

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



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**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**

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

Summary

Overall system of promotion and protection of human rights and freedoms, including the rights of minorities in Azerbaijan is built upon strong legal foundations based on the Constitution of Azerbaijan and respective legal acts. The Constitution ensures equality of everyone, including representatives of national minorities before the law and equality of rights and freedoms of each individual irrespective of his or her race, ethnicity, religion, language and other denominators.

There is a longstanding and deep-rooted history of ethnic and religious tolerance and cultural diversity in Azerbaijan. Further strengthening of values of mutual respect in the society is one of the key priorities in Azerbaijan.

Having acceded to the Framework Convention for the protection of national minorities even prior to its membership to the Council of Europe, Azerbaijan attaches importance to its implementation. Throughout all monitoring cycles, including current fourth cycle, the Government of Azerbaijan has maintained cooperative and open approach towards monitoring process by displaying constructive attitude to the work of the Advisory Committee.

Against this backdrop, it is very regrettable that in its Fourth Opinion, the Advisory Committee has failed to accurately reflect Azerbaijan's commitments and consistent efforts to respect, protect and promote the rights of national minorities living in Azerbaijan. Furthermore, in many instances, the Advisory Committee went well beyond its mandate and the scope of the Convention by taking on some general questions, without establishing a clear connection between them and protection of national minorities. Along the same lines, the importance of the notion of "multiculturalism" based on ethnic and religious

diversity of Azerbaijani society has been questioned too, through some references to loose considerations detached from reality.

It is disappointing as well to note that on several occasions the Advisory Committee chose to come up with unsubstantiated allegations without indicating their sources. In addition, some of the conclusions drawn in the Opinion are not based on any facts whatsoever thus leaving question marks on credibility of such conclusions.

It is extremely important to acknowledge that the exercise of the rights and freedoms under the Framework Convention shall in no way imply engagement in any activity against the sovereignty and territorial integrity of the States and any actions under the Convention shall not violate the national legislation of the country concerned. Clear distinction has to be made between legitimate exercise of the rights under the Convention and an attempt to use minority rights protection system to engage in activities aimed at undermining integrity of the state. It is therefore incomprehensible that the Opinion of the Advisory Committee contains quotes from an organization which has long been engaged in activities propagating separatist entities on the territories of Member States.

The Opinion also makes series of allegations about so-called strong public narrative against Armenia. It is hardly imaginable that the Advisory Committee was not aware of the situation of hundreds of thousands IDPs who had been deprived of their basic rights and freedoms as a result of the occupation of the Azerbaijani territories by neighbouring Armenia. Therefore, it is difficult to understand why the Committee decided to portray public uttering of frustrations and exasperations generated by protracted military occupation resulting in hardships and sufferings of IDPs as manifestation of "hate speech." This unfounded claim can not serve the purpose of protection of minority rights in Azerbaijan.

Mutual trust and constructive dialogue between the Advisory Committee and States Parties are essential in terms of advancing rights of national minorities and efficient implementation of the Framework Convention. It is therefore absolutely necessary to ensure that

constructive approach and respect to the spirit of dialogue prevails in the work of the Advisory Committee in respect of Azerbaijan in its future monitoring rounds.

Introduction

1. The Republic of Azerbaijan is a party to the core international legal instruments in the field of human rights and the Government of the Republic of Azerbaijan regularly undertakes appropriate measures to fulfil the obligations arising from these legal instruments and to protect and promote human rights. According to the Constitution of the Republic of Azerbaijan, ensuring human and citizen rights and freedoms, as well as proper living conditions for the citizens of the Republic of Azerbaijan is the supreme goal of the State.
2. Constant attention is being paid to human rights, ensuring and developing rule of law in the country. Consistent reforms to improve judiciary and increase the effectiveness of justice and important works on the application of the electronic judicial system are carried out, whereas a new modern infrastructure corresponding to high status of judiciary is being created. Judicial-legal reforms implemented in Azerbaijan are always highly appreciated by the relevant institutions of the Council of Europe, and these reforms are cited as best practices.
3. Regarding the claim of "*Detention of individuals based on alleged charges*" it should be noted that in accordance with the relevant legislation of the Republic of Azerbaijan, only persons suspected of committing a specific crime are arraigned on a criminal charge as prescribed by law. Everything in this case is governed by the principle of equality before the law regardless of race, ethnic origin, religion, occupation or any other circumstances.
4. None of the NGOs defending the interests of national minorities in Azerbaijan were suspended, no criminal proceedings were instituted against any of them, and no bank accounts belonging to any of them were blocked. The claims on continuous detention of civil society representatives, human rights defenders, political activists, journalists, bloggers and lawyers on groundless charges related to their activities are not based on any concrete facts.

5. *"The Baku International Multiculturalism Centre has an Advisory Council representing members of national and religious minorities, but the scope is limited to cultural and language issues"*. In response to this remark made by the Advisory Committee, it must be stated that the Baku International Multiculturalism Centre (BIMC), along with culture and language issues of national minorities also supports the implementation of the projects proposed by the minorities themselves.

6. The allegation stating that *"No new measures have been undertaken to obtain disaggregated quantitative and qualitative data on the situation and access to rights of persons belonging to national minorities. While some information seems to exist on the representation of persons belonging to minorities in public administration, no disaggregated data is gathered on socio-economic indicators, among others, which would allow assessing whether persons belonging to national minorities enjoy effective equality"* is wrong. In line with global practice the census of population is the main tool to gather such information. The census is held in Azerbaijan every 10 years and it took place twice during the years of independence of our country - in 1999 and 2009. Detailed information on education level, employment, marital status, and living conditions of national minorities was collected and results were published.

7. *"Support for minority cultures continues to be provided by the Ministry of Culture, the Presidential Council on State Support to Non-Governmental Organizations and, since 2014 the Baku International Multiculturalism Centre (BIMC). Regrettably, however, no institutionalised scheme with clear and transparent procedures and separate funding lines for cultural activities of national minorities has been put in place, ad hoc support for activities and short-term projects dominates over long-term funding, and the process of registration of associations creates additional obstacles to access that funding"*. In response to the above-mentioned remark it should be stated that a clear and transparent procedure has been put in place for cultural activities of national minorities within BIMC. As noted in other paragraphs of the Advisory Committee's Opinion, the Advisory Council representing national minorities also operates under the BIMC. National minorities can freely express their views and put forward their projects in this Advisory Council. The decision of the Advisory Council is then forwarded by the board of BIMC for execution. It should be noted that the BIMC considers the request of each national minority

representative, regardless of which community he/she represents and takes appropriate decision.

8. Concerning *"Several cases regarding the refusal to register NGOs defending the interests of Talysh or located in the southern region are pending at the European Court of Human Rights"* reflected in the Opinion, it should be noted that, along with Talysh national minority, representatives of other nations and mainly Azerbaijanis live in the southern region of the country. Most of the non-governmental organizations functioning in this region are the ones that operate in the field of social services, environment, gender equality, protection of youth interests, fight against drugs, and etc. No registration is required to establish a public union in the Republic of Azerbaijan. Registration is voluntary and legal. Registration of public union is not considered a duty. Any public union may start to function right after declaring about its establishment. State registration is required to obtain a legal entity status. There are certain procedures for obtaining a non-commercial legal entity status. Those public associations that do not comply with these procedures and do not properly compile the documents can be refused in registration. Denial of registration does not restrict the right of a public association to re-apply. There are no restrictions on the activities of public associations "Azerbaijan-Talysh National Moral Values" and "Development of Southern Region and Gender Centre" mentioned in the Opinion.

9. As it is commonly known, the majority of operating broadcasters are the private broadcasters in the country, and they build their program policy on the basis of a more competitive, entertaining TV shows based on ratings. The works on ensuring popularity of educational TV programs, including TV shows dedicated to the traditions and culture of national minorities are continued.

10. Along with state-funded broadcasts, sufficient slots are allocated to the national minorities' programs (about their culture and traditions), documentaries, and special coverage by private broadcasters in Azerbaijan. As an example, popular TV programs on national TV channels, such as "Yol" (The Road), "Oralar" (Those Places), "Bura Azərbaycandır" (This is Azerbaijan) contained extensive information about lifestyle, customs and traditions of Lezgins, Talyshs, Russians, Malakans, Mountain Jews, Tats, Avars and other ethnic groups living in our country. The new versions and retransmissions of these programs are regularly broadcasted on national TV. Generally TV programs, the

special coverage and the documentaries dedicated to minorities are regularly broadcasted on the following TV channels: ATV, Lider, Khazar, Space, ITV, AzTV and Medeniyyet.

11. Furthermore, the ARB channel regularly broadcasts movies and educational programs dedicated to minorities, as well as the special coverage related to their daily lives. For example, TV program about Alilis, Haputlulus, and Jecks living in Guba region was recently broadcasted on this channel whereby thoughts and languages of the representatives of these national minorities were given extensive focus. In addition, a series of documentaries titled "National minorities, ethnic groups" are broadcasted on ARB channel. Among them, documentaries related to Avar minority in Zakatala and Balakan regions, Ingiloys in Qakh, Tats in the north-eastern part of the country and others can be mentioned. The Festival of Minorities which is held regularly in our country is also widely broadcasted by TV channels. Music and dances of national minorities are regularly broadcasted by broadcasters.

12. TV programs such as "Banu" (Space TV), "Enene bokhchasi" (Khazar TV), and "Leziz Majera" (ATV) spotlight along the Azerbaijanis, the wedding traditions and cuisine of small minorities living in our country. Programs related to daily life, daily concerns and culture of national minorities have found special place on Ictimai TV. "Jarchi film" which operates under the same channel, displays and broadcasts the documentaries with the same content. "Korpu" documentary film portraying Talyshs and their cultural life broadcasted on 12.06.2017, TV program titled "Bizim eller" on Udins broadcasted on 23.05.2017 and on Rutuls broadcasted on 13.06.2017, documentary film titled "Hapitlar" about hapits broadcasted on 07.06.2017, and "Tatarlar" documentary broadcasted on 25.04.2018 can be mentioned as examples.

13. Additionally, the local news in Russian language for Russian-speaking population of Azerbaijan are broadcasted by the "Radio Republic", AzTV and ITV channels. Satellite broadcasters (CBC, and etc.) also regularly broadcast news programs in the languages of national minorities. In short, there is sufficient TV broadcasting related to the national minorities in Azerbaijan's national broadcasting space.

14. In accordance with the "Rules for issuing relevant documents to persons educated on the content, organization and any other branch of supplementary education" approved by the Decree of Cabinet of Ministers of the Republic of Azerbaijan, dated 6 September

2010, each teacher is involved in a qualification rising course in every five years. This rule applies to all teachers, including the teachers with national minority background, and teachers who teach languages of these minorities. Along with that, around 150,000 teachers, including those who teach the languages of national minorities have been trained due to the introduction of new subject curriculums in general education system since 2008.

15. The claim about the *"Lack of opportunities for teaching of languages of national minorities at university level"* mentioned in the Opinion of the Advisory Committee is unfounded. The subjects of "Talysh language" and "Talysh folklore" under the specialty of "Azerbaijani Language and Literature" of "Philology", and the subject of "Talysh folklore" under the specialty of "Russian Language and Literature" of "Philology" were taught in 1995 at Lankaran State University (LSU) at the level of bachelor's degree. At the same time, the training of specialists on the specialty of "Language of minorities (Talysh language)" of "Linguistics" field was held in 2000-2002 at the LSU at the post graduate level. During same years, Talysh language courses were organized at LSU. However, due to lack of applications related to the choice and education courses for that subject it has not been possible to continue activities in this direction. There were no requests about the organization of university education for teachers who are teaching the languages of national minorities. These issues may be considered, if there is a request confirming that such demand exists.

16. In addition, LSU which is engaged in teacher training in Lankaran region, compactly inhabited by national minorities, Guba branch of the Azerbaijan State Pedagogical University in Guba, Sheki branch of the Azerbaijan State Pedagogical University in Sheki, and, colleges in those regions engaged in teacher training also serve to increase the educational opportunities of national minorities.

17. Thus, taking into account the "Key Findings" section of the Advisory Committee's Opinion and the Opinion as a whole, it should be noted that, the Opinion of the Advisory Committee on the implementation of the "Framework Convention for the Protection of National Minorities" by the Republic of Azerbaijan is biased, non-objective and unfair, as it does not reflect the real situation.

Census

18. The census of the population carried out in 2009 was held in accordance with UNECE recommendations for 2010 census of population and housing cycle and the preparation for the census of the population which is considered to be held in 2019 is carried out in accordance with the recommendations of the 2020 cycle of the mentioned UN institution. In accordance with international methodology applied in the country, during the census all questions in the questionnaire, including those related to ethnicity are voluntarily answered by the respondents themselves without presenting any certifying documents.

19. The results of the census were publicized and disseminated among the users; also any user can freely access the information on the ethnic composition on the website of State Statistical Committee. At the same time, while analysing reported figures of people of armenian origin living in Baku being 104 people instead of 30,000, it should be taken into account that during the census, questions on ethnicity were answered by each individual on a voluntary basis, therefore, no interference was made in the responses given by people belonging to national minorities including, azerbaijani citizens of armenian origin living in the country about their ethnicity. Even if a person conceals his/her ethnicity, the official statistical bodies have no right to edit that information according to the world practice and international methodology.

20. At the same time, it should be taken into consideration that according to final report on the results of the Global Assessment of the National Statistical System of Azerbaijan (external audit) carried out by Eurostat, the European Free Trade Association and the UN Economic Commission for Europe released in November 2017, the demographic statistics of the country meets the European and international standards.

Legislative and Institutional Framework

21. Regarding the comment stating that the rights of national minorities are reflected only within the framework of the constitutional provisions, it should be noted that discrimination towards citizens regardless of their ethnicity, religion, or language, as well as the limitation of their rights is prohibited by relevant articles of the Criminal Code, Family

Code, Code of Civil Procedure, Election Code, Code of Administrative Violations, Labour Code, the Law on "Citizens' Appeals" and the Law on "Rights of the Child" of the Republic of Azerbaijan.

22. Furthermore, following normative acts contain provisions concerning protection of the rights of national minorities:

- In accordance with Article 6.3 of the Law "On Culture" the equality of culture, the rights and freedoms of the peoples and national minorities living in the territory of the state, the equality of peoples and national minorities living in the territory of the state to protect their culture, to define their cultural identity, to restore, strengthen and develop their cultural heritage is provided by the state. According to Article 27.3 of this Law, state monitoring in the field of culture consists of the use and the observation of the current situation of cultural resources, the situation of the culture industry, quantity and quality of cultural products and services, observance of the rules of the state and use of material and non-material cultural heritage objects, the status of cultural diversity of national minorities, the current state of staff, material and technical supplies in the field of culture, observations over the educational process and educational programs in scientific and educational institutions in the field of culture. According to Article 30.5 of the mentioned Law, the cultural samples of national minorities living in the Republic of Azerbaijan are integral part of the national cultural wealth of the Republic of Azerbaijan. Also, according to Article 30.6 of the mentioned Law, the cultural wealth of national minorities living in the Republic of Azerbaijan is protected by the State.

