.

156. The Advisory Committee notes that there are no specific institutionalised mechanisms at the national and local levels through which persons belonging to national minorities could regularly discuss

<sup>137</sup> [Law on Political Parties](#). See also the [Presidential decree on the implementation of the Law on Political Parties](#) of 11 January 2023.

<sup>138</sup> Out of the 125-members of the Milli Majlis (Parliament), 117 of them are Azerbaijanis, one is Russian, one is Lezgi, and one is a Mountain Jew.

<sup>139</sup> [State report](#), pp. 36-37. Concerning the current state of local democracy in Azerbaijan, see [Recommendation 461 \(2021\)1](#) of the Congress of local and regional authorities on the Monitoring of the application of the European Charter of Local Self-Government in Azerbaijan. See also Venice Commission and the Directorate of democratic governance of the Directorate General of democracy of the Council of Europe, [Joint Opinion](#) on the revised draft law making amendment to the Law on the Status of Municipalities, adopted on 13-14 June 2014.

<sup>140</sup> ACFC, [Thematic Commentary No. 2](#), para. 8.

<sup>141</sup> ACFC, [Thematic Commentary No. 2](#), para. 76.

<sup>142</sup> Venice Commission and the OSCE/ODIHR [Joint Opinion](#) on the Law on Political Parties, adopted on 10-11 March 2023. Among the problematic provisions introduced in the new law, the Opinion considers that the most serious are: 1. the increase of the minimum number of members of the party from 1 000 to 5 000; 2. the need for the already registered political parties to undergo a re-registration; 3. the lengthy terms and cumbersome procedure foreseen for the establishment and registration of political parties; 4. the prohibition to operate a political party without state registration; 5. the overregulation of internal party structures and operations; 6. the excessive control exercised by the Ministry of Justice over party activities and over the registers of members of political parties; 7. the possibility to suspend the activities of a political party or even dissolve a party in cases not involving serious violations of the legal acts by such a party.

<sup>143</sup> *Ibid.* See the recommendations made on Articles 4.3 and 10.3, paras. 28, 32, 35 and 76. The Venice Commission and ODIHR recommended removing from the law those blanket prohibitions which refer to an ethnic group, a religion or other component of the law as they may indirectly discriminate persons belonging to certain religious, ethnic or other groups and would be contrary to the principles of freedom of association, freedom of expression and non-discrimination.

issues of their concern with the authorities and take part in decision-making, particularly on issues of relevance for them.<sup>144</sup>

157. The Advisory Committee reiterates that “consultation of persons belonging to national minorities is particularly important in countries where there are no arrangements to enable participation of persons belonging to national minorities in parliament and other elected bodies.”<sup>145</sup> Although the presence or representation of national minorities in different institutions may have a positive effect on minority interests and concerns, it is important to establish a consultative mechanism for persons belonging to national minorities, with an equal participation of women, men and youth, to take part effectively in decision-making and especially on issues relevant for persons belonging to national minorities. Lastly, the Advisory Committee refers to the Recommendation of the Committee of Ministers to member states on the active political participation of national minority youth, which contains useful guidelines for mainstreaming the participation of young persons belonging to national minorities into consultative and elected bodies.<sup>146</sup>

158. The Advisory Committee calls on the authorities to create the normative conditions for the effective participation of persons belonging to national minorities in the decision-making process at all levels.

159. The Advisory Committee strongly encourages the authorities to establish a consultative mechanism for persons belonging to national minorities, with an equal participation of women, men and youth, to ensure that their concerns and interests are regularly discussed, and their views effectively taken into account in relevant decision-making processes at central and local levels.

