



Strasbourg, 10 December 2008

GVT/COM/II(2008)002

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

**COMMENTS OF THE GOVERNMENT OF THE REPUBLIC OF AZERBAIJAN
ON THE SECOND OPINION OF THE ADVISORY COMMITTEE ON THE
IMPLEMENTATION OF THE FRAMEWORK CONVENTION FOR THE
PROTECTION OF NATIONAL MINORITIES
BY THE REPUBLIC OF AZERBAIJAN**

(received on 2 May 2008)

**Additions and Comments of the Government of the Republic of Azerbaijan
on the Second Opinion adopted on 9 November 2007
by the Advisory Committee on the
Framework Convention for the Protection of National Minorities**

Article 4 of the Framework Convention

Co-ordination of the work of judiciary, analysis and data collection on the protection of human rights are carried out by the Human Rights and Public Affairs Department of the Ministry of Justice established according to the Decree on “Development of judiciary” of August 17, 2006 by the President of the Republic of Azerbaijan.

Under paragraph 1.5 of the Decree on “Development of judiciary”, 10 regional sections of the judiciary (as well as in Khachmaz, Lankaran, Shaki and Shamkir) were established in order to coordinate the activity of the judiciary at the local level and strengthen control, facilitate the opportunities of people to appeal to the judiciary.

The Action Plan was approved under the Order of February 5, 2007 by the Minister of Justice regarding the implementation of the “National Action Plan for the Protection of Human Rights in the Republic of Azerbaijan” approved by the Order of December 28, 2006 by the President of the Republic of Azerbaijan. The work was discussed at the meeting of the Ministry Board held on December 26, 2007 and in this regard a decision that contained certain concrete tasks was adopted. The mentioned Order and the Action Plan were forwarded to all judiciaries and courts.

Important measures were taken in order to ensure the independence of the judicial power, increase the efficiency of fair justice and strengthen the trust of people in courts. Other important steps bringing about radical changes were also taken.

The protection of rights and freedoms of everyone in court is guaranteed according to Article 60 of the Constitution of the Republic of Azerbaijan and Article 10 of the Law on “Courts and judges”. At the same time, According to Article 72.1 of the Law on “Administrative Execution” complaints against administrative act can be lodged administratively or judicially.

As enshrined in Article 4 of the Law on “Courts and judges”, the courts while considering the cases are guided by the Constitution of the Republic of Azerbaijan, laws and other legislative acts, as well as international agreements to which Azerbaijan is a party.

In close co-operation with the Council of Europe, working groups were created in different directions for the improvement of courts functioning; new draft laws highly appreciated by international experts were drawn up and adopted by the legislative initiative of the Head of State.

According to the new legislation, a self-governing institution of judicial power consisting mainly of judges – the Judicial Council, was established. A number of issues regulating their activities including the disciplinary responsibility of judges were taken into consideration as a prerogative matter. For the first time, appointment of judges for unidentified term of office and other issues regarding the evaluation of their activity were stipulated. In addition, new rules for selection of judges were determined and an independent body – the Judge Selection Committee was established.

In addition, trainings for judges and public prosecutors were conducted by a specialised body independent of the executive authority, and the training sector of judges and public prosecutors was established and began to operate under the Judicial Council. Programmemes of elementary training courses for candidates for

judges and continuous training courses for judges and public prosecutors were prepared and launched by the training sector using the advanced international practice.

Teaching the Framework Convention for the Protection of National Minorities was included into the pedagogical plan of judges and prosecutors for 2008.

Transparent selection of candidates for the post of a judge by means of tests, as well as written examinations and interviews within the framework of measures taken for improvement of the activity of the courts in our country should be specially mentioned. The candidates, who passed successfully the examinations conducted in accordance with the new rules, and those, who in order to be fully prepared for the post of a judge took the continuous training courses and passed probations in courts, were appointed as judges in various courts.

The Presidential Decree of January 19, 2006 of the Republic of Azerbaijan on the modernization of court system played an important role in improving the court system in our country. Large-scale measures taken regarding the implementation of the Decree means realisation of a qualitatively new stage of the judiciary reform successfully implemented in Azerbaijan. Increasing salary of judges serves this purpose

The measures taken yielded results and the number of complaints lodged with the Supreme Court against the activities of courts, in particular the judgments of the courts of appeal decreased. At the same time, the number of appeals to the first instance courts increased.

