



**Permanent Mission  
of the Republic of Azerbaijan  
to the UN Office and other  
International Organizations**

**GENEVA**

Ref: 0217/12/23/34

The Permanent Mission of the Republic of Azerbaijan to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights, and with reference to the Note Verbale Ref: RRDD/ADS/YB/KO/ip dated 8 March 2023, has the honour to transmit herewith the information received from the relevant authorities of the Republic of Azerbaijan in response to the call for inputs for the preparation of the report of the UN Secretary-General pursuant to the UN General Assembly resolution 77/205.

The Permanent Mission of the Republic of Azerbaijan to the United Nations Office and other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.



Enclosure: 4 pages

**Office of the United Nations  
High Commissioner for Human Rights  
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**Information concerning the implementation of the resolution 77/205 "A global call for concrete action for the elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action"**

- **Extent and impact of systemic racism and effective legal, policy and institutional measures that address racism beyond a summation of individualized acts**

The legislation of the Republic of Azerbaijan envisages pertinent norms aimed at combating discrimination and effective legal remedies for victims. The largest chapter III, from Article 24 to Article 71 of the Constitution, is devoted to the provision of fundamental human and civil rights and freedoms. Article 25 of the Constitution provides for the "right to equality". According to Article 44 (Right to Nationality) of the Constitution, everyone has the right to preserve their nationality and no one can be forced to change his nationality. Article 45 (Right to use mother tongue) states that everyone has the right to use their mother tongue. Everyone has the right to be brought up and educated in any language, to engage in creativity. According to Article 69 (Rights of Foreigners and Stateless Persons) of the Constitution, "Foreigners and stateless persons, while in the Republic of Azerbaijan, may enjoy all the same rights as the citizens of the Republic of Azerbaijan, unless otherwise provided by law or an international agreement to which the Republic of Azerbaijan is a party."

According to Article 16 (Inadmissibility of discrimination in labor relations) of the Labor Code, employment relations are based on citizenship, gender, race, religion, nationality, language, place of residence, property status, socio-social origin, age, family status, beliefs, political views, allowing no discrimination between employees due to membership in trade unions or other public associations, service position, as well as other factors not related to the employee's business qualities, professional competence, and the results of his or her work, directly or indirectly granting privileges and concessions on the basis of those factors determination, as well as limitation of rights is strictly prohibited.

According to Article 8 (Equality before the law and the court) of the Civil Procedure Code, justice in civil cases and commercial disputes is carried out on the basis of the principle of equality before the law and the court. Regardless of race, nationality, religion, language, sex, origin, property status, service position, belief, affiliation to political parties, trade unions and other public associations, place of legal entity, subordination, form of ownership and other differences not provided by law, the court shall treat all participants equally. The principle of equality before the law and the court is provided in the Civil Procedure Code, the Civil Code, and the Criminal Procedure Code, and the Criminal Code and other normative legal acts of the Republic of Azerbaijan.

A person who claims to have been discriminated against can apply to the Human Rights Commissioner (Ombudsperson) of the Republic of Azerbaijan about violations of his rights, including discriminatory ones. According to the law "On the Commissioner for Human Rights (Ombudsperson) of the Republic of Azerbaijan", the commissioner examines the complaints of citizens of the Republic of Azerbaijan, foreigners and stateless persons, legal entities regarding the violation of human rights.

The Republic of Azerbaijan has ratified major international human rights treaties, with relevant provisions on combating discrimination.



The phenomenon of racism, racial discrimination, xenophobia and related intolerance is primarily based on the lack of relevant proper education. In this regard, there is an important need to promote multiculturalism through education and training.

Baku International Center for Multiculturalism (BICM), established in 2014 in the Republic of Azerbaijan has become a platform for dialogue and exchange of views between ethnic and religious minorities. Ethnic and religious minority organizations are represented at the Center's Coordinating Council. Since 2015 the Baku International Center for Multiculturalism has been organizing the International Winter School of Multiculturalism and the International Summer School of Multiculturalism, which are attended by local and foreign students from different countries. International organizations such as UNESCO, Aladdin project, Erasmus + have also supported these summer and winter schools.

- **Hate speech, incitement to racial discrimination, hostility and violence**

According to Part I of Article 47 of the Constitution of the Republic of Azerbaijan, everyone has the right to freedom of thought and speech. According to Part III of this Article, agitation and propaganda, inciting racial, national, religious, social discord and animosity or relying on any other criteria is prohibited.

As for the requirements for information published and (or) disseminated in the media, the law requires that racial, religious, origin, sexual, ethnic and other discrimination not be promoted, and that there be no public calls for incitement to ethnic, racial or religious hatred (Article 14.1.4). If these provisions are violated in the context of a television or radio broadcast, the broadcast may be suspended by the decision of the Audiovisual Council of the Republic of Azerbaijan for a period of 1 (one) day to 1 (one) month (Article 41).

Actions aimed at inciting national, social or religious hatred and harm, humiliation of national dignity, or restricting the rights or enhancing the privileges of citizens depending on their national, racial, social or religious affiliation, including acting through the use of social media, are prohibited under Article 283.1 of the Criminal Code of the Republic of Azerbaijan. Persons who openly incite violence and sexual harassment by targeting a particular social group through hate speech (using the media) are subject to administrative and criminal liability in accordance with the law.

So far, the Azerbaijani Ombudsman has compiled two reports on Hate Speech against Azerbaijanis. In those reports the Ombudsman examines the causes and results of hatred policy against one ethnic group and calls upon the relevant international human rights organizations and national human rights institutions to join their efforts to put an end to similar actions leading to the creation of new hotbeds of disputes in the region.

According to the Article 281. 1 of the Criminal Code "Public appeals to violent capture of authority, violent deduction of authority or violent change constitutional grounds or infringement of territorial integrity of the Republic of Azerbaijan, as well as distribution of materials of such contents is punishable by imprisonment for the term up to five years.

On October 4, 2020 - during the 44-day war, Arman Babajanyan, a citizen of the Republic of Armenia, violated the principles reflected in Articles 5 and 25 of the Constitution of the Republic of Azerbaijan; he discriminated against citizens by ethnicity using the expression of peoples of "Talysh and Lezgins" in his publications and confronting ethnic groups in the country, his remarks propagated the ideas of national hatred, which invoked the hatred of other ethnic groups by the Talysh and Lezgins. On his social page, he shared in Azerbaijani, Russian, Talysh, English and Armenian an open call for the disintegration of the territorial integrity of the Republic of Azerbaijan. On October 29, 2020, Arman Babajanyan was charged under Articles 214-2, 281.1, 283.2.2 and 318.1 of the Criminal Code of the Republic of Azerbaijan and declared wanted.



According to Article 13-2 of the Law "On Information, Informatization and Protection of Information", posