

89th Session of the Committee on the Elimination of Racial Discrimination

**Opening Statement by H.E. Mr. Khalaf Khalafov,
Deputy Minister of Foreign Affairs,
at the consideration of the combined seventh to ninth periodic reports
of the Republic of Azerbaijan**

3 May, 2016, Geneva

Distinguished Madam Chairperson,

Distinguished members of the Committee,

Let me express my appreciation for the opportunity to inform the Committee about measures taken by the Government of the Republic of Azerbaijan concerning the implementation of the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination during the period since the submission of the seventh, eighth and ninth periodic report. Meantime, I am going to touch upon the questions submitted in advance, by the Country Rapporteur, Mr. Amir Noureddine in my statement. In case of the additional questions, our delegation is ready to respond to them in the course of discussion of the report.

We express our readiness to continue cooperation with the Committee for the further implementation by Azerbaijan of the relevant rights, envisaged by the Convention. Interactive dialogue with the Committee, will allow once again examining and analyzing the taken measures.

The Periodic report has been prepared by the Working Group set up by the Decree of the President of the country and includes the representatives of relevant ministries and agencies. The National human rights institution (Ombudsman) and the representatives of the respective non-governmental organizations have also been involved in the elaboration of the report.

The delegation of Azerbaijan, present at today's meeting, also comprises high-ranking officials of the relevant state structure, which demonstrates once again the importance that our country attaches to the cooperation with the Committee.

Distinguished Madam Chairperson,

The equality is guaranteed and any limitation of the rights and freedoms of individual and citizen is not allowed in the Republic of Azerbaijan. Taking into account that the international treaties to which Azerbaijan is a party are included in the system of national legislation, the provisions of the UN Convention "On the Elimination of All Forms of Racial Discrimination" apply directly.

National legislation prohibits racial discrimination and guarantees equality before the law regardless of race, nationality, religion, language, sex, origin, conscience, political or social affiliation. The Code of Administrative Offences, which entered into force on 1 March 2016, prohibits imprisonment or release of any one on the above mentioned grounds.

Meantime, the Criminal Code of the Republic of Azerbaijan provides liability for the acts aimed to the incitement of national, racial or religious hatred, humiliation of national dignity, as well as restrictions or privileges for national, racial or religious origin.

The crime facts on the grounds of racial discrimination are sporadic in Azerbaijan. For instance, only one person was convicted for the acts aimed at the incitement of the national, racial, social or religious hatred and hostility in 2015.

Distinguished Madam Chairperson,

In order to implement the National Action Plan for the Protection of Human Rights, as well as the protection and further development of cultural heritage of national minorities the complex measures have been taken, including the ones aimed at improving effectiveness of the protection of human rights and freedoms, the development of legal awareness in society.

In the Republic of Azerbaijan equal conditions for the activities of all religious minorities that exist in Azerbaijan were created. Currently, 705 Muslim, 24 Christian, 7 Jewish, 2 Bekhai and 1 Krishna religious institutions are registered in Azerbaijan. More than 1800 mosques, 5 orthodox, 1 catholic, 1 Lutheran, 2 Albanian-Udi, 4 Georgian Orthodox churches and 6 synagogues are freely functioning.

In 14 regions of the Republic of Azerbaijan Russian, Georgian, Hebrew, Talysh, Avar, Udi, Lezgi, Tsahursky, Hynalagsky, Kurdish languages are taught. Numerous cultural centres and other public organizations of national minorities are functioning, radio and television transmissions, books and newspapers are published.

The activity of the Baku International Center of Multiculturalism, created by the Decree of the President of the Republic of Azerbaijan on May 15, 2014, among others aimed at study of tolerance for religious and cultural diversity in the country, the study of the cultural heritage of the various regions and support to ensure their harmonious development. In order to preserve, further develop and widely promote the tradition of multiculturalism in the country, by the

Decree of the President of the Republic of Azerbaijan, the year of 2016 was declared the "Year of multiculturalism."

The Service of the State Advisor on inter-national, multicultural and religious issues created by the Order of the President of the Republic of Azerbaijan dated 28 February 2014.