Paragraph 34 of the Second Opinion: As to the discrimination against Armenians regardless of the conflict between Armenia and Azerbaijan, peaceful co-existence

of people of different origins in Azerbaijan established through centuries has not been lost. In fact, historically Azerbaijan is a place of tolerance and non-discrimination, based on ethnicity and religion. Azerbaijan has a lasting tradition on religious communities living in tolerance. The representatives of different countries and international organisations always note tolerate environment in Azerbaijan. So far, not a single complaint has been submitted to the authorities on discrimination against national minorities, in particular Armenians living in Azerbaijan. The Government of the Republic of Azerbaijan would appreciate any reliable information or facts related to cases of discrimination of national minorities, in particular the Armenian minority.

Paragraph 40 of the Second Opinion: According to Article 8.2 of the Code of Civil Procedure of the Republic of Azerbaijan the court equally treats every person participating in the proceedings irrespective of race, nationality, religion, language, sex, origin, property status, social position, conviction, affiliation to any political party, trade unions and other social unities, the place of residence, subordination of the legal entity, form of property and any other differences not stipulated in the law.

Paragraph 42 of the Second Opinion: Awareness-raising campaigns are regularly conducted by the regional branches established by the Ombudsperson's Office in the regions where the national minorities live in substantial numbers. For instance, various workshops are held by Shaki regional branch in Katekh village of Balakan the region where Avars, in Aliabad settlement of Zagatala region where Ingiloys, in Nij settlement of Gabala region where Udins live compactly.

In order to promote the "National Action plan for the Protection of Human Rights in the Republic of Azerbaijan", public hearings in 9 regions of our country

covering 66 surrounding regions and cities where national minorities live in substantial numbers were held.

The representatives of local executive authority, municipalities, judicial, police and prosecutorial agencies, local NGOs, mass media representatives, representatives of communities, secretaries of district electoral committees took part in these events. Representatives of national minorities actively participated in public hearings.

Information was provided about each provision assigned in the “National Action Plan for the Protection of Human Rights in the Republic of Azerbaijan”, including provisions assigned in paragraph 11 of the Action Plan (taking measures in preservation and development of the cultural heritage of ethnic minorities), the outstanding commitments before were discussed. Public hearings were conducted in the form of interactive discussions.

Conduct of public hearings and holding other events in separate regions of our country in order to promote execution of the abovementioned National Action Plan are planned to be implemented in 2008.

Article 5 of the Framework Convention

Paragraph 52 of the Second Opinion: The period of implementation of measures to be taken and the bodies that will implement them were indicated in “National Action Plan for the Protection of Human Rights in the Republic of Azerbaijan”.

“National Action Plan for the Protection of Human Rights in the Republic of Azerbaijan” is a document of general character and the provisions assigned in it concern every person within the jurisdiction of Azerbaijan – nationals, persons with dual citizenship, as well as the representatives of national minorities living in the territory of Azerbaijan. Moreover, the task of taking measures in the filed of

preservation and development of the cultural heritage of ethnic minorities was put before the concerned governmental bodies in paragraph 11 of the National Action Plan. This paragraph contains protection of all the rights of national minorities.

Therefore, there is no need for any task concerning national minorities in the Presidential Order on the approval of the National Action Plan.

Paragraph 58 of the Second Opinion: In compliance with paragraphs 4 and 5 of Article 4 of the Law on “Grants” of the Republic of Azerbaijan and paragraph 3 of the Decree of January 2, 2003 of the President of the Republic of Azerbaijan on application of the Law on “Amendments and supplements to some legislative acts of the Republic of Azerbaijan” - agreements (decisions) on giving grant to foreign recipients by donors being legal or physical persons of the Republic of Azerbaijan, as well as receiving grant by the recipients of the Republic of Azerbaijan should be registered with relevant body of executive authority. General information on grant agreements with respect to non-commercial legal entities is provided in the mass media every year.

Agreements (decisions) on receiving grants with regard to non-commercial legal entities are being registered at the Ministry of Justice of the Republic of Azerbaijan according paragraph 3 of the Decree of the President of the Republic of Azerbaijan of January 2, 2003.

In conformity with Article 223.1 of the Code of Administrative Offences of the Republic of Azerbaijan, non-presentation of the copies of contracts and resolutions on receipt of grant by legal entities, receiving the grant, for registration to respective executive power body of the Azerbaijan Republic within the periods stipulated by the legislation —entails imposition of penalty in the amount of 20-50 conventional financial units.

The registration of grant agreements are implemented as stocktaking and the NGOs use financial means received on these agreements freely. No complaints were received by the Ministry of Justice concerning the registration of agreements and no problem exists in the field.

