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the Elimination
of all Forms of
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Seventy-fifth session

SUMMARY RECORD OF THE 1946th MEETING

Held at the Palais Wilson, Geneva,
on Tuesday, 11 August 2009, at 3 p.m.

Chairperson: Ms. DAH

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (continued)

Fifth and sixth periodic reports of Azerbaijan (CERD/C/AZE/6; CERD/C/AZE/Q/6; HRI/CORE/AZE/2008)

1. At the invitation of the Chairperson, the members of the delegation of Azerbaijan took places at the Committee table.
2. Mr. KHALAFOV (Azerbaijan), outlining the procedure followed in preparing his country's fifth and sixth periodic reports (CERD/C/AZE/6), in which the national Office of the Human Rights Commissioner (the Ombudsman) and NGOs had participated, said that, in addition to the reports being published on the website of the Ministry of Foreign Affairs, the Committee's concluding observations on the third and fourth periodic reports had been translated into Azerbaijani for the benefit of the public. He reaffirmed Azerbaijan's commitment to guaranteeing human rights and fundamental freedoms, in accordance with international treaties.
3. As part of ongoing efforts to improve Azerbaijan's legislation, constitutional reforms had been undertaken in March 2009 with a view to strengthening and improving the effectiveness of protection for human rights and fundamental freedoms. The Constitution now contained better provisions on the rights of the child, the right to protection from unlawful interference in private and family life, the right to equality, the right to freedom of religion, and the right to obtain information. In accordance with provisions on a new form of direct democracy introduced into the Constitution, 40,000 electors together were now entitled to submit proposed legislation by petition.
4. With a view to fulfilling the recommendations of the Working Group on the Universal Periodic Review, the Government was considering the establishment of a special working group comprising representatives of the State authorities and NGOs. In June 2009, the United Nations Human Rights Committee had considered Azerbaijan's third periodic report under the International Covenant on Civil and Political Rights. Since 2006, measures had been taken to implement the National Plan of Action for the Protection of Human Rights in Azerbaijan, and several additional international human rights instruments had been ratified. Legal and judicial reforms had contributed to further ensuring equality of all citizens before the law and preventing discrimination, with new local appeal and economic courts increasing access to justice in regional areas.
5. Azerbaijan had long been known for its religious and ethnic tolerance. Equality of all citizens regardless of ethnic, religious or racial origin was enshrined in the Constitution, and the Criminal Code penalized a number of racially motivated offences. Cases of racial discrimination were rare, with only one conviction in 2008 for incitement to national, racial, social or religious hatred and hostility.
6. With reference to measures taken to combat human trafficking, he said that 167 persons had so far been convicted under article 144-1 of the Criminal Code, the provisions of which were outlined in the periodic report. A second National Plan of Action to Combat Trafficking in

Persons for 2009-2013 had been approved by the President in February 2009, and measures were being taken to improve social rehabilitation for victims, including financial support. In 2008, 76 instances of human trafficking had been identified, resulting in prosecutions against 96 people. Temporary residential centres had received 52 victims, 13 women had been placed in employment, 9 victims had been given compensation and 41 had been paid benefits during a reintegration period. Since 1 August 2006, a special police service on combating human trafficking had been operating within the Ministry of Internal Affairs.

7. Special attention was devoted to the State's gender policy. The definition of sexual discrimination in the Gender (Men and Women) Equality Act of 10 October 2006 had been broadened to include any demonstration of differentiation or superiority on the grounds of sex that limited or impeded the equal enjoyment of rights. Parliament was currently examining a bill on preventing domestic violence, which, among other things, defined a legal framework for protection against violence and provided for the establishment of rehabilitation centres for women and children who became victims.

8. Under the State Migration Programme for 2006-2008, a range of measures had been taken to improve and clarify migration procedures and legislation. A draft migration code was in preparation. In March 2009, the President had issued a Decree on "application of the principle of a 'single window' in the management of migratory processes", which aimed to simplify procedures for granting residence and work permits to foreign citizens and stateless persons. An electronic application process was planned. Since 1 July 2009, foreign citizens and stateless persons with temporary or permanent residence permits had no longer required visas to enter or leave Azerbaijan. As at April 2009, there had been 4,643 registered foreign workers in the country. He underlined that there were no legislative provisions to link registration of residence or accommodation with national or ethnic origin.

