



**International Convention on
the Elimination of all Forms
of Racial Discrimination**

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Seventy-fifth session
3 - 28 August 2009

**LIST OF ISSUES
IN CONNECTION WITH THE CONSIDERATION OF
THE FIFTH AND SIXTH PERIODIC REPORTS OF THE
REPUBLIC OF AZERBAIJAN**

General

1. Please provide detailed information on the nature and extent of participation of Government departments and the Office of the Ombudsman in the process of preparing the fifth and sixth periodic reports of the State party, and whether consultations were held with non-governmental organizations, including minorities' organizations and those working in the sphere of anti-discrimination.
2. Paragraph 125 of the State party report indicates that statistics regarding the ethnic composition of the employed population of the State party were collected in 1999. Please provide the Committee with updated disaggregated data, if available.
3. According to paragraph 22 of the State party report, a census was to be conducted in April 2009. Please indicate if the above-mentioned census included questions on the socio-economic status of members of various ethnical groups, including with regard to their rate of employment in the private sector and in governmental institutions, as well as their access to social security or similar benefits. Please provide relevant data, if any, in relation to these questions.

General legal framework

4. Please provide further information on the activities of the national Office of the Human Rights Commissioner (the Ombudsman) with regard to the protection and promotion of rights enshrined in the Convention. In particular, please provide data on the number of complaints that have been received by the Ombudsman concerning racial discrimination and their outcomes, as well as campaigns conducted to sensitize the general public about their rights and the availability of legal remedies for victims of racial discrimination, and to raise awareness about the role of the Human Rights Commissioner in this respect.
5. Please indicate if the State party considers the creation of an institutional framework for minorities or to re-establish the Council for National Minorities with the inclusion of minority representatives so as to enable minorities to better express their concerns and participate in decision-making processes in matters concerning their interests.

Article 2

6. Paragraphs 7 and 26 of the State party report indicate that, despite the negative effects of the conflict in the Nagorny Karabakh region, as already highlighted in 2005, Armenians residing in Azerbaijan do not experience any discrimination and that the Ministry of National Security has not received any information that would require the conduct of investigations in relation to incidents of racial discrimination against ethnic Armenians. In this connection, please elaborate on measures taken to assess the absence of discrimination. Have representatives of civil society and specifically of the Armenian minority been consulted on this question?
7. Please provide information on measures to ensure teaching of and in minority languages. In this connection, please indicate whether education and instruction are provided in Armenian and Talysh languages in some schools. Please provide information on measures to promote intercultural understanding, including measures to raise awareness among teachers and educators in this regard.
8. Please provide information on concrete measures and actions foreseen in the National Plan of Action for the Protection of Human Rights to “step up efforts to prevent all forms of discrimination” (paragraph 12 of the State report). Please indicate if this Plan is currently in force and what actions of monitoring, preliminary assessment or evaluation of the effectiveness of the Plan have been taken or envisaged. Please provide data on financial resources that have been allocated to the implementation of this Plan.
9. The State party report states that, as a result of certain measures taken, equal conditions for the activities of representatives of all religious minorities have been created in the territory of the State party (paragraph 16 of the State report). Please provide further information on concrete measures taken to create such equal conditions.

Article 4

10. Taking into account the legal provisions mentioned in paragraphs 25 to 63 of the State report, including provisions of the penal code, please indicate whether all the requirements of Article 4 of the Convention have been transposed into national law. In addition, please indicate the reasons for the absence of cases invoking these legal provisions (paras. 27 and 45 of the report)?