- In accordance with Article 12.3 of the Law on "Public Television and Radio Broadcasting" programs in the languages of national minorities living in the territory of the Republic of Azerbaijan are included to the list of public broadcasting programs.

- According to Article 7.2 of the Law "On Education", taking into consideration the applications by citizens and founders of the educational institutions, in special circumstances (on the basis of the international treaties to which the Republic of Azerbaijan is party or an agreement with the relevant executive authority) along with teaching the subjects of Azerbaijani language, Azerbaijani literature, History of Azerbaijan and Geography of Azerbaijan in general educational institutions, education can be carried out also in other languages on the basis of relevant state standards.

- In accordance with Article 11.2 of the Code of Criminal Procedure of the Republic of Azerbaijan, prosecuting agencies should not give preferences to any person involved in the criminal proceedings regardless of their citizenship, social, gender, racial, ethnic, political or religious affiliation, language, origin, property status, occupation, convictions, place of residence and actual place and for considerations not prescribed in the law. According to Article 26.1 of the Code, the criminal prosecution in the courts of the Republic of Azerbaijan is carried out in the state language of the Republic of Azerbaijan or in the language of the majority of the population of the relevant territory. The prosecuting agency must provide the following rights to the participants of criminal proceedings who do not know the language used in criminal prosecution:

- explain to the participants of the criminal proceedings the right to use their native language;
- use free of charge interpreter's assistance during preliminary investigation and trial, get acquainted with the materials concerning criminal case or any other materials regarding criminal prosecution after the preliminary investigation is completed, speak in his/her mother tongue during the trial;
- Provision of the mentioned rights of the participants of criminal proceeding, who do not know the language of criminal proceedings, is carried out through the funds provided by the state budget of the Republic of Azerbaijan.

23. The prosecuting agency presents the documents to be submitted to the relevant person in the language in which criminal proceedings are conducted. Documents to be submitted to the relevant persons who do not know the language of criminal proceedings are provided in their native language or in any other language they know. According to Article 11.1 of the Law on "Ethical Conduct Rules of Civil Servants" a civil servant must be impartial while performing his/her civil servant service or making decisions, and he/she should not allow the superiority of any person or group of people on the basis of their race, ethnicity, religion, language, gender, social origin, property and occupation, convictions, and engagement in social or any other association, or create conditions for gaining such superiority. Taking into account the above-mentioned information, it should be stated that there are sufficient rules on the protection of the rights of national minorities in the legislation.

24. Concerning the issues reflected in the Opinion on the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan it should be noted that, while compiling its considerations, the Advisory Committee exceeded its mandate and commented on issues beyond the scope of the research. The Advisory Committee has exceeded its mandate by including the issues concerning the election of Ombudsman, "passive position" of Ombudsman during the criminal prosecution against individuals, the proposal of the Global Alliance for National Human Rights Institutions (GANHRI) regarding downgrading of Ombudsman's status, and other irrelevant issues into the Opinion. For further information, it should be noted that, in January 2018 a substantiated letter was sent to GANHRI on the issues noted in the Opinion of the Advisory Committee in relation to Ombudsman.

25. Without assessing the Ombudsman's activities in the field of fight against discrimination Advisory Committee came up with unfounded and absurd considerations in the Opinion (*"During the conversation with the Advisory Committee, it seemed like the Ombudsman's Office was not concerned with the absence of any discrimination complaints due to ethnic or linguistic reasons"*)

26. The Advisory Committee was surprised by the fact that the Ombudsman did not receive any request regarding discrimination in 2016, and it was wrongfully defined by the Committee as a criticism. Azerbaijan is a tolerant country and throughout the history more than 80 ethnic, religious and national minorities have always lived in our country in a friendly atmosphere, and no conflict has ever been recorded at a national level. It should be noted that, the fact that Ombudsman did not receive such request should have been recognized as a positive experience rather than a surprising case.

27. Some ideas reflected in the Opinion contradict themselves. For example, besides stating that the Ombudsman has periodically held meetings with national minorities, the Committee notes that no measures have been taken to inform them of their rights. However, the main purpose of the Ombudsman's meeting with national minorities was to ensure effective protection and enforcement of their rights and freedoms.

28. More comprehensive and reliable information about the Ombudsman's multi-dimensional activities in the field of protection of human rights could also be accessed by reviewing annual reports on the official website (www.ombudsman.gov.az) published in Azerbaijani and English and other relevant information. Taking into account the

abovementioned it should be stated that, issues raised above are not based on fair research and facts, and they do not reflect the reality.

Support to minority culture

29. In Paragraph 29 of the Opinion, it is stated that *“However, the Advisory Committee observes that the concept of “Azerbaijani multiculturalism” seems mainly emphasized in relation with the international community. In the national level, an emphasis on the Azerbaijani nation seems to be dominated the prominent discourse in both civic and ethnic sense. This narrows opportunities of people belonging to the national minorities to express their minority ethnic identities”*. In response to this comment, we state that the concept of "Azerbaijani multiculturalism" is not aimed at reducing the ability of people belonging to national minorities to express their ethnicity, but rather at ensuring their free and secure residence in a common geographical area.

30. It is noted in Paragraph 30 of the Opinion that *““The Law on Culture”, adopted in December 2012, specifies in article 30 that the cultures of national minorities are an integral part of Azerbaijan’s national heritage and as such are protected by the state. The Baku International Multiculturalism Centre was set up in 2014 to study and support the cultural diversity in the country and actively promote “Azerbaijani multiculturalism” abroad through summer schools, conferences and branches in Bulgaria, Moldova and Israel”*. As an amendment to this paragraph, it should be noted that the teaching of the discipline of "Azerbaijani Multiculturalism" by the BIMC is conducted in 18 foreign and 38 local universities. Furthermore, BIMC has branches in 8 foreign countries. International Summer and Winter Schools of Multiculturalism are organized twice a year for foreign and local universities’ students in Azerbaijan. In the framework of these projects the meetings of the students are organized with representatives of local national and religious communities.

31. It should be noted that information in which sources are shown (including the Council on State Support to Non-Governmental Organizations under the auspices of the President of the Republic of Azerbaijan), on the organization of cultural events of national minorities in the Opinion does not reflect the truth and they are biased. With regard to this issue, the Advisory Committee notes that *“none of these sources has a budget line that is*

earmarked specifically for national minority purposes". NGOs that directly support the interests of national minorities, and those that are associated with national minorities, as well as those that do not directly contain national identity in their titles are involved in all contests conducted by the Council on State Support to NGOs under the auspices of the President of the Republic of Azerbaijan (Council). Projects aimed at supporting cultural programs of national minorities, preservation and development of their language, culture, and ethnography are carried out. In addition to competitive contests for all NGOs, there are also contests on thematic topics for national minorities organized by the Council. The same Council allocates financial assistance to specialized NGOs in all competitions with the aim of developing the culture and language, collection of folklore samples, filming movies which demonstrate ethnic specificities of national minorities.