At the same time, Forum on Intercultural Dialogue, initiated in 2008 by the President of the Republic of Azerbaijan, as "Baku process" has consistently been held in Baku every two years -, represents platform for the coordination of international efforts aimed at strengthening mutual understanding and tolerance, the fight against discrimination, extremism and xenophobia in society.

As recognition of the efforts of Azerbaijan in promoting the values of multiculturalism and intercultural dialogue 7th United Nations Global Forum on the Alliance of Civilizations, was held on the initiative of the President of the Republic of Azerbaijan in Baku on 25-27 April this year. The issues with regard to the new challenges and threats, including the prevention of discrimination, xenophobia, racism, fight against aggressive separatism, as well as measures aimed at strengthening the intercultural and inter-religious dialogue and the encouragement of multiculturalism were raised during the Forum.

The activity of the «Heydar Aliyev Foundation» is making considerable contribution to the development of the multiculturalism and tolerance in the country. As part of the project of the "Address of Tolerance - Azerbaijan" reconstruction and restoration of many mosques, churches, temples were carried out both in Azerbaijan and abroad. On the basis of a bilateral agreement on restoration of Roman catacombs signed between Heydar Aliyev Foundation and the Holy See catacombs of Saints Marcellino and Pietro's have been recently restored. It is the first time, as a Muslim country has been implemented the project belong to holy monuments of the Christian world.

Along with it, the «Heydar Aliyev Foundation» provided financial contribution to the restoration of the five windows vitrage related to XIV century of the Strasbourg cathedral church, carried out the restoration of ancient monuments kept in the Palace of Versailles Park in Paris, included since 1979 in the World Heritage List and assisted in the restoration of the seven churches belonging to the X-XII centuries in the Orne department in France. Support has been rendered in the restoration of the Capitoline Museum in Rome.

In addition, within the framework of the project "Support to Education", Heydar Aliyev Foundation has constructed a new school in the city of Muzaffarabad (Pakistan). The Fund has provided financial assistance to schools located in Montgomery County of the state Maryland (USA). As part of the project for public schools computerized interactive whiteboards were purchased, and the school, "Longview" designed for children with severe physical and mental disabilities was equipped with sound equipment, adjustable seats and benches for the classrooms,

a new block of the Rehabilitation Center for Disabled Children has been built in Budapest by the support of the Foundation and etc.

In order to raise the population's awareness of the prohibition of discrimination, by the relevant state agencies and the Human Rights Commissioner (Ombudsman) of the Republic of Azerbaijan organized seminars, round tables and other awareness activities in the regions of the compact residence of the representatives of the national minorities.

Distinguished Madam Chairperson,

The ensuring of the independence of the justice system, improving the activities of the courts, judicial infrastructure, establishment of single internet portal and information system "E-court", integration of electronic services substantially improve legal assistance to citizens, ensure publicity and efficiency, increase control over the implementation of court decisions.

10 regional departments of the Ministry of Justice have been created, as well as in accordance with the "State Program on Poverty Reduction and Sustainable Development in the Republic of Azerbaijan in 2008-2015" regional centers for legal consultation were established.

Judicial-Legal Council, active since 2005, analyses and provides assessment of the activities of judicial organs and views the issues of legal responsibility. For the last 3 years, 41 disciplinary proceedings were launched as regards judges, as a result of which powers of 3 judges were ceased ahead of time, workplaces of 9 judges were changed, 15 judges were warned and other disciplinary penalties were imposed as well.

The Government is continuing its committed and consistent measures in the field of fight against corruption, which stand for one of the important priorities of the state policy. For 2015, 200 criminal cases with regard to 295 individuals were submitted to the courts by the General Directorate on the Fight against Corruption. The reparation of damage in the amount of 36.10 mln. Manats was ensured.

The State Agency – "ASAN Service" was established with a view of increasing effectiveness of public service provision through the application of innovative methods. More than 200 services, including those of 12 state organs are rendered in the centers of the State Agency. The Agency is paving the way for broader use of electronic services that cuts the loss of time of the citizens, increases the confidence in state structures, strengthens transparency and contributes to combating corruption. In 2015 ASAN has been awarded with the United Nations Public Service Award 2015 at the annual session of the UN Committee of Experts on Public Administration.

Distinguished Madam Chairperson,

To ensure sustainable and balanced development of the national economy, the acceleration of regional development is one of the priorities socio-economic developments of Azerbaijan at the current stage.