9. Since the State party's latest periodic report had been submitted, various programmes had been adopted in the area of economic and social rights, including State programmes on poverty reduction and sustainable development for 2008-2015, employment strategy for 2006-2015, employment strategy implementation for 2007-2010 and socioeconomic development of the regions for 2009-2013. In the previous five years, 760,000 jobs had been created, and the economically active population had increased by 13.6 per cent between 2003 and the beginning of 2009. The poverty rate had fallen from 46.7 per cent in 2002 to 13.2 per cent in 2008, and the unemployment rate had stood at 6.1 per cent as at 1 January 2009. Despite the global economic crisis, the country's gross domestic product had increased by 4.1 per cent in the first half of 2009. Infrastructure and social projects were continuing.

10. Reforms had been made to the social security and pensions systems. Some 40 per cent of the 2009 State budget had been allocated to social programmes, while 163,409 families, 9 per cent of them refugees, had been receiving social benefits since 1 July 2006. In the area of public health, more than 200 medical establishments had been constructed or refurbished over the previous five years. The Government was giving priority to the full integration of those requiring social protection, in particular disabled persons, into the labour market.

11. Several legislative acts had been passed to protect the rights of the child, prevent violence against and trafficking in children, and improve children's social welfare. A State programme on transferring children from State institutions to families or alternative care had also been adopted.

12. Under domestic legislation, foreigners and stateless persons living permanently in Azerbaijan enjoyed the same entitlement to State housing as Azerbaijani citizens. Legislative, institutional and practical measures to combat and prevent corruption were ongoing and included a national anti-corruption strategy for 2007-2011. On 10 February 2009, Parliament had adopted an Act on combating the legalization of money or other property illegally obtained through terrorism or the financing thereof.

13. Fully recognizing its responsibility to protect refugees and internally displaced persons (IDPs), the Government continued to take substantive measures to improve their social and economic situation and temporary integration into society, taking account of their right to return safely to their native lands in the future. Under the 2004 State programme to improve the living conditions and increase the employment of refugees and displaced persons, 61 settlements for those groups had been constructed, and the country's last temporary refugee camps had closed in December 2007. Government activities, including US\$ 607.5 million spent on new settlements and US\$ 1.25 billion allocated to social protection over five years, had reduced the poverty rate among those groups from 74 per cent to 30 per cent and had drawn praise from the United Nations High Commissioner for Refugees.

14. Reiterating that religious groups enjoyed the freedom to operate without hindrance in Azerbaijan, he listed those existing and underlined the appreciation shown by both the United Nations Special Rapporteur on freedom of religion or belief and the Secretary of State of the Holy See for the level of religious tolerance found in the country. In addition, he highlighted the activities of the Heydar Aliyev Foundation, an NGO that had carried out restoration of various religious and cultural monuments in Azerbaijan since 2006 and contributed financially to restoration work abroad. The promotion of intercultural and inter-religious dialogue was a priority of the Government's foreign policy, and Azerbaijan had organized several international meetings in that sphere in 2007 and 2008. The country had also been a member of the Group of Friends of the Alliance of Civilizations since 2007.

15. The Organization of the Islamic Conference had declared Baku the Capital of Islamic Culture for 2009. Furthermore, the Government was constantly striving to maintain and develop the cultural values of national minorities and ethnic groups living in the country, with numerous cultural centres and other public facilities for national minorities. The Government pursued a policy of active cooperation with various international organizations for the protection of human rights and fundamental freedoms for all. With regard to preserving and developing minority languages, he outlined the situation and measures described in the section of the periodic report on education.

16. He stressed the continuing difficulties caused to Azerbaijan by the ongoing conflict with Armenia over the Nagorny Karabakh region, as outlined in paragraphs 2-7 of the periodic report. As a result of the conflict, the State party had been unable to fulfil its international obligations to promote and protect human rights in its occupied territories.

17. Mr. de GOUTTES (Country Rapporteur) welcomed the regularity with which the State party had submitted its periodic reports. Referring to the demographic data provided, he noted that the results of the census carried out in April 2009 would not be available until 2011.