Paragraph 59 of the Second Opinion: All the functions of the State Service on work with National Minorities and Religious Institutions that was operating before are being implemented by the Sector of President's Office on National Minorities.

Article 6 of the Framework Convention

Paragraphs 63 and 67 of the Second Opinion: See paragraph 34.

Paragraphs 73, 74, 75 and 77 of the Second Opinion: according to Article 5 of the Law on "Police" of the Republic of Azerbaijan – the police preserve the rights and legal interests provided for in the Constitution of the Republic of Azerbaijan and intergovernmental agreements to which Azerbaijan is a party of all persons from unlawful deeds while performing police duties irrespective of race, nationality, religion, language, sex, origin, property status, social position, conviction, affiliation to political parties, trade unions and other social unities.

The responsibility for prejudicing the rights and legal interests of person on the basis of nationality, race, religion, language, sex, origin, property status, social position, conviction, political party, affiliation to trade unions and other social unities provided for in Articles 109 (Prosecution), 111 (Racial discrimination (apartheid)), 154 (infringement of equality rights), 283 (Excitation of national, racial or religious hostility) of the Criminal Code of the Republic of Azerbaijan.

Though an independent curriculum subject on protection of national minorities and their rights is not conducted in the Police Academy, the analogical field is studied as a theme in separate subjects in the Academy. The themes such as "Protection of

rights of national minorities”, “Mechanisms of human rights protection”, “Framework Convention on protection of national minorities” adopted in 1995 were included in the subject on “Human rights”. Study of “Human rights”, the “UN Convention for Prevention of torture, other cruel, inhuman or degrading treatment or punishment” in official training classes, as well as in the Academy was highly appreciated by the experts of the Council of Europe.

Today, concrete organisational and practical measures are taken in order to effectively implement the socially-oriented functions, to provide more effective police service by studying international practice and attaching great importance to the implementation of structural reforms. At the same time, survey was carried out several times via the web-site of the Ministry of Internal Affairs among the people in 2005-2007 years in order to learn the state of implementation of commitments and functions of the police determined by the law. The conduct of survey concerning the activity of the police district inspectors directly communicating with the citizens was launched by non-governmental organisations that have experience in this field in March this year.

Paragraph 68 of the Second Opinion: The arrest of Deputy Chairman of the Talysh Cultural Centre, Director of Section of Philology Institute of the Academy of Science of the Republic of Azerbaijan, editor-in-chief of a newspaper “Tolishi Sedo” Mr. Novruzali Mammədov by the Ministry of National Security in February 2007 and Mr. Elman Quliyev, secretary of the same newspaper was not related to their professional activity and was in accordance with Article 274 (High Treason) and Article 276 (Espionage) (In favour of Iran). An investigation on this case is over and judicial proceeding continues.

Paragraph 81 of the Second Opinion: According to paragraph 1.7 of the “Rule of state registration of acts of civil status” approved under the Decision #145 of

October 31, 2003 by the Cabinet of Ministers of the Republic of Azerbaijan state registration of the acts of civil status, facts to be indicated, documents identifying those who apply and other documents determined by the same rule required for state registration of the acts of civil status is conducted by registration sections, consular offices and the representation of executive authority only when they are submitted.

At the same time, in case of birth registration, according to paragraph 2.5.7 of the Rule, if one of the parents or both of them are foreigners or stateless persons the document about their residence registration in the Republic of Azerbaijan together with other documents is required. But this document is not required for marriage registration.

The Republic of Azerbaijan declared its intention to ensure the rule of law and to establish a legal, democratic and secular state. The residence registration of every person and documentation is not conducted according to national, ethnic identity and such a norm was not determined in any legislative acts. Having national minorities, such as Russians, Georgians, Jews, Armenians, Kurds, Talyshs, Lezghins, Avars, etc. who live in a country without indication of their nationality in identification documents — is an obvious example of non-existence of discrimination in Azerbaijan.

Discrimination based on racial, ethnic, and national identity in procedures applied with regard to asylum seekers in the Republic of Azerbaijan is excluded. The rights of persons acquired a refugee status are regulated by Laws on “Legal status of foreigners and stateless”, “Registration of place of residence and dwelling” and “The status of refugees and internally displaced persons (displaced within the country)”. The established strong co-operation with the UN High Commissioner Office for Refugees helps to avoid the practice of any discrimination on racial,

ethnic and national identity basis among asylum seekers and to apply other form of protection to persons officially not recognised as refugees and in need of protection. A complaint of an individual is reviewed very carefully both at the Ministry of Internal Affairs and all the bodies subordinated to it without any discrimination on the basis of racial, ethnic and national identity, and remains under close supervision.