32. Implemented projects related to national minorities:

The Council allocated 314 310 AZN to 45 projects for national minorities in 2008-2017:

Allocated funds for projects targeting national minorities by specialized NGOs (mainly NGOs representing these peoples) in 2013-2017:

- 2013 – 7 projects, 41 000 AZN, 52 564 US dollars
- 2014 – 4 projects, 36 200 AZN, 46 410 US dollars
- 2015– 4 projects, 30 000 AZN, 28 585.04 US dollars
- 2016– 5 projects, 43 000 AZN, 26 818.01 US dollars
- 2017– 3 projects, 17 000 AZN, 9 849.93 US dollars

33. Even though the Council finances projects focused on national minorities in all grant competitions, it also announces specialized competitions, such as:

- "Protection of the national and ethnic diversity of Azerbaijan and the cultural heritage of national minorities" (2008);
- "Development of culture of peoples living in Azerbaijan" (2013);
- Second grant competition "Initiatives on propagation of cultural diversity in Azerbaijan" (2018);
- Three projects related to national minorities have been funded at the first grant competition in 2018.

34. 17 organizations have presented their projects devoted to “Initiatives on propagation of cultural diversity in Azerbaijan”, announced at the second grant competition in 2018. Most of these NGOs are the ones which directly protect interests of national minorities and operate in the areas of compact residence of national minorities.

35. The claims stating that “*On no occasion did minority associations themselves participate in decision making about the allocation of funding*” which was reflected in the Opinion are baseless and not supported by any fact since the experts representing national minorities or those from the specialized agencies representing minorities are involved in the evaluation of projects on national minorities funded by the Council. Detailed information on these issues can also be obtained from the official website of the Council (cssn.gov.az).

36. As a result of favourable conditions created for NGOs in the framework of ongoing measures to support civil society, the number of NGOs in our country is increasing every year and their activities are expanding. Referring to the statistics, it should be noted that, compared to 2008, the number of registered NGOs has increased by more than 30%, and now there are more than 50 NGOs associated with national minorities in our country. There are no restrictions associated with NGOs of national minorities and like other organizations they are funded in various forms and from different sources. An example of this is the allocation of funds by the Council and BIMC.

37. It should be emphasized that NGOs can function also without registration. It should be further noted that the President of the Republic of Azerbaijan signed a Decree on “Application of the “single window” principle in the procedures for allocating grants in the territory of the Republic of Azerbaijan by foreign donors” on 21 October, 2016, and this principle become operational as of 1 January, 2017. Another significant result of the implementation of the "single window" principle was a twofold reduction in the number of documents required for submission to the relevant state body, as well as time for consideration of the issue of obtaining the right of a donor. It should also be noted that the amount of funds allocated to finance the activities of NGOs is steadily increasing.

38. “*However, the Advisory Committee learned from other sources that some Talysh are not satisfied with the cultural rights they can enjoy as a person belonging to the Talysh minority. While some interlocutors complained about the lack of legislation guaranteeing minority rights, the absence of a Talysh cultural centre in Lankaran and lack of support for*

cultural events, other sources go as far as accusing the authorities of a conscious assimilation policy". In response to this comment it should be noted that expressions like *"other sources that some Talysh"* mentioned in the Opinion are not based on any facts and no specific sources are indicated. Obviously, this approach is rather abstract and biased. The reference to "conscious assimilationist policy", in general, totally contradicts the concept of "Azerbaijani multiculturalism".

39. One of the priorities of the policy of the Azerbaijani state in the field of ensuring freedom of religion is the state care for religion. During the elapsed period mosques have not been closed, but on the contrary, due attention and care was rendered by the State to the religious needs of believers and as the fundamental part of this policy, many worship houses are being repaired, restored or re-built. "Haji Javad" mosque can be shown as an example. By the order of the President of the Republic of Azerbaijan dated 2 July, 2017 the construction of the new building of "Haji Javad" mosque was commenced in Baku which was later inaugurated on 12 April, 2018.

Tolerance and intercultural dialogue

40. 30,000 Armenians live and work in Azerbaijan without any discrimination. This, in turn, is a manifestation of existing tolerance and ethnic diversity in the Republic of Azerbaijan. It should be noted that as a result of the systematic ethnic cleansing and occupation policy carried out by the Republic of Armenia, not a single Azerbaijani previously residing in the territory of Armenia currently lives in Armenia.

Legislation on non-governmental organisations and freedom of association and freedom of expression

41. The amendments to the legislation regulating the operation of the NGOs were aimed at increasing transparency and strengthening of financing, reporting and national donor institute. On 17 December, 2013, amendments were made to the Laws on "State Registration and the State Register of Legal Entities" and on "Non-governmental organizations (public associations and foundations)" in order to eliminate gaps in the

legislation regulating the activities of NGOs, improve rules of state registration and registry of legal entities. During the process of adoption of these laws, international standards, the experience of European countries, as well as the opinions of the Venice Commission of the Council of Europe dated 2011 and the appropriate decisions of the European Court of Human Rights were taken into consideration.

42. Requirements for ensuring transparency in the activities of NGOs were defined in the framework of the abovementioned amendments, the provisions of legislation on abolition of NGOs have been revised and in addition, easier measures have been identified, such as administrative responsibility, cessation of activity. During last 10 years there has been no single appeal to the courts by the competent authorities on liquidation of the NGOs.

43. It should be noted that on 20 November, 2013 the Head of State signed the Decree on "measures to improve electronic services to non-governmental organizations". According to this Decree, an electronic information system "Individual electronic window" was created by the Ministry of Justice. The system serves as a basis for exchange of information between NGOs, NGOs and state agencies, as well as provision of electronic services.

44. On 17 October, 2014, new amendments were made to the "Law on non-governmental organizations (public associations and foundations)" and the "Law on Grants". These amendment should not be understood as introducing any restrictions on the activities of NGOs. According to statistical data there is a steady and substantial increase in funding and this again confirms the absence of any restrictions. In particular, grants, donations and other non-commercial financial resources (including external sources) received by NGOs and other non-profit organizations have grown 2.5 times compared to 2013.

45. "Civil Society Dialogue" project is being implemented within the framework of cooperation with the Council of Europe. The main directions of the project are the development of legislation in the field of civil society and its implementation in accordance with European standards. "The Government and Civil Society Dialogue Platform on Promoting Open Government" operates with the participation of government agencies and NGO representatives in accordance with the "National Action Plan on Promoting Open

Government for 2016-2018" approved by the Decree of the Head of State in 2016. The aim of the platform is focused on cooperation with `government and parliament, providing recommendations on the ongoing reforms and promotion of e-government, monitoring the implementation of the National Action Plan, as well as of cooperation with interested state institutions, local civil society institutions and international organizations and representatives of private sectors.

46. New rules on increasing the accountability of NGOs and implementation of the single window system for registration of projects significantly simplified the procedures required for the registration of donors' and recipients' grants and their financial-economic justification. Moreover, discussions between civil society and various governmental bodies are being currently continued. "The Government-Civil Society Dialogue Platform on the promotion of the Open Government" continues deliberations on NGOs, as well as mainstreaming and registration of grants, and as a result of joint discussions, a package of proposals has been adopted and submitted to decision-making authorities. There are no restrictions on the activities of UN programs and specialized agencies, as well as in the implementation of projects. There is an agreement of 1996 between the UN High Commissioner for Refugees and the Government of Azerbaijan. From this point of view, adopted rules can not impede the functioning of this organization.

