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ECRI CONCLUSIONS
ON THE IMPLEMENTATION OF THE RECOMMENDATIONS
IN RESPECT OF AZERBAIJAN
SUBJECT TO INTERIM FOLLOW-UP

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¹ Unless otherwise indicated, this analysis does not take into account any developments that occurred after , the date on which the response of the authorities of to ECRI's request for information on measures taken to implement the recommendations chosen for interim follow-up was received.

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FOREWORD

As part of its sixth round of monitoring work, ECRI has renewed its process of interim follow-up with respect to two specific recommendations made in each of its country reports.

In line with the Information Document on ECRI's sixth monitoring cycle brought to the attention of the Ministers' Deputies on 9 May 2018², not later than two years following the publication of each report, ECRI addresses a communication to the Government concerned asking what has been done in respect of the specific recommendations for which priority follow-up was requested.

At the same time, ECRI gathers relevant information itself. On the basis of this information and the response from the Government, ECRI draws up its conclusions on the way in which its recommendations have been followed up.

It should be noted that these conclusions concern only the specific interim follow-up recommendations and do not aim at providing a comprehensive analysis of all developments in the fight against racism and intolerance in the State concerned.

² [CM/Del/Dec\(2018\)1316/4.1](#); [CM\(2018\)62-add10](#).

1) *In its report on Azerbaijan (sixth monitoring cycle) published on 21 June 2023, ECRI strongly recommended that the authorities bring the competences, independence and effectiveness of the Commissioner for Human Rights (Ombudsman) fully in line with ECRI's revised General Policy Recommendation No. 2 on equality bodies to combat racism and intolerance at national level, by i) ensuring a transparent selection and appointment procedure of the Ombudsman; ii) establishing a separate unit or department within the structure of the Ombudsman's Office which is dedicated to deal with non-discrimination and equality related work and complaints; iii) increasing the capacity of the staff of the Ombudsman's Office, including those in regional offices, by providing them with ongoing training and developing awareness-raising activities on non-discrimination and equality.*

Concerning ensuring a transparent selection and appointment procedure of the Ombudsman, ECRI takes note of the Constitutional Law of the Republic of Azerbaijan on amending the Constitutional Law on the Commissioner for Human Rights (Ombudsman) approved by the President of Azerbaijan in July 2023. According to the amendments, the President of Azerbaijan shall present three candidates for the post of Ombudsman to the Parliament 30 days before the expiration of the Ombudsman's mandate, and the Parliament shall elect the Ombudsman within 15 days. The authorities highlighted that the Parliament has the authority to overturn the submitted candidates. In such case, the President shall submit new candidacies.

ECRI considers the fact that the Ombudsman is now elected by the Parliament as a step in the right direction. However, according to ECRI's revised General Policy Recommendation No. 2 on equality bodies to combat racism and intolerance at national level (§23), in order to guarantee the independence of persons holding leadership positions in equality bodies, those persons should be selected and appointed by transparent, competency-based and participatory procedures, and the executive should not have a decisive influence in any stage of the selection process. In the light of shortcomings identified in the selection process, among other things, by the Sub-Committee on Accreditation of the Global Alliance of National Human Rights Institutions (GANHRI), the Azerbaijani Ombudsman was re-accredited with B status (partially compliant with the Paris Principles relating to the Status of National Institutions).³ In this connection, ECRI shares the view that the procedure currently enshrined in the law is not sufficiently transparent and notes in particular that it does not require the advertisement of vacancies or the assessment of applicants on the basis of pre-determined, objective and publicly available criteria.⁴ In addition, according to the information made available to ECRI, there can still be a decisive influence by the executive in the selection process, notably during the phase of nomination or pre-selection of candidates.

As regards the establishment of a separate unit or department within the structure of the Ombudsman's Office which is dedicated to deal with non-discrimination and equality related work and complaints, ECRI was informed by the authorities that, at the end of 2023, a Unit on Ensuring the Right to Equality was established within the structure of the Ombudsman's Office. ECRI understands that this unit will be assisting the monitoring activities of the two monitoring groups set up in 2024, one on the rights of the child and the other one on the rights of persons with disabilities. However, ECRI is not able to conclude from the information made available to it that the tasks and functioning of the unit correspond to this part of ECRI's recommendation.

When it comes to increasing the capacity of the staff of the Ombudsman's Office, including those in regional offices, by providing them with ongoing training and developing awareness-

³ See GANHRI Sub-Committee on Accreditation - [Report – First Session](#) SCA 2024, pp. 13-14, and report of the European Network of National Human Rights Institutions (ENNHR) on [Azerbaijan 2024](#), p. 3.

⁴ Ibid.

raising activities on non-discrimination and equality, the authorities point out that staff members benefitted from several training courses throughout 2024, to help them improve their knowledge and expertise, and awareness-raising events were organised, in which staff working at the headquarters and at the regional centres participated. These covered notably the topics of the rights of persons with disabilities and the children's rights, which nevertheless do not fall under ECRI's mandate. ECRI also notes that, towards the end of 2023, Council of Europe support was provided to enhance the knowledge and skills of staff members working in the Office of the Ombudsman in questions related to non-discrimination and equality⁵ and considers that the staff of the Office of the Ombudsman, including in regional offices, should be provided with more training and awareness-raising activities, on an ongoing basis, on questions related to the fight against racism and discrimination, in particular on grounds of "race", ethnic/national origin, colour, citizenship, religion, language, sexual orientation, gender identity and sex characteristics.

To sum up, ECRI recognises that some action has been taken to strengthen the Ombudsman. However, concerns remain as there are still major legal and other outstanding issues that need to be addressed in order to bring the competences, independence and effectiveness of the Ombudsman fully in line with ECRI's General Policy Recommendation No. 2.

In the light of the above, ECRI concludes that its recommendation has been partially implemented and takes note of the efforts made and the initial steps taken.

2) *In its report on Azerbaijan (sixth monitoring cycle), ECRI recommended that the authorities set up a comprehensive data collection system offering an integrated and consistent view of cases of racist and LGBTI-phobic hate speech and hate crime, with fully disaggregated data by category of offence, type of hate motivation, target group, as well as judicial follow-up and outcome, and that this data be made available to the public.*

The information ECRI received from the authorities does not include any indication that the recommended comprehensive data collection system offering an integrated and consistent view of cases of racist and LGBTI-phobic hate speech and hate crime has been set up or that this data was made available to the public, as recommended by ECRI.

The authorities pointed out that an awareness-raising campaign was organised in 2024 within the framework of the "Human Rights Month", which also covered hate speech. While this is a positive step, it is not directly related to the priority recommendation made by ECRI in its 2023 report.

ECRI therefore regrets to note that no steps have been taken in order to set up a system to produce fully disaggregated data on hate speech and hate crime, by category of offence, type of hate motivation, target group, as well as judicial follow-up and outcome, or to make such data publicly available.

ECRI concludes that this recommendation has not been implemented.

⁵ For more details, see Council of Europe activities on [promoting equality in Azerbaijan - Inclusion and anti-discrimination](#).