The representatives of national minorities living in Azerbaijan are appointed to high posts, granted honorary titles, awarded Presidential grants. The representatives of national minorities are widely represented in the governmental structures, Parliament, central executive power bodies, as well as in the state bodies and municipalities of regions of Azerbaijan where national minorities live in substantial numbers. Approximately 2000 (about 6%) persons working for the Ministry of Internal Affairs of the Republic of Azerbaijan (including, persons holding high positions at the level of heads of departments and sections) belong to different nations as well as many employees whose parents are of different nationalities. 3% of employees belonging to ethnic minorities are Talyshs, 1% Kurds, 1% Lezghins, 0,3 % Russians, 0,1 % Avars, 0,09 % Tatars, 0,2 other nations (Jew, Greek, Georgian, Uzbek, Mahsati Turk, Charkaz, Tat, Ingiloy, Sakhur, Lak, Udin).

No immunities, concessions or restrictions are applied on grounds of national, ethnic and religious identity while giving employment at the bodies of internal affairs service. It is only possible to determine national identity of an employee according to his data questionnaire.

The employees of government bodies took part in workshops, trainings and conferences devoted to human rights held in Vienna-Austria, New York-USA and many other countries during 2006-2007 within the framework of co-operation

programme with the Federation of Red Cross, Red Crescent Society, the UN and the Council of Europe

Article 7 of the Framework Convention

Paragraph 85 of the Second Opinion: According to Article 4.1 of the Law on “State registration and state register of legal entities”, non-governmental organisations can operate without state registration. Those organisations should be registered only if they want to acquire the status of a legal entity.

According to Article 8.2 of the above-mentioned Law, the verification of compliance of documents of non-governmental organisations submitted to the Ministry of Justice for state registration with legislative acts lasts 30 days, and in exceptional cases, when it is necessary to conduct additional inquiry this term may be extended for additional 30 days. If a decision on extending the term of verification of documents is taken, the relevant information is provided to founders of those organisations.

If no reply is given concerning the refusal of registration during the term determined by law, the organisation is considered to be registered.

It should be noted that consideration of documents received by the Ministry regarding the state registration of non-governmental organisations within the term determined by law is stuck to rules, and at present, no cases of violation of this norm is allowed in the practice.

According to the requirements of Article 11.2 of the Law on “State registration and state register of legal entities”, the denial of state registration and non-inclusion into the state register for reasons of non-expediency of establishment of the organisation, which intends to acquire the status of a legal entity, is not permitted.

According to Article 11.3.1 of the same Law, if the documents submitted are contrary to the Constitution of the Republic of Azerbaijan, Law on “State Registration and State Register of Legal Entities” and other legislative acts, state registration of the organisation intending to acquire a legal entity status is denied. Furthermore, according to Article 17.1 of the Law on “Non-Governmental Organisations (public unions and funds)” the registration of non-governmental organisations is denied if there is another non-governmental organisation under the same name or the documents submitted are contrary to the Constitution of the Republic of Azerbaijan, this law and other laws of the Republic of Azerbaijan or there is incorrect information contained in the documents.

In case if registration of an organisation is denied, the reason of denial should be explained and presented to the founders in a written form. However, refusal of registration does not prevent the founders from reapplication.

According to statistical data, 47 non-governmental organisations dealing with the issue of national and ethnic minorities have been registered.

Paragraph 90 of the Second Opinion: Freedom of peaceful assembly can be restricted in cases and in a way determined by Articles 7, 8 and 9 of the Law on “Freedom of Peaceful Assembly”. In accordance with Article 5 of the Law, person or persons convening gatherings should notify the relevant executive authority in a written form in advance.

According to Article 11 of the Convention for the Protection of Human Rights and Fundamental Freedoms, everyone has the right to freedom of peaceful assembly and to freedom of association with others for the protection of his interests and no restrictions shall be placed on the exercise of these rights other than those which are prescribed by law and are necessary in a democratic society in the interests of

national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others.

Article 8 of the Framework Convention

Article 12 of the Constitution of the Republic of Azerbaijan declares protection of human rights and freedoms as one of the priority obligations of the State. According to Article 25 of the Constitution, the State guarantees equal rights and freedoms for everyone irrespective of race, nationality, religion, sex, origin, property status, social position, convictions, political party, trade union organisation and social unity affiliation.

Conditions necessary for free enjoyment of constitutional rights and freedoms have been ensured for the whole population, including all ethnic groups and religious communities. There was no case reported on persecution by government bodies and any instances of discrimination.