47. *"Since 2013, criminal investigations into the activities of numerous domestic and international NGOs have been carried out. As a result of the Investigation, at least 32 organisations have been closed, the authorities have frozen dozens of NGO bank accounts and personal accounts of a number of heads of organisations".* Above claim is groundless, since the opening of criminal investigation in relation to NGOs and the freezing of bank accounts has been indicated as an ongoing process. However, this was of a temporary character and took place for a short period of time during criminal investigations instituted on the cases of transnational crime and money laundering. Currently, there is no criminal investigation instituted against any NGO, there is no NGO whose bank account is seized, and there is also no such bank account.

48. The claims about the closure of NGOs are absurd, since last time it was back in 2008 when the legal status of one of the NGOs was abolished in Azerbaijan by the decision of the court. Currently, this NGO continues its activities as a public association.

Some NGO executives temporarily suspended the activities of NGOs as a legal entity. It is sufficient to submit an electronic declaration in order to temporarily suspend the activity of any legal entity. There is no need for a notification for the resumption of activity of NGO. A legal entity that has temporarily suspended its activities may resume its activity at any time and its activity is considered automatically resumed upon submission of the declaration to the tax authorities during the next quarter. The opinion does not mention the name of any of NGO which was abolished, because there is no such NGO. The NGO sends information to the Ministry of Justice on its abolishment and the Ministry in its turn removes the name of the NGO from the state registration.

49. Despite the positive assesment given by the Advisory Committee to the "Government-civil society dialogue platform on the promotion of the Open Government" established in September 2016, the opinion also states the following: "*The Advisory Committee observes, however, a polarisation between NGOs that work with the government in those platforms and other civil society representatives, who qualify these as "governmental NGOs-GONGOs" and doubt the seriousness of these initiatives*". The Advisory Committee reached this conclusion, on the basis of subjective and biased opinions of several people. It is possible to observe the biased nature of this information by viewing the list of member NGOs on the web page of the platform. The author of this initiative invited all NGOs in the country without exception to take part in the establishment of the Platform. However, several NGOs that are funded from some hidden sources and can not be held accountable refused to participate. Meanwhile, the platform contains NGOs that criticize the government's activities and whose reports usually make their way to the websites of serious international organizations, including the UN. The platform is open to new members and after its establishment, new members representing Government bodies and civil society were admitted to the platform. There are no additional procedures and conditions for admission.

50. On restrictions on freedom of reunification the Advisory Committee underlines that "*This situation has serious consequences for the possibilities of persons belonging to national minorities to receive support for cultural activities and to participate in public decision making*". These expressions have not been supported by any facts or evidence and are totally baseless. No restriction on the organization of a cultural event by any public

association related to national minorities or those defending their interests was registered. With the financial support of the Council many cultural events have been organized in the regions, movies and social clips propagating the culture of national minorities have been filmed during recent years.

51. In its Opinion the Advisory Committee makes following recommendation: *“The Advisory Committee reiterates its call on the authorities to bring legislation and practice of NGO registration and operation in line with international standards so that all persons belonging to national minorities can effectively enjoy the freedom of association”*. It should be stressed that official state registration of public associations in Azerbaijan is voluntary. There are no restrictions on the activities of non-registered associations or those who do not wish to register. The rules of voluntary registration comply with international standards. At present, an intensive dialogue is underway between civil society and Government bodies and a package of proposals has been prepared to simplify the activities of NGOs, including registration, update of registry data, further simplification of grant registration procedures and their implementation via the Internet.

52. As it is known, editor in chief of the newspaper "Talishi Sado" H.Mammadov was arrested in June 2012. He was charged with high treason, incitement of national hatred and hostility, illegal acquisition of a large number of narcotic substances. On 27 September, 2013, Baku Court on Grave Crimes sentenced him to five years of imprisonment. The editor in chief was released from a year and six months of his sentence with the amnesty Order of 17 March, 2016 by the President of the Republic of Azerbaijan, Mr.Ilham Aliyev. Regarding the claim expressed in the Opinion that *“The conviction of pardoned and released Hilal Mammadov was not revoked”*, it should be noted that the revocation of Hilal Mammadov's conviction must be examined within the framework of the court proceedings.

53. *“Despite the expression of satisfaction with the release of H.Mammadov, the editor in chief and Talysh activists are faced with persistent pressure”*. Regarding this issue, it should be underlined that after release from imprisonment there has been no single statement and published opinion by Mr. H.Mammadov in the press on impediment to his professional and public activities.

54. There are attempts made in the opinion to give a political assessment to criminal cases instituted against a number of individuals (Ilqar Mammadov, Leyla Yunus, Arif

Yunus, and Hilal Mammadov). The allegation directly linking these issues to the protection of national minorities is not true. The activities of these people in no way should be seen as being related to national minorities. This issue has not been at the basis of criminal cases instituted against them.

55. With regard to H.Mammadov, it is reported that he was convicted under articles 234, 274 and 283 of the Criminal Code in accordance with the judgment of the Baku Court on Grave Crimes of 27 September, 2013, and sentenced to 5 years of imprisonment, later was released from the unserved part of the penalty, pardoned by the Decree of the President of the Republic of Azerbaijan of 17 March, 2016.

56. With regard to the Advisory Committee's remark on alleged restrictions imposed on those persons, it should be noted that, according to Article 9.3.4 of the Migration Code, the right of a citizen to leave the country can only be temporarily restricted in case suspended sentence imposed on him/her by charging with the obligations set forth in the Criminal Code of the Republic of Azerbaijan or if he/she is conditionally released - respectively till the end of the probation period or unserved part of the punishment or till earlier or complete termination of the suspended sentence or the charged obligations. According to article 83.3.1 of the Criminal Code, release from conviction of sentenced persons is deemed to be completed after the expiration of the probation period.

57. Since 2013, the Special Commission under the Ministry of Justice operates on conditional release of sentenced persons, as well as replacement of unserved part of the sentence with a milder form of penalty. NGOs where representatives of national minorities are represented together with other organizations are involved in its activities. Ensuring transparency in this field is at the centre of attention.

Manifestation of religious belief

58. According to Article 22 of the Law on "Freedom of religious belief", citizens and religious bodies have the right to purchase and use religious literature (paper and electronic media), audio and video materials, goods and products and other information materials on religious themes marked with control stamp issued by the relevant executive authority. Religious bodies and other legal and physical persons who are not religious

organizations can produce, import, export and freely distribute religious literature (paper and electronic media), audio and video materials, goods and products and other information materials on religious themes after marking with control stamp with the authorization of the relevant executive authority.

59. In accordance with paragraph 7.8 of the “Statute of the State Committee for Work with Religious Organizations (SCWRO) of the Republic of Azerbaijan» approved by the Decree of the President of the Republic of Azerbaijan dated 20 July, 2001 expertise of religious literature (paper and electronic media), audio and video materials, goods and products and other information materials on religious themes is one of the functional tasks of SCWRO. This expertise is carried out by professional experts on the basis of objectivity, impartiality and neutrality. Meanwhile, independent experts are also involved in the process of expertise of religious studies.

60. It is considered inexpedient to distribute on the territory of the country a literature that incites hostility and ideas of intolerance, promotes terrorism and extremism, calls for sectarian discrimination, offends religious feelings of other believers, spreads ideas that degrade human dignity and run contrary to humanistic values.

61. At the same time, import and dissemination of harmful religious literature which creates confrontation in interreligious relations, propagates religious extremism and non-humanist ideas, intolerance towards other religions, as well as contributes to the aggravation of the religious situation is prevented. Conduct of this work is a normal process, carried out in accordance with the law and cannot be assessed as an obstacle. The expertise of religious studies in accordance with the listed criteria does not contradict the international agreements to which the Republic of Azerbaijan is a party. As an information note, only in 2017 as a result of the works on marking control stamps to religious literature (paper and electronic media), audio and video materials, goods and products and other information materials on religious themes control stamps were issued in respect of 1540 (765151 pieces) titled religious literature.