The implementation of the third State Program on socio-economic development of regions on 2014-2018 years, which is also covering the regions of compact residence of the national minorities. Within the framework measures on improvement of infrastructure and social services in the regions, increase of the growth in investments, opening of new enterprises and jobs, increase in employment and reduction of poverty are implemented.

Number of economically active population in Azerbaijan at the beginning of 2016 constituted 4 million 915.3 persons, of which 4 million. 671.6 thousand (95%) persons are employed in different sectors of the economy and 243, 7 thousand (5%) are unemployed.

As a result of adopted measures, the level of poverty was reduced to 5%. Non-oil industry grew by 8.4 per cent. During for the period 2004-2015 years, more than 68 000 new enterprises were opened and about 1.4 million new jobs were created. Realization of all infrastructural and social projects still continue. In recent years, including in the regions, about three thousand schools, more than 600 hospitals have been built and renovated. It is important to note, that despite of the conditions of world economic crisis GDP growth of the country was 1.1% in 2015.

On February 1, 2016, all social contributions increased by an average of 10%. These increases have covered 38% of the country's population. In general, 84 million AZN were spent from the state budget for the payment of social assistance, allowances, pensions and compensation in the first quarter of 2016

Appeal Board under the President of Azerbaijan, established in accordance with the Decree of the President of the Republic of Azerbaijan dated February 3, 2016, provides transparency and objectivity in dealing with complaints of physical and legal persons engaged in entrepreneurial activity, protect the interests and rights of people in this area, the supply of repeated complaints decisions, actions or inaction of the central bodies of executive power in the supreme organ.

By the Decree of the President of the Republic of Azerbaijan dated March 16, 2016 the main directions of the strategic road map for the national economy and the main sectors of the economy were approved. In accordance with the Decree, the working group has been charged with preparation projects, including economic development strategy and action plan in the 2016-2020 years.

Distinguished Madam Chairperson,

The implementation of the third national plan of action on combating human trafficking for the period of 2014-2018 is ongoing. As a result of operational and preventive measures taken in

2015, 38 persons were charged for human trafficking and 63 persons were identified as a victim of human trafficking. The victims were placed in shelters, provided with legal, medical, psychological support and reintegrated to the society.

Over the past period, there have also been taken measures to further improve the national legislation in the field of migration. Migration legislation of the Republic of Azerbaijan is based on the principles of respect of the rights and freedoms of individual and citizen, rule of law, equality before the law and court, ensuring compliance of the migration legislation of the Republic of Azerbaijan with generally recognized international legal norms, application of innovative methods in ensuring transparency.

Migration Code defines the state policy in the field of migration, regulates migration processes, as well as the legal status of foreigners and stateless persons in the Republic of Azerbaijan.

According to the State Migration Service in 2015, 181 stateless persons have been granted the citizenship of the Republic of Azerbaijan. 73 stateless persons were granted temporary residence permits, 103 permits for permanent residence in the territory of the Republic of Azerbaijan. On December 31, 2015, 47 (along with family members 63) persons were granted refugee status.

The Government of Azerbaijan continues to carry out a number of the complex measures aimed at improvement of social and economic situation of this category of persons and their temporary integration into society, bearing in mind the realization of their right to safely return to their native lands in the future.

In 2004 State Program on improvement of life conditions and increase of employment rate of refugees and IDP's has been adopted by the Presidential Decree. Within the framework of this program 94 settlements for refugees and IDP's, with corresponding social infrastructure has been constructed within last 12 years. For the same period by the Government 5,4 billion AZN has been allocated for social protection of refugees and IDP's.

During the same time, 165 000 persons out of 380 000 able bodied IDP's have been provided with permanent jobs, 200 000 persons have been provided with temporary jobs. Along with this, 3,000 IDP's were engaged in vocational training courses, 2000 were involved in paid work. Meantime, 16,000 families received targeted social assistance.

586 various types of community micro-projects, benefiting 325 000 persons and valued at USD 35 million, were implemented in the last 12 years within the framework of a credit agreement between the World Bank and Government of Azerbaijan. Micro-projects in the amount of 7.7 million AZN were allocated to 11,000 IDP's. 44 million AZN was allocated through the National Entrepreneurship Support Fund for 2000 IDP's for financing entrepreneurship investment projects. As a result of the activities carried out by the Government

of Azerbaijan, the level of poverty among IDP's has reduced from 75 to 12 percent in the last 12 years.

