

**Responses to the questions for “Call for input to the report of the
Special Rapporteur on minority issues to the UN General Assembly”
by Baku International Multiculturalism Centre**

1. Do you consider the interests of persons belonging to minority groups appropriately taken into account in your country? If yes, how? If no, why?

According to the 2019 census, 94.8% of the population of the Republic of Azerbaijan consists of Azerbaijanis, while 5.2% are representatives of national or ethnic, religious and linguistic minorities. Protecting the rights of minorities in the process of building the democratic and secular state of Azerbaijan is based on the principle of rule of law. Article 25 of the Constitution of the Republic of Azerbaijan, adopted in 1995, guarantees equality of rights and freedoms for everyone, regardless of race, ethnic origin, religion, language, and social origin. The restriction of human and citizen rights and freedoms based on race, nationality, religion, language, origin, belief, political and social affiliation is strictly prohibited. According to Article 44 of the Constitution, "everyone has the right to preserve their national identity. No one can be forced to change their national identity." Additionally, Article 21 of the Constitution establishes the right to freely use and develop one's mother language. Article 25 also guarantees equality of rights and freedoms for everyone, regardless of race, nationality, religion, language, gender, etc. Article 45 ensures the right for everyone to freely and without restrictions use their mother language.

In Azerbaijan, no ethnic group, including the majority, has exclusive privileges, exceptions, or concessions, and all citizens are provided with equal political and cultural rights. Nonetheless, the interests of minorities in the country are protected in line with the up-to-date needs, national legislation, and international legal norms. Typically, these interests generally include issues related to the protection and development of their ethnic cultures, tangible and intangible cultural heritage, and the teaching of their own languages. According to relevant articles of the Constitution of the Republic of Azerbaijan, the state policy on ensuring the extensive fulfillment of the cultural rights of minorities, the protection and development of their native languages, and culture, and appropriate environment for their religious practices is conducted along the following directions: adherence to the principles of national sovereignty, related national legislation and international agreements and treaties to which Azerbaijan is a party; protection of ethno-cultural diversity, the rights and freedoms of all national or ethnic, religious and linguistic minorities, human rights, and state support and care for the development of their native languages and own cultures.

The decree of the President of the Republic of Azerbaijan "On State Support for the Protection of the Rights and Freedoms, and the Development of the Language and Culture of National Minorities and Ethnic Groups Living in the Republic of Azerbaijan" dated September 16, 1992 aims to improve relations among national minorities and to

increase their involvement in the state building. From the early years of state independence, this document has defined the state policy in the field of minority affairs, setting the following tasks for relevant state and government bodies to protect the political, economic, social, and cultural rights and freedoms of all social groups living in Azerbaijan:

- Preservation and development of the cultural, linguistic, and religious uniqueness of minorities;
- Full freedom to practice national traditions and customs, religious ceremonies and rites, and the preservation and use of places of worship;
- Free development of national craftsmanship, professional and amateur creativity, and folk arts;
- Protection of historical and cultural monuments of all minority groups;
- Conservation and maintenance of places of significant interest to the population, reserves, parks, and other natural sites.

The Law "On Culture" of the Republic of Azerbaijan (2012) provides for assistance in the development and preservation of national culture. The state guarantees the development and preservation of the national culture of the Azerbaijani people, as well as the cultural identity of all national or ethnic, religious and linguistic minorities living in the territory of the Republic of Azerbaijan. This law also supports the rights of minorities to own their cultural assets. Additionally, the "Law on Education" adopted on October 7, 1992 and the "Law on the State Language" allow for education to be conducted in the native languages of minorities. Furthermore, the Labor Code of the Republic of Azerbaijan stipulates that during employment, rights must not be restricted in any way—directly or indirectly—based on race, national affiliation, or religious beliefs. The Criminal Code establishes liability for the violation of the equality rights of citizens.

2. Are there institutional arrangements that guarantee (or facilitate) effective political representation of persons belonging to minorities? For example, a Second Chamber in Parliament, the federal structure of the State, specific "minority institution" (such as a Council of Minorities or a dedicated Ombudsperson, or electoral mechanisms (quotas, separate lists for minorities).