18. Paragraphs 15-19 of the periodic report provided details of the different religious minorities and tendencies currently found in the State party, all of which enjoyed religious freedom. The report also referred to the burden of the conflict between Armenia and Azerbaijan over Nagorny Karabakh and seven other surrounding districts that had been occupied by Armenia. Both the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Committee on the Rights of the Child had raised concerns over the persistence of the conflict in their concluding observations of 1999 and 2006, respectively. He requested updated information on the conflict, particularly its effect in terms of IDPs and refugees and the resulting risks of ethnic or racial discrimination. It would be useful to learn what measures had been taken to encourage reconciliation between Armenians and Azerbaijanis. He also enquired what consultations the Government had held with IDPs, whether it had drawn up a register of property they had lost as a result of the conflict, and what mechanisms had been established to facilitate their access to employment, housing, credit facilities and health care and their children's integration into schools.

19. In addition to the general information provided in the periodic report, the Committee would appreciate updates on government policy in four particularly sensitive areas: human trafficking, immigration, the fight against terrorism, and poverty.

20. Turning to chapter II of the report, he welcomed the adoption of the National Plan of Action for the Protection of Human Rights, which would include, notably, efforts to bring domestic legislation fully into line with international human rights standards. He also commended the State party for its affirmation of the principle of non-discrimination and equal rights for all, its protection of the freedom of religion and conscience and its ratification of most major human rights instruments, particularly the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the European Convention on Human Rights.

21. In its implementation of articles 2 and 3 of the Convention, the State party had recourse to several legal provisions protecting equality and non-discrimination. Some were civil in nature, others criminal, such as article 283 of the Criminal Code penalizing acts intended to incite ethnic, racial, social or religious hatred, article 111 of that Code penalizing acts committed with a view to establishing and maintaining the superiority or oppression of a racial group and the Act on Combating Trafficking in Persons of 28 June 2005. Furthermore, the measures provided for in the 2004 State of Emergency Act had to be in keeping with Azerbaijan's obligations under international human rights instruments, and the Ministry of National Security was conducting investigations into acts of racial hatred, under article 283 of the Criminal Code. It would be useful to find out the results of those investigations. The Committee would also appreciate additional information on the work of the Human Rights Commissioner (Ombudsman) to combat racism, the complaints he had received and his participation in preparing the periodic report. He asked whether the department of the Supreme Court that was responsible for informing judges about the case law of the European Court of Human Rights, as part of the modernization of the judicial system under the Presidential Decree of 19 January 2006, should not broaden the scope of its work to all international human rights instruments, particularly the Convention.

22. As to the implementation of article 4 of the Convention, while the Criminal Code contained many provisions relevant to racial, ethnic or religious discrimination, it appeared that not all the provisions of article 4 were covered, particularly the participation in and financing of

racist organizations and the dissemination of ideas based on racial superiority. The report provided details of efforts to prevent slavery and human trafficking, notably the National Plan of Action to Combat Trafficking in Persons and the Fund for Assistance to Victims of Trafficking in Persons. It also contained figures on offences and prosecutions involving trafficking in persons between 2003 and 2007. Noting the updated statistics provided by the delegation, he requested additional details of sentences and punishments that had been handed down in the cases mentioned. On the issue of migration, the report provided data on the number of migrants entering and leaving the State party in 2006, by country of origin and ethnicity. It also made reference to the Border Control Commission and a coordinating group on cooperation with the International Organization for Migration, the State Migration Programme and the State Migration Service, as well as to a migration code currently being drafted. The Committee would appreciate updated details on the code and the “single window” and new visa regulations announced by the delegation. The report explained the aims of migration policy and the punishments for illegal immigration, including fines, detention for the growing numbers of illegal immigrants, expulsion and extradition for terrorists and Islamist extremists and closure of the offices of foreign organizations with suspected links to those individuals. He asked whether the conflation of illegal immigrants and terrorists and Islamist extremists might not result in illegal immigrants who had nothing to do with terrorism finding themselves in a particularly vulnerable situation. In that connection, he urged the State party to consult the Committee’s general recommendation XXX on discrimination against non-citizens and its statement on racial discrimination and measures to combat terrorism adopted in 2002 (A/57/18, para. 514).