62. In accordance with the Statute of the SCWRO, this body carries out state registration of religious organizations. According to the Law on “Freedom of religious belief”, all religions and religious organizations are equal before the law. No superiority can

be granted or restriction can be imposed on any religion (religious movement) or religious body compared to others.

63. At least 50 (fifty) adult persons and their authorized representatives should apply to a religious centre or office with the attached constituent protocol and the statute of the community in order to be able to register a religious community. The petition should also include a list of founders of a religious community with the indication of citizenship, place of residence and date of birth, copies of identity cards, the basis of religious training, including the date of the creation of a religious community, its forms and methods of functioning, traditions, attitudes towards family, marriage and education, information on restrictions on the rights and duties of these community members as well as other documents stipulated by the Law of the Republic of Azerbaijan "On State Registration of Legal Entities and the State Register"

64. There is no bureaucracy in the registration process of religious communities. If any religious organization has not been registered there had been legal grounds for it. The existence of any problems in the process of state registration is normally linked to the religious organizations themselves, rather than SCWRO. In case of submission to SCWRO of the required documents related to the state registration of religious organizations in the proper manner and form, registration is carried out within the required period without any delays. There is no discrimination in the registration process.

65. Two religious communities in Gakh district - namely Georgian Orthodox Christian religious community of the church "Saint George " in Gakhingiloy village of the Gakh district and Georgian Orthodox Christian religious community of the church "Saint Nino" in Alibayli village of the Gakh district carry out their religious ceremonies without any impediments and currently no problems exist in this connection. At the time, Georgian Orthodox Church had informally appointed priest Dmitry Tetroashvili as religious serviceman for those communities. According to Article 1 of the Law of the Republic of Azerbaijan on "Freedom of religious belief" it is prohibited to conduct religious propaganda by foreigners and stateless persons. However, through relevant negotiations between the Governments of Azerbaijan and Georgia, the possibility of a provision of services in those communities by the religious figure in case of his adoption of Azerbaijani citizenship has been examined. Currently, in accordance with the agreement achieved between the two countries, the

priest Paata Humarashvili who adopted Azerbaijani citizenship was granted permission to act as a religious serviceman. In addition, through advance agreement, relevant conditions have been created for the participation of regional bishop of the Georgian Orthodox Church Dmitry Kapanadze in religious ceremonies held in Azerbaijan.

Radio broadcast, television and publications in minority language

66. By referring to some rapporteurs of the Advisory Committee, opinion makes claims on existing intimidation, arrests and restrictions against critical media in Azerbaijan. It further claims about *“Overall restrictive environment blocking all efforts of national minorities to establish their own mass media”*. In response to these claims, it should be stressed that there are favourable conditions for establishing mass media outlets in Azerbaijan. Everyone can easily become an owner of the media by following requirements prescribed in the law.

67. Meanwhile, it should be mentioned that, 80 percent of the population of Azerbaijan is internet user. The number of internet providers has reached to 40. The number of ultra-high-speed broadband net surfers has reached 50 percent over last years, which is twice more than the world average number. The capacity of the internet in and out traffic has increased 40 times over last 5 years and now it is more than 200 GB. Internet prices in Azerbaijan have been brought to the same level with the other countries of the region. The number of net surfers has increased 12-15 times. Necessary conditions have been created to provide access to the internet in all regions of Azerbaijan including remote villages. Today, there are more than 2 million social network users, including 1.2 million Facebook users in Azerbaijan with the population of nearly 10 million. Besides, more than 20.000 websites have been registered in “az” domain.

68. There are approximately 300 analytic and news websites operating in Azerbaijan and the number of websites is rapidly increasing. This is the result of modern conditions created for freedom of expression and everyone in Azerbaijan including national minorities benefit from this. Technological innovations are being applied in the regions with high density of minority population, which is very important in terms of their integration to the society.

69. It is noteworthy that national minorities' media activities have been consistent and systematic since Azerbaijan gained its independence. 15 newspapers and magazines are published in languages of the ethnic groups. There are more than 30 newspapers and magazines published in Russian. Programs related to the culture and ethnography of minorities are broadcasted on TV channels. Local radio channels operate in 5 districts densely populated with numerous national minorities.

70. The Law on "Public television and radio" was adopted on September 28, 2004. The purpose of adoption of such a Law was to ensure the use of various languages on TV and radio broadcasting, to meet the interests of the entire society, in its every sector, in terms of social, scientific, educational, cultural, entertaining aspects, as well as to create programs and shows reflecting freedom of thought and speech, as well as different views and ideas. According to articles 12.3 and 13.2 of the aforementioned law, TV programs in languages of national minorities are included in the public broadcasting programs. The law particularly requires that TV and radio programs comply with moral values and traditions of national minorities and convey diversity of their culture and art and this requirement is strictly observed. Furthermore, in accordance with article 7.0.7 of the law it is the duty of the public broadcaster not to broadcast TV programs that promote all forms of racial and religious discrimination.

71. It should be mentioned that the Department of Programs for national minorities operates within "İctimai Televiziya" (Public Television) since the very first day of its functioning. Larger audience gets a chance to acquaint itself with daily lives and tangible cultural heritage of peoples and ethnic groups living in the country via this channel.

72. Another aspect regarding this issue is related to the Law on "Mass Media". According to Article 10 of the law, it is prohibited to use mass media for promotion of ethnic, racial and social hostility or intolerance.

73. The role of mass media in preserving languages of national minorities and developing interethnic tolerance in Azerbaijan is indispensable. Local TV channels operate in areas densely populated with national minorities and regularly broadcast programs financed from state budget. These programs are broadcasted in Avar, Georgian, Lezghin, Armenian, Kurdish, Talish, etc.,. Moreover, newspapers and magazines are also published in those languages.

74. Chapter V of the "Concept on state support to the development of mass media outlets in Azerbaijan" approved by the decree of the President of the Republic of Azerbaijan on 31 July 2008 contains specific paragraph on "Religious and Ethnic Tolerance, Development of Interethnic Relationships". In line with this Concept the Foundation for State Support to the development of mass media outlets in Azerbaijan created in 2009 organizes annual individual writing contest for journalists. These contests, enable authors representing various publications by using this opportunity to disseminate information about national minorities, their culture and traditions.

75. The first congress of journalists of Azerbaijan held in 2003 established Press Council of Azerbaijan whose main duty is to redress complaints of newspaper and magazine readers as well as net surfers about the content of news they find inappropriate. The Press Council is guided by the "Rules of Professional Ethics of Journalists" adopted at the first congress of journalists of Azerbaijan. The third principle of para 3.1 entitled "Defence of Honour and Dignity. Protection of Privacy" stipulates the following: "A journalist should neither offend people because of their ethnicity, race, sex, language, occupation, religion, residence or place of birth, nor overemphasize these facts". None of these have been a cause for complaint during fifteen years of Press Council's activities, which is an indication of sensitive approach of media to the issue of ethnic minorities in Azerbaijan.