### Participation of persons belonging to national minorities in socio-economic life (Article 15)

160. The Azerbaijani national legislation contains several provisions guaranteeing all persons equal opportunities in exercising the right to free choice of job and employment, provision of social benefits and allowances and the right to use free medical services (see Article 4).<sup>147</sup> Furthermore, the Labour Code protects employees from discrimination by their employer.<sup>148</sup> The authorities have set an “employment strategy for 2019-2030” and a “national strategy for the development of social services for 2021-2027” providing for equality measures in the field of employment and social protection to all citizens”.<sup>149</sup>

161. According to the authorities, large projects in socio-economic, educational, cultural, health and ecological fields were implemented across the country, including the territories densely populated by persons belonging to national minorities, resulting in the creation of new companies and jobs in these regions.<sup>150</sup> During the visit, the Advisory Committee could appreciate the on-going work undertaken to provide gas lines to some rural areas. However, several representatives of national minorities pointed out the important economic difficulties they are facing since 2020 and the decision by Azerbaijan to close its land borders (see Article 17).<sup>151</sup> Regarding persons belonging to the Dom minority, the Advisory Committee notes that their socio-economic situation, in particular access to adequate housing, healthcare, employment and social services, remains limited. Due to unfavourable attitudes in the broader society, persons belonging to the Dom minority continue to face social exclusion and higher rates of unemployment, leaving them in a situation of extreme poverty.<sup>152</sup>

162. The Advisory Committee reiterates that “participation in social and economic life covers a wide range of issues, from access to adequate housing, healthcare, social protection (social insurance and social benefits), to social welfare services and access to work. Participation of persons belonging to national minorities in economic life implies both access to the labour market, public and private, and

<sup>144</sup> Already in its First Opinion published on 26 January 2004, the Advisory Committee called for a revision of the working methods of the – no longer existing – Council for National Minorities or for the establishment of a new body which would constitute a forum for regular and frequent consultation and dialogue for issues pertaining to national minorities. See ACFC, [First Opinion](#), adopted on 26 January 2004, paras. 73-79.

<sup>145</sup> ACFC, [Thematic Commentary No. 2](#), para. 106.

<sup>146</sup> [Recommendation of the Committee of Ministers to member States on the active political participation of national minority youth](#), adopted on 4 October 2023.

<sup>147</sup> See for instance Article 8 on the 2018 [Law on Employment](#); the 2006 [Law on Social Benefits](#) or Articles 1, 2 and 10 of the 1997 [Law on Public Health](#).

<sup>148</sup> Articles 16 and 154 of the [Labour Code](#).

<sup>149</sup> [State report](#), p. 9.

<sup>150</sup> [State report](#), pp. 10-13.

<sup>151</sup> Since 24 March 2020, by decision of the Cabinet of Ministers of Azerbaijan, the land borders of Azerbaijan with all its neighbouring countries are closed due to the coronavirus pandemic, with a special quarantine regime set. This creates considerable socio-economic issues for the residents of the border villages of the country. See OC media, [Azerbaijan extends 'COVID-19' border closure until April](#), 11 December 2023.

<sup>152</sup> Global Voices, [exploring a Kurdish quarter in Azerbaijan](#), 20 March 2023; RFERL, ['Should We Sit At Home And Die Of Hunger?' Azerbaijani Roma Say They Have No Choice But To Beg](#), 27 April 2023; CERD, [Concluding observations](#), paras. 28-29.

access to business and other self-employment opportunities.”<sup>153</sup> “Persons belonging to national minorities often live in border areas and other regions at a distance from political and economic centres of activity. Hence, they can be confronted with more difficult socio-economic situations than the majority population.”<sup>154</sup> The authorities should therefore take specific measures to increase their opportunities to participate effectively in socio-economic life. In order to ensure this, studies should be undertaken to assess the possible impact of development projects on persons belonging to national minorities and disaggregated data on employment, housing, healthcare, social protection and social welfare services should be collected. Particular attention should be paid to the situation of minority women, youth and the elderly.

163. The Advisory Committee acknowledges efforts made by the authorities to develop infrastructure and therefore to reduce the existing economic disparities between the capital region and the rural areas of the country and calls for the continuation of such investments in the future. While welcoming the authorities’ efforts highlighted above, the Advisory Committee, however, considers that the reopening of land borders is essential to provide the opportunity for those living in border areas to continue their economic activities (see Article 17). A particular attention should be given to the socio-economic situation of persons belonging to the Dom minority.