23. Concerning the implementation of article 5 of the Convention, the report provided statistics on the economically active population and the ethnic composition of the employed population. Much of the information was more relevant to the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights. Particularly important to the Committee was the Judicial Council Act, adopted in December 2004, which had introduced substantial changes to the workings of the justice system, notably with a view to improving the selection of judges, better guaranteeing their independence and the transparency of their work, and toughening disciplinary penalties for judges who abused their office. Those changes were a response to the observations made by the Working Group on the Universal Periodic Review of the Human Rights Council in February 2009. The Electoral Code guaranteed that citizens of Azerbaijan enjoyed all electoral rights irrespective of race or ethnicity, and foreign citizens who had lived in the territory of the relevant municipality for at least five years had the right to take part in municipal elections. Electoral legislation also guaranteed every citizen, regardless of ethnic or racial affiliation, the right to be elected. He wished to know whether the right of all citizens to run for municipal office meant that they had to stay in the municipality where they had first been registered. He welcomed the fact that the Central Electoral Commission had not received any complaints from non-Azerbaijanis concerning violation of their electoral rights on the grounds of ethnicity. He requested statistics on the representation of the different groups and ethnic minorities in Parliament, the municipalities, the Central Electoral Commission and the district electoral commissions. He asked whether the recommendations of the Organization for Security and Co-operation in Europe (OSCE) and the Council of Europe had been taken into account during the previous national elections. On the question of refugees and IDPs, the periodic report affirmed that the State party fully complied with the principles of the international instruments relevant to their status and that in 1988 and 1989, during the armed conflict between Armenia and Azerbaijan, up to 200,000 Azerbaijanis who had fled from the

fighting had obtained refugee status on an individual basis. The Committee would appreciate additional details of any initial review the Government had carried out of the measures taken under the State programme to improve the living conditions and increase employment of refugees and displaced persons, adopted in 2004. What measures had been adopted to improve the difficult social and economic conditions in which displaced persons continued to live and to remove the obstacles they faced in acceding to jobs, housing and health care? Had special attention been paid to the situation of women and children, particularly concerning children's access to mainstream, not separate schools? Given the alleged difficulties Russian nationals from Chechnya faced in obtaining refugee status and the registration documents ("propiska") required to access employment, housing and health care, he wished to know what measures had been taken to ensure that those persons enjoyed the same social and economic rights as other asylum applicants and to combat the discrimination or social stigmatization to which they were subjected. How did the State party reconcile the principle of non-refoulement of asylum-seekers with its fight against illegal immigrants, illegal migration channels, terrorists, their accomplices and fundamentalist Islamist extremists? He would also appreciate further information on trafficking in human beings, in addition to the updated information the delegation had provided in its opening statement. In particular, it would be useful to have data on the number of victims, the number of complaints, prosecutions and convictions concerning trafficking, and the financial and psychological assistance provided to victims by the Fund for Assistance to Victims of Trafficking in Persons. The Committee would also appreciate data on the composition of the Government and public services, disaggregated by national and ethnic origin.

24. The report provided little information on the implementation of article 6 of the Convention, and none on the number of appeals brought before the Constitutional Court or complaints, prosecutions and judgements in the ordinary courts for acts of racism or racial discrimination. The claim in paragraph 45 of the report that no criminal proceedings had been instituted or complaints received relating to the articles of the Criminal Code prohibiting acts of racism was somewhat surprising, especially taking into account the State party's conflict with Armenia, its displaced population and the high number of refugees. The Committee had raised a similar concern in relation to persons of Armenian origin in its previous concluding observations to the State party (CERD/C/AZE/CO/4, para. 10), noting that a majority of the Armenians residing in Azerbaijan preferred to conceal their ethnic identity in order to avoid being discriminated against. He recalled, as emphasized in paragraph 1 (b) of the Committee's general recommendation XXXI, that the absence or small number of complaints, prosecutions and convictions relating to acts of racial discrimination was not necessarily positive. The Committee wished to know what measures the Government had taken to inform the public and victims of their rights, to facilitate access to justice, and to raise awareness among those responsible for implementing the law of the importance of punishing acts of racial discrimination.

