



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

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

**REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION**

Fourth periodic reports of States parties due in 2004

Addendum

AZERBAIJAN*

[30 May 2004]

* This document contains the third and fourth periodic reports of Azerbaijan, due on 15 September 2001 and 2003 respectively, submitted in one document. For the initial and second periodic reports, submitted in one document, and the summary records of the meetings at which the Committee considered those reports, see documents CERD/C/350/Add.1 and CERD/C/SR.1358, 1359 and 1368.

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I. GENERAL

1. Azerbaijan has an area of 86,600 square kilometres. As at 1 January 2003, the population numbered 8,203,000, including 4,023,000 males (49 per cent) and 180,000 females (51 per cent). The urban population stood at 4,155,000 (51 per cent) and the rural population at 4,048,000 (49 per cent).
2. Azerbaijan is a multi-ethnic country. The Government takes the necessary measures to create conditions that guarantee the equality of all citizens. Individuals belonging to minorities participate actively in all spheres of national life. In Azerbaijan, various ethnic minorities have lived peacefully and harmoniously alongside Azerbaijanis for centuries. The ethnic diversity of Azerbaijan has been preserved to this day.
3. It should be noted, however, that Azerbaijan faced a threat to its territorial integrity and security when it was still a part of the Union of Soviet Socialist Republics. In February 1988, at a session of the Soviet of the Nagorny Karabakh Autonomous Oblast of the Azerbaijan Soviet Socialist Republic, a decision was adopted, without the participation of any Azerbaijani deputies, on the secession of Nagorny Karabakh from Azerbaijan and its annexation to Armenia. On 1 December 1989, the Supreme Soviet (Parliament) of the Armenian Soviet Socialist Republic adopted a decision, which has yet to be reversed, on the annexation of the Nagorny Karabakh region of Azerbaijan to Armenia. These and other similar decisions by the Armenians, the purpose of which was the unilateral seizure of a part of Azerbaijan's territory, were at variance with the Constitution of the USSR and the Azerbaijani Constitution, which stipulated that the territory of union republics could not be modified without their consent. Any modification of borders between union republics required their mutual agreement, subject to approval by the USSR.
4. In the period 1971-1985, capital investment in the development of Nagorny Karabakh amounted to 483 million roubles, or 2.8 times the total capital investment in the Autonomous Republic over the previous 15 years. Over a 20-year period, the average per capita investment increased nearly fourfold (226 roubles in the period 1981-1985 as compared with 59 roubles in the period 1961-1965). Over the past 15 years, housing increased by 3.64 square metres per person in Azerbaijan as a whole, whereas the corresponding figure for Nagorny Karabakh was 4.76 square metres. There were 15 per cent more hospital beds for every 10,000 persons in Nagorny Karabakh than in the rest of Azerbaijan.
5. Although Nagorny Karabakh ranked relatively high among Azerbaijan's regions in terms of the number of pre-school establishments, in the period 1971-1985 the increase in the number of places in children's institutions exceeded the national average by a factor of 1.4. The same can be said of the increase in the number of places for pupils in general education schools, with Nagorny Karabakh exceeding the national average by a factor of 1.6.
6. It was typical of the social and cultural development of Nagorny Karabakh Autonomous Oblast that it surpassed the rest of the country in the areas of housing, goods and services. In Nagorny Karabakh, living space per person was almost one third higher than the average for Azerbaijan, while the living space of inhabitants of rural areas was 1.5 times higher than the national average. The population of Nagorny Karabakh was also better supplied with middle-level medical personnel (1.3 times more). The network of institutions providing cultural

and information services was more extensive (with more than three times the number of cinemas and clubs and twice the number of libraries) and there were 1.6 times more books and magazines for every 100 readers. In Nagorny Karabakh, 37 per cent of children attended permanent pre-school establishments (as compared with 20 per cent in Azerbaijan as a whole).

7. In the 1988/89 school year, there were 136 secondary general education schools in Nagorny Karabakh using Armenian as the language of instruction (16,120 pupils) and 13 international schools (7,045 pupils). In Azerbaijan as a whole during that school year, there were 181 Armenian schools (20,712 pupils) and 29 international schools (12,766 pupils). The State Pedagogical Institute in Hankendi had more than 2,130 students, mostly Armenian, studying in its Azerbaijani, Armenian and Russian divisions. In addition, Nagorny Karabakh had dozens of specialized secondary schools and vocational training institutes offering instruction in Armenian and Russian.

8. Nagorny Karabakh Autonomous Oblast was in fact developing more rapidly than Azerbaijan as a whole. Whereas industrial output in Azerbaijan increased threefold between 1970 and 1986, in Nagorny Karabakh it increased by a factor of 3.3 (representing a growth rate 8.3 per cent higher). In 1986, there was 3.1 times more investment in the Autonomous Oblast as compared with 1970, while in Azerbaijan as a whole, the figure was 2.5. Nagorny Karabakh also surpassed the average standard of living indicators for Azerbaijan in terms of social development. The construction of cultural facilities increased significantly in Nagorny Karabakh, as it did throughout Azerbaijan as a whole.

9. Nagorny Karabakh had five Armenian-language periodicals. Unlike other administrative and territorial units of Azerbaijan located far from the capital or in mountainous regions, Nagorny Karabakh was equipped with a technical base for television and radio reception.

10. As illustrated by statistics and borne out by Nagorny Karabakh's experience and development as part of Azerbaijan, the form of autonomy that had evolved was entirely in keeping with the specific social, cultural, national and daily needs of the population of the Autonomous Oblast.

11. In 1988, the mass expulsion of Azerbaijanis from Nagorny Karabakh and Armenia began; this resulted in the complete ethnic cleansing of the non-Armenian population from these territories. The Soviet leadership proved powerless to halt such unconstitutional acts by Armenia or to prevent raids into Azerbaijani territory by paramilitary formations and terrorist groups.

12. On 26 November 1991, the Supreme Soviet of the Republic of Azerbaijan adopted an act abolishing Nagorny Karabakh Autonomous Oblast as a national territorial unit on the grounds that its creation had exacerbated ethnic strife between Azerbaijanis and Armenians.

13. Full-scale military operations were launched in late 1991 and early 1992. Armenian armed formations launched combat operations in Nagorny Karabakh using the latest weapons. These operations culminated in the seizure of the town of Khojaly in February 1992, resulting in the deaths of more than 600 civilians, including women, children and old people and the occupation of the town of Shusha and Shusha district in May 1992. As a consequence of these

acts, the entire Azerbaijani population was expelled from Nagorny Karabakh and the occupation of the territory was completed. With the seizure of Lachin in May 1992, the territory of Nagorny Karabakh was annexed to Armenia.

14. Subsequently, hostilities spread beyond the administrative borders of the region and further into Azerbaijan, including across the Armenian-Azerbaijani border. A further six Azerbaijani regions were occupied by Armenia.

15. As a result of Armenian aggression against Azerbaijan, more than 17,000 square kilometres of land, or 20 per cent of the country's territory, is under occupation, and more than 50,000 people were injured or disabled and upwards of 18,000 lost their lives. Moreover, 877 settlements, 100,000 dwellings, over 1,000 economic facilities, more than 600 schools and educational establishments, 250 medical institutions and most of the architectural monuments in the occupied zone were looted or destroyed. As a result of Armenian aggression and the ethnic cleansing of Azerbaijanis from the territory of Armenia proper and the occupied Azerbaijani territories, there are now about 1 million refugees and displaced persons in Azerbaijan.

16. Most of the refugees and displaced persons live in the many tent cities that have been set up. The presence in Azerbaijan of such a large number of refugees and displaced persons has seriously affected the social situation. In recent years, thanks to the assistance of international humanitarian organizations, particularly the Office of the United Nations High Commissioner for Refugees, great efforts have been made to resolve the problems faced by refugees. The President of Azerbaijan has signed a number of decrees and orders with a view to improving their social situation. However, despite all the activities undertaken by international humanitarian organizations, the current humanitarian situation remains extremely difficult.

17. Azerbaijan's efforts to achieve a rapid and peaceful settlement of the conflict, liberate the occupied territories and facilitate the return of the refugees and displaced persons have been thwarted by Armenia's unconstructive position. Deluded by the myth that it can expand its territory at the expense of neighbouring States, Armenia is demanding that Nagorny Karabakh be granted independence or that this part of Azerbaijan territory be annexed by Armenia.

18. Despite the fact that, as a result of Armenia's occupation of Azerbaijani territory and the ethnic cleansing, there are more than 1 million refugees and forcibly displaced persons and that the Azerbaijani population has been driven from these lands, despite the destruction and looting and the fact that 1,568 people have lost their lives and 1,808 have been injured as a result of terrorist acts carried out by Armenian security services, the approximately 30,000 Armenians residing in Azerbaijani territory today do not experience discrimination.

19. The core document (HRI/CORE/1/Add.117), submitted pursuant to various international human rights instruments, forms an integral part of the present report.

20. By Act No. 95-IQ of 31 May 1996, Azerbaijan became a party to the International Convention on the Elimination of All Forms of Racial Discrimination.

21. The initial and second periodic reports of Azerbaijan (CERD/C/350/Add.1) were considered by the Committee on the Elimination of Racial Discrimination on 18 and 19 August 1999. The Committee's concluding observations are contained in CERD/C/304/Add.75.

22. The country's third periodic report was drafted in accordance with the general guidelines regarding the form and contents of reports to be submitted by States parties under article 9, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination. The report covers the period following the submission by the Government of Azerbaijan of the second periodic report (covering the period 1998-2003). The Committee's concluding observations were taken into account in the preparation of the report. A working group was established to draft the third periodic report pursuant to Presidential Order No. 1357 of 23 October 2003.

II. INFORMATION CONCERNING ARTICLES 2 TO 7 OF THE CONVENTION

23. Following the restoration of State independence, far-reaching political, economic and humanitarian changes took place. The necessary measures were taken to democratize society and to ensure the protection of human rights and fundamental freedoms.

24. In Azerbaijan, protection of human and civil rights and freedoms was proclaimed the supreme goal of the State. In order to attain that goal and create the relevant legal mechanisms, important measures are being taken to ensure that full use is made of the country's political, legal and economic potential. All the necessary conditions have been created in Azerbaijan for the formation of democratic institutions.

25. In accordance with the Constitution of Azerbaijan, which was adopted in a nationwide referendum held on 12 November 1995, the protection of the rights and freedoms of every person irrespective of race, ethnicity, religion, language, sex, origin, beliefs, political or social affiliation, or other attributes, is the supreme goal of the State.

26. Azerbaijan is actively engaged in European integration processes. This has become possible owing to the Government's consistent policy of strengthening the democratic rule of law in Azerbaijan. The reforms under way are irreversible and a firm political and legal basis has been created for the democratic development of the country.

27. The new Criminal Code, Code of Criminal Procedure, Civil Code and Code of Civil Procedure, Code of Administrative Offences and the Penal Enforcement Code, which were drafted with the participation of prestigious international experts and entered into force on 1 September 2000, have created a firm basis for democratization of legal policy and legal procedure, protection of the human rights and freedoms guaranteed by the Constitution and the strengthening of the role of the judiciary as an independent branch of government.

28. The judicial and legal reforms in Azerbaijan are aimed at strengthening and guaranteeing the exercise of human and civil rights. A three-tier judicial system, consisting a court of first instance, a court of appeal, and a court of cassation has been introduced in Azerbaijan.

29. Azerbaijan is a party to all the basic international human rights treaties and is open to the broadest possible cooperation in the context of international institutions. A firm basis has been established for democratic reform, and the necessary political and legal infrastructure has been created for the practical implementation of the provisions of basic international legal human rights instruments.

30. A multiparty system has been established in Azerbaijan, and the principles of political pluralism, the supremacy of the law and individual rights have been consolidated. Azerbaijan's legislation places special emphasis on social, economic and cultural rights, creating a basis for the fulfilment of its international legal obligations.

31. Azerbaijan is a party to all the basic international human rights treaties and has recognized the competence of the relevant United Nations treaty monitoring bodies to receive and consider communications from individuals claiming to be victims of human rights violations. For that purpose, Azerbaijan became a party to the Optional Protocol to the International Covenant on Civil and Political Rights and to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and made declarations in respect of other multilateral human rights instruments.

32. On 22 September 2001, Azerbaijan declared, pursuant to article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination, that it recognized the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications from individuals or groups of individuals within its jurisdiction claiming to be victims of a violation by Azerbaijan of any of the rights set forth in the Convention.

33. In March 2000, the President signed a decree on State policy relating to women, which sets out the main features of women's role in State and public administration. It should also be noted that, on 6 March 2000, the Cabinet of Ministers adopted a decision on a national plan of action for women.

34. Currently, there are some 50 women's non-governmental organizations (NGOs) in Azerbaijan working to defend the rights of women, protect the family and the health of women and children, encourage women's participation in social and political life and provide assistance to refugees, children's homes, disabled persons, and so on.

35. Azerbaijan is going through a period of transition and is faced with many economic, political and social problems that affect the whole of society. The economic and political crises of the post-Soviet period and the armed aggression by Armenia led to the occupation of 20 per cent of Azerbaijan's territory. Women account for 420,000 of the 1 million refugees and displaced persons. In zones of armed conflict, women and children have been more exposed than others to violence.

