



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND

www.ohchr.org • TEL: +41 22 917 9000 • FAX: +41 22 917 9008 • E-MAIL: ohchr-registry@un.org

REFERENCE: CERD/111<sup>th</sup> session/2023/FU/MJA/AKB/ks

8 December 2023

Excellency,

I wish to inform you that the Committee on the Elimination of Racial Discrimination, during its 111<sup>th</sup> session, considered the follow-up report submitted by the Government of Azerbaijan, pursuant to article 9 (1) of the Convention and rule 65 (1) of the Rules of Procedure of the Committee.

The Committee welcomes the submission of the report, in response to its request to receive information within one year on the implementation of the recommendations contained in paragraphs 19 (b) and (c), 23 and 31 of the Concluding Observations (CERD/C/AZE/CO/10-12), adopted following the consideration of the State party's 10<sup>th</sup> to 12<sup>th</sup> reports, at its 107<sup>th</sup> session, held in August 2022.

The Committee appreciates the opportunity provided to continue its dialogue with the State party and would like to draw the State party's attention to the observations mentioned below. The Committee requests that comments and responses on actions taken by the State party on these issues be included in its combined thirteenth and fourteenth periodic reports, which is due for submission, in a single document, by 15 September 2025.

Regarding its recommendation in paragraph 19(b), the Committee welcomes the information provided by the State party on the existing written and oral reporting channels, as well as the establishment of the 'electronic court' information system, which began in 2023 nine years after Presidential Order No. 268, dated 13 February 2014. Additionally, the Committee welcomes the information provided that a draft Law on Free Legal Assistance was formulated with the participation of international experts between 2019 and 2023. The Committee invites the State party to provide further information on this draft law, including on its provisions and incorporation of inputs from other individuals or groups, such as those of civil society representatives or experts invited by open call.

H.E. Mr. Galib Israfilov  
Permanent Representative of Azerbaijan  
to the United Nations Office,  
Geneva  
Email: [geneva@mission.mfa.gov.az](mailto:geneva@mission.mfa.gov.az)

While the Committee notes the information on complaints provided by the State party, it also notes that the provided data only pertains to cases concerning article 283 of the Criminal Code on incitement to national, racial, social, or religious hatred and enmity. The Committee reiterates its recommendation to collect data on complaints of racist hate speech and racially motivated crimes, as well as on violations of the equality of citizens, including prosecutions, convictions, and sanctions imposed for such acts.

Lastly, the Committee regrets that no information has been provided on steps taken to encourage reporting, which it believes has in part contributed to remarkably low number of reports.

Given that the information by the State party neither demonstrates steps taken to encourage reporting nor provides data on complaints of racist hate speech or racially motivated crimes, the Committee considers the response to this recommendation as partially satisfactory and requests the State party to include in its next periodic report further information on the implementation of its recommendations.

Regarding its recommendation in paragraph 19(c), the Committee welcomes the information provided by the State party on the training of judges and employees of the Prosecutor's Office on 'Issues arising from the International Convention on the Elimination of All Forms of Racial Discrimination' and 'Capacity-building of criminal justice authorities against xenophobia and racism committed online' in February 2023. The Committee invites the State party to provide in its next periodic report information on the impact of these trainings on the number of cases of racist hate speech and hate crimes identified, registered, investigated and put forward for prosecution.

The Committee notes the information on the training undertaken by the staff of the Ombudsman Institution and civil society organisations under the 'Strengthening the Access to Justice through Non-Judicial Redress Mechanisms for Victims of Discrimination and Hate Crime and Hate Speech in the Eastern Partnership Countries' project, however regrets that this was undertaken before the reporting period and without the participation of police, prosecutors, and judges.

The Committee also notes the trainings provided to employees of the Ministry of Internal Affairs and invites the State party to provide further information on these trainings and their impact in its next periodic report.

While welcoming the steps taken by the State party towards the provision of trainings, yet regretting that specific information on trainings on the identification, registration, investigation, and prosecution of cases of racist hate speech and hate crimes was not provided, the Committee considers the response to this recommendation as partially satisfactory.

With regard to its recommendation in paragraph 23, the Committee regrets that the State party has not provided specific information on the review or amendment of article 283 of the Criminal Code, rather stating that amendments and additions have been made. The Committee invites the State party to confirm whether these amendments and additions have been made since the review of the State party and to

provide specific information on these new provisions in relation to the Committee's recommendation.

The Committee notes that penalties for national, racial, social, and religious enmity or hatred have been reinforced. The Committee invites the State party to provide the Committee with the legislative text of these provisions in full as well as any information on supplementary legislative guarantees of legality, necessity, and proportionality.

Additionally, it regrets that the State party did not provide information on the conduct of effective, thorough and impartial investigations into all reported cases of arbitrary detention, intimidation and harassment of, and threats and reprisals against, human rights defenders, journalists and members of civil society organisations.

Reiterating its recommendation in full, the Committee considers the response to this recommendation as unsatisfactory.

Lastly, with regard to its recommendation in paragraph 31, while the Committee notes the 21 July 2017 amendment to ensure that all children born in Azerbaijan are registered regardless of their parents' migration status and the 23 September 2020 Decree No. 1160 'On expanding the application of electronic services in the field of state registration of civil status acts', it wishes to highlight that these measures precede the State party's review. As such, the Committee invites the State party to provide updated information on measures taken since to ensure birth registration and issue birth certificates for all children without discrimination.

The Committee welcomes the information that meetings of the 'Working Group on Statelessness Issues' have been held and that a separate Working Group under the leadership of the State Committee for Family, Women, and Children's Affairs has been established and invites the State party to provide specific information on the outcomes of these meetings with respect to the development and adoption of a legislative framework for a statelessness determination procedure. The Committee notes the information provided by the State party on the numerous public awareness-raising and education initiatives to address statelessness, however regrets that the State party did not specify when these measures were taken nor whether they were related to the development or adoption of a legislative framework for a statelessness determination procedure.

The Committee welcomes the information provided on the amendment dated 3 December 2019 'On Medical Insurance' that extended insurance to non-citizens, however, wishes to highlight that this measure preceded the State party's review and therefore cannot be taken into consideration with respect to the implementation of the recommendation. The Committee notes the information provided on the 'Support to the development of Migrant Integration Strategy, related Action Plan and Training Curriculum' pilot project. So far as the pilot project impacts the enjoyment of refugees, asylum seekers and stateless persons of their economic and social rights without discrimination, the Committee invites the State party to provide further information on its projected timeline, funding, objectives, and indicators.

Given that the information provided by the State party either preceded the reporting period or did not provide sufficient detail for the Committee to assess the

implementation of the recommendation, the Committee considers the response to the recommendation unsatisfactory.

Rest assured, Excellency, that the Committee looks forward to continuing its constructive dialogue with the Government of Azerbaijan, with a view to providing it with assistance in its efforts to ensure the effective implementation of the Convention.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,



Verene Shepherd  
Chair

Committee on the Elimination of Racial Discrimination