25. Turning to the implementation of article 7 of the Convention, he noted that, while the State language was Azerbaijani, in accordance with article 45 of the Constitution, all persons had the right to use their native language and it was possible to receive instruction in the languages of ethnic minorities, with compulsory teaching of Azerbaijan's language, history, literature and geography. In that connection, data were provided on the number of schools, teachers and students involved in education in combinations of Azerbaijani, Russian and Georgian, and the number of foreign students registered in higher education. He asked what steps had been taken to

guarantee the right to teaching and education in the Armenian and Talysh languages in some schools. In terms of culture, domestic legislation had been amended following the State party's accession to the Convention, to guarantee all persons the right to preserve their ethnic cultural identity, and freely to choose their spiritual, aesthetic and other values. Steps had also been taken to preserve and develop the cultural values of national minorities and ethnic groups, thanks to links with diplomatic missions. The report listed several measures adopted to promote mutual understanding, respect and tolerance, including holding events to preserve and develop the cultural heritage of ethnic minorities, under the National Plan of Action for the Protection of Human Rights for 2007-2010, and the establishment of an advisory council consisting of leaders of the main religious denominations, which had begun work in 2007. He requested further information on the preliminary work of that council. He also asked how the media had reacted to the prosecutions of journalists who had written articles insulting religious values and the measures taken to prevent the import of texts advocating religious intolerance and discrimination. Finally, the Committee would appreciate information on radio and television programmes aimed at promoting minority cultures and reflecting the State party's multicultural population; measures adopted to train law enforcement personnel and judicial staff in respect for human rights, inter-ethnic and interracial understanding and prevention of racial discrimination; and steps taken to ensure that the Convention, the periodic reports and the Committee's concluding observations were disseminated to the public.

26. Mr. AVTONOMOV noted the importance of self-identification for minority and ethnic groups; they themselves should state that they were a group and the name they wished to be known by, and the Government should simply endorse their definition.

27. He asked whether the national and ethnic groups present in the State party's population were represented in the police force and other law enforcement bodies, particularly in areas where they were present in large numbers.

28. He enquired why some 10 per cent of children born in the State party were not registered, and whether that percentage included a high proportion of children born to vulnerable groups such as refugees or IDPs. That was a particular concern in the light of reports that children born in the State party had been victims of human trafficking for the purposes of sexual and other forms of exploitation.

29. He requested additional information on the situation of Roma in the State party and recommended that the Government should consult the Committee's general recommendation XXVII on discrimination against Roma.

30. He wished to know whether there were any national or ethnic grounds for the autonomous status of the Nakhichevan Autonomous Republic.

31. Mr. KEMAL commended Azerbaijan on its enactment of an elaborate set of laws for the safeguarding of human rights in different areas. He was also pleased to learn that the State party had weathered the global financial crisis and that religious tolerance prevailed.

32. The Committee had been informed that the Ombudsman had received 42,260 complaints during the period under review, including 8,600 in 2008 alone. Noting that more than one third

of the complaints concerned what were described as civil rights violations, he asked whether such complaints were directed against State agencies. The remainder concerned violations of economic, social and cultural rights. What percentage of complaints were found to be admissible and what kinds of remedies were awarded to the complainants?

33. No mention was made of any complaint of racial discrimination, notwithstanding the enlightenment campaigns, and paragraph 26 of the report asserted quite categorically that there was no racial discrimination against ethnic Armenians living in Azerbaijan. The Committee traditionally took the view that all countries without exception experienced some form of racial discrimination and that a lack of complaints might indicate that aggrieved parties lacked faith in the ability of the legal system to redress their grievances or feared retaliation. He would welcome any clarifications that the delegation could provide.

34. Mr. MURILLO MARTÍNEZ noted that the Government of Azerbaijan was taking measures under the National Plan of Action for the Protection of Human Rights to familiarize people with the law, to prohibit discrimination and to promote peace and tolerance. Round tables had been held on tolerance and on religious values and the media, and a meeting of leaders of the Islamic and non-Islamic communities had exchanged views on the religious situation. The Committee would be interested in hearing about the impact of such initiatives. Had any surveys been conducted to determine whether society in general and various religious and cultural groups had enjoyed any tangible benefits from the events?

35. Mr. SICILIANOS said that he had taken part in an expert mission of the Council of Europe to Azerbaijan a few years previously to assist the country in bringing its legislation fully into line with the European Convention on Human Rights and its other international obligations. He noted with satisfaction that Azerbaijan had ratified all eight core United Nations human rights instruments. The State party's work on behalf of IDPs was also highly commendable.