164. The Advisory Committee encourages the authorities to continue their efforts to improve infrastructure in particular in the rural areas of the country where persons belonging to national minorities live.

165. The Advisory Committee encourages the authorities to regularly collect and evaluate reliable, disaggregated data on the socio-economic situation of persons belonging to national minorities, including the Dom, especially in the fields of employment, healthcare and access to infrastructure to elaborate adequate policies to address national minority concerns and design well-targeted and sustainable measures meeting their diverse needs.

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

166. The authorities indicated in their state report that, with the end of the so-called “44 days war” in 2020, Azerbaijan had entered into a new phase in which peace, rehabilitation, reconstruction and reintegration would be an “absolute priority”.<sup>155</sup> However, shortly after the submission of the state report in October 2022 and in contradiction with reassurances provided, Azerbaijan blocked the Lachin Corridor for several months (starting on 12 December 2022).<sup>156</sup> This led to a period of extreme tension from the human rights and humanitarian perspective which culminated in the launching by Azerbaijan on 19 September 2023 of a military operation in the region<sup>157</sup> and the *de facto* surrender of the self-proclaimed authorities of Karabakh.<sup>158</sup> During the military action in September 2023, “audio-visual content” was disseminated “via Azerbaijani media platforms and social networks, depicting images of past atrocities, violence and hatred towards Armenians.”<sup>159</sup> These circumstances led to the mass displacement of more than 100 000 ethnic Armenians from Karabakh to Armenia within a few days.<sup>160</sup> In January 2024, only 20 ethnic Armenians have remained in Karabakh.<sup>161</sup> The International Court of Justice has granted several provisional measures regarding the situation prevailing in Karabakh, in accordance with Azerbaijan’s obligations under the International Convention on the Elimination of All Forms of Racial Discrimination.<sup>162</sup>

<sup>153</sup> ACFC, [Thematic Commentary No. 2](#), para. 24.

<sup>154</sup> ACFC, [Thematic Commentary No. 2](#), para. 42.

<sup>155</sup> [State report](#), p. 37.

<sup>156</sup> European Court of Human Rights, [press release](#) “European Court decides to indicate interim measures in the ‘Lachin Corridor’”, 21 December 2022 and Council of Europe Commissioner for Human Rights, [Observations](#) on the Human Rights Situation of People affected by the Conflict between Armenia and Azerbaijan over the Karabakh region, para. 14. See also Parliamentary Assembly of the Council of Europe [Resolution 2508 \(2023\)](#) “Ensuring free and safe access through the Lachin Corridor”.

<sup>157</sup> [Statement](#) by Azerbaijan’s Ministry of Defense, 19 September 2023.

<sup>158</sup> The Guardian, [Nagorno-Karabakh’s breakaway government says it will dissolve itself](#), 28 September 2023.

<sup>159</sup> Council of Europe Commissioner for Human Rights, [Observations](#) on the Human Rights Situation of People affected by the Conflict between Armenia and Azerbaijan over the Karabakh region, paras. 16 and 98.

<sup>160</sup> Council of Europe Commissioner for Human Rights, [Observations](#) on the Human Rights Situation of People affected by the Conflict between Armenia and Azerbaijan over the Karabakh region, para. 15. See also CNN, [Thousands of ethnic Armenians flee after breakaway region’s defeat](#), 26 September 2023; DW, [Armenians leaving “in a free manner”: Azerbaijan official](#), 26 September 2023.

<sup>161</sup> Additional information submitted by the authorities on 11 January 2024.

<sup>162</sup> ICJ, [Order](#) of 7 December 2021; ICJ, [Order](#) of 22 February 2023; ICJ, [Order](#) of 17 November 2023. The Advisory Committee notes in this context that before the ICJ, the Azerbaijani authorities made several declarations guaranteeing *inter alia* the security of Karabakh residents as well as safe and prompt return of those who wish to return, and freedom of movement and residence for the persons remaining in the Karabakh region.