The Constitution of the Republic of Azerbaijan and the Law of the Republic of Azerbaijan on Freedom of Religious Beliefs provide consistent legal and political framework in line with international norms and provisions on the protection of human rights and freedoms, as well as freedom of conscience and preservation of religious and moral values. The law ensures freedom of conscience for everyone irrespective of their language, religion, racial and ethnic origin, thereby regulating state-religion relationship.

In accordance with Article 22 of the Law on Freedom of Religious Beliefs, citizens and religious communities may acquire and use religious literature, as well as other religious materials in any language.

Subject to approval of the relevant executive authority dealing with religious issues, religious organisations may produce, import and disseminate freely any religious literature, items and other religious materials.

Only harmful literature, i.e. literature inciting religious confrontation, propagating religious extremism, intolerance and radical views and ideas are prevented from importation and dissemination in the territory of the Republic of Azerbaijan.

Tolerance that is promoted as one of the main democratic values in the progressive world is a characteristic feature of the Azerbaijani nation which has been developed in Azerbaijan for centuries and can serve as an example for some other states. Azerbaijan is unique country, where mosques, churches and synagogues function together peacefully without any case of discrimination. For example, as it is known catholic Christians are few in Azerbaijan, and they came to the country at different times. Nonetheless, the catholic community was registered by the State Committee and the Catholic Church was open after construction in the city centre.

With respect to the comments in the Opinion regarding denial by local authorities of the request of some persons belonging to the Ingiloy minority to change their names into Christian names following conversion to the Baptist Church, we would like to note that no official complaint was received by the court or relevant governmental authorities in this regard. Accordingly, the Zagatala Regional Registration Division was instructed to explain the requirements of the law to citizens.

Article 9 of the Framework Convention

National Council for Television and Radio is taking regular measures to develop the television and radio broadcasting in Azerbaijan up to the European quality standards.

National legislation on television and radio does not exclude the possibility of broadcasting in languages other than that of the state. Broadcasting in other languages is possible; however no corresponding request has been received so far. Radio programmes in most of minority languages (Talysh, Lezgin, Kurdish, Georgian, Russian, Armenian, Avarian and others) are being broadcasted twice a week by public means.

Paragraph 103 of the Second Opinion: Introduction of amendments to the legislation is a dynamic process and this matter can be taken into consideration during the next review of legislation, if required.

As enshrined in Article 6 of the Law on “Mass Media”, the official language is used in the territory of Azerbaijan. Citizens of the Republic of Azerbaijan have the right to use languages spoken by the population of the Republic of Azerbaijan in mass media, as well as other languages widely used in the world.

Paragraph 108 of the Second Opinion: According to Article 14 of the Law of the Republic of Azerbaijan on “Mass Media”, no permission is required for establishment of press publications.

Legal or physical persons intending to establish press outlet are required to submit an official request to the Ministry of Justice of the Republic of Azerbaijan indicating the name, purpose, periodicity, address, founder of the press publication, name, surname of the editor (editor in chief) if any, registered charter if the founder of the press publication or editorial office is a legal entity, 7 days prior to the publication.

No restrictions for establishment of periodical publications have been implied by the law for the representatives of national minorities or any other individuals.

There are several newspapers, magazines and other publications being published in the languages of national minorities: newspaper “Samur” in lezgi (Baku), “Qusar” in Azerbaijani and Lezgi languages (in the region Qusar), magazine “Soz” (Lankaran) and newspapers “Tolishi Sado”(Baku), “Ashkarliq”(Lankaran) and “Prizma” (Lankaran) in Talysh, magazine “Dange kurd” (Baku) in Kurdish, “Vestnik”(Baku) in Russian, “Sodrujestvo” (Baku) in Russian and Bulgarian, magazine “Akkord” (Baku), newspaper “Vustnik” (Baku) in Ukrainian, “Hirkan” magazine and newspaper “Avar” in Avar languages. There are more than 20 newspapers and magazines published in Russian alone.

Article 10 of the Framework Convention

Law enforcement bodies of the Republic of Azerbaijan use the official language of the Republic of Azerbaijan. Persons, who do not speak the official language, may use the services of interpreters as provided by law

In accordance with the Law of the Republic of Azerbaijan on “Notary”, if any person applying for performance of notarial acts does not know the official language and requests to perform notarial acts in any other language, the Notary may prepare the text of the officially registered document in the requested language or may have it translated when possible.