36. The Committee had received a great deal of information about refugees and asylum-seekers, including allegations to the effect that the authorities were reluctant to recognize ethnic Chechens from the Russian Federation as legitimate asylum-seekers for political reasons. Moreover, while the Government generally respected the principle of non-refoulement, such protection was reportedly withheld from Chechens, Afghans and Iraqis. He invited the delegation to comment on those allegations and to indicate whether asylum-seekers and recognized refugees were denied access to economic and social rights, including public health-care facilities and employment. The majority also encountered obstacles in registering their marriages because they did not possess a passport or other document confirming that they were not already married. In addition, the authorities also refused to register newborn children if the parents lacked official residential status.

37. Mr. DIACONU enquired about the ethnic origin of the inhabitants of the Nakhichevan Autonomous Republic. Noting that Azerbaijan was a party to the Council of Europe Framework Convention for the Protection of National Minorities, he asked which national minorities had been listed in communications with the Council of Europe body responsible for reviewing implementation of the Convention.

38. The report failed to mention the existence of organizations that engaged in incitement to racism or promoted racist activities. The Committee encouraged States parties to declare such organizations illegal. He asked whether there were any provisions in Azerbaijani law that might be invoked against them.

39. He welcomed the fact that foreigners were allowed to participate in municipal elections if they met certain conditions. However, IDPs could not take part in such elections because they had originally been domiciled elsewhere. While he could understand the authorities' unwillingness to concede a point that might undermine the country's territorial integrity, he submitted that the persons concerned were not to blame for their displacement and should not enjoy fewer rights than foreigners. In general, the situation of displaced persons was a crucial issue in Azerbaijan. A large number of people allegedly continued to suffer discrimination, particularly in the areas of employment and housing, on account of a conflict that had ended 16 years previously. Was any action contemplated to redress their situation?

40. Noting that representatives of ethnic groups other than Azerbaijanis participated in electoral commissions, he asked how many ethnic representatives had been elected to Parliament and to local bodies.

41. He would welcome further information regarding the mandate of the Ombudsman. In some countries the ombudsman was authorized to impose penalties on institutions or legal entities that committed acts of discrimination. In other countries he or she was merely entitled to contact the body concerned in order to request further information and to recommend remedial action.

42. The CHAIRPERSON invited the delegation of Azerbaijan to respond to the questions raised by the Committee.

43. Mr. KHALAFOV (Azerbaijan) said that the data from the April 2009 population census would not be fully processed until 2011. As soon as data relating to the questions raised became available, they would be communicated to the Committee.

44. The Office of the Ombudsman was actively involved in the preparation of all reports on human rights issues. It made recommendations and held briefings and exchanges of views with representatives of NGOs and the public authorities.

45. Most complaints to the Ombudsman concerned the exercise of the economic, social and cultural rights of stateless persons resident in Azerbaijan. In 2008 the Ombudsman had concluded that 51.2 per cent of the complaints received were inadmissible, for instance on the ground that she lacked jurisdiction to deal with them, that they were anonymous or that relevant legal proceedings were already under way. To date the Ombudsman had satisfactorily disposed of 35.7 per cent of complaints; in 2008, the proportion had been 43.3 per cent.

46. The Ombudsman regularly held seminars, round tables, televised debates and other events to promote awareness of human rights and, in particular, of the provisions of the Convention among State bodies, civil society and national minorities. Regional branches of the Office of the Ombudsman had been opened in a number of towns throughout the country. The scope of the

Ombudsman's activities was thus continually expanding. Educational and legal assistance programmes had been conducted in areas densely inhabited by national minorities. He assured the Committee that there were no legal impediments to the implementation of such activities by the Ombudsman.

47. With regard to the suggestion regarding the establishment of a council for national minority affairs on which minorities would be represented, the authorities were currently looking into the possibility of involving representatives of minorities in the legislative process and opening up avenues for consultation between State bodies and minority groups. Action was also being taken to set up a constitutional council. Many articles of the Council of Europe Framework Convention for the Protection of National Minorities had already been implemented, and every effort was being made to create the conditions for implementation of the remaining provisions.