Cultural diversity, textbooks and manuals and teacher training

76. Azerbaijan has a vast experience in promoting cultural diversity and tolerance, whereas multiculturalism has become one of the key directions of the state policy. Numerous events encompassing intellectual games devoted to preservation of cultural heritage of national minorities are organized in districts with high density of minority population and in schools. These regularly held events are an important part of educational process. Today prospective BAs study "Introduction to Multiculturalism", while potential MAs study an "Azerbaijani Multiculturalism Model" in universities of Azerbaijan. BIMC has been attaching particular importance to training of teachers specialized in "Introduction to Multiculturalism" and "Multiculturalism of Azerbaijan" and provides them with necessary

literature on the subject. Today “Multiculturalism of Azerbaijan” is also studied in vocational schools of Azerbaijan.

77. School curricula includes subjects encompassing issues like cultural diversity and tolerance. Besides, taking into account recommendations, new curricula of general education institutions is envisaged to pay greater focus to these issues.

78. The opinion refers to *"insufficiency of information on issues concerning culture, history, languages of national minorities in manuals and textbooks"*. It should be noted that culture and history of all peoples living in Azerbaijan are reflected in textbooks on history and geography of Azerbaijan. This is the reason why traditions of multiculturalism develop in our country, and students mature as tolerant personalities.

79. It is noteworthy that there are also representatives of ethnic minorities among authors of history textbooks. Besides, all the textbooks are usually presented to public consideration prior their publication; thereby, all representatives of national minorities living in the country are enabled to express their opinion on the subject. Moreover, relevant state bodies of both Russia and Georgia issue their opinions on textbooks in Russian and Georgian.

Private educational institutions

80. One of the priorities of Azerbaijan's education policy is the development of private education institutions. The number of private preschool and general education institutions has considerably increased during recent years. The Ministry of Education is particularly attentive to educational institutions of the national minorities.

81. Heydar Aliyev Foundation in collaboration with Or-Avner Foundation has built Habad-Or-Avner educational institution for the Jewish national minority within the framework of the project “Azerbaijan – Address of Tolerance”. The Ministry of Education has rendered assistance to Habad – Or – Avner School in resolving some infrastructural problems and provided the school with teaching materials upon its request.

82. Furthermore, classes where Jews study compactly operate in school number 46 in Baku, where courses of Hebrew are also taught. The Ministry of Education cooperates with

both schools, and is particularly attentive to issues related to improvement of functioning of these schools.

Access to education, teaching materials and teacher training

83. According to Article 42 of the Constitution of the Republic of Azerbaijan, each citizen has the right to education. "Equality" has been specified as one of the key principles of the education in the Law on "Education". According to Article 5.2, the state undertakes to avoid discrimination and provide every citizen with an opportunity to receive education regardless of sex, race, language, religion, political views, ethnicity, social status, and origin and health status.

84. Same provision is also contained in the statute of the preschool, secondary school and vocational schools approved by Decrees 218 (2 October, 2012), 5 (31 January, 2011) and 359 (29 December, 2013) of the Cabinet of Ministers of the Republic of Azerbaijan. According to article 32.3.2 of the "Law on Education", para 5.3 of the specialized secondary school statute approved by Decree №7 (14 January, 2011) and para 6.2 of the higher school statute approved by Decree №9 (21 January, 2011) of the Cabinet of Ministers, students are entitled to freely choose educational institution, direction of education, speciality, form of education and language of education.

85. In reply to the claims stating that "*there are no distinctive criteria for high density population areas*" it should be noted that any area where an ethnic group comprises the majority of population is considered to be an area densely populated with national minorities.

86. Majority of population in the city of Lankaran consist of Azerbaijanis; since there have been no requests from Talish community so far, Talish language is not taught in town schools. It has to be noted that regardless of the ethnic population density, the curriculum of all schools provides for an opportunity to study in languages of national minorities subject to the appeal made by community. Notwithstanding this, it is envisaged to draft proposals on the basis of examination of this issue on the ground.

87. The opinion refers to the Ministry of Education of the Republic of Azerbaijan and claims that "*at least 20 students are necessary to open a minority language class*". This is

not based on reality. According to the Cabinet of Ministers' approved secondary school statute, "classes can be opened under necessary circumstances with a number of pupils in a given school being fewer than 20, by following requirements of legislation". It means that if the number of secondary school pupils in a class does not reach 20, it is permitted to organize a class with existing number of pupils. Thus, it gives an opportunity to formation of classes with small number of children without any restriction enabling teaching of ethnic minority language classes in rural and remote villages of the country.

88. Classes of Talish, Lezgin, Avar, Sahur, Udin, Kurdish, Khinalig are taught in schools of districts with high density of ethnic minority population. Lezgin language is taught from the first to the ninth grades, the others are taught from the first to the fourth grades. 2 hours per week allocated to these languages in school curriculum. Unlike other small ethnic communities, on the basis of requests from Lezgi community, today Lezgin language is not only taught from the first to the fourth grades, but also from fifth to the ninth school grades. Any other minority language can be considered (within the frame of existing resources) for study from the first through the ninth school grades whenever any national minority requests this.

89. Furthermore, the opinion notes that apart from the previously mentioned ones there are other national minorities living in Azerbaijan whose languages are not taught in the country. It should be mentioned that teaching of national minority languages mentioned above does not limit teaching of other national minority languages in secondary schools of Azerbaijan. School curricula which is approved annually does not specify the language of concrete national minority. It means that any national minority can organize teaching of its language at the primary education level. Obviously, the wishes of that particular national minority, also availability of teachers in this particular language are two essential factors for it.

90. Meanwhile, it should be noted that national minority language classes were given at the expense of hours allocated for the study of Azerbaijani language or Russian. Thereby, Azerbaijanis and other students who were studying at the same class were restricted in their educational opportunities. Situation has been partially improved in 2017-2018, as national minority language classes were added 2 hours at the expense of elementary school language lessons (Azerbaijani or Russian) and extracurricular activities. As for the

Lezgin language classes, which is taught till the ninth grade, one hour has been taken at the expense of foreign language classes whereas the second hour at the expense of extracurricular activities.

91. New textbooks on Avar (1st grade), Lazgi(1st, 2nd, 3rd grades), Sakhur (1st grade), Khinalig (1st, 2nd, 3rd, 4th grades), Talish (1st, 2nd, 3rd grades) languages were published in 2017. In 2018, textbooks on Sahur (2nd, 3rd, 4th grades), Avar (2nd, 3rd, 4th grades), Lezgin (4th grade), Talish (4th grade) languages were planned to be published. The newly published textbooks replace the old ones and this process will be continued. 24 textbooks for the 1st-4th grades were translated into the Georgian language in 2016. All textbooks for the 5th-10th grades were translated into the Georgian language in 2017. Textbooks for the 11th grade are planned to be translated into Georgian in 2018.

92. The claims stating that the *“Textbooks have been imported from the Russian Federation”* are absolutely groundless. Comprehensive secondary school textbooks on Russian (both as an education language and as a foreign one), Lezgin and Avar have always been prepared and published in Azerbaijan, and the demand for them has been fully met so far. As for the textbooks in Georgian used in schools of Azerbaijan where education is in Georgian, they consist of only textbooks in Georgian language and Georgian literature and are supplied by Georgia in compliance with the “6th Protocol of the Joint Intergovernmental Commission on Economic Cooperation” between the Republic of Azerbaijan and the Republic of Georgia.

93. The process of preparation and independent examination of textbooks in languages of other national minorities is carried out by representatives of those national minorities. At the same time, textbooks are presented to public consideration before the publication so that the national minorities can take part in this process. Besides, relevant state bodies of the Russian Federation and Georgia issue their opinions on textbooks in Russian and Georgian languages.