Azerbaijan joined the Council of Europe Framework Convention for the Protection of National Minorities in June 2000 and continues to act in accordance with the requirements of this document. The Azerbaijani model of multiculturalism serves as a nationwide strategy aimed at strengthening mutual relations among all ethnic and religious communities in the country, enhancing the norms of coexistence and mutual respect, and ensuring the protection of the cultural and linguistic rights and history of minorities.

As mentioned earlier, there are no issues with the political representation of individuals belonging to national or ethnic, religious and linguistic minorities in Azerbaijan.

Minorities living here are significantly present in the country's highest executive and legislative bodies, judicial authority, security structures, local government, and municipal institutions. In parliamentary and municipal elections, as well as in appointments to the governmental positions, the national, ethnic, religious or linguistic origins of candidates – citizens of the Republic of Azerbaijan – are all equal and enjoy equal rights as enshrined in the Constitution

Azerbaijan is a unitary state according to its constitutional structure.

The Human Rights Commissioner's (Ombudsman) Office of the Republic of Azerbaijan was established *inter alia* to restore the human rights and freedoms violated by the central and/or local administrative bodies and/or officials of the government of the and to prevent violations of human rights as defined in the Constitution and the international treaties to which Azerbaijan is a party. According to the provisions of the Constitutional Law on the Human Rights Commissioner of the Republic of Azerbaijan, the Ombudsman's office is the defender of the political and cultural rights of everyone residing in the country's territory, regardless of race, nationality, religion, language, and other characteristics. Additionally, the Human Rights Commissioner operates regional centers in four regions densely populated by national, ethnic and religious minorities - Guba, Shaki, Jalilabad, and Ganja.

Regarding the recommendations for a "special minorities institute" in the country, Azerbaijan has a corresponding institution that performs relevant functions. With the Decree of May 15, 2014 of the President of the Republic of Azerbaijan, the Baku International Multiculturalism Center was established to ensure the protection of tolerance and cultural, religious, and linguistic diversity, as well as to promote Azerbaijan as a center of multiculturalism in the world and to research and promote existing multicultural models. The tasks set for the Center include studying and developing mechanisms for promoting the cultural, social, and political essence of Azerbaijani reality, where multiculturalism and tolerance have become a way of life; identifying and realizing ways in which the cultural-ethnographic diversity of Azerbaijan can serve the development of the idea of Azerbaijanism; conducting scientific analysis of the tolerant grounds of cultural and religious diversity in Azerbaijan and determining ways to preserve it; studying the cultural heritage of different regions, and supporting the preservation of historical, cultural, and religious monuments using the potential of civil society, among other things.

The Center provides financial support to projects presented by representatives of ethnic cultural institutions and ethnic community members. In 2023, the Baku International Multiculturalism Center completed the development of another series of documentaries within the project "Promotion of the Ethnic Culture of Peoples Living in Azerbaijan." These documentaries extensively discuss the history, customs and traditions, lifestyle, preservation of national cultures, integration into Azerbaijani society in the modern era, and active participation in the country's social, political, economic, and cultural life of

ethnic and national minorities - Udis, Molokans, Ingiloy, Meskhetian Turks, Mountain Jews, Avars, Shahdag peoples, Lezgins, Talysh, Tsakhurs, Tatars. A film titled "We Are Strong Together" is dedicated to the national unity demonstrated by the ethnicities of Azerbaijan during the 44-day Patriotic War.

Additionally, with the Center's financial resources, textbooks for primary school students in the Talysh, Tsakhur, Khinalug, and Budukh languages, a fairy tale book "Keep Your Eyes on the Moon" about the oral folk literature of the Udi people, "Anthology of Talish Poetry of the XX-XXI centuries", a book of stories by Kurdish writer Ahmede Hapo, book "Albanian Monuments of Karabakh and Eastern Zangazur" discussing the Christian heritage in Azerbaijan as part of the "We are learning Caucasian Albania" project, the publication of Gurban Said's "Ali and Nino" in the Tat language, a book on the activities of Poles in Azerbaijan and their participation in the social, political, and cultural life of the country in the 19th and 20th centuries titled "The Activities of Poles in Azerbaijan", a compilation covering the three-year (2017-2020) activity of the Talysh-language newspaper "Dodo" have been published and distributed.