167. According to the authorities, “tangible work in relation to the reintegration of Armenian residents living in the Karabakh region” has been launched since the 19 September 2023 military operation, and “reintegration plans” were presented to representatives of ethnic Armenians living in Karabakh in terms of local self-governance, citizenship issues, security, education, in socio-economic, religious, linguistic and cultural spheres, as well as regarding protection of cultural and religious heritage.<sup>163</sup> In their exchanges with the Advisory Committee, the authorities expressed their intention to fully apply the Framework Convention in Karabakh. They reported that they have made available online, in four languages, a “reintegration portal of Armenian residents living in the Karabakh economic region of the Republic of Azerbaijan” allowing ethnic Armenians from the region to register in order to join the “reintegration process”.<sup>164</sup> They are also operating a shelter providing assistance to the few remaining Armenian inhabitants. Furthermore, they adopted a package of incentive measures, including tax and customs benefits,<sup>165</sup> support to entrepreneurial activities, but also investments in social infrastructure (education, healthcare, energy, gas, water, road, communication, land reclamation), for the purpose of accelerating the economic development in the entire territory of Karabakh.<sup>166</sup>

168. During the monitoring process, the Advisory Committee discussed various issues regarding the situation in Karabakh with different interlocutors, however not directly with ethnic Armenians from Karabakh. Its request to visit Karabakh to assess the situation on the ground remained unanswered by the authorities of Azerbaijan. Taking into account the information collected by the UN mission during its first visit in more than 30 years to the region,<sup>167</sup> and by the Council of Europe Commissioner for Human Rights,<sup>168</sup> the Advisory Committee considers that from a minority rights perspective, the situation in Karabakh is a source of major concern.

169. During the visit, the authorities were not able to concretise their “reintegration plans” to the Advisory Committee. The package of incentive measures adopted by the authorities for the purpose of accelerating the economic development in the entire territory of Karabakh applies to the entire population and no specific measures for ethnic Armenians in Karabakh are currently foreseen. Concerning local self-governance, citizenship issues, security, conscription, education, socio-economic, religious, linguistic and cultural spheres, as well as the protection of cultural and religious heritage, it is the understanding of the Advisory Committee that existing national legislation is applied to Karabakh without addressing the specific circumstances of Armenians who are still in the region or who might eventually decide to return.<sup>169</sup>

170. The purpose of Article 16 is to protect against measures which change the proportion of the population in areas inhabited by persons belonging to national minorities, for example expulsions, and are aimed at restricting the rights and freedoms which flow from the Framework Convention.<sup>170</sup> The Advisory Committee considers that this obligation applies also to conflict-related population displacement and includes two aspects. Firstly, states parties should refrain from taking active steps and measures which would result in such change of proportions. Secondly, states parties should take all appropriate measures to prevent any altering of the proportions of the population in areas inhabited by persons belonging to national minorities. This requires a proactive approach from the authorities, including against actions from non-state actors. In this context, it is important to recall that Article 2 of the Framework Convention requires the application of its provisions, including Article 16, in good faith and in a spirit of understanding and tolerance. Creating or not preventing the development of a situation which leads to the displacement of persons belonging to national minorities is not in conformity with the Framework Convention.

<sup>163</sup> Azertac, [Statement by the Presidential Administration of the Republic of Azerbaijan](#), 2 October 2023; see also [Ilham Aliyev addressed the nation](#), 20 September 2023.

<sup>164</sup> [Reintegration Portal](#).

<sup>165</sup> Article 227(1) of the [Tax Code](#): “Residents of the liberated territory are exempt from profit (income), property, land and simplified tax for 10 years from January 1, 2023.

<sup>166</sup> Jam news, [Azerbaijan announces plan for reintegration of Karabakh Armenian community](#), 2 October 2023. The Azerbaijani authorities have recently allocated \$2 billion 250 million dollars from the state budget for reconstruction of Karabakh in 2024.