36. It should be noted that a further set of factors, including the socio-economic factor, hampers realization of the economic, social and cultural rights of women refugees and displaced persons.

37. One of the main areas of State policy is support for the languages and cultures of all minorities living in Azerbaijan. The implementation of an ethnic policy based on the democratic equality of all citizens is an important condition for achieving stability, national unity, successful democratic transition, and economic reforms.

38. The table below shows trends in the ethnic composition of Azerbaijan's population based on the 1989 and 1999 censuses.

Ethnic composition of Azerbaijan's population

By national and ethnic groups	Number of persons (thousands)	Percentage of total population	Number of persons (thousands)	Percentage of total population
	1989	1989	1999	1999
Total population	7 021.2	100	7 953.4	100
Azerbaijanis	5 805.5	82.7	7 205.5	90.6
Lezgins	171.4	2.4	178.0	2.2
Russians	392.3	5.6	141.7	1.8
Armenians	390.5	5.6	120.7	1.5
Talysh	21.2	0.3	76.8	1.0
Avars	44.1	0.6	59.9	0.6
Turks	17.7	0.2	43.4	0.5
Tartars	28.6	0.4	30.0	0.4
Ukrainians	32.3	0.5	29.0	0.4
Tsakhurs	13.3	0.2	15.9	0.2
Georgians	14.2	0.2	14.9	0.2
Kurds	12.2	0.2	13.1	0.2
Tats	10.2		10.9	0.13
Jews	30.8	0.4	8.9	0.1
Udis	6.1	0.1	4.1	0.05
Other nationalities	41.5	0.6	9.6	0.12

The State Statistical Committee is responsible for collecting and processing of demographic data in Azerbaijan.

39. For the purposes of implementing State policy relating to women in a more organized fashion, the President issued a decree on 14 January 1998 establishing the State Committee for Women's Affairs. The Cabinet of Ministers was entrusted with drafting relevant proposals with a view to enhancing the role of women in the country's political, social, economic and cultural life.

Article 2

40. Under article 25 of the Constitution, everyone is equal before the law and the courts; men and women have equal rights and freedoms; the State guarantees equality of rights and freedoms of all citizens, irrespective of race, ethnicity, religion, language, sex, origin, property status,

occupation, beliefs or membership of political parties, trade unions or other voluntary organizations. Human and civil rights and freedoms may not be restricted on the grounds of race, ethnicity, religion, language, sex, origin, beliefs or political or social affiliation.

41. Since the previous reporting period, the Criminal Code and Code of Criminal Procedure and other legislation were adopted and entered into force on 1 September 2000, and amendments were introduced to the Constitution following a referendum held on 24 August 2002. The legislation adopted contain norms establishing the equality of citizens before the law, irrespective of race, and eliminating all forms of racial discrimination, as well as norms establishing liability for violations of that equality. For example, the Human Rights Commissioner (Ombudsman) Act was adopted on 2 July 2002, the Voluntary Organizations Act on 10 November 1992, the Political Parties Act on 3 June 1992, the Trade Unions Act on 24 February 1994, the Non-Governmental Organizations (Voluntary Organizations and Funds) Act on 13 June 2000, the Media Act on 7 December 1999, the Television and Radio Broadcasting Act on 25 June 2002, the Service in Procuratorial Bodies Act on 29 June 2001, the Registration of Places Residence and Sojourn Act on 4 April 1996, the Entry, Exit and Passports Act on 14 June 1994, the Legal Status of Foreigners and Stateless Persons Act on 13 March 1996, the Citizenship Act on 30 September 1998, the Freedom of Religion Act on 20 August 1998, the Freedom of Information Act on 19 June 1998, the Privatization of State Property Act on 10 August 2000, the Employment Act on 2 July 2001, the Labour Migration Act on 28 October 1999, the Mortgage Act on 3 July 1998, the Education Act on 7 October 1992, the Compensation (Injury to Individuals resulting from Unlawful Actions of Initial Inquiry Authorities, Pre-Trial Investigation Authorities, the Procurator's Office and the Courts) Act on 29 December 1998, the Status of Refugees and Forcibly Displaced Persons (Persons Resettled in Azerbaijan) Act on 21 May 1999 and the Culture Act on 6 February 1998.

42. Under amendments introduced to article 130 of the Constitution, everyone has the right, in accordance with established legal procedure, to lodge an appeal with the Constitutional Court against enactments by legislative or executive bodies, municipal acts and the courts that violate his or her rights and freedoms so that the Constitutional Court may take a decision on the issues falling within its competence, with a view to restoring the violated human rights and freedoms.

43. The Constitutional Act on the Human Rights Commissioner (Ombudsman) of Azerbaijan was adopted on 28 December 2001. The first Ombudsman was elected on 2 July 2002 and began receiving and considering applicants' complaints on 28 October 2002.

44. In accordance with article 1, paragraph 1, of the aforementioned Act, the post of Ombudsman was established in order to restore the human rights and freedoms set forth in the Constitution and in international treaties to which Azerbaijan is a party and which have been violated by State bodies, local self-government bodies, and officials. One of the Ombudsman's functions, alongside ensuring other rights and freedoms contained in the Constitution, is to ensure the right to equality.

45. Under article 6 of the Criminal Code, persons who have committed offences are equal before the law and are subject to criminal liability irrespective of race, ethnicity, attitude to religion, language, sex, origin, property or professional status, beliefs, membership of political parties, trade unions or other voluntary organizations, as well as other circumstances.

46. Article 154 of the Criminal Code provides for criminal liability for violations of the equal rights of citizens, irrespective of race, ethnicity, attitude to religion, language, sex, origin, property or professional status, beliefs or membership of political parties, trade unions or other voluntary organizations, which have damaged the rights and legitimate interests of citizens. The article also provides for more severe punishment for acts committed by an official who abuses his or her position.

47. Article 103 of the Criminal Code provides for criminal liability for acts with a view to bringing out the complete or partial annihilation of a national, ethnic, racial or religious group by murdering members of that group, causing grave damage to their health or serious harm to their mental capacities, creating living conditions intended to result in the complete or partial physical annihilation of members of that group, implementing measures to curb the group's birth rate, or forcibly transferring children from one group to another.

48. Under article 109 of the Criminal Code, the persecution of any group or organization on political, racial, national, ethnic, cultural or religious grounds, or on the grounds of sex or other grounds prohibited under the norms of international law, namely the gross violation of people's basic rights on the grounds of their affiliation to such groups or organizations, is criminally punishable if the act is linked to other crimes against the security of mankind.

49. Persons who commit socially dangerous acts covered under the Criminal Code are liable to the following types of punishment, which significantly limit the right to choice of profession: deprivation of liberty, punitive deduction of earnings without deprivation of liberty, deprivation of the right to hold specific posts or engage in specific activities, or dismissal from their current post. These types of punishment are applicable only on the basis of an enforceable court judgement. Discriminatory provisions are prohibited in Azerbaijani legislation or collective agreements, which are always based on the constitutional principle of equality of all citizens.

50. The Procurator-General has ultimate responsibility for monitoring the consistent and uniform implementation of legislation in Azerbaijan, and the procurator's offices that report to him are ultimately responsible for monitoring protection of citizens' political, labour, individual and property rights and interests, including protection from any kind of discrimination in the field of labour, employment and choice of profession.

Article 3

51. Article 111 (Racial discrimination (apartheid)) of the Criminal Code penalizes acts committed with a view to establishing and maintaining the superiority of one racial group for the oppression of another racial group:

- Denial of the right of members of a racial group or groups to life and freedom, that is, by murdering members of a racial group or groups, causing grave damage to their health or serious harm to their mental capacities, or subjecting them to torture or cruel, inhuman or degrading treatment or punishment, or to arbitrary arrest or unlawful deprivation of liberty;
- Deliberate creation of living conditions for a racial group or groups with a view to bringing about their complete or partial physical annihilation;

- Implementation of any legislative or other measures with a view to hindering the participation of a racial group or groups in the political, social, economic and cultural life of the country, and to impeding the full development of such group or groups by denying the members of the group or groups their fundamental human rights and freedoms, including the right to work, the right to form trade unions, the right to education, the right to leave one's country and return to it, the right to citizenship, the right to freedom of movement and choice of a place of residence, the right to freedom of opinion and expression, and the right to freedom of peaceful assembly and association;
- Implementation of any measures, including legislative measures, with a view to dividing the population into racial groups through the creation of isolated reservations and ghettos, prohibiting mixed marriages between members of different racial groups, and expropriating land belonging to a racial group or groups or to their members;
- Exploitation of the labour of members of a racial group or groups;
- Persecution of organizations and persons who oppose apartheid by depriving them of their fundamental rights and freedoms.

Article 120, paragraph 2.12, of the Criminal Code penalizes murder on the grounds of ethnic, racial or religious hatred or enmity.

Article 4

52. Article 283 of the Criminal Code penalizes acts intended to incite national, racial or religious enmity or insult national dignity, and acts intended to restrict citizens' rights or to establish the supremacy of citizens on the grounds of their membership of an ethnic or racial group, or their attitude to religion, if such acts are committed publicly and make use of the media, as well as acts committed with the use or threat of violence, by a person who abuses his or her official position, or by an organized group.

53. Article 218 of the Criminal Code provides for criminal liability for the creation of a criminal association (criminal organization) for the purpose of committing serious or particularly serious offences, and also the leadership of such an association (organization) or any structural subdivisions thereof, and the creation of an association of organizers, leaders or other representatives of organized groups with a view to planning, and creating conditions for the perpetration of, serious or particularly serious offences. The Code also provides for criminal liability for participation in a criminal association (organization) or in an association of organizers, leaders or other representatives of organized groups, and also for acts covered by article 218 that are committed by a person who abuses his or her official position.

54. Article 4 of the Voluntary Associations Act of 10 November 1992 prohibits the establishment, and activities of, voluntary organizations whose purpose or modus operandi involves the incitement of social, racial, ethnic or religious enmity. Similar provisions concerning political parties and trade unions are contained in the Political Parties Act of 3 June 1992, the Trade Unions Act of 24 February 1994 and the Non-governmental Organizations (Voluntary Organizations and Funds) of 13 June 2000.

55. Article 10 of the Media Act of 7 December 1999 prohibits the use of the media to incite ethnic, racial or social discord and intolerance; the publishing, under the guise of an official source, of rumours, lies or biased publications that are an affront to citizens' honour and dignity, or the commission of other unlawful acts.

56. In accordance with the Television and Radio Broadcasting Act of 25 June 2002, the National Television and Radio Council monitors the prohibition of propaganda concerning terrorism, violence, cruelty and ethnic, racial or religious discrimination. If a television or radio broadcaster violates the regulations and conditions of the special authorization (licence) or the provisions of the aforementioned Act, the special authorization (licence) may be revoked by a court decision when the television or radio broadcaster openly incites ethnic, racial or religious discord or the like. One of the requirements concerning the preparation of radio and television programmes is the prohibition of ethnic, religious and racial discrimination.

Article 5

A. Right to equality before the tribunals

57. In accordance with article 11 of the Code of Criminal Procedure, criminal proceedings in Azerbaijan shall be carried out on the basis of the equality of all persons before the law and the courts. The judicial authorities may accord no advantage to any participant in criminal proceedings regardless of citizenship, social status, sex, race, ethnicity, political or religious affiliation, language, origin, property status, occupation, beliefs, place of residence, place of origin or any other reasons that are not based on law. Criminal proceedings against the President, deputies to the Milli Mejlis, the Prime Minister, the Human Rights Commissioner (Ombudsman) and judges are regulated by the Constitution, the Code of Criminal Procedure and other legislation.

58. According to article 26 of the Code of Criminal Procedure, criminal proceedings in the courts of Azerbaijan shall be conducted in the official language of the Republic of Azerbaijan or in the language of the majority of the population in the relevant area. In the event that the parties do not know the language used in court, the judicial authority shall guarantee the following rights to them: the right to be apprised of their right to use their mother tongue; the right to use the services of an interpreter free of charge during the preliminary investigation and court hearings; the right to have full access, following the completion of the preliminary investigation, to all the materials of the criminal case and other materials relating to the criminal prosecution; and the right to use their mother tongue in court. In accordance with article 26, the rights of parties in criminal proceedings who do not know the language used in court shall be guaranteed at the expense of the State budget. The judicial authority shall provide the relevant persons with the necessary documents in the language used in the criminal proceedings. The documents to be provided to the relevant persons who do not know the language used in the criminal proceedings shall be provided to them in their mother tongue or in another language in which they are fluent.

59. Under article 8 of the Code of Civil Procedure, proceedings in civil cases and economic disputes shall be carried out on the basis of the principle of the equality of all persons before the law and the courts. The court shall treat all parties to the proceedings equally, irrespective of

their race, ethnicity, religion, language, origin, property status, occupation, beliefs, membership of political parties, trade unions or other voluntary associations, place of origin, dependence of a legal entity, form of ownership or other distinctions that are not provided for by law.