48. He agreed that the aftermath of the conflict with Armenia had adversely affected the situation throughout the southern Caucasus region, undermining development and regional cooperation and preventing the achievement of harmony between peoples. Azerbaijan was determined to reach a peaceful settlement involving the return of refugees and IDPs, the restoration of confidence between the peoples involved, the reopening of communications and the establishment of security guarantees for all peoples living on the territory of Armenia and Azerbaijan with the assistance of the international community. In July 2009 the Presidents of France, the Russian Federation and the United States, the countries that jointly chaired the Minsk Group of OSCE, had affirmed their commitment to support the leaders of Armenia and Azerbaijan as they finalized the Basic Principles for settlement of the Nagorny Karabakh conflict. He reminded the Committee that some 200,000 ethnic Azerbaijanis had fled from Armenia following the occupation of Nagorny Karabakh and several other regions and that more than 750,000 Azerbaijanis had been internally displaced.

49. The Nagorny Karabakh conflict had led to the ethnic cleansing of the entire occupied territory and had had serious repercussions for Azerbaijan. Notwithstanding those circumstances, the approximately 30,000 ethnic Armenians living in Azerbaijan suffered no discrimination whatsoever. Most ethnic Armenians in Azerbaijan were children of mixed marriages and were represented in all sectors of life, including public administration. Discrimination on the grounds of race, colour, descent or national or ethnic origin was prohibited by law and did not exist in practice. The Criminal Code contained norms that defined criminal liability for offences based on hatred or offences motivated by racial or religious intolerance or xenophobia.

50. Replying to the queries concerning refugees and IDPs, he said that refugees from Armenia had been granted asylum on humanitarian grounds, which had given them access to a range of rights provided in the Status of Refugees and Forcibly Displaced Persons (Persons Resettled in Azerbaijan) Act, including health, education, social protection and employment. The State Committee on Refugees and Forcibly Displaced Persons was responsible for processing asylum applications and received public funds for the implementation of assistance programmes for refugees and displaced persons. Recognized refugees were also entitled to apply for Azerbaijani citizenship and thus gain access to all rights available to citizens.

51. The camps where refugees and IDPs had been living in substandard shelters had been abolished in 2007. Public funds were made available to improve the socio-economic conditions

of refugees and IDPs. New settlements had been built to house displaced persons pending their safe return to their places of origin. Refugees and displaced persons also received financial assistance from the Government of Azerbaijan.

52. Measures had been taken to ensure that Azerbaijan's good economic performance was reflected in the socio-economic well-being of its population. The State Oil Fund had been set up to ensure effective management of oil revenues, which were used, inter alia, to finance major nationwide projects for the socio-economic development of the population, including refugees and displaced persons. A wide range of social programmes were being implemented to facilitate job creation, the socio-economic development of the regions, infrastructure modernization, and energy security, among others. None of those programmes had been curtailed in conjunction with the economic crisis. The programmes provided a sound safety net for vulnerable segments of society such as refugees and displaced persons.

53. In response to question 8 of the list of issues (CERD/C/AZE/Q/6), he said that a series of projects developed under the National Plan of Action for the Protection of Human Rights aimed at combating discrimination and promoting a culture of peace and tolerance. Several events had been held to promote intercultural and inter-religious dialogue and preserve and develop the cultural heritage of ethnic minorities. Those activities had also been extended to the regions. Azerbaijan's national minorities mostly lived in compact communities.

54. Under the new Constitution, a person's ethnic or national origin was no longer mentioned in identification documents. His delegation was therefore unable to provide statistics disaggregated by such origin. In accordance with Azerbaijani law and practice, any person was eligible to stand for election or apply for a government post, irrespective of ethnic origin. National minorities were well represented in Parliament and in State structures.

55. The participation of national minorities in public life was guaranteed both through their representation in State and electoral bodies and a range of government-sponsored campaigns aimed at raising awareness of their culture, history and heritage. Public funds were made available for radio and television programmes aimed at promoting and protecting minority culture and heritage. Local radio and television stations also broadcast in minority languages. Steps had been taken to enable minority children to study their language, traditions, customs and culture at school in order to preserve their culture and heritage.

56. The Committee's earlier concluding observations had been translated into Azerbaijani and published and were used as a reference by State institutions and NGOs.

57. Azerbaijan had joined the Council of Europe campaign to combat violence against women, and in January 2007 the Cabinet of Ministers had approved the "integrated programme to combat everyday violence in a democratic society", which provided for comprehensive measures related to the prevention of gender-based violence.