<sup>167</sup> UN, [UN team completes mission to Karabakh](#), 2 October 2023. In its press release, the UN mission indicated that they met with the local population and interlocutors and saw first-hand the situation regarding health and education facilities. They further indicated that in parts of the city [Khakendi] that the team visited, they saw no damage to civilian public infrastructure, including hospitals, schools and housing, or to cultural and religious structures. However, the mission saw that no shops were open and that only very few local population remained in the city. Finally, the mission indicated that it was “difficult to determine at this stage whether the local population intends to return”.

<sup>168</sup> Council of Europe Commissioner for Human Rights, [Observations](#) on the Human Rights Situation of People affected by the Conflict between Armenia and Azerbaijan over the Karabakh region.

<sup>169</sup> For instance, the Azerbaijani Constitution does not provide for dual citizenship, and in order to acquire Azerbaijani citizenship, one will have to give up his current citizenship, and in the case of many ethnic Armenians living in Karabakh, their Armenian passport.

<sup>170</sup> [Explanatory Report](#) to the Framework Convention for the Protection of National Minorities, Article 16, paras 81-82.

171. Taking into consideration the two aspects of the obligation contained in Article 16, the Advisory Committee considers that the ten-month blockade of the Lachin corridor, which was initially allegedly organised by non-state actors, presented by the Azerbaijani authorities as “environmental activists”,<sup>171</sup> should have been prevented by the state authorities, as it resulted in the rapid deterioration of the humanitarian situation and increased the vulnerability of persons belonging to the Armenian minority living in Karabakh. The fear instilled through the bombardment on 19 September 2023, accompanied by intimidating audio-visual content in the mass media and social networks, as well as the long-standing anti-Armenian narrative (see Article 6), and the sudden reopening of the Lachin corridor, resulted in the departure of the more than 100 000 ethnic Armenians living in the region, as they could not trust the authorities’ assurances regarding their safety and security. For the Advisory Committee, it is inconceivable that virtually the entire population of Karabakh would have left their homes and chosen an insecure status if they had no serious and real fears for their security and safety in an area now under the effective control of Azerbaijan. Under these circumstances it cannot be assumed that the departure of the local population of Karabakh was voluntary. All the circumstances that led to the displacement of the Armenian population from Karabakh need to be investigated.

172. The displacement of more than 100 000 persons from their homes has, without doubt, resulted in restricting their rights and freedoms flowing from the Framework Convention, such as, for example, educational, cultural, or socio-economic rights. While the above-described actions or lack of preventive measures on the side of the Azerbaijani authorities may not have aimed at restricting these rights, they certainly had this effect and cannot be justified and legitimate.<sup>172</sup>

173. In such circumstances, states parties should take all necessary measures to ensure that the rights and freedoms of persons belonging to national minorities protected by the Framework Convention which have been violated are fully restored and that any adverse effects are removed. Therefore, the Advisory Committee considers that the Azerbaijani authorities should create the conditions for voluntary and sustainable return in safety and dignity.<sup>173</sup> It is important that the possibility to return is seen as a permanent entitlement without time limits. The Advisory Committee further underlines that restitution of property is central to the successful return and “reintegration” in order to avoid the perception of injustice and to prepare the ground for peace and reconciliation.

174. The Advisory Committee welcomes assurances by the authorities of Azerbaijan, to “do all in its power to ensure safe and prompt return of residents of Karabakh that choose to return to their homes”, and “that their apartments and houses stay untouched”.<sup>174</sup> While the establishment by the Azerbaijani authorities of a call centre and the “reintegration portal” for Armenians is a welcome step to start the return process, the Advisory Committee also notes that so far only a very few Armenians have registered via the portal.<sup>175</sup> It further reminds that Azerbaijan has an obligation to ensure that persons who have left Karabakh after 19 September 2023 and who wish to return to Karabakh are able to do so in a safe, unimpeded and expeditious manner.<sup>176</sup> This implies continued use of reassuring language,<sup>177</sup> and adopting measures ensuring the security and safety of Armenians for entering and leaving the Karabakh region for short-term visits as well as for permanent return that could be trusted by them.