Persons taking part in the lawsuit of the Constitutional Court and not knowing the language of the proceedings are provided with the translation of all the materials into the language they know and are allowed to deliver a speech in their native languages in the Constitutional Court.

According to Article 26 of the Code of Criminal Procedure of the Republic of Azerbaijan, the court proceedings are conducted either in the official language of the Republic of Azerbaijan or in the language of the majority of residents of certain

region. Bodies conducting criminal proceedings have to ensure the following rights for the participants of the trial who do not know the language of proceedings: explain the participants of the criminal proceedings the right to use their native language, the right to use the services of translator free of charge during the preliminary investigation and court proceedings, the right to get acquainted with other materials regarding the criminal proceedings or criminal prosecution, the right to speak in their native language in the court. Same rules are enshrined in Article 11 of the Code of Civil Procedure and Article 363 of the Code of Administrative Offences of the Republic of Azerbaijan.

Under the law of the Republic of Azerbaijan on “State Language”, the adoption, implementation, amendment or denunciation of the administrative acts, as well as administrative proceedings examining administrative complaints are conducted by relevant administrative authorities in the official language or in the language of the majority of residents of certain region. The persons who participate in the administrative proceedings without knowledge of the language of the proceedings are informed about their rights and are provided with the right to use translator.

Article 11 of the Framework Convention

Under the Law of the Republic of Azerbaijan on “State Language”, the activity of educational institutions operating in other languages in the Republic of Azerbaijan is regulated by law. Teaching the official language is obligatory in such institutions.

Other languages besides the official language may be used in the field of services provided to the foreigners. When necessary, other languages besides the official language may be used in advertisements and announcements (boards, posters, etc.).

According to the Law of the Republic of Azerbaijan on “Territorial Structure and Administrative Division of Districts”, names of the administrative units, such as towns, regions, administrative district units, settlements and villages should be written in the official language, spelling of which is determined by the relevant body in accordance with the rules of the official language. The names of administrative districts indicated in this provision may be written in foreign languages besides the official language.

Spellings of names of geographical objects are determined by the relevant authority in accordance with the rules of the official language. Appearance of Azerbaijani geographical names in foreign languages is determined in accordance with their Azerbaijani pronunciation and international rules on spelling of geographical names.

Articles 12, 13, 14 of the Framework Convention

Paragraph 130 of the Second Opinion: a unit was established at the National Academy of Sciences of Azerbaijan for the purpose of studying the language, culture, history, ethnography, etc. of the national minorities. Monographs, scientific works, poetry, fiction and folklore compilations on historical-cultural and ethnographical heritage of Talysh, Udi, German, Russian, Sakhurs, Tat, Khynalyg, Jewish and others have been published by public means. Researches in this area are being carried out.

The Russian language of instruction is available in 238 institutions comprising about 10 000 children and the Georgian language of instruction is available in 8 institutions comprising more than 300 children out of 1 760 preschool institutions operating within the educational system of the Republic.

Children are taught in their native language at pre-school institutions in regions densely populated by ethnic minorities

Azerbaijani, Russian and Georgian are the languages of instruction at comprehensive (primary and secondary) schools of the Republic.

Russian is entirely an instruction language at 18 schools involving 5 378 students and Georgian at 6 schools involving 946 students. 99 355 children study in Russian at 335 schools where the languages of teaching are both Azerbaijani and Russian, 701 children study in Georgian at 5 schools where the languages of teaching are Azerbaijani and Georgian, 107 children study in Georgian and 123 in Russian at 1 school where the languages of instruction are Azerbaijani, Russian and Georgian. Overall, 105 356 children study in Russian at 354 schools and 1 764 children study in Georgian at 12 schools of the Republic.

The Ukrainian Sunday School and the Society of Caucasian Languages and Culture operate within the Baku Slavic University.

Hebrew has been taught at school No.46 in Baku and at schools of the Red Settlement in Quba for about 15 years. Private Jewish school teaching Jewish language, history and culture, which currently has 251 pupils, has been established since 2003/2004 academic year. Study of Hebrew has been organised at the Faculty of Eastern studies of Baku State University. Construction of Jewish educational complex of “Xabad Or-Avner” has been launched in May of 2007. Built with a view of teaching Jewish language, history and culture, this educational institution is going to become a cultural centre for all Jewish children living in Caucasus and along the Caspian Sea.