60. According to article 11 of the Code of Civil Procedure, proceedings in civil cases and economic disputes shall be conducted in the State language of the Republic of Azerbaijan - Azerbaijani - or in the language of the majority of the population in the relevant area. Parties who do not know the language used in court shall have, and be apprised of, their right to familiarize themselves with all the materials of the case, to make statements, to provide explanations and testify, to speak in court, to make applications and submit complaints in their mother tongue, and also to make use, free of charge, of the services of an interpreter in accordance with the procedure established by the Code of Civil Procedure. Court documents are delivered to the parties in the language in which the proceedings are conducted.

61. In accordance with article 7 of the Code of Administrative Offences, persons who commit administrative offences are equal before the law and bear administrative liability irrespective of their race, ethnicity, religion, language, sex, origin, property status, occupation, beliefs or other attributes. Legal entities bear administrative liability irrespective of their form of ownership, place of operation, organizational and legal form, or dependent status.

62. Under article 363 of the Code of Administrative Offences, proceedings in cases involving administrative offences are conducted in Azerbaijani or in the language of the majority of the population in the relevant area. Participants in cases involving administrative offences who do not know the language in which the proceedings are conducted, shall have the right to provide information and explanations and make complaints or applications in their mother tongue or in another language in which they are fluent; they shall also have the right to make use of the services of an interpreter in accordance with the procedure established by the Code of Administrative Offences.

B. Right to security of person

63. In accordance with article 15 of the Code of Criminal Procedure, search and personal examination and other procedures that breach the right to inviolability of the person may not be carried out against the will of the person concerned or his or her legal representative without a court decision or in other forms, except in cases of detention or remand in custody. During the criminal prosecution, the following shall be prohibited:

- The use of torture and physical and psychological force, including medication, starvation, hypnosis, deprivation of medical care, or the use of other cruel, inhuman or degrading treatment or punishment;
- The imposition of long-term or severe physical suffering or temporary impairment of health, experiments or other procedural acts, as well as the conduct of any other similar ill-treatment;
- Taking evidence from victims, suspects or accused persons, or from other participants in the criminal proceedings through the use of violence, threats, deceit or other unlawful acts that violate their rights.

64. According to article 113 of the Criminal Code, the infliction of physical pain or mental suffering on persons in custody or subjected to another form of restriction of liberty is a punishable offence.

65. Article 115 of the Criminal Code provides for criminal liability for forcing prisoners of war and other persons protected by international humanitarian law to serve in the armed forces of the side that took them prisoner, or for forcing citizens of an enemy State to participate in military operations against their own country. Cruel or inhuman treatment of the persons covered under this article, the use of torture against them, the conduct of medical, biological or other research, including the removal of organs for the purpose of transplant, and also the use of persons as shields to protect their troops or facilities, or holding such persons hostage, or subjecting the civilian population to forced labour or forced displacement from their lawful place of residence, are punishable offences.

66. Article 133 of the Criminal Code provides for criminal liability for causing physical or mental suffering through systematic beatings or other violent acts. The commission of any act provided for in this article by an official who abuses his position or incites others to commit such an act with a view to obtaining information from a person or forcing a person to confess, or with a view to punishing a person for an act that that person has committed or is suspected of having committed, is also a punishable offence.

67. In accordance with article 290 of the Criminal Code, the criminal prosecution of a person known to be innocent is a punishable offence. Under article 292, the intentional unlawful detention of a person is a punishable offence.

68. Article 293 provides for criminal liability for forcing a suspect, an accused person, a victim or a witness to give evidence during interrogation, and also for forcing an expert to present findings, through the use of threats, blackmail, insulting a person's dignity or other unlawful acts by a procurator, investigator or a person conducting the initial inquiry, or at their instigation. More serious punishment is provided for acts that involve the use of torture.

69. Under article 295, the handing down of unlawful sentences, decisions, judgements or rulings is a punishable offence. Under article 331, paragraph 3, criminal liability arises when a superior subjects a subordinate to beatings or cruel treatment in the performance, or in connection with the performance, of his military service obligations.

70. During the period from 2000 to 2003, Azerbaijani courts did not consider any criminal cases involving crimes under article 103 (Genocide), article 109 (Persecution), article 111 (Racial discrimination), article 120, paragraph 2.12 (Murder on the grounds of ethnic, racial or religious hatred or enmity), or article 283 (Incitement of ethnic, racial or religious enmity) of the Criminal Code of Azerbaijan, which entered into force on 1 September 2000.

C. Political rights

71. Under article 55 of the Constitution, citizens of Azerbaijan have the right to participate in State administration. They may exercise this right directly or through their representatives.

Citizens of Azerbaijan have the right to serve in State bodies. Officials of State bodies are appointed from among citizens of Azerbaijan. Foreigners and stateless persons may be accepted into State service in accordance with the procedure established by law.

72. In accordance with article 56 of the Constitution, citizens of Azerbaijan have the right to vote and stand for election to State bodies, and to participate in referendums. Persons whose incapacity has been established by a court decision do not have the right to participate in elections or referendums. The right of servicemen, judges, civil servants, religious personnel, and persons deprived of liberty pursuant to an enforceable court judgement, as well as other persons stipulated in the Constitution and Azerbaijani law, to participate in elections may be restricted by law.

73. In order to enable citizens of Azerbaijan to exercise their constitutionally guaranteed right to participate in elections, the Electoral Code was adopted on 27 May 2003. The Code defines the organizational, legal and political basis for conducting elections and referendums, and for guaranteeing individual rights and freedoms and the equality of all citizens of Azerbaijan.

74. The draft electoral code was widely debated by the general public. Over the course of a year, it was thoroughly discussed in many labour collectives, political parties, non-governmental voluntary organizations and the media, and the entire electoral system was carefully designed. The draft code was also scrutinized by international experts and received a positive assessment from the Council of Europe, the Organization for Security and Cooperation in Europe (OSCE), the European Commission for Democracy through Law (Venice Commission) and the International Foundation for Electoral Systems.

75. When the draft code was prepared, account was taken of the provisions of current legislation that facilitate the conduct of free, transparent and democratic elections. The earlier Referendums Act of 30 December 1997, the Presidential Election Act of 9 June 1998, the Election to the National Assembly Act of 12 August 1995 and the Central Election Commission Act of 15 May 1998 are no longer in force.

76. Under the Electoral Code, citizens of Azerbaijan have the right to vote and stand for election irrespective of race, ethnicity, religion, language, sex, origin, property status, occupation, beliefs or membership of political parties, trade unions or other voluntary organizations. Citizens participate in elections and referendums on the basis of equality. In elections, everyone has the right to one vote. The votes of all citizens have the same legal force.

77. Elections in Azerbaijan are conducted on the basis of universal, equal and direct suffrage in free, individual and secret voting.

78. Electoral bodies - election commissions - were established on the basis of a multiparty system, which is the hallmark of a modern society, and in accordance with the provisions of the Electoral Code concerning the preparation and conduct of elections and guaranteeing and monitoring citizens' electoral rights. The Central Election Commission, which consists of 15 members and is based on a multiparty system, prepared and conducted elections and a referendum.

79. With the exception of the cases referred to in article 56 of the Constitution and article 14 of the Electoral Code, during elections to the Milli Mejlis, presidential and municipal elections and on the day of a referendum, every citizen of Azerbaijan who has reached the age of 18 has the right to vote in elections and referendums, monitor the conduct of the election (referendum), to participate in campaigning before an election (referendum) and, in the cases provided for in the Electoral Code, to participate in electoral activities and the preparation of referendums. Thus, Azerbaijani citizens have active suffrage.

80. Stateless persons who meet the aforementioned criteria and who have lived in Azerbaijan for at least five consecutive years, may participate in elections to the Milli Mejlis, presidential and municipal elections and referendums. Foreign citizens who meet the aforementioned criteria and who have lived in Azerbaijan for at least five consecutive years, may participate in municipal elections, provided that the same rights are accorded to foreigners in the State of which they are citizens.

81. With the exception of the cases referred to in article 56 of the Constitution and in the Electoral Code, every citizen who has active suffrage has the right to establish groups to campaign for the conduct of a referendum and, provided that he or she meets the constitutional criteria, to stand for election to the office of President, deputy of the Milli Mejlis or member of a municipality.

82. Under articles 56, 85 and 100 of the Constitution of Azerbaijan, the following persons may not be elected to the office of President, deputy of the Milli Mejlis or member of a municipality:

- Persons who are serving a sentence in places of deprivation of liberty pursuant to an enforceable court judgement;
- Persons convicted of an offence under article 15, paragraphs 4 and 5, of the Criminal Code;
- Citizens of Azerbaijan who have dual citizenship (as long as they retain dual citizenship);
- Citizens of Azerbaijan who have obligations to a foreign State (until the termination of such obligations).

83. In accordance with article 86 of the Constitution, the Constitutional Court verifies and confirms the outcome of elections.

84. The Central Election Commission, no later than 14 days following the day on which a presidential election was held, tallies the results of the election and submits them to the Constitutional Court for confirmation. The Constitutional Court's decision on the outcome of presidential elections is final.

85. The Central Election Commission, no later than 30 days following the day on which the elections were held, announces the results of municipal elections. The Central Election Commission's decision on the outcome of municipal elections is final.

86. The Criminal Code establishes liability for hindering the exercise of the right to vote (participate in a referendum) or the lawful activities of election commissions, for falsifying electoral documents (participation in a referendum), and for deliberately miscounting votes or violating the secrecy of the vote.

87. The Code of Administrative Offences provides for administrative liability for knowingly disseminating false information about a candidate; violating the rights of a member of an election commission (referendum commission), of observers, of proxies, of candidates, of authorized representatives of political parties, of a group campaigning for a referendum, of blocs of political parties and of representatives of the media; for threats or statements calling for violence in connection with an election (referendum), or for the dissemination of similar materials; for violation of the right of citizens to familiarize themselves with the electoral roll, and violation of other citizens' rights; for refusal to grant time off to participate in an election (referendum); and for the deliberate failure to provide or publish information on the results of voting or the outcome of an election.

88. The Civil Service Act of 21 July 2000 guarantees the right to enter the civil service and all matters relating thereto. All citizens of Azerbaijan who are at least 16, irrespective of their race, ethnicity, language, sex, social or property status, place of residence, attitude to religion, beliefs or membership of voluntary or other associations, and who have professional training and who meet the requirements of the relevant post, have the right to enter the civil service.

89. A person cannot be accepted into the civil service if:

- A court decision declares that such person has no legal capacity or limited legal capacity;
- A court has deprived the person of the right to hold a government post for a specified period;
- The person has a close relative or relation by marriage (spouse or his or her parents, brothers, sisters or children) who is an official under whose direct authority or supervision the person would have to work;
- In other cases covered by legislation.

90. The suitability of a candidate for a civil service post may be verified in advance. The verification procedure is established by legislation. The particulars of a person's personal (family) life are not verified. Citizens of Azerbaijan are accepted into the civil service on the basis of a competitive examination or an interview.

91. The rules for recruiting citizens of Azerbaijan to work in State tax offices, which are contained in paragraphs 8 to 14 of the legally approved Regulations governing service in State tax offices of 12 June 2001, set out the procedure for recruiting persons to serve in State tax offices, which is conducted in accordance with the Civil Service Act and the aforementioned Regulations. Citizens may not serve in State tax offices in the following cases:

- When an enforceable court judgement declares that a person has no legal capacity or has limited legal capacity;
- If a person's criminal record has not been expunged or has not expired.

92. With a view to verifying the professional qualifications of persons who are hired by State tax offices, and their ability to perform the relevant duties, such persons may be subject to a probationary period of up to three months. The probationary period is included in the length of service of an official working in a tax office, and also included in the calculation of increments and pensions.

93. If a person's performance during the probationary period is unsatisfactory, the person's employment in the tax office is terminated in accordance with the aforementioned Regulations.

94. The provisions concerning the recruitment of citizens of Azerbaijan to work in customs services, procuratorial bodies and internal affairs offices are practically identical and are set out in the Regulations governing work in customs services, which were approved by an act dated 7 December 1999, the Service in Procuratorial Bodies Act of 29 June 2001, and in the Regulations on service in internal affairs offices, which were approved by an act dated 29 June 2001.

D. Other civil rights

(i) The right to freedom of movement and residence within the border of the State

(ii) The right to leave any country, including one's own, and to return to one's country

95. In accordance with article 28 of the Constitution, everyone has the right to freedom. The right to freedom may be restricted only in accordance with the procedure established by law through detention, arrest or deprivation of liberty. Everyone who is legally in the territory of the Republic of Azerbaijan may travel freely within it, choose a place of residence and leave Azerbaijan. A citizen of Azerbaijan has the right to return to Azerbaijan at any time and without hindrance.

96. Citizens of Azerbaijan, foreigners and stateless persons are registered in accordance with the Registration of Places of Residence and Sojourn Act of 4 April 1996. The purpose of registering people's places of residence and sojourn is to keep a record of persons residing in the country, to create the necessary conditions for the fulfilment of their obligations towards other persons, the State and society, and to enable them to exercise their human and civil rights and freedoms.