58. Domestic legislation was constantly reviewed in order to ensure conformity with international instruments to which the country was a party. Following a recent referendum, provisions prohibiting discrimination by reason of race, national or ethnic origin, language, gender or on any other grounds had been incorporated into the Constitution.

59. In response to question 10 of the list of issues, he said that pursuant to the Constitution, international instruments ratified by Azerbaijan formed an integral part of the domestic legal order and could be invoked in domestic courts. Provisions of international treaties prevailed over conflicting parallel domestic legislation, except where constitutional provisions were affected. All fundamental principles and norms governing human rights and freedoms were reflected in the Constitution.

60. Regarding the Nakhichevan Autonomous Republic, he gave an extensive overview of its history, which was at the root of its current status. The region had its own constitution, parliament and government, as provided in the Azerbaijani Constitution.

61. Turning to questions 12 and 13 of the list of issues, he said that Azerbaijan cooperated actively with national and international human rights organizations in efforts to combat trafficking in human beings and provide assistance to the victims. A series of relevant regulations had been adopted, details of which were contained in the written replies (document without a symbol, distributed in the meeting room in English only). A hotline had been established within the Ministry of Internal Affairs for victims and potential victims of human trafficking; the Ministry also cooperated with an NGO that operated a helpline for trafficking victims.

62. In 2008, criminal proceedings had been instituted against 348 persons in connection with trafficking allegations under different articles of the Criminal Code, namely: trafficking in human beings (art. 144-1); forced labour (art. 144-2); involvement of minors in prostitution (art. 171); illegal distribution of pornographic materials (art. 242); forced involvement in sexual acts (art. 151); substitution of someone else's child (art. 172); involvement in prostitution (art. 243); and keeping a brothel (art. 244). Information on the exact number of cases, as well as trafficking statistics for the first half of 2009, was provided in the written replies to question 13 of the list of issues. The replies also contained detailed information about assistance provided to victims of trafficking and their children, including: temporary accommodation, legal assistance, medical care, psychological support, job placement, placement in education, compensation for material damage and reintegration allowances.

63. Replying to question 14 of the list of issues, he said that the extradition of perpetrators of crimes was governed by domestic legislation, which was based on the United Nations Model Treaty on Extradition. The law did not provide for extradition to countries where the person might face a risk of persecution on grounds of race, ethnicity, language, religion, nationality, political affiliation or gender. No extraditions had taken place in violation of those provisions or relevant international law.

64. With regard to a question about the treatment afforded to asylum-seekers from Chechnya, he said that Azerbaijan was a party to the United Nations Convention relating to the Status of Refugees and cooperated actively with the Office of the United Nations High Commissioner for Refugees. Many Russian citizens from Chechnya had been granted asylum on humanitarian grounds; Chechens suspected of involvement in criminal activities, including terrorism, had been brought to trial.

65. With regard to questions 15 and 16 of the list of issues, he reiterated that his delegation was unable to provide statistics on the representation of ethnic groups and minorities in

Parliament and municipal governments, or the composition of the civil service disaggregated by ethnic origin, because a person's ethnic origin was considered a private affair and not reflected in official documents.

66. Regarding question 24 of the list of issues, he said that special courses had been designed in cooperation with the Ministry of Justice to train law enforcement agents and judicial personnel in the area of human rights, including racial discrimination. In that connection, it was important to note that most law enforcement officers in minority areas were themselves members of ethnic or national minorities.

67. In response to questions raised by the Country Rapporteur, he informed the Committee that the Presidents of Armenia and Azerbaijan and the co-Chairs of the Minsk Group had met in July 2001 in Moscow to discuss issues related to the settlement of the Nagorny Karabakh conflict in order to overcome remaining differences. Cultural representatives from Nagorny Karabakh and Azerbaijan, ambassadors of both countries and members of the intelligentsia had also met in Moscow in an effort to facilitate dialogue and build the trust necessary for the peaceful settlement of the conflict. Prompt settlement was of particular interest to Azerbaijan, which had been affected disproportionately by the conflict. One fifth of Azerbaijan's territory had been occupied and the country had had to deal with half a million displaced persons, with the attendant socio-economic implications. An end to the conflict would create an environment conducive to the return of displaced persons and enhanced socio-economic development.

The meeting rose at 6.05 p.m.