175. The Advisory Committee considers that it will further be necessary to adopt concrete measures, including establishing a legal basis for a safe return and restitution of or compensation for property. Such legislation should be drafted and implemented with the active involvement of civil society and representatives of the Armenian ethnic minority. With regard to property rights, the Advisory Committee welcomes that Azerbaijan has undertaken to protect and not to destroy private property documents and

<sup>171</sup> Eurasianet, [Azerbaijan's president makes first remarks on Karabakh blockade](#), 11 January 2023.

<sup>172</sup> [Explanatory Report](#) to the Framework Convention for the Protection of National Minorities, Article 16, para 82.

<sup>173</sup> Article 12 of the 1966 [International Covenant on Civil and Political Rights](#); Human Rights Committee, General Comment No. 27, “Article 12”, adopted on 2 November 1999, para. 19: “[t]he right to return is of the utmost importance for refugees seeking voluntary repatriation”.

<sup>174</sup> Additional information submitted by the authorities on 11 January 2024.

<sup>175</sup> RFERL, [Despite The Warm Welcome, Karabakh Refugees In Armenia Are Struggling, Unsure Where To Go Next](#), 22 December 2023. According to the additional information submitted by the authorities on 11 January 2024, from October 3rd to December 20th, 2023, a total of 54 individuals registered either online or in person, some of whom chose to leave Azerbaijan voluntarily after submitting their applications. In her [Observations](#) (p. 9), the Council of Europe Commissioner for Human Rights quoted the [Azerbaijan State News Agency](#), according to which the State Migration Service had received 13 in-person paper applications and 98 online applications.

<sup>176</sup> ICJ, [Order](#) of 17 November 2023, paras. 69 and 74.

<sup>177</sup> See for instance the [speech](#) delivered by the President of the Republic of Azerbaijan in Khankendi on 15 October 2023: “[...] There was a time when the Azerbaijanis and Armenians lived here in an amicable atmosphere. There was a time when the Azerbaijanis and Armenians lived in friendship [...] People lived well here. There was no discrimination. [...] In Azerbaijan, a newspaper was published in the Armenian language, i.e., it was in those years, and we cannot simply discard those years aside. On the contrary, those who remember those years should share those memories with the younger generation [...]”.

records found in Karabakh.<sup>178</sup> The establishment of a dedicated mechanism to deal with restitution or compensation is needed to decide on property issues on the basis of clear and transparent criteria.<sup>179</sup> Finally, to secure a safe and dignified return, the authorities will have to undertake all efforts to combat hate speech against Armenians and support initiatives that promote peaceful co-existence and reconciliation, in particular in the fields of education and media (see Article 6). An involvement of international experts and international institutions with experiences in post-conflict reconstruction and reconciliation processes might be beneficial.

176. The Advisory Committee urges the authorities to create the political, legal and practical conditions necessary for safe, unimpeded and sustainable return of displaced Armenians from Karabakh and to set up a dedicated mechanism to deal with property issues, with clear criteria to be defined in co-operation with all relevant actors. The authorities should refrain from and resolutely combat anti-Armenian narratives to prepare the ground for the reconciliation process.

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

177. The authorities indicated in their state report that their “absolute priority” is to actively engage in activities sustaining peace, rehabilitation and reconstruction, as well as organising the return of internally displaced persons (IDPs) to their places of origin.<sup>180</sup> They further reported that in December 2022, as a follow-up to the Republic of Azerbaijan 2022-2026 Socio-economic Development Strategy, the Government of Azerbaijan launched the “State Program on the Great Return to the Liberated Territories of the Republic of Azerbaijan” which describes a range of activities to facilitate the reconstruction of parts of the Karabakh region and its surrounding districts, and the progressive return or resettlement of IDPs. According to the information collected by the Advisory Committee during its visit, some persons belonging to the Kurdish minority were able to return to the Lachin region, where they used to live compactly.