Article 5

11. The Committee has been informed of difficulties encountered by Russian citizens from Chechnya regarding the refugee determination procedure, in particular related to the requirement of registration (“propiska”), which would enable them to enter the labour market and access housing and medical care. Please indicate what measures have been taken to ensure that social and economic rights of Russian citizens from Chechnya are ensured on an equal foot with other asylum-seekers. In addition, please provide information on awareness raising campaigns directed to avoid social stigmatization of the above-mentioned group and any training provided for public officials and law enforcement officers with the aim of avoiding any tendency towards discriminatory conduct.
12. The State report mentions a wide range of measures to combat trafficking in human beings and in particular refers to the National Plan of Action and the creation of the Fund for Assistance to Victims of Trafficking, articles 144.1, 144.2 of the Criminal Code, as well as statistics on the number of victims, investigations and convictions in the period 2004-2006. Please provide detailed and updated statistics on the number of victims, as well as on complaints, investigations, prosecutions, convictions and penalties imposed on the perpetrators of such crimes. Please also provide data on funds allocated for the implementations of State programmes and policies to protect victims of trafficking, as well as information on training and awareness-raising projects for law enforcement officials dealing with victims of trafficking; steps to develop and strengthen international collaboration to combat trafficking and to prevent the problem of corruption in the law enforcement services.
13. According to the State report (paragraph 53), an allowance for victims of trafficking is paid during their reintegration period. Please provide further information on the number of victims who benefited from this allowance and the typical duration of the “reintegration period”. Please indicate if provisions that would reinforce the guarantees of legal protection for victims of trafficking and provide them financial compensation have been elaborated and if centres of reintegration and rehabilitation of victims have been created. In addition, please indicate whether the assistance to victims is provided in their own language, as recommended by the Committee in its previous concluding observations (paragraph 11).
14. In connection with paragraphs 74 to 78 of the State report, which refer to the distinctions made in the application of sanctions to foreigners in irregular situation on one hand and

terrorists on the other hand, and in light of paragraph 121 of the report, concerning the protection of refugees and forcibly displaced persons, please explain how the principle of non-refoulement is guaranteed in practice?

15. According to the State report (paragraph 103), the State party guarantees equal opportunities to all candidates in national and local elections. In this connection, please provide statistics on the representation of ethnic groups and minorities in the National Assembly (Milli Mejlis) and in municipalities. In addition, please indicate whether representatives from different ethnic groups and minorities are included in the composition of the Central Electoral Commission and district electoral commissions.
16. Please provide statistics on the composition of the civil service, disaggregated by ethnic origin.
17. Please provide further information on measures taken in the framework of the justice reform, resulting from the adoption of the Judicial Council Act in December 2004, and in particular on measures taken with regard to the independence of judges.
18. While noting that significant progress has been made in protecting the economic, social and cultural rights of persons affected by internal displacement as a result of past conflict, the Committee is still concerned that, in both rural and urban areas, internally displaced persons continue to live in substandard shelters, benefit to a lesser extent from economic opportunities and experience limits to the enjoyment of the right to health and. The Committee is equally concerned that separate schools are still maintained in urban areas for the children of internally displaced children. In this connection, please provide detailed information on the measures taken to improve the situation of displaced persons, in particular measures aimed at enhancing their participation in the planning of the location of new settlements, improving their access to jobs, with particular attention to women, addressing their health needs, and encouraging mixed schooling with local children.
19. Please indicate whether an assessment of the effectiveness of the measures taken in the framework of the State programme aimed at improving the living conditions and increasing employment of refugees and displaced persons (paragraph 151 of the State party report) have been conducted and, if so, what have been the findings of such assessment.

Article 6

20. Please provide examples of any cases in which the Convention has been invoked before the courts in Azerbaijan and has prevailed over domestic legislation. Please indicate whether complaints on racial discrimination have been considered by the Constitutional Court (paras. 153 and 154 of the State party report) and whether cases invoking the relevant provisions of the Criminal Code concerning racial discrimination have been brought before the courts. Please provide statistical information on prosecutions launched and penalties imposed, if any, in cases of offences relating to racial discrimination and in relation to which the

relevant provisions of the existing domestic legislation have been applied, as recommended by this Committee in its previous concluding observations. Please elaborate on measures taken to inform the public of the availability of legal remedies in the field of racial discrimination?

21. Has the State party taken any measures to ensure that members of the public are informed of their rights and to remove any obstacles that may inhibit victims from seeking assistance, such as the lack of sensitivity of law enforcement authorities to cases of racial discrimination?
22. With regard to the State party's declaration under article 14 of the Convention, which allows individual communications to be considered by the Committee, please provide information on measures taken to inform the public of this legal remedy.

Article 7

23. Please provide information on the availability of radio and television programmes aimed at promoting and protecting minority culture and reflecting the multicultural composition of Azerbaijani society. Please indicate whether public funds or grants are available for such programmes. Please provide information on the position of the media and political circles with regard to the measures taken against journalists who have been found to have insulted religious values or to have imported into Azerbaijan literature advocating religious intolerance (paragraphs 203, 204 of State party report).
24. Please provide information on training provided for law enforcement agents and judicial personnel in the area of human rights, including racial discrimination.
25. Please indicate whether measures have been taken to disseminate knowledge on the content of the Convention among the general public and to raise awareness on issues related to discrimination on the grounds of race, colour, descent or national or ethnic origin.