Regarding the implementation of the provision of the Law of the Republic of Azerbaijan on "Education" that reads that "the right to choose the language of instruction shall be ensured by way of opening relevant classes and groups and providing conditions for their operation", in order to enable children belonging to ethnic minorities to choose the language of instruction, there have been organised 595 preparatory classes, comprising 8 539 pupils by comprehensive schools of the regions. It is the result of humanistic approach to national minorities that students of Khynalyg – the unique village speaking in its own language in Guba have not been left outside attention, 83 pupils in 5 primary classes of the school study in the Khynalyg language. Ingiloys' children in Balakan, Gakh and Zagatala may study in Azerbaijani, Georgian and Russian at the discretion of their parents.

Children of ethnic minority groups have been provided with conditions for studying their own native traditions and culture in 13 regions of the Republic.

20 569 pupil from 107 schools in Guba, Gusar, Ismayilli, Khachmaz, Oghuz, Gabala study Lezgin, 15 690 pupil from 231 schools in Lerik, Lankaran, Astara, Masalli study Talysh, 3 038 pupils in Balakan, Gabala, Khachmaz, Zagatala, Guba, Samukh study Avar, Udin, Tat, Sakhur, Khynalyg and Kurdish languages mainly at primary classes. Totally 39 297 children learn their native languages at 371 schools of the Republic.

Lezgin is being taught as an elective or obligatory subject through the entire secondary education, from 1st to 11th grade at schools of Gusar and Khachmaz. Other languages are taught only from 1st to 4th grade.

553 students from 18 technical-professional (specialized) schools out of 107 operating in the Republic study in Russian.

Several measures have been taken in respect to education of national minorities in the field of secondary professional education. Undertaken steps include organisation of teaching native language to the youth of national minorities, establishment of departments within secondary professional-educational institutions in the regions, where national minorities are densely populated and some other measures. Since 2 000 courses of “Lezgin” and “Methods of Teaching the Lezgin Language” were included to the curriculum for the major of “Primary school teacher” in Russian and Azerbaijani sections of the Gusar division of Azerbaijan State Pedagogical College founded in 1990. Study of the Talysh materials was launched at Lankaran State Humanities College and Astara Pedagogical Technical School and its Lerik division during 1993-2000 years. Curricula, course programmes and other educational documents were prepared and approved for appliance at the above referred educational institutions. Teachers graduated from these majors are now involved in pedagogical activity in comprehensive schools in Guba, Gusar teaching Lezghin and in comprehensive schools in Lankaran teaching Talysh. Currently more than 500 Lezghins study in Russian and Azerbaijani sections of Gusar Division of Azerbaijan State Pedagogical College for majors as “Primary grade and the Lezghin language”, “Azerbaijani Language in non-Azerbaijani schools”, “English Language” and “Family and Home Education”, and more than 2000 Talyshs study at Lankaran State Humanities College and 1 300 at Astara Pedagogical Technical School.

Divisions of Astara Pedagogical Technical School, Baku Industrial Pedagogical Technical School and Baku Food Industry Technical School have been established respectively in Lerik, Balakan and Gabala regions where national minorities are densely populated. Mainly youth of Talysh, Lezghin, Avar, Sakhur, Ingiloy and other national minorities study in these divisions. Nearly 25 000 students study in the Russian sections at institutes of higher education and secondary professional schools.

With a view of teaching the languages of national minorities living in our country, 15 different textbooks have been published and disseminated, curricula on Talysh, Lezgyn, Kurdish, Sakhur, Tat, Khynalyg and Udi languages for primary grades and other educational materials. Two hours per week are allotted in the curriculum of the 1st- 4th grades for teaching these languages.

Textbook “Learn Speaking” prepared by T.Seyidov for the 1st grade of national minorities was published. Moreover, “ABC” (1st grade) in Lezgin, Talysh, Tat, Udi, Kurdish, Sakhur, Khynalyg languages, “Lezghin Language” for 1st- 4th grades, “Udi Language” for 3rd and 4th grades, “Talysh Language” for 2nd-4th grades, “Tat Language” for 3rd, 4th grades, “Avar Language” for 2nd grade, “Sakhur Language” for 2nd grade have been published and delivered to schools. In 2003 programme of the native language (“Native Language”) for 1st- 4th grades was prepared taking into account the characteristics of the regions populated by the minorities, and was published and disseminated.

With a view of supporting the teaching of minorities’ languages, books as “On teaching the Talysh Language”, “Student’s dictionary of Talysh-Azerbaijani”, as well as “Lezgin-Azerbaijani-Russian dictionary” and teacher’s guide on “ABC” textbook in Tat language were published and submitted for use in schools.

All the programmes, textbooks and educational materials have been considered, approved and recommended for publication by “Minority Languages” subdivision of the “Azerbaijani Language” division of the Science-Methodic Council of the Ministry of Education.