178. The Advisory Committee considers that the step-by-step approach implemented by the authorities, which consists of de-mining of the area, reconstruction of essential infrastructure and promotion of a socio-economic development of Karabakh and its surrounding districts for voluntary return is to be welcomed.

179. The Advisory Committee encourages the authorities to continue their support for internally displaced persons belonging to national minorities, including those who have already voluntarily returned and resettled in their regions of origin, so that they are provided with access to housing, employment, education and healthcare.

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

180. The Advisory Committee was informed that many persons belonging to national minorities, mostly living in border areas throughout the country, are confronted with difficult socio-economic situations since the decision to close the land borders of Azerbaijan on 24 March 2020 (see Article 15), but also to establish and maintain free and peaceful contacts across frontiers with persons lawfully staying in neighbouring states.<sup>181</sup> The special quarantine regime, set initially to limit the spreading of the Covid-19 pandemic, is still in place and regularly prolonged,<sup>182</sup> although the World Health Organisation (WHO) considers that Covid-19 is now an established and ongoing health issue which no longer constitutes a public health emergency of international concern.<sup>183</sup> The Advisory Committee, which notes that no particular measures against Covid-19 are needed for those travelling by plane, is concerned by the disproportionate socio-economic impacts of the current border regime for those living in border areas, and among them many persons belonging to national minorities on both sides of the border.<sup>184</sup>

181. The Advisory Committee considers the ability to co-operate across borders as highly significant for persons belonging to national minorities, and any restrictions on this should be carefully considered and be proportionate to the aims. Furthermore, persons belonging to national minorities concerned

<sup>178</sup> ICJ, [Order](#) of 17 November 2023, para 61(d).

<sup>179</sup> European Court of Human Rights, *Sargsyan v. Azerbaijan*, application No. [40167/06](#), judgment of 16 June 2015, paragraph 238. On the state of execution of these judgments, see [here](#) for *Sargsyan v. Azerbaijan*. See also Council of Europe Commissioner for Human Rights, [Observations](#) on the Human Rights Situation of People affected by the Conflict between Armenia and Azerbaijan over the Karabakh region, para. 52.

<sup>180</sup> [State report](#), p. 37.

<sup>181</sup> The only exception being the land border with Türkiye in Nakhichevan, which can be crossed only by Azerbaijani citizens who have a Nakhichevan residence permit. See Jam news, [Family separated by coronavirus. When will the border between Azerbaijan and Georgia open?](#), 7 July 2023; Jam news, [Azerbaijanis from Georgia appeal to the President of Azerbaijan](#), 23 August 2023; OC media, [Azerbaijani Georgians appeal to Aliyev to open border](#), 25 August 2023.

<sup>182</sup> OC media, [Azerbaijan extends 'COVID-19' border closure until April](#), 11 December 2023; Jam news, [The closed border between Azerbaijan and Georgia](#), 8 March 2024.

<sup>183</sup> WHO, [statement on the fifteenth meeting of the IHR \(2005\) Emergency Committee on the COVID-19 pandemic](#), 5 May 2023.

<sup>184</sup> This implies, *inter alia*, the closure of small businesses, difficulties in finding jobs, important loss of income but also the separation of families who cannot afford to travel by air. The Advisory Committee has, for instance, been informed that some persons were unable to attend funerals of their relatives due to this situation.

should be consulted before any restrictions are imposed, whether they be in the context of the pandemic or otherwise.

182. The Advisory Committee, while welcoming the efforts undertaken by the authorities to mitigate the consequences of the Covid-19 pandemic, is of the view that the current situation should be reviewed in the light of the position of the World Health Organisation.

183. Furthermore, the Advisory Committee has been informed that persons belonging to the Talysh minority continue to face significant problems when wishing to develop and maintain contacts across borders, in particular with ethnic Talysh in Iran, or to participate in the activities of non-governmental organisations, including at international level.