The Baku International Multiculturalism Center, within its charter obligations and authorities, plays a coordinating role among these groups in line with Azerbaijani model of multiculturalism. It assists in the implementation of ethnocultural projects, conducts scientific research aimed at strengthening and promoting coexistence, mutual respect, and collaboration among ethnic and religious communities in the country, and identifying threats to ethnic stability. It also implements both local and international projects.

3. Are there minority issues insulated from (or not subject to) State authorities' decisions (including the Parliament)? (For example, constitutional guarantee; political traditional agreement; competence on minority issues at a regional level, where the persons belonging to a minority represent the majority of the population).

The society of Azerbaijan is historically built on multicultural traditions. Article 5 of the Constitution of the Republic of Azerbaijan ("Unity of the People") states that "the unity of the Azerbaijani people is the foundation of the Azerbaijani state. The Republic of Azerbaijan is the common and indivisible homeland of all citizens of the Republic of Azerbaijan." All legislative acts of the Republic of Azerbaijan, including those on cultural and political rights, apply to all citizens of the country, regardless of identity.

Ethnic relations in the country are regulated not only by national legislation but also by international legal norms. The Azerbaijani government collaborates closely with international organizations in the field of human rights, including the such as the UN, OSCE, Council of Europe, European Union, Organization of Islamic Cooperation, and others. Azerbaijan has signed regional and international documents on the protection of the rights of minorities including the European Convention for the Protection of Human

Rights and Fundamental Freedoms, the International Convention on the Elimination of All Forms of Racial Discrimination, and the Council of Europe Framework Convention for the Protection of National Minorities.

4. Are there any institutional arrangements and/or political practices that *de facto* exclude persons belonging to minorities from effective participation in decisions at the national – and, where appropriate, regional level – concerning the minority to which they belong?

The overall protection of minorities is defined at the national level by the Constitution of Azerbaijan, which prohibits discrimination based on race, skin color, gender, origin, ethnicity, language, religion, political opinion, social affiliation, civil status or rank, place of residence, or other circumstances. All national legislation concerning the rights of national/ethnic/religious/linguistic minorities in Azerbaijan stems from the country's international obligations and standards established by international law.

Azerbaijani society is characterized by its intercultural and interreligious tolerance and a multicultural environment. The state consistently supports all initiatives in this regard. Every citizen of Azerbaijan equally enjoys the rights and freedoms provided by the Constitution and other related legislation. Representatives of the minorities living in Azerbaijan are represented without any institutional barriers in Parliament, executive authorities, and security structures, actively participating in the legislative process and in the making of national and regional decisions.

Additionally, in regions where national or ethnic minorities live compactly, representatives of those groups often constitute the majority in state structures and local self-governance bodies. According to Azerbaijani legislation, as the ethnic affiliation of a citizen is not indicated on their identity documents, there is no official statistic reflecting the representation of minorities in state structures. Therefore, there are no institutional measures or political practices that limit or exclude their rights to participate in decision-making processes at all levels of government administration.

5. Are there legal, administrative or other barriers that prevent persons belonging to minorities to participate effectively in cultural, religious, social, economic or public life?

The state of Azerbaijan considers the preservation, maintenance, and use of their cultures and identities by national or ethnic, religious and linguistic minorities as an essential part for the realization of other rights. Currently, effective work is underway in Azerbaijan to address legal and organizational developments in the advancement of more progressive environment for minority groups.

In the Republic of Azerbaijan, the active participation of ethnic minorities and indigenous peoples in the country's cultural, political, religious, social, and economic

life, and the protection of their respective rights are conducted in accordance with international law norms. This includes the protection of communities' identity, specific ethnic culture, tangible and intangible cultural heritage, native language, unhindered access to rights and legal equality granted to all citizens regardless of ethnic affiliation under the country's constitution, and their expanded participation in public-political life, among others. The legislative acts of the Republic of Azerbaijan, including criminal law, prohibit restricting human and citizen rights and freedoms based on race, ethnicity, religion, gender, origin, belief, political, and social affiliation, and such cases are prosecuted by law. In this regard, in Azerbaijan, no representative of any national or ethnic, religious and linguistic minority is allowed to propagate ideas of superiority based on their own affiliation – actions promoting radical nationalism, inferiority complex, xenophobia, or ethnophobia are considered illegal.