97. When a person changes his or her place of residence, restrictions may be placed on residence in border areas, closed military installations, closed administrative facilities, environmental disaster areas, areas where special conditions and arrangements apply as a result of infection or contamination, and areas in which a state of emergency or martial law has been declared.

98. Citizens who change their place of residence must register with the relevant State bodies no later than 10 days after arriving at their new address. Persons may be removed from the

register when they change their place of residence, choose a place of residence in another country, when they are deprived of liberty pursuant to an enforceable court judgement, or upon their death or declaration of their death pursuant to a court decision.

99. Under article 12 of the Entry, Exit and Passports Act of 14 June 1994, foreigners and stateless persons may legally enter and leave Azerbaijan through specially designated checkpoints upon presentation of a personal passport and a properly issued visa.

100. Foreigners are prohibited from entering Azerbaijan only in the following circumstances:

- If the interests of national security or public order so require;
- If prohibition is necessary to protect the rights and legitimate interests of Azerbaijani nationals or other persons;
- If, during a previous stay in Azerbaijan, the person violated the provisions of Azerbaijani law;
- If the person submitted false information about himself or herself when applying to enter Azerbaijan;
- If the entry into Azerbaijan of a person suffering from a mental illness or an infectious disease would endanger public health (this does not apply to persons who present no such danger and who are visiting Azerbaijan for treatment at their own expense or with financial support from legal guardians or representatives).

111. Article 12 also specifies circumstances in which temporary restrictions may be imposed on the departure of foreigners from Azerbaijan:

- When their departure would be detrimental to the interests of national security (until the grounds for this determination are removed);
- When they are suspected or accused of having committed an offence (until the relevant legal proceedings are terminated);
- When they have been convicted of an offence (until early release or until the whole term of the sentence has been served);
- When civil proceedings have been initiated against them in the courts (until the entry into force of a civil judgement in accordance with the procedure established by Azerbaijani law).

112. A citizen of Azerbaijan has the right to return to Azerbaijan at any time and without hindrance. Under article 1 of the Entry, Exit and Passports Act, every Azerbaijani citizen has the right to enter and leave the country freely through specially designated checkpoints, in accordance with the procedure established by law.

113. No citizen may be deprived of his or her right to leave the country, except in the following circumstances:

- If a citizen is pledged to keep State or military secrets (until this commitment lapses in accordance with the procedure established by Azerbaijani law);
- If a citizen is the subject of criminal proceedings or has been convicted (until termination of the proceedings, until the sentence has been served or until early release, respectively);
- If a citizen has been legitimately called up for compulsory active military service (until the completion of active military service or until exemption therefrom in accordance with the law).

114. Article 5 of the Legal Status of Foreigners and Stateless Persons Act stipulates that foreigners and stateless persons may emigrate to Azerbaijan with a view to permanent residence or employment for a specified period, and they may also visit the country temporarily in accordance with the procedure established by Azerbaijani law.

(iii) The right to nationality

115. According to article 52 of the Constitution of Azerbaijan and article 1 of the Citizenship Act of 30 September 1998, a person having political and legal ties, as well as reciprocal rights and obligations, with Azerbaijan, is a citizen of Azerbaijan. Persons born in Azerbaijan or persons whose parents are Azerbaijani citizens are citizens of Azerbaijan. Persons one of whose parents is an Azerbaijani citizen, is a citizen of Azerbaijan.

116. The Citizenship Act provides that Azerbaijani citizens who are temporarily outside Azerbaijan shall retain their citizenship and be under the protection of Azerbaijan; it establishes the procedure for obtaining or restoring Azerbaijani citizenship, as well as for determining the citizenship of children whose parents change their citizenship, and for establishing the citizenship of adopted children.

117. In accordance with article 2 of the Citizenship Act, under no circumstances may an Azerbaijani citizen be stripped of his or her citizenship. Under no circumstances may an Azerbaijani citizen be expelled from Azerbaijan or deported to a foreign State. Azerbaijan guarantees legal protection for its citizens: it protects Azerbaijani citizens who reside temporarily or permanently outside Azerbaijan. Through its bodies and officials, Azerbaijan is responsible for guaranteeing Azerbaijani citizens' right to citizenship.

118. According to article 3 of the Citizenship Act, Azerbaijani citizenship is equal for everyone, regardless of the way in which it was acquired. The rights, freedoms and obligations of Azerbaijani citizens are equal, irrespective of their origin, social or property status, race, ethnicity, sex, education, language, attitude to religion, political or other beliefs, type and nature of occupation, place of residence, length of residence in a particular locality or other circumstances.

119. Article 7 provides that the marriage of a man or woman who is an Azerbaijani citizen to a foreigner or stateless person, or the dissolution of such a marriage, shall not entail a change in the husband's or wife's citizenship. A change in the husband's (wife's) citizenship shall not entail a change in the wife's (husband's) nationality.

120. According to article 8, an Azerbaijani citizen's residence in a foreign State shall not result in the termination of Azerbaijani citizenship.

121. Under article 9, the State bodies of Azerbaijan, its diplomatic missions and consulates in foreign States and its missions to international organizations, as well as their officials, are obliged to take measures to ensure the fullest possible exercise of all the rights granted to Azerbaijani citizens living abroad on a temporary or permanent basis, in accordance with the international legal instruments recognized by Azerbaijan, the legislation of the foreign State and the treaties concluded between Azerbaijan and the State in which Azerbaijani citizens reside, and also, in keeping with international practice, to protect their legitimate rights and interests in accordance with the legally established procedure and, when necessary, take measures to restore the violated rights of Azerbaijani citizens.

122. In accordance with article 10, Azerbaijani citizens' citizenship of a foreign State is not recognized, except in the cases provided for under international agreements to which Azerbaijan is a party or as authorized under article 109, paragraph 32, of the Constitution.

123. Under article 11, a person acquires Azerbaijani citizenship in the following circumstances:

- When born in Azerbaijan or to a citizen of Azerbaijan;
- When he or she takes Azerbaijani citizenship;
- When international treaties to which Azerbaijan is a party provide grounds therefor;
- When there are other grounds, as provided in the Citizenship Act.

124. According to article 12, a child born in Azerbaijan to stateless persons is a citizen of Azerbaijan. Under article 13, a child of unknown parents and who lives in Azerbaijan is a citizen of Azerbaijan.

125. In accordance with article 14 of the Citizenship Act, foreigners and stateless persons who have lived for five consecutive years in Azerbaijan and who present documents certifying that they have learned the State language of Azerbaijan, irrespective of such persons' origin, race, ethnicity or political or other beliefs, may apply for Azerbaijani citizenship.

126. If a person applying for Azerbaijani citizenship calls for the violent overthrow of the State system as defined by the Constitution, commits acts that are detrimental to State security, the maintenance of public order, health or morality, advocates racial, religious or national exclusivity, or is involved in terrorist activities, his or her application for citizenship is rejected.

127. Decisions to grant Azerbaijani citizenship are taken in accordance with article 109, paragraph 20, of the Constitution.

128. A person applying for Azerbaijani citizenship pays a State fee in accordance with the procedure and in the amount established by law.

129. Under article 15 of the Citizenship Act, a person who was formerly a national of Azerbaijan or whose citizenship was terminated, may apply to have his or her Azerbaijani citizenship restored, bearing in mind the restrictions contained in article 14, paragraph 2, of the aforementioned Act. Azerbaijani citizenship is terminated in the following circumstances:

- When a citizen renounces Azerbaijani citizenship;
- When a citizen is stripped of Azerbaijani citizenship;
- When international treaties to which Azerbaijan is a party provide grounds therefor;
- When there are other grounds, as provided in the Citizenship Act.

130. Article 16 provides that decisions to terminate Azerbaijani citizenship shall be taken in accordance with article 109, paragraph 20, of the Constitution.

131. Under the Citizenship Act, a person wishing to renounce Azerbaijani citizenship must submit an application. An application for renunciation of citizenship may be denied if the person who submitted the application has unfulfilled obligations to the State, or property obligations that involve the interests of legal entities or private persons in Azerbaijan.

132. If a person who submits an application for renunciation of citizenship is being prosecuted in a criminal case as an accused person, or if there is an enforceable court judgement against him or her, or if his or her renunciation of citizenship is not in keeping with the interests of the State security of Azerbaijan, the application is not granted until the aforementioned circumstances have been removed.

133. According to article 17, a person who submits an application for renunciation of Azerbaijani citizenship shall pay the State fee in accordance with the procedure and in the amount established by law.

134. Under article 18, if, in acquiring Azerbaijani citizenship, a person deliberately falsified information required for the granting of Azerbaijani citizenship, or submitted a falsified document, that person is stripped of the Azerbaijani citizenship that he or she has acquired.

135. In accordance with article 19, if the citizenship of the parents changes, as a result of which both parents acquire Azerbaijani citizenship, their children under the age of 14 are also considered to have acquired Azerbaijani citizenship. If one of the parents of a child is known, when that parent acquires Azerbaijani citizenship, his or her child under the age of 14 is also considered to have acquired Azerbaijani citizenship.

136. Under article 20 of the Citizenship Act, if both parents or the only parent of a child living in Azerbaijan renounces Azerbaijani citizenship and no longer participates in the upbringing of the child, for whom Azerbaijani citizens have been appointed tutors or guardians, then, upon application of the parents, a tutor or a guardian, the child shall retain his or her Azerbaijani citizenship.

137. If one of the parents has acquired Azerbaijani citizenship and the other is a foreigner, the child may acquire Azerbaijani citizenship upon application of the parent who acquired Azerbaijani citizenship and with the consent of the parent who is a foreigner.

138. If one of the parents of a child living in Azerbaijan has acquired Azerbaijani citizenship and the other parent is a stateless person, the child acquires Azerbaijani citizenship.

139. Under article 21, if one of the parents of a child living outside Azerbaijan has acquired Azerbaijani citizenship and the other parent is a stateless person, the child may acquire Azerbaijani citizenship upon application of the parent who acquired Azerbaijani citizenship and with the consent of the parent who is a stateless person.

140. According to article 22, if the Azerbaijani citizenship of one of the parents is terminated and the other parent remains an Azerbaijani citizen, their children shall retain Azerbaijani citizenship. Upon application of the parent whose Azerbaijani citizenship has been terminated, and with the consent of the parent who has remained an Azerbaijani citizen, the child may be allowed to renounce Azerbaijani citizenship.

141. When a foreign or stateless child is adopted by citizens of Azerbaijan, the child acquires Azerbaijani citizenship. If one of the spouses who adopted a foreign child is a citizen of Azerbaijan and the other is a stateless person, the child is considered to have acquired Azerbaijani citizenship.

142. If one of the spouses who adopted a foreign child is a citizen of Azerbaijan and the other is a foreigner, the child may acquire Azerbaijani citizenship upon agreement between the adoptive parents.

143. Under article 23, if one of the spouses who adopted a stateless child is a citizen of Azerbaijan and the other is a stateless person, the child acquires Azerbaijani citizenship. If one of the spouses who adopted a stateless child is a citizen of Azerbaijan and the other is a foreigner, the child may acquire Azerbaijani citizenship upon agreement between the adoptive parents.

144. When a child who is a citizen of Azerbaijan is adopted by foreigners, the child's Azerbaijani citizenship is terminated when the adoptive parents submit an application to that effect.

145. If one of the spouses who adopted an Azerbaijani child is a citizen of Azerbaijan and the other is a foreigner, the adopted child retains his or her Azerbaijani citizenship. The child may renounce Azerbaijani citizenship upon application of the adoptive parents.

146. In accordance with article 24, if both spouses who adopted a child who is a citizen of Azerbaijan are stateless persons, or if one of them is a citizen of Azerbaijan and the other is a stateless person, the child retains his or her Azerbaijani citizenship.

147. Article 25 provides that, in the cases stipulated in articles 19 to 24 of the Citizenship Act, the citizenship of children between the ages of 14 and 18 may be changed only with their consent.

148. In accordance with article 26, when contradictions arise between the Citizenship Act and international treaties to which Azerbaijan is a party, the provisions of the relevant treaties shall apply.

(iv) The right to marriage and choice of spouse

149. Under article 2 of the Family Code, marriage is the voluntary union of a man and a woman, which is registered with the appropriate government body, for the purpose of founding a family. All restrictions on the rights of citizens to enter into a marriage and family relations on the grounds of social, racial, ethnic, linguistic or religious affiliation are prohibited. The rights of citizens in a family may be restricted only on the basis of law and with a view to protecting the morality, health and rights and legitimate interests of other family members or of other citizens.

150. According to article 11 of the Family Code, the conclusion of a marriage requires the written consent of the persons entering into the marriage, who must be of marriageable age. A marriage may not be concluded in the cases stipulated in article 12: marriage between close relatives (parents and children, grandmothers, grandfathers and grandchildren, and full brothers and sisters or half-brothers and half-sisters (having the same mother or father)); adoptive parents and adopted children; persons one or both of whom are in another marriage; and persons one or both of whom have been declared legally incapable by a court owing to mental illness or mental retardation.

151. In accordance with article 29 of the Family Code and the constitutional guarantee of equality between men and women, spouses have equal personal and property rights in family relations. Maternity, paternity, the upbringing and education of children and other family-related issues are decided jointly by the spouses in accordance with the principle of the equality of the spouses.