Participation of national minorities in decision making and social and economic life

94. *The Advisory Committee considers that the Counselling Board of the cultural centre has not an effective role in delivering national minority problems to the government*

authorities. Moreover, the Advisory Committee is concerned over the fact that the Counselling Board is established just for registered NGOs, which means restrictions on registration of NGOs prevent some part of the national minority community from participation in this process. While visiting the International Multiculturalism Centre of Baku (IMCB), representatives of the Advisory Committee had the feeling, that all the representatives of national minorities they met attempted to point out only achievements of the official national minority policy. Although the Advisory Committee gave its approval to positive evidence they observed, some doubt has been cast upon the national minority organizations' efforts in defending interests of national minorities of Azerbaijan. In reply to these allegations, we would like to note that the Advisory Council of BIMC conveys the problems of national minorities to appropriate government institutions, including the Administration of the President of the Republic of Azerbaijan in a prompt and efficient manner. National minorities that are not represented in the Advisory Council can apply to the BIMC directly.

95. State Support Council for Non-Governmental Organizations under the President of the Republic of Azerbaijan does not consist of 8 people, but of 11. Eight of them represent civil society and three government authorities. Those 3 are representatives of the Administration of the President of the Republic of Azerbaijan, the Ministry of Justice and the Ministry of Finance. NGOs identify the civil society representatives. NGO groups from 8 different directions submit candidacies of 3 people each who receive most votes through secret ballot. The President of the Republic of Azerbaijan then chooses one out of three from each group and thus appoints 8 people from civil society, and other 3 from government authorities. Term of office of the council members is 4 years and till now the Council has been renewed 3 times, thus so far 70% of its composition has changed. The representatives of national minorities have also been members of the Council. There are representatives of national minorities among the members of Council's Secretariat; although, no quota exists in this regard. It does not restrict associations representing national minorities in the process of formation of the Council.

96. In conformity with the appropriate decrees of the President of the Republic of Azerbaijan, the following 3 programs on social and economic development of regions have been adopted and carried out since 2004:

1. "The state program on social and economic development of regions of the Republic of Azerbaijan"(2004-2008);
2. "The state program on social and economic development of regions of the Republic Azerbaijan for 2009-2013";
3. "The state program on social and economic development of regions of the Republic of Azerbaijan for 2014-2018".

97. The implementation of these programs played an important role in improvement in public utilities and social infrastructure, development of entrepreneurship, opening of new companies and creating new jobs, finally, increase of employment and living standards in Lankaran, Guba- Khachmaz, Shaki-Zagatala economic areas with high density of national minority population.

98. Thus, within the framework of the state program on social and economic development of regions of the Republic of Azerbaijan for 2014-2018: 101 settlements were supplied with gas, 2460 km of power cables were installed, projects on improvement of drinking water supply system and sewerage system were carried out, 525 km long drinking water line and 369 km sewage line were installed, 273 km of roads were constructed in the economic region of Lankaran. 63 schools, 7 kindergartens, 6 medical institutions, 8 cultural facilities were constructed (some of them were renovated) with the purpose of improvement of social infrastructure of the area.

99. Activities in support of development of entrepreneurship were in the limelight in the economic area of Lankaran during that period. Thus, 51.7 million AZN loan was issued on favourable terms to invest into 1750 private business projects and it was expected that this, in turn, would promote creation of 3287 jobs.

100. In total, as a result of these activities during 2014-2017, 1956 new enterprises were opened and 57827 new jobs were created, out of which 41911 were permanent jobs in Lankaran region.

101. Seventy settlements of Guba-Khachmaz economic area were supplied with gas, 3513 km of power cables were installed, drinking water supply system and sewerage system were improved, 252 km of drinking water pipeline and 216 km of sewer pipeline were installed, 127 km of local roads and highways were constructed. 45 schools, 7 kindergartens, 6 medical institutions, 14 cultural facilities, 7 sports facilities were

constructed (some of them were renovated) with the aim of improving social infrastructure of the area.

102. Supporting the development of entrepreneurship of Guba-Khachmaz economic area was in the limelight during the previously mentioned period of time; 76.6 million manats of loan was issued on favourable terms to invest into 1075 private business projects and it was expected that this, in turn, would promote creation of 2558 jobs.

103. Sixty three settlements of Shaki-Zagatala economic area were supplied with gas, 2533 km of electric cables were installed, drinking water supply system and sewerage system were improved, 437 km of drinking water pipeline and 360 km of sewer pipeline were installed, and 169 km of local roads and highways were constructed. 42 schools, 38 kindergartens, 9 medical institutions, 11 cultural facilities, 5 sports facilities were constructed (some of them were renovated) with the aim of improving social infrastructure of the area.

104. Activities in support of development of entrepreneurship were in the limelight in the economic area of Shaki-Zagatala within the previously mentioned period of time. Thus 13.8 million manatloans was issued on favourable terms to invest into 818 private business projects and it was expected that this, in turn, would promote creation of 1438 jobs.

105. In total, as a result of these activities during 2014-2017, 1210 new enterprises were opened and 32180 new jobs were created, out of which 28104 were permanent jobs.

Internally Displaced Persons

106. Today 789 000 internally displaced persons are temporarily settled in 59 towns and villages all over the districts of Azerbaijan. 97 new residential communities have been constructed to improve living conditions of 52 300 families (total of 265 000 refugees and internally displaced persons). Activities aimed at improvement of living conditions and resolution of social problems of all the internally displaced persons irrespective of their ethnic origin is being continued.

107. 288 orphanages, 799 comprehensive secondary schools, 35 extra-school educational institutions, 11 vocational schools, 9 secondary specialized schools, 1 college, 2 university branches have been destroyed and more than 1 million Azerbaijanis including

school children, students, and employees of educational institutions have become internally displaced persons and refugees as a result of the continuing aggression of Armenia against Azerbaijan, occupation of Azerbaijani territories, including Nagorno-Karabakh region of Azerbaijan and seven surrounding districts of Azerbaijan by Armenia. The Government of Azerbaijan has resettled and solved all the educational problems of the internally displaced persons regardless of their ethnic origin.

108. After the liberation of Jojuq Marjanli village of Jabrayil district from occupation construction and renovation works have been carried out to enable the return of IDPs to their homes. Initially, construction and renovation works have been carried out in 10 hectare territory; 50 private houses (general area is 3850 square metres), a school for 96 pupils, a mosque, a substation, a hydrometeorological station have been built, and gas, electricity, drinking water pipelines and 9 km long motorway have been constructed in the village.

109. We regret that the international community turns a blind eye to the occupation of 20% of territory of the Republic of Azerbaijan, including Nagorno-Karabakh and seven surrounding districts of Azerbaijan by Armenia, as well as on Armenia's policy of forced migration and ethnic cleansing which has resulted in more than one million refugees and internally displaced persons, serious violation of their rights including the right to education. Unfortunately, these facts do not find their detailed reflection in international reports and no sanctions are applied against the occupying country - Armenia. The United Nations Security Council adopted four resolutions (822, 853, 874, and 884) on Armenia-Azerbaijan Nagorno-Karabakh conflict, but these resolutions which demand immediate, complete and unconditional liberation of the occupied territories of the Republic of Azerbaijan are yet to be implemented.

Cross border contacts and bilateral cooperation

110. Visits of all citizens of the Republic of Azerbaijan regardless of their ethnic origin to neighboring countries (except the Republic of Armenia) with documents allowing legally

crossing through checkpoints of state border is ensured in line with the legislation of the Republic of Azerbaijan.