IDP's are exempted from paying utility and other service fees. 8,000 IDP's currently unemployed, who used to work in the difference budget organizations, get average monthly salaries. IDPs receiving paid education in higher and secondary state educational establishments are exempted from tuition fees. According to the 2015/2016 school year in the country's universities enrolled 8543 IDP's.

On the issue of restitution of property of refugees and IDP's, I would like to draw the attention of the Committee to the fact that on June 16, 2015, the Grand Chamber of the European Court of Human Rights has adopted Judgment in the case of Elkhan Chiragov and Others v. Armenia. This case originated in application of six citizens of Azerbaijan against Armenia, they were prevented from returning to their homes and unable to enjoy their property in the Lachin district of Azerbaijan, from where they were expelled in 1992 as a result of military aggression of Armenia against Azerbaijan.

The Court ruled that there is a continuing violation of property rights, the right to respect for private and family life, the right to an effective remedy provided for in the European Convention on Human Rights and Fundamental Freedoms.

In the context of the rights of internally displaced persons on the property and return to their homes, the Court noted that the ongoing negotiation process within the OSCE Minsk Group should not serve to justification for the violation the rights of displaced persons. In this regard, any laws adopted by the separatist entity cannot lead to the violation of the rights of displaced persons. The Court noted that Article 49 of the Fourth Geneva Convention applies to the occupied territories, but at the same time the rights of internally displaced persons to voluntary return in safety to their homes and places of residence, as soon as reasons for their displacement disappear, must be respected as customary international law.

The basic conclusion of the Court is the fact that Armenia exercises the effective control over the occupied territories of Azerbaijan, holds responsibility for the violation of rights of Azerbaijani displaced persons and violated the sovereignty, territorial integrity and inviolability of internationally recognized borders of the Republic of Azerbaijan, as well as used force for the acquisition of territory.

Distinguished Madam Chairperson,

Unfortunately, it should be noted that the Republic of Azerbaijan is not able to fulfil its international obligations in the field of human rights protection to the fullest extent on the national level in the occupied territories of Azerbaijan as a result of ongoing Armenia-Azerbaijan Nagorno-Karabakh conflict.

In the course of armed aggression by Armenia against the Republic of Azerbaijan the grave violations of the norms of international humanitarian law and human rights, numerous facts of extrajudicial executions and massive killings, torture and other cruel and inhuman types of treatment and punishment in relation to the civil population were registered.

Along with this, 738 historical monuments, 14 memorial complexes and 1107 cultural institutions, 67 mosques, 114 temples belonging to Caucasian Albania, 192 sacred sites were plundered and destroyed in the occupied territories. 373 mosques, ancient temples and other sacred places of worship were plundered and destroyed.

The systematic violation of the Armenian ceasefire and firing Azerbaijani territories from the offensive weapons of strike destructive nature poses a serious threat to the resumption of war and aims to create a new wave of displaced persons, in addition to existing in Azerbaijan about 1 million refugees and displaced persons as a result of Armenian aggression. Starting from 2 of April, 2016, exposed the positions of the armed forces of Azerbaijan and civil population residing intense artillery fire living in areas adjacent to the line of contact to intensive artillery fire. A large number of military servicemen and civilian population were killed and wounded, buildings, schools and other social objects were destroyed as a result of intensive artillery fire. Only two days ago two schools were destroyed as a result of artillery shelling. These criminal actions of Armenia undermining the basis of the international humanitarian law and directed at creating a new wave of social and humanitarian crisis, aim at the violation of the rhythm of the life of peaceful civilians living in areas adjacent to the line of contact.

The main goal of Armenia consistently pursuing a provocation and stirring up tension is to consolidate the occupied territories of Azerbaijan and to preserve existing status quo that is unacceptable for the international community. We once again call upon the international community to apply the preventive measures towards Armenia and force it to the peace and the withdrawal of armed forces from all occupied territories of Azerbaijan, including the Nagorno-Karabakh region.

In conclusion, I would like to express once again our readiness to the productive cooperation and open dialogue with the Committee.

I thank you for your attention.