(v) The right to own property alone as well as in association with others

152. Under article 29 of the Constitution, everyone has the right to own property. No form of ownership is favoured over other forms. The right to own property, including the right to own private property, is protected by law. Everyone may own movable and immovable property. The right to own property includes the right of the owner, alone or in association with others, to possess, use and dispose of property. No one may be deprived of his or her property without a court decision. Complete confiscation of property is prohibited. The expropriation of property to meet the needs of the State or society is permissible only on condition of prior and just compensation of its value. The State guarantees the right to inherit.

153. Property relations are governed by the Civil Code of 28 December 1999. Article 2 of the Code states that the civil legislation of Azerbaijan is based on the Constitution and consists of the Civil Code and other laws and regulations that establish the norms of civil law. Civil legislation defines the legal status of participants in civil relations and the basis for and the procedure governing the exercise of the right to own property and other material rights, and regulates contractual and other liability relations, as well as other property and associated personal non-property relations.

154. In accordance with article 3 of the Civil Code, international treaties to which Azerbaijan has acceded are directly applicable to the civil legal relations governed by the Code (except when the international treaty stipulates that a government act must be issued for its application). If an international treaty to which Azerbaijan has acceded establishes regulations other than those provided for in domestic legislation, the regulations of the international treaty shall apply.

155. Article 6 of the Civil Code establishes the principles of civil legislation, including the equality of subjects of civil law, the free will of subjects of civil law, the property independence of participants in civil matters, the inviolability of property, the freedom of contract, the prohibition of arbitrary interference in private life, the creation of conditions for the unimpeded exercise of civil rights, guarantees of the restoration of violated rights, and judicial protection of civil rights. Private persons and legal entities acquire and exercise their civil rights of their own free will and in their own interest. They are free to establish their rights and obligations on the basis of a contract and to establish any contractual terms that do not contravene legislation. Civil rights may be restricted only on the basis of a law and only to the extent required to protect the security of the State and society, public order, health and morals, and the rights and freedoms and the honour and good name of other persons. Goods, services and financial resources move freely throughout the territory of Azerbaijan. Restrictions on the movement of goods and services may be introduced in accordance with the law, if this is necessary to ensure security, protect people's lives and health or protect the environment and cultural property.

156. Article 152 defines the concept and content of the right to own property, in accordance with which the State recognizes and protects the right of a person to own, use and dispose of property at his or her discretion. The right of ownership is the legal capacity to exercise actual ownership of property. The right of use is the legal capacity to obtain useful natural attributes of property and deriving benefits from them. The advantages derived from use may take the form of income, growth, yield, reproduction and other forms. The right of disposal is the legal capacity to determine the legal fate of property.

157. An owner may freely possess, use and dispose of property within the limits defined by legislation or in another way, including by contractual restrictions; may not permit the transfer of the right of ownership of said property to other persons; and has the discretion to take any action with respect to property belonging to him or her, provided that such action does not violate or breach the rights of neighbours or third parties.

158. The right of use also includes the possibility for a person not to make use of his or her property. If the non-use of property or failure to maintain property is at variance with the interests of society, an obligation to use such property or to maintain and preserve it may be imposed. The owner may also be ordered to comply with the aforementioned obligations or to hand the property over for use by other persons for an appropriate charge.

159. An owner may entrust his or her property to another person (confidential administrator). The entrustment of property does not entail the transfer of property rights to the confidential administrator, who is obliged to manage the property in the interests of the owner or a third party designated by the owner. The right to own property also applies to important component parts of such property.

160. Under article 153 of the Civil Code, the right to own all forms of movable and immovable property applies to legal entities and private persons, municipal entities and the Republic of Azerbaijan. The forms of property that may be owned only by the State or municipalities are established by law. The rights of all property owners are protected in the same way.

161. According to article 159, ownership is acquired through the actual possession of a thing. Under article 160, if an owner has handed his or her property over to another person to exercise a restricted right over or to have personal possession of such property, both parties are owners. The first is the indirect owner and the second is the direct owner. According to article 161, a person who possesses property on the basis of ownership rights is the owner of his or her own property; any other owner of such property is the owner of another person's property.

162. Under article 163, ownership is transferred together with the transfer of the property itself. If, according to the wishes of the former owner, the person acquiring the property is capable of exercising actual ownership of the property, the transfer is considered to have taken place. If a third party or the person alienating the property, continues to own the property by virtue of special legal relations, the right to ownership of said property may also be acquired without transfer of the property. Such transfer of property takes effect for a third party only when he or she receives notification to this effect from the person alienating the property. A third party has the right to refuse to transfer the property to the person acquiring the property, on the same grounds to which he refers when refusing to transfer it to the person alienating the property. The handover of an order bill of lading to a shipper or to a warehouse is considered to be tantamount to handing over the goods themselves. If there is both a person who has honestly acquired the order bill of lading and a person who has honestly acquired the goods, preference is given to the latter.

163. Article 164 of the Civil Code provides for protection of the right of ownership. Under this article, deprivation of the right of ownership or violation of the right of ownership against the will of the owner is considered an act of wilfulness. Every owner has the right to use force to protect himself or herself from unauthorized deprivation or violation of property rights. At the same time, he or she, having assessed the situation, must refrain from unjustified violent acts. A person deprived of the right of ownership may demand that the unlawful owner restore this right. If deprivation of the right of ownership is an error committed against the actual owner or his or her successor, and if the right of ownership was acquired in the year preceding the deprivation of such right, it is not possible to initiate a lawsuit.

164. Under article 165, when the right of ownership is violated through an act of wilfulness, the owner may demand that the violator desist from the violation. If there is a risk that the violation will continue, the owner may initiate proceedings with a view to halting such violation. If the owner is unlawful and the right of ownership was acquired in the year preceding the deprivation of such right, it is not possible to bring proceedings against the violator or his or her successor. The initiation of proceedings in cases of an act of wilfulness is permitted only if the owner demands the return of his or her property or the removal of the violation immediately after he or she becomes aware of the infringement and of the guilty party. The time limit for bringing proceedings is one year, beginning from the act of deprivation or violation, even in cases where the owner becomes aware of the infringement and the guilty party at a later time.

165. In accordance with article 222, members of a community, which forms the basis for joint ownership of property, are owners of the joint property. Unless the owners of the joint property decide otherwise, they shall jointly own and use such common property. The disposition of jointly owned property is subject to the consent of all participants; such consent is required irrespective of which of the participants is involved in the transaction to dispose of such property.

(vi) The right to inherit

166. In accordance with article 29, paragraph 5, of the Constitution of Azerbaijan, the State guarantees the right of inheritance. This constitutional provision is governed by the Civil Code, which provides for two kinds of inheritance, by law and by legacy.

(vii) The right to freedom of thought, conscience and religion

(viii) The right to freedom of opinion and expression

167. The right to freedom of thought, conscience and religion is guaranteed by the Constitution and other legislation of Azerbaijan.

168. Under article 48 of the Constitution and article 1 of the Freedom of Religion Act of 20 August 1998, everyone has the right to freedom of conscience and the right freely to determine his or her attitude to religion, independently or together with others to profess any religion or not to profess any, and to express and disseminate opinions that reflect his or her attitude to religion. The performance of religious rites is permitted insofar as it does not violate public order and is not contrary to public morals.

169. In accordance with the Freedom of Religion Act, the establishment of advantages for, or restrictions on, one religion or religious education with respect to others, is prohibited. The exercise of the freedom of religion may be restricted only on the grounds of State and public security and when it is necessary to protect rights and freedoms in accordance with Azerbaijan's international obligations.

170. Under criminal law, any act that hinders the performance of religious rites is a punishable offence.

171. All religious faiths can be found in Azerbaijan today. Every religious community that belongs to a particular faith has its religious centres. In Azerbaijan, 230 Muslim and 26 diverse Christian and non-Christian communities are currently registered with the State. Among such religious associations, together with Muslim communities, there are also Russian Orthodox and Georgian Orthodox churches, Jewish Ashkenazi, Jewish synagogues, synagogues of mountain and Georgian Jews, as well as Protestant movements - the Lutheran Evangelical Church, the New Apostolic Church, Molokan Christian communities, Evangelical Christian Baptist communities, Adventist communities, Pentecostal Evangelical communities, and the Nehemiah, Saving Grace and Word of Life communities. In addition, the International Society of Krishna Consciousness and the Baha'i religious community are also active in Azerbaijan.

172. In accordance with article 47 of the Constitution, everyone has the right to freedom of thought and speech. No one may be forced to divulge or renounce his or her thoughts or beliefs. Agitation and propaganda that incite racial, ethnic, religious or social discord and hatred are prohibited.

173. Article 50 of the Constitution guarantees everyone the right to freedom to seek, obtain, transmit, compile and disseminate information by lawful means. At the same time, it guarantees the freedom of the media and prohibits State censorship of the media, including the press.

174. Freedom of speech and the press, and the rights of citizens to express their opinions and beliefs in the media and to obtain and disseminate information, are reflected in the Freedom of Information Act of 19 June 1998, the Media Act of 17 December 1999 and the Television and Radio Broadcasting Act of 25 June 2002.

175. Azerbaijan has created the necessary conditions for the free expression in the media of any thought and for the disclosure of any fact that is not a State secret or restricted information. According to the Freedom of Information Act, restricted information includes information concerning State, professional information (relating to the bar or notaries public; medical information), official, bank and commercial secrets, information relating to an investigation or the courts, or information about personal and family life. The relations arising in connection with restricted information are governed by the relevant legislation. For example, a list of information that constitutes a State secret is contained in the State Secret Act of 15 November 1996. The Act contains a detailed list of information relating to State secrets (in the fields of economy, science and technology).

176. Over 500 different media, including newspapers, magazines, television companies, information agencies and over 30 television and radio stations, currently operate in Azerbaijan.

(ix) The right to freedom of peaceful assembly and association

177. Under article 49 of the Constitution, everyone has the right to freedom of assembly. Everyone has the right, provided that the relevant State bodies have been notified in advance, to hold meetings, rallies, demonstrations and street processions and to picket together with others, peacefully and without weapons.

178. The right of association is guaranteed in article 58 of the Constitution, in accordance with which everyone has the right to join together with others and create any association, including a political party, a trade union or any other voluntary association, or to join an already existing association. All associations are guaranteed freedom of activity. No one may be forced to join or remain a member of, any association. An association whose aim is the violent overthrow of the existing State authority throughout the territory of the Republic of Azerbaijan or in any part of Azerbaijani territory is prohibited. The activities of associations that violate the Constitution and the law may be halted only by a court.

179. Azerbaijan is a member of the International Labour Organization (ILO) and has ratified ILO Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize, ILO Convention No. 98 concerning the Application of the Principles of the Right to Organize and to Bargain Collectively, ILO Convention No. 135 concerning Protection and

Facilities to Be Afforded to Workers' Representatives in the Undertaking, and ILO Convention No. 154 concerning the Promotion of Collective Bargaining. The Government regularly submits reports to ILO concerning measures taken to implement the aforementioned conventions.

E. Economic, social and cultural rights

180. Since 1999, Azerbaijan has adopted a number of important basic laws and regulations concerning the conduct of economic reforms and the transition to a market economy.

181. Such laws and regulations create equal conditions for everyone, irrespective of race, ethnicity, religion or other attributes, to acquire property or, on the basis of other material rights, to engage in entrepreneurial activity and other forms of activity in the economic life of Azerbaijan.

182. The Privatization of State Property Act, which entered into force on 10 August 2000, sets out the various opportunities for citizens, irrespective of race, birth, national or ethnic origin or other attributes, to participate in the privatization of State property.

183. According to the Act, this right may be exercised through participation in individual privatization projects, in auctions, including in specialized cheque and cash auctions, in the preferential sale of property of a State-owned enterprise, in investment competitions and so forth.

184. Presidential Decree No. 383 of 10 August 2000 approved the second State programme for the privatization of State property in Azerbaijan. The programme establishes unified organizational, legal and economic bases for the participation of all citizens in privatization, irrespective of race, ethnicity, religion or other attributes.

185. Pursuant to the Privatization of State Property Act, Presidential Decree No. 423 of 23 December 2000 approved a number of rules and regulations concerning the participation of citizens in the privatization process.

186. Presidential Decree No. 779 of 27 August 2002 approved the Regulations governing the use of the resources of the National Entrepreneurship Assistance Fund. The Regulations govern relations for providing credits to entrepreneurs from State resources concentrated in the National Fund. The provisions of the Decree apply equally to all Azerbaijani citizens.

187. Presidential Decree No. 782 of 2 September 2002 on improving the regulations governing the issuance of a special authorization (licence) for certain forms of activity approved the Regulations governing the issuance of a special authorization (licence) for certain forms of activity, as well as the list of forms of activity requiring the issuance of special authorizations (licences) and the government bodies that issue them. This Decree establishes the procedure for interaction between the relevant government bodies and persons wishing to obtain a licence, irrespective of race, ethnicity, religion or other attributes.