“The Azerbaijani Language” textbook (for 10th and 11th grades) and “Georgian-Azerbaijani-Russian dictionary” were prepared and disseminated among teachers

and pupils at schools where the language of instruction is Georgian. Since last academic year 9 textbooks were published for the 1st-3rd grade of schools, where the language of instruction is Georgian.

135 different textbooks for Russian division of comprehensive schools were published and distributed in 2008. Moreover textbooks like “ABC”, “Russian Language” (2nd – 11th grades), “Knowledge for Life” (3rd – 4th grades), “Nature Studies” (5th grade), “Azerbaijani Literature” (10th – 11th grades), “Azerbaijani Literature Reading book” (9th -11th grades), “Literature” (5th-9th grades), “History of Middle Ages” (7th-8th grades), “Modern History” (9th – 10th grades), “Biology” (4th-11th grades), “Music” (5th-8th grades), “Introduction to Economy” (9th-11th grades), “Geography” (6th-11th grades), “History of Ancient Times” (6th grade), “Contemporary History” (11th grade), “Physics” (7th-11th grades), “Chemistry” (8th-11th grades), “Mathematics” (5th-6th grades), “Algebra” (7th – 11th grades), “Geometry” (7th – 11th grades), “Human and society” (8th – 10th grades), etc. were published and submitted for the use at schools.

There are no problems in the field of preparation, publication and provision of textbooks on national minorities and this policy is being successfully pursued. Teachers teaching in minority languages are trained periodically in accordance with relevant rules.

Paragraph 148 of the Second Opinion: Government has taken relevant measures regarding minorities’ learning of the official language. Thus, in accordance with the “Plan of Action on accelerating Russian and Russian speaking citizens’ learning of the official language-Azerbaijani” prepared by the President’s Office, language courses have been arranged in the regions, dictionaries of Azerbaijani-Russian; Russian-Azerbaijani, phrasebooks and other relevant materials have been published.

Article 15 of the Framework Convention

Currently, the activity of the Advisory Council on National Minorities is revised again and the work is carried out for establishment of a new organisation with the same functions.

Proposed Amendments to the Opinion**Paragraph 10**

Add the words “armed forces of Armenia” after the phrase “parts of the territory of Azerbaijan” in the second sentence

We would like to draw to the attention of the Committee the paragraph 1 of Resolution 1416 (2005) adopted by the PACE in connection with this amendment.

Paragraph 17

Remove the words “legislative and” in the first sentence.

*There is no obstacle in the legislation as claimed in this paragraph of the Opinion.
There may be only practical difficulties.*

Paragraph 19

Remove the words “combined” and “Law on State Language and”.

There are no such requirements in the text of the Law on State Language in force.

Paragraph 68

Remove the words “in general” and “authorities” in the second sentence.

It is required to ground such “accusations”. It would not be proper to draw a conclusion referring to the existence of some information.

Paragraph 75

The second sentence should be expressed differently. There may be other causes of racially-motivated incidents not being recorded by police (e.g. non-awareness of persons of relevant norms, etc). In this respect, the referred sentence should be brought in line with paragraph 38 of the Opinion.

Paragraph 86

Remove the words “legislative and” in the first sentence.

Mentioned Presidential Decree does not imply such a legislative framework.

Paragraph 87

Remove the phrase “including through legislative measures”.

Law on the Exercise of Freedom of Association was drawn up together with experts from the Council of Europe and the law was adopted after the expert’s positive opinion regarding conformity of the law with the European standards, as well as Article 11 of the European Convention on Human Rights.

Paragraph 90

1. Add the opinion of the Venice Commission on draft supplements and amendments to the Law on the Freedom of Assembly adopted on December 15, 2007 (CDL-AD (2007)042) at Footnote 6 (at the bottom of the page).

Draft supplements and amendments to the Law on the Freedom of Assembly will be submitted to the Parliament in these days. The Venice Commission expressed its overall positive opinion regarding the draft.

2. Remove the second sentence and alter “and that activities and public gatherings aiming at promoting the standards of the Framework Convention and other aspects of minority protection should be encouraged” in the first sentence to be read as follows: “and that activities and public gatherings aiming at promoting the standards of the Framework Convention and other aspects of minority protection should not be subjected to disproportionate restrictions”.

Imposing an obligation on state regarding encouragement of activities and public gatherings seems inadequate. Such a positive obligation does not rely on international standards. Therefore, it would be more appropriate to incorporate the notion given in the second sentence of the paragraph in the first sentence (and so remove the second sentence).