184. The Advisory Committee is deeply concerned that several persons belonging to the Talysh minority have been arrested, detained and convicted for establishing and maintaining cross-border contacts with persons with whom they share an ethnic, cultural, linguistic or religious identity. This situation is not in line with Article 17 of the Framework Convention. The Advisory Committee expects that the Azerbaijani authorities will make sure that any such practices are discontinued without any further delay.

185. The Advisory Committee strongly encourages the authorities not to interfere with the right of persons belonging to national minorities to develop and maintain contacts across borders.

186. The Advisory Committee strongly encourages the authorities to review their decision to close the land borders of Azerbaijan and to maintain a special quarantine regime, taking into account that the Covid-19 pandemic no longer constitutes a public health emergency of international concern and taking into account the socio-economic impacts of this decision for persons belonging to national minorities living in border areas.

187. The Advisory Committee encourages the authorities to continue international co-operation with the neighbouring states with a view to benefiting persons belonging to national minorities.

#### Bilateral co-operation (Article 18)

188. Following the Azerbaijani military operation of 19 September 2023 in Karabakh, Azerbaijan and Armenia began negotiations aimed at normalising their relations. On 7 December 2023, Azerbaijan and Armenia released a joint statement acknowledging the significant opportunity to finally achieve peace. They announced an agreement to take concrete measures to build trust, which included the release of 32 Armenian servicemen held in Azerbaijan and two Azerbaijani servicemen held in Armenia as a goodwill gesture.<sup>185</sup>

189. These negotiations are to be welcomed. In January 2024, the Council of Europe Commissioner for Human Rights issued a statement saying that the peace process “represents a historic momentum that must be seized responsibly and in good faith to ensure the safety and rights of the populations of Azerbaijan and Armenia and future generations as well as, more broadly, a more peaceful and prosperous future for the whole South Caucasus region.”<sup>186</sup> While the ongoing peace talks must seek solutions to issues that go beyond the scope of the Framework Convention, the Advisory Committee agrees with this assessment and underlines that finding sustainable solutions for the protection of the rights of the Armenian population of Azerbaijan, including those who have been displaced from the region of Karabakh will be essential for the success of the peace process. Considering that the protection of national minorities is essential to stability, democratic security and peace in this continent, the Advisory Committee is of the view that the recommendations contained in the present Opinion can contribute to the process of building reconciliation and lasting peace for all persons affected by the conflict.

190. The Advisory Committee encourages the authorities to adopt confidence building measures in line with the principles of the Framework Convention and to use the bilateral context of the peace process with Armenia to strive for the protection of human rights, including minority rights, of the ethnic Armenians in Azerbaijan.

<sup>185</sup> Additional information submitted by the authorities on 11 January 2024; see also Azertac, [Joint statement](#) of the Presidential Administration of the Republic of Azerbaijan and the Office of the Prime Minister of the Republic of Armenia”, 7 December 2023.

<sup>186</sup> Council of Europe Commissioner for Human Rights, [Observations](#) on the Human Rights Situation of People affected by the Conflict between Armenia and Azerbaijan over the Karabakh region, para. 105.



The Advisory Committee on the Framework Convention for the Protection of National Minorities is an independent body that assists the Committee of Ministers of the Council of Europe in evaluating the adequacy of the measures taken by the Parties to the Framework Convention to give effect to the principles set out therein.

The Framework Convention for the Protection of National Minorities, adopted by the Committee of Ministers of the Council of Europe on 10 November 1994 and entered into force on 1 February 1998, sets out principles to be respected as well as goals to be achieved by the states, in order to ensure the protection of national minorities. The text of the Framework Convention is available, among other languages, in Azerbaijani, Russian, Talysh, Lezgin, Georgian.

This opinion contains the evaluation of the Advisory Committee following its 5<sup>th</sup> country visit to Azerbaijan.

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