188. Presidential Decree No. 783 of 10 September 2002 on additional measures in the field of State promotion of the development of entrepreneurship in Azerbaijan, and Presidential Decree No. 790 of 28 September 2002 on the suppression of interference in the development of entrepreneurship, created all the conditions for the participation of all persons in Azerbaijan in entrepreneurial activity.

189. The aforementioned laws and regulations have created conditions for attracting investments to Azerbaijan, increasing the number of businesses, generating jobs and raising salaries. Today, all Azerbaijani citizens, as well as foreigners and stateless persons, have equal opportunities to take advantage of the favourable economic conditions.

(i) The right to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration

190. According to article 35 of the Constitution, labour is the basis for personal and public well-being. Everyone has the right freely to choose, in accordance with his or her abilities, a type of activity, profession, occupation and place of work. No one may be forced to work. Employment contracts are concluded freely. No one may be forced to conclude an employment contract. On the basis of a court decision, forced labour may be allowed; the conditions and time limits for such labour are provided for in Azerbaijani law. Forced labour may also be permitted in connection with the execution of orders of authorized persons during military service, and citizens may be forced to carry out certain types of work during a state of emergency or martial law. Everyone has the right to work in safe and healthy conditions and to receive remuneration for his or her work without any discrimination whatsoever; such remuneration shall not be less than the State-established minimum wage. Unemployed persons have the right to receive social benefits from the State. The State is making every effort to eliminate unemployment.

191. Since the submission of its second periodic report under the International Convention on the Elimination of All Forms of Racial Discrimination, Azerbaijani legislation in the field of labour and employment has been substantially amended.

192. On 1 July 1999, Azerbaijan's new Labour Code entered into force and, on 15 August 2001, the new Employment Act entered into force. Both instruments continue to prohibit all forms of racial discrimination and contain the relevant provisions to that effect.

193. Under the Labour Code, discrimination among workers on the basis of citizenship, sex, race, religion, ethnicity, language, place of residence, property status, social origin, age, family status, beliefs, political views, membership of trade unions or other associations, occupation, and other factors not related to business aptitude, professional skills or the results of a worker's labour, is prohibited. The establishment, directly or indirectly, of advantages or privileges based on such discrimination, as well as any restriction of workers' rights, are also prohibited. An employer or any other private person who allows discrimination among workers in labour relations shall bear liability in accordance with the procedure established by the relevant legislation.

194. The establishment in labour relations of privileges, advantages and additional guarantees for women, persons with disabilities, persons under the age of 18 and other persons in need of social protection, is not considered to be discrimination.

195. A worker who has been subjected to discrimination may apply to a court for the restoration of his or her violated rights.

196. Any reduction in workers' salaries that violates the principles of non-discrimination, as well as the payment of salaries lower than the State-established minimum wage, are prohibited.

197. In accordance with article 156 of the Labour Code, salaries shall not be lower than the amount specified in employment contracts or the standard salaries agreed upon in collective labour contracts.

198. Under article 157 of the Labour Code, workers are paid by time, by the job or by other systems of remuneration for labour. Wages may be based on either the individual or collective result of the work performed. In order to increase workers' material interest in performing their obligations under an employment contract and improving productivity and quality of work, bonuses may be introduced, including rewards for the results of work performed over a year, and other forms of material interest. Compensation includes the monthly wage rate or base salary, supplements to it, and bonuses. The wage rate or base salary constitutes the principal part of compensation based on the complexity and intensity of the work performed and a worker's skills. A supplement is an additional payment to a worker over and above the wage rate or base salary, as compensation for difficult working conditions or as an incentive. A bonus is a cash incentive granted in accordance with the procedure and in the form provided for by the wage system with a view to increasing a worker's material interest in improving productivity and quality of work.

199. Under article 158, the types, wage systems, the wage rate or base salary, supplements to it, bonuses and other incentives are specified in collective agreements and employment contracts. If there is no collective agreement, they may be specified in employment contracts or by the employer with the consent of the trade-union organization. The systems, types and amounts of compensation for workers in publicly financed enterprises are determined by the Cabinet of Ministers of Azerbaijan. The amount of an employee's salary is based on the results of his or her work, personal efficiency and professional skills and may not be restricted to a certain level.

200. In accordance with article 164 of the Criminal Code, the unjustified dissolution of an employment contract with a woman because she is pregnant or has a dependent child under the age of 3 is a criminal offence.

201. Article 53 of the Code of Administrative Offences of 11 July 2000 provides for the liability of enterprises, institutions or organizations, regardless of form of ownership or organizational-legal status, that violate the regulations governing certification of workers and assessment of individual workplaces. It also provides for liability for the unjustified refusal to conclude a collective agreement.

202. The Employment Act of 2 July 2001 establishes the legal, economic and organizational basis of State policy in the field of employment, as well as State guarantees for citizens in the area of labour and social protection of the unemployed.

203. In accordance with article 6, paragraph 2, of the Employment Act, the principal aims of State employment policy are to ensure that all citizens, irrespective of race, ethnicity, religion, language, sex, family status, social origin, place of residence, property status, beliefs, or membership of political parties, trade unions or other voluntary organizations, have equal

opportunities to exercise their right to work and free choice of employment. Citizens have the right freely to choose their place of work by applying directly to employers, with the free mediation of a State employment service or by other means provided for in legislation.

204. Under article 7, paragraph 5, and article 17, paragraph 6, citizens have the right to receive, in the relevant government body, free counselling on the choice of a career, professional training and retraining, and improvement of skills, and also to obtain the relevant information with a view to choosing a type of employment, place of work and working hours.

205. Employers have the right to hire citizens who apply to them directly on an equal footing with citizens who have been sent to them by the relevant government body, and to receive from the relevant government body information on the state of the labour market.

206. Under article 9 of the Employment Act, the State, through the creation of additional workplaces and specialized enterprises, special training programmes and other measures, offers categories of citizens who are in special need of social protection and are experiencing difficulties in finding work (young people up to the age of 20, parents raising one or more under-age children, women raising children with disabilities, persons who are less than two years away from pension age, persons with disabilities, citizens released from places where they served a sentence, persons who have been forcibly resettled, war veterans and families of martyrs) additional guarantees which, for example, take the form of enterprises' establishment of additional quotas (up to 5 per cent of the average number of workers at an enterprise) for this category of citizens.

207. The Labour Migration Act of 28 October 1999 establishes the legal, economic and social basis for labour migration in Azerbaijan and regulates relations arising in the field of labour migration. Under articles 4 and 5, any able-bodied foreigner over the age of 18 may come to Azerbaijan to engage in paid labour.

208. The main conditions governing foreigners' employment are the existence of vacancies that cannot be filled by a citizen of Azerbaijan with the professional training and qualifications required for the position, as well as the inability of employment services to meet employers' need for a workforce from the local labour pool.

209. In 2002, the economically active population of Azerbaijan was 3,778,000, of whom 3,727,000 (98.7 per cent) were employed in various branches of the economy and 51,000 (1.3 per cent) were registered with employment services as being officially unemployed. Of the number of employed persons, 1,192,000 (32 per cent) worked in the State sector of the economy and 2,535,000 (68 per cent) worked in the non-State sector.

210. The distribution of the individual ethnic groups of Azerbaijan by economic activity and employment based on the 1999 census is as follows:

Ethnic group	Economically active population	Including persons currently employed	
		(Persons)	(%)
Overall population including:	3 400 319	2 847 693	83.7
Azerbaijanis	3 064 536	2 555 744	83.4
Lezgins	77 657	68 878	88.7
Russians	62 896	50 289	80.0
Armenians	54 395	45 908	84.4
Talysh	37 576	36 184	96.3
Avars	25 291	24 114	95.3
Turks	18 515	17 393	93.9
Tatars	12 768	10 141	79.4
Ukrainians	12 508	9 943	79.5
Tsakhurs	7 642	6 870	89.9
Georgians	7 207	6 569	91.1
Kurds	5 591	4 166	74.5
Tats	4 259	3 877	91.0
Jews	3 179	2 617	82.3
Udis	1 959	1 334	68.1
Other ethnic groups	4 340	3 666	84.5

211. Azerbaijan's internal affairs offices employ 1,065,000 representatives of diverse ethnic groups. Police stations in Gusary, Khachmaz, Balaken, Zagatala, Gakh, Oguz and Gabala districts, where there are high concentrations of peoples of Dagestan origin, employ 315 persons of this ethnic group.

212. Currently, representatives of other ethnic groups living in Azerbaijan are employed in procuratorial bodies; these include over 60 representatives of the Russian, Ukrainian, Lezgin, Avar, Jewish, Georgian and Tsakhur ethnic groups.

213. Legal entities, private persons engaged in entrepreneurial activities that do not involve legal entities, and branches and offices of foreign legal entities (legal entities and private persons) may hire foreigners to work in Azerbaijan.

214. In order to hire foreign workers, legal entities and private persons must obtain, in accordance with the procedure established by legislation, special authorization from the Ministry of Labour and Social Welfare.

215. Legal entities and private persons must ensure that the foreigners whom they hire on the basis of a special authorization work only for them and conclude an employment contract with them to this effect. A foreigner must receive one copy of the contract before he or she leaves the country of origin. The hiring of foreigners to work in Azerbaijan with a view to placing them in the employment of another legal entity or private person is prohibited.

216. The Presidential Decree of 27 January 1997 established the State Labour Inspectorate, which is a government body that monitors compliance with labour legislation, including legislation that prohibits discrimination.

217. At the same time, attention should be drawn to Azerbaijan's problems and difficulties in ensuring the right to work and the right to employment as a result of the conflict with Armenia and Armenia's occupation of 20 per cent of Azerbaijani territory, in which over 4,000 industrial enterprises and some 300,000 work places have been lost.

218. Azerbaijan has been a member of ILO since 1992 and has ratified over 50 ILO conventions, including Convention No. 122 concerning Employment Policy and Convention No. 111 concerning Discrimination in respect of Employment and Occupation. The Azerbaijani Government's latest reports on measures to implement Convention No. 122 during the period from 1 June 1999 to 31 May 2000 and Convention No. 111 during the period from 1 July 2000 to 31 May 2001 were submitted to ILO in July 2000 and July 2001, respectively.

219. The Government of Azerbaijan is cooperating actively with international organizations, including the European Union (within the framework of the TACIS programme), ILO and the United Nations Development Programme. Technical cooperation programmes with these organizations have led to the restructuring, modernization and computerization of Azerbaijan's employment service, the retraining of personnel, the adoption of measures to encourage self-employment, and the development of farms as a source of employment for refugees and internally displaced persons (forcibly displaced persons). Work has also been carried out under the programmes to improve Azerbaijani legislation in the field of labour and employment and to bring it into line with international norms.

(ii) The right to form and join trade unions

220. Under the Trade Unions Act, workers, pensioners and persons receiving an education have the right, without any distinction whatsoever, to establish trade unions on their own initiative and at their own discretion and without prior authorization, and also to join trade unions in order to protect their legitimate interests and labour and socio-economic rights, and to engage in trade-union activities.

221. In their activities, trade unions are independent from, and not subordinate to, State bodies, institutions, political parties and voluntary organizations.

222. In accordance with article 3 of the Voluntary Associations Act, voluntary associations are established and operate on the basis of voluntary participation, the equality of their members (participants), self-government, legality and openness.

223. Under article 1 of the Political Parties Act, "political parties" mean associations of Azerbaijani citizens who have common political ideas and aims and who participate in the country's political life. Political parties participate actively in the formation of citizens' political will, and have aims and purposes that are in accordance with the Constitution and law of Azerbaijan. Political parties are established and operate on the basis of the principles of freedom of association, voluntary participation, equality of their members, self-government, legality and openness.

224. On 13 June 2000, the Non-governmental Organizations (Voluntary Associations and Funds) Act was adopted. The Act guarantees Azerbaijani citizens the freedom of association.

225. To date, the Ministry of Justice has registered 42 political parties and over 1,500 voluntary associations.

(iii) The right to housing

226. Article 43 of the Constitution of Azerbaijan guarantees the right to housing. Under this article, no one may be unlawfully deprived of housing. The State encourages the construction of housing and takes special measures to guarantee the exercise of right to housing.

227. Article 10 of the Housing Code establishes the rights and obligations of citizens with respect to housing. The aims of housing legislation are to regulate housing relations with a view to ensuring citizens' exercise of their constitutional right to housing, and using and conserving the (State, public, individual and cooperative) housing stock.

228. Under article 33 of the Constitution, everyone has the right to inviolability of the home. No one has the right to enter a domicile against the will of the persons who live in it, except in cases established by law or on the basis of a court decision.

229. Similar provisions that guarantee the right to the inviolability of the home are contained in the Civil Code, the Judicially Confiscated Dwellings (Restitution by Way of Amnesty) Act of 6 November 1991, the Housing Stock Privatization Act of 26 January 1993 and the Mortgage Act of 3 July 1998. Under article 10 of the Housing Code, no one may, except on the grounds and in the manner prescribed by law, be evicted from, or restricted in the right to use, a dwelling that such person or persons occupy.

230. At the beginning of 2003, the total housing stock in Azerbaijan was 99.2 million square metres (m²), of which 16.9 million m² are part of State, public and cooperative housing stock, and 82.3 million m² are privately owned.

(iv) The right to public health, medical care, social security and social services

231. In accordance with article 41 of the Constitution, everyone has the right to health protection and medical care. The State takes the necessary measures to develop all types of health care operating on the basis of diverse forms of ownership; it guarantees public health and hygiene and creates opportunities for various types of medical insurance. Officials who conceal facts and incidents that pose a danger to people's lives and health are punishable by law.

232. Reform of the health-care system and of the organization and delivery of medical assistance to the public has been defined as part of the overall strategic development programme for the development of Azerbaijan's economic and social infrastructure. The blueprint for reforming the national health-care system is based on the principle of protecting public health and developing Azerbaijani medicine. Presidential decrees have been adopted concerning the application of the following laws of relevance to the health-care sector:

- Public Health and Hygiene Act of 10 November 1992;
- HIV/AIDS Prevention Act of 16 April 1996;
- Pharmaceutical Industry Act of 5 November 1996;
- Blood Donors (Components of Donated Blood) Act of 7 February 1997;
- Protection of Public Health Act of 26 June 1997;
- Medical Insurance Act of 28 October 1999;
- Psychiatric Assistance Act of 12 June 2001;
- Tuberculosis Patients (Assistance and Guarantees) Act of 2 May 2000;
- Public Immunoprophylaxis Act of 17 June 2000.

233. National programmes have been adopted on immunoprophylaxis, tuberculosis control, AIDS prevention, malaria prevention, family planning and reproductive health.

234. Pursuant to Presidential Order No. 760 of 13 March 1998, a State commission was established with a view to organizing and carrying out reforms in the health-care system. The Commission consists of the ministers of health, economic development, finance and justice and the chairmen of the National Bank, the Social Fund and the Confederation of Trade Unions.

235. Presidential Decree No. 49 of 29 December 1998 approved the Regulations of the State Commission governing reforms in the Azerbaijani health-care sector.

236. Azerbaijan has skilled medical personnel, an extensive system of primary health services and a well-developed network of hospitals. Nationwide, there are 735 hospitals and 1,618 outpatient clinics and medical centres, including 603 children's clinics and surgeries and institutions with paediatric departments, 26 maternity homes, 314 gynaecological clinics and 1,897 midwifery clinics.

237. With a view to improving the situation of refugees and internally displaced persons (forcibly displaced persons), Presidential Order No. 895 of 17 September 1998 formally approved the State programme to address the problems of refugees and forcibly displaced persons. This programme provides for measures to improve medical, education and employment services, living conditions and social protection for refugees and forcibly displaced persons.

(v) The right to education and training

238. Article 42 of the Constitution states that every citizen has the right to education. The State guarantees the right to free compulsory general secondary education. The education system is overseen by the State. The State guarantees the continuation of education for talented individuals regardless of their economic circumstances. The State sets minimum education standards.

239. According to article 3 of the Education Act of 7 October 1992, citizens are guaranteed the right to education regardless of their race, ethnicity, religion, language, sex, age, state of health, social and material status, sphere of activity, social origin, place of residence, attitude to religion, political beliefs, or criminal record.

240. Certain professions and areas of specialization may be subject to government-imposed restrictions relating to age, sex, state of health or possession of a criminal record. Citizens have the right to free tuition at public educational institutions. Additional fee-paying study groups may also be established at such institutions. Citizens are free to choose the form of their education, the establishment at which they wish to be educated and the language of instruction. In order to ensure that citizens who require social protection and assistance are able to exercise their right to education, the State pays part or all of their educational expenses for the duration of their education. Citizens with low incomes who study at fee-paying establishments receive State grants based on the norms applicable at public educational establishments of the same kind and type. The State creates all the conditions to enable particularly gifted individuals requiring social assistance to receive an education either in Azerbaijan or abroad. Students at higher educational establishments can apply for State loans repayable within five years of the completion of their education. Azerbaijani citizens are entitled to receive appropriate educational certification (including for the first stage of higher education, the baccalaureate) after independently following the curriculum taught at educational establishments and passing an external examination. Graduates of public and private educational establishments have equal rights of access to the next level of higher education.

241. According to article 13 of the Education Act, educational establishments may be public or private and fee-paying or non-fee-paying. Article 15 of the Act provides that general education consists of three levels:

- Primary education (years 1-4);
- Basic education (years 5-8);
- Secondary education (years 9-11).

242. Children who complete the third level are deemed to have received a full general secondary education. Primary, basic and secondary schools may function separately. Basic education is compulsory.

243. Article 17 of the Education Act defines vocational schools and lycées as establishments that provide initial vocational training with a view to meeting the need for skilled workers in various professions and in forgotten or disappearing unique and traditional crafts that Azerbaijan is seeking to revive.

244. Vocational schools admit craft-oriented people who have completed the compulsory stage of education, and young people wishing to enhance their vocational training in various sectors of industry or to change their occupation. In some cases, initial vocational training is offered to individuals who do not have a basic general education. If they so wish, young people with a secondary education may also enrol in schools offering initial vocational training. Vocational schools do not offer secondary education. In addition to mastering relatively

complex professions, young people admitted to vocational lycées also receive a secondary education over a period of three to four years. Vocational lycées also have appropriate classes for young people who have completed their general secondary education.

245. The Government of Azerbaijan has made the necessary arrangements to ensure that all children aged 6 to 10 are covered by the education system. General secondary education (years 1-11) is available and accessible to all free of charge.

246. Tertiary education in Azerbaijan is provided by public and private (fee-paying) higher educational establishments. Public tertiary educational establishments accept students on both a fee-paying and non-fee-paying basis. Private higher educational establishments accept students on a fee-paying base only. In accordance with the relevant decisions of the Cabinet of Ministers and the charters of private (fee-paying) higher educational establishments, certain persons may be exempted from tuition fees. Pursuant to a decision of the Cabinet of Ministers, tuition fees at public tertiary educational establishments are set by the Ministry of Education or other ministries and departments administering higher educational establishments on the basis of the cost of tuition for each publicly funded student. At private (fee-paying) educational establishments, tuition fees are set by the founders.

247. In accordance with the regulations in force, local authorities and schools in all communities conduct an annual survey of school-age children with a view to ensuring that they all receive primary education. Of the children admitted to the first year of primary school, 98.8 per cent (98.9 per cent of boys and 98.6 per cent of girls) complete their education on time four years later.

248. Special vocational courses, schools and lycées are being opened for children with physical handicaps.

249. Article 19 of the Education Act defines a tertiary educational establishment (higher education college, institute, conservatory, academy, university and so on) as an educational establishment offering programmes in higher specialized education. Under article 21, the intake of students into tertiary and specialized secondary education is a highly important and strategic concern of the State. In determining the number of entrance examinations and the system of testing to be used, and in holding the examinations, preference is given to specialized knowledge and skills.

250. In order to ensure that citizens requiring social protection and assistance are able to exercise their right to education, the State pays part or all of their education expenses for the duration of their education. Citizens with low incomes who study at fee-paying institutions receive State grants based on the norms applicable at public educational institutions of the same kind and type.

251. The Rights of the Child Act provides that children have the right to education without restrictions of any kind. Article 22 of the Act states that every child has the right to receive an education in accordance with the education law of Azerbaijan. General secondary education is compulsory.

252. The Presidential Decree of 16 September 1992 on the protection of the rights and freedoms of ethnic minorities, small minorities and ethnic groups living in Azerbaijan and State support for the development of their languages and cultures paved the way for the adoption of legal measures to safeguard the right of ethnic minorities to establish and administer their own cultural and religious institutions and educational societies in accordance with Azerbaijani law.

253. Article 130 of the Penal Enforcement Code provides for the application at young offenders' institutions of a standard teaching and educational process to encourage the inmates to adopt law-abiding behaviour, develop a conscientious attitude towards work and study and improve their general culture.

Number of schools (thousands)	4 567	including State schools	4 653
Number of students (thousands)	1 690.1	including in State schools	1 685.4
Number of specialized secondary establishments	58	including State specialized secondary establishments	55
Number of students (thousands)	51.4	including in State specialized secondary establishments	50.3
Number of higher educational establishments	47	including State higher educational establishments	32
Number of students (thousands)	120.0	including in State higher educational establishments	101.7
Number of vocational schools and lycées	110	Number of students (thousands)	22.4

254. In localities with high concentrations of ethnic Georgians, there are 12 schools; 6 schools provide instructions in the Georgian language, 5 schools provide instruction in Georgian and Azerbaijani, and 1 school provides instruction in Georgian, Azerbaijani and Russian. In 2003, having received a licence from the Ministry of Education, the first Jewish secondary school, Khabad Or-Avner, with 250 students, began operation in Baku. In 2003, the Ministry of Education approved curricula for grades 1 to 4 of secondary school in the Talysh, Tat, Kurdish, Lezgin, Tsakhur, Avar, Khinalug and Udi languages.

255. In order to ensure that children and young people are familiar with their rights, the textbooks "My rights" for grades 1 to 4 and "Human rights and you" for grades 5 to 11 have been prepared.

256. With assistance from the Council of Europe, five-day training courses on "National minorities and the Council of Europe's Convention for the Protection of National Minorities" and "Human rights", as well as other courses, were held in Baku, Lenkoran, Masally, Astara, Gakh, Zakataly, Kuba, Kusal and Khudat for civil servants, teachers and representatives of local NGOs. With assistance from the Norwegian Refugee Council, the manuals "Human rights and the teaching of human rights" and "Children's rights and the teaching of children's rights" were prepared and published.

(vi) The right to equal participation in cultural activities

257. Article 40 of the Constitution states that everyone has the right to participate in cultural life and to have access to cultural institutions and cultural property.

F. The right of access to any place or service intended for use by the general public, such as transport, hotels, restaurants, cafés, theatres and parks

258. The exercise of the aforementioned right is guaranteed to everyone equally in the laws and regulations of Azerbaijan.

Article 6

259. In accordance with the Code of Criminal Procedure, a person who has been a victim of an act that appears to be a crime, has the right, in accordance with the procedure established by the Code, to demand the initiation of criminal proceedings, to take part in such proceedings as the victim or as a private prosecutor, and also to receive compensation for moral, physical and material damage. The body that conducts the criminal proceedings must take measures to compensate for the damage caused by acts covered by criminal law.

260. The Compensation (Injury to Individuals resulting from Unlawful Actions of Initial Inquiry Authorities, Pre-Trial Investigation Authorities, the Procurator's Office and the Courts) Act of 29 December 1998 guarantees the right to compensation from the State for damages caused by private persons as a result of unlawful actions of initial inquiry authorities, pre-trial investigation authorities, the Procurator's Office and the courts, or officials of such bodies.

261. Under article 4 of the aforementioned Act, the right to compensation for damages in the amount and according to the procedure established by the Act, arises when the court issues a verdict of not guilty, when criminal proceedings are halted because no crime was committed, when the act in question did not constitute a criminal offence or when the participation of the person in the offence has not been proved, or when a case involving an administrative offence has been terminated.

262. The right to compensation for damages resulting from the conduct of the police operations referred to in article 1, prior to the initiation of criminal proceedings, arises immediately following the conduct of such operations. In the event of the death of a person who has the right to compensation for damages, the right to compensation in the cases covered by article 5, paragraphs 1 to 4, is transferred to the deceased person's heirs in accordance with the procedure established by legislation. According to article 5, in the cases covered by article 1 of the Act, every person must be compensated for:

- Profits and other income lost as a result of unlawful acts;

- Property confiscated or assigned by a court to the State, or seized by bodies conducting the initial inquiry or pre-trial investigation, or by the bodies engaged in police work, as well as property that has been seized (including monetary investments and their interest, securities and their interest, and a person's share of the collective investment fund of a business association of which he or she is a member, and unreceived income or other assets corresponding to that share);
- Amounts withheld in connection with court expenses;
- Amounts paid for legal assistance;
- Moral damages.

263. Chapter V (Compensation for damages) of the Code of Criminal Procedure of Azerbaijan contains a list of persons who have the right to compensation for damages, and defines the various aspects of compensation for damages, sets out the procedure for compensation for damages, and so on.

Article 7

A. Education and instruction

264. In accordance with articles 3, 6, 9 and 11 of the Education Act of 7 October 1992, citizens are guaranteed the right to education irrespective of their race, ethnicity, religion, language, sex, age, state of health, social or material status, sphere of activity, social origin, place of residence, attitude to religion, political beliefs, or criminal record. The Government may impose restrictions on certain professions and specialities relating to age, sex, state of health or possession of a criminal record.

265. The language of instruction in Azerbaijani educational establishments is Azerbaijani. In accordance with the needs of society and at the wish of citizens and founders of educational institutions, certain educational institutions may, in keeping with State standards, also provide instruction in the languages of small minorities and in other foreign languages together with compulsory instruction in the Azerbaijani language, the history of Azerbaijan, Azerbaijani literature and the geography of Azerbaijan. The right to choose the language of instruction is guaranteed, in accordance with the relevant procedure, through the setting up of classes and groups and the creation of conditions for their operation.

266. The educational system consists of all the successive curricula of the various stages of education, the network of educational institutions in which such curricula are taught, the bodies that oversee education, and other organizations and institutions involved in the education process.

267. Azerbaijan's education system has the following structure: pre-school education; general education - primary education, basic education, secondary education; specialized vocational education, vocational and technical education, specialized secondary education and specialized

tertiary education. Postgraduate training (practical studies, clinical internship and so on). The master's degree and the doctorate. Extracurricular instruction and education. Improvement of skills and retraining of personnel.

268. As a result of the transformation of the Pedagogical Foreign Language Institute of Azerbaijan into the State Language Institute of Azerbaijan, a section for the study of the languages of small minorities and the corresponding department have been established.

269. The Kuba branch of the M.A. Aliev State Arts University of Azerbaijan, and the Gusary branch of the M.A. Sabir Teachers' College train personnel for Dagestan Turks, the local population and small minorities.

270. With a view to ensuring the study of the ancient roots and the historical development of the languages and literatures of all peoples living in Azerbaijan (including the southern region), and bringing such studies up to international standards, the Academy of Sciences of Azerbaijan and Baku State University have opened chairs and divisions of Semitic studies, classical languages and Caucasian studies, and train specialists who are able to develop the historical and cultural legacy of the Sumerians, the Elamites, the Mannaeans, the Medes, the Albanians, the Huns, the Khazars and other ancient peoples. To this end, they invite specialists from abroad and send students, postgraduates and researchers abroad to world-renowned centres of science and learning; all related expenses are paid from the State budget.

271. The Presidential Decree of 22 February 1998 on measures for safeguarding human and civil rights and freedoms instructed the Ministry of Education to prepare, with a view to promoting the study of international human rights instruments, textbooks on human rights and freedoms for higher, specialized secondary and secondary schools, and to hold competitions, contests, art exhibitions and festivals to raise awareness of human rights.

272. Under the State programme for the protection of human rights, which was approved by the Presidential Order of 18 June 1998, the Ministry of Education is responsible for training specialists to deal with issues relating to human rights and freedoms. The programme establishes the amount of time to be devoted to the study of human rights and freedoms in higher and specialized secondary schools and secondary general education schools and provides for the publication of textbooks, the holding of competitions and contests on human rights for schoolchildren and students in higher educational establishments, as well as the organization of art exhibitions, festivals and other human rights events.

273. Under article 10 of the Labour Migration Act of 28 October 2000, migrant workers and members of their families have the same rights to social protection that are guaranteed in the relevant legislation for gainfully employed Azerbaijani citizens and members of their families (with the exception of the right to a pension). The allocation of pensions to migrant workers and members of their families is governed by the bilateral and multilateral international treaties to which Azerbaijan is a party.

274. Employment contracts concluded between legal entities and private persons and a migrant worker may contain other conditions that make it possible to improve social protection for the migrant worker.

275. According to article 6 of the Status of Refugees and Forcibly Displaced Persons (Persons Resettled in Azerbaijan) Act of 21 May 1999, refugees have the same rights and freedoms and the same obligations as Azerbaijani citizens, unless otherwise provided by the Constitution, the aforementioned Act and other legislation.

276. Persons who have been given the status of refugee or forcibly displaced person (person resettled in Azerbaijan) receive, in accordance with established procedure, the following guarantees: the right - in accordance with the procedure established by the relevant government body but not for more than three months - to reside, until they find employment or a place to live, in specially allocated areas, and to free transport, including transport of personal effects, to their temporary place of residence; elderly persons, children, persons with disabilities, persons with low incomes and persons who have lost a head of household have the right to receive, in their temporary place of residence and in hospitals, the medicines and medical assistance that they require, free of charge, in accordance with the procedure established by the relevant government body; children have the right to education in pre-school educational establishments, and teenagers and young people have the right to receive an education at the relevant educational establishments; refugees and displaced persons have the right, on an equal footing with citizens who are permanent residents, to food and manufactured goods, and to receive one-off and other assistance from the State; pensioners living alone and persons with disabilities who are unable to work have the right to be relocated, on a priority basis, in special social protection institutions; persons have the right to obtain, within the time limit established by the Status of Refugees and Forcibly Displaced Persons (Persons Resettled in Azerbaijan) Act, the status of refugee or forcibly displaced person (person resettled in Azerbaijan), and also have the right to raise the issue of compensation for material or other damages, to apply to a court to protect their violated rights, and to return to their former place of residence.

277. Persons who have received the status of refugee have the rights and obligations that Azerbaijani legislation accords to foreigners and stateless persons. Any restrictions on the reunification of migrant workers with their families are prohibited.

278. The Presidential Decree of 22 February 1998 on measures for safeguarding human and civil rights and freedoms also instructed the Cabinet of Ministers and the President's office, together with the relevant State bodies, to submit to the President, within a period of three months, their proposals on the establishment of a human rights research institute.

279. In accordance with the Presidential Decree of 30 November 1998, the Human Rights Research Institute was established as part of the Academy of Sciences of Azerbaijan.

280. Moreover, the Constitutional Act of 28 December 2002 on the Human Rights Commissioner (Ombudsman) of Azerbaijan established the post of Human Rights Commissioner to restore the human rights and freedoms violated by State bodies, local self-government bodies and officials of Azerbaijan. The Human Rights Commissioner is referred to in the Constitution of Azerbaijan and in international treaties to which Azerbaijan is a party.

B. Culture

281. An important feature of contemporary Azerbaijan is the presence of many different ethnic and religious groups. In Baku alone, there are more than 20 different cultural associations, including Russian, Ukrainian, Kurdish, Lak, Lezgin, Slavic, Tat, Tatar, Georgian, Ingilo, Talysh, Avar, Meskhetian Turk, European Jewish, Georgian Jewish, German, Greek and others. The number of such associations throughout Azerbaijan is considerably higher; such associations exist in virtually all regions where ethnic minorities reside in large numbers.

282. The basic provisions of Azerbaijan's ethnic policy are contained in the Constitution, which guarantees the equality of all citizens, irrespective of ethnicity, religion or race. Further, over the course of many centuries, as a result of Azerbaijan's historical, economic and cultural development, the mindset of its population was formed in conditions of tolerance and respect for the cultures of other ethnic groups and national minorities.

283. The genetic memory of the Azerbaijani people, which preserves in its consciousness its experience of three religions - Zoroastrianism, Christianity and Islam - is also an important factor for the establishment of balanced, organic, intercultural communications, both in Azerbaijan and in the international arena.

284. The Ministry of Culture, relying on the relevant legislation, implements a cultural policy that promotes mutual understanding and friendly relations among the nations and ethnic groups living in Azerbaijan. All forms of discrimination and xenophobia, including ethnic, national and racial discrimination and xenophobia, are prohibited.

285. Azerbaijan's ethnic minorities are guaranteed, on an equal footing with the indigenous population, equal cultural rights, and enjoy equal access to the country's cultural heritage. All this is reflected in domestic legislation on culture.

286. Article 1 of the Culture Act of 6 February 1998 proclaims the legal equality of all persons in the creation, use and dissemination of cultural property, irrespective of social and material status, ethnicity, race, religion or sex.

287. Article 8 of the Culture Act provides State guarantees for cultural identity and reaffirms the right of everyone to preserve their cultural identity and to the free choice of spiritual, aesthetic or other values.

288. Article 17 of the Act establishes restrictions on interference in cultural activity, except in order to prevent incitement to violence, racial, ethnic and religious exclusiveness, and activities that are contrary to universal spiritual values, and to prohibit pornography and drug addiction. These articles provide a direct legal guarantee of the right of individuals to satisfy their cultural needs, irrespective of race, ethnicity or national origin. Moreover, a number of other articles of the Culture Act provide mediated legal guarantees of an individual's right to cultural identity. In particular, articles 48, 49 and 50 give cultural minorities an opportunity to maintain and develop international contacts with their historical homeland. This opportunity is also guaranteed in other Azerbaijani legislation on culture, particularly the Conservation of Historical and Cultural Monuments Act, the Libraries Act and the Museums Act.

289. The Ministry of Culture takes measures to preserve and develop the cultures of national minorities and ethnic groups living in Azerbaijan. In order to preserve, develop and disseminate the culture and art of national minorities, the Ministry of Culture has developed and is implementing the relevant plan of activities.

290. The Azerbaijani State Russian Drama Theatre has been operating for many decades. Mutual ties with associations and cultural centres are being consolidated. On the basis of national ensembles, the Lezgin State Drama Theatre was opened in Gusary, and the National Georgian Theatre and National Marionette Theatre were opened in Gakh. Material and technical support for these theatres has been strengthened. In order to increase cultural services, reciprocal tours of amateur artistic groups are organized in such regions with high concentrations of national minorities, such as Gabala, Belokany, Gakh, Zakataly, Masally, Lenkoran, Astara, Lerik, Jalilabad, Ismailly, Gusary, Guba, Khachmaz and Saatly. Along with performances in neighbouring regions, many amateur artistic groups of small ethnic minorities also tour outside Azerbaijan. The Gakh State Marionette Theatre toured Georgia, the Shenlik song and dance ensemble from the Lenkoran region, the Sevinj ensemble from Astara, and the Talysh Avasor ensemble have travelled to the Islamic Republic of Iran, Turkey and Iraq, and the Khalai folkloric dance group has toured Hungary, Turkey, Iraq, Georgia and Belarus. A number of measures have been taken to preserve national customs in Astara, Gakh and Gabala. Although Azerbaijanis account for the majority of the population in these regions, Lezgins, Russians, Talysh, Georgians, Udis and other peoples also live there.

291. Work has begun on the restoration of an eighteenth-century Albanian church situated in an area densely populated by Udis, namely the village of Nidj in Gabala district. In Oguz, a nineteenth-century synagogue of a mountain Jewish community has been restored. In Kish settlement of the town of Sheki, an Albanian church from the fifth and sixth centuries (built on the foundations of an older church from the first and second centuries) has been restored.

292. Currently, the Ministry of Culture, with the support of OSCE and the Embassy of Norway, is carrying out a project entitled "Cultural diversity in Azerbaijan", under which there are plans to reflect all the ethnic and cultural diversity of Azerbaijan. By encouraging the cultural associations of the diverse national minorities to take part in the project, the Ministry of Culture is carrying out one of its most important strategic tasks: the development of and support for intercultural dialogue. As part of the project, from 27 to 29 June 2002, a conference entitled "Cultural diversity in Azerbaijan" was held; representatives of cultural centres and NGOs of various national minorities of Azerbaijan participated actively in the work of the conference. The conference adopted a declaration that emphasized the need to establish, under the auspices of the Ministry of Culture, a coordinating council on cultural diversity; it also adopted an appeal to the President of Azerbaijan. The project also provides for the holding of photography exhibitions entitled "Cultural diversity of Azerbaijan" and the publication, on the basis of such exhibitions, of a catalogue of photographs and the holding of an arts week devoted to the culture of small ethnic minorities.

293. In 1988, Azerbaijan was drawn into an armed conflict with Armenia. As a result of the hostilities, 20 per cent of Azerbaijan's territory was occupied. In addition to dwellings and industrial and agricultural facilities, a large number of cultural institutions are situated in the occupied territories: 927 libraries; 808 palaces, clubs and houses of culture; 85 music and art schools; 22 museums; 4 art galleries; 762 architectural and archaeological monuments,

including 5 architectural monuments and 7 archaeological monuments of international importance such as the 11- and 15-span Khudaferin bridges (seventh-twelfth centuries), the Gandzasar and Khotavank monasteries (both thirteenth century), in Kelbajar district, the mausoleum in the village of Dobatly in Agdam district (1314), as well as the cradle of Azerbaijan's musical culture, the ancient city-sanctuary of Shusha. As a result of the Nagorny Karabakh conflict, four State theatres were forced to continue their activities in a situation of forced displacement. The Irevan and Shusha theatres have temporarily relocated to Baku, the Fizuli theatre is in Sumgait and the Agdam theatre is in Barda. In order to restore the operation of these theatres, which have suffered serious material losses, the Ministry of Culture regularly finances their productions through the placement of State orders.

	2002
Number of public libraries	4 131
Number of clubs	3 077
Number of professional theatres	27
Number of concert organizations	13
Number of museums	159
Number of parks for recreation and leisure	61

C. Information

294. In Azerbaijan, radio and television programmes are broadcast and books, magazines and newspapers are published in the languages of the various ethnic minorities living in the country. Thus, regular, publicly financed radio programmes in Kurdish, Lezgin, Talysh, Georgian and Russian are broadcast on Azerbaijani radio stations. On local radio in Belokan district, there are broadcasts in Avar, and in Khachmaz district there are broadcasts in Lezgin and Tat. In Gusary and Khachmaz districts, there are local television broadcasts in Lezgin. In Baku, dozens of newspapers and magazines are published in Russian, and there are daily radio and television broadcasts in Russian. The Russian ORT and RTR television programmes are relayed in full. Newspapers are published in Kurdish, Lezgin, Talysh and Georgian. These publications receive financial assistance from the State. In particular, the newspaper *Samur* is published in Lezgin and *Dengi Kurd* is published in Kurdish; in Gusary district the newspaper *Gusar* is published in Lezgin. The Sokhnut Jewish society publishes the newspaper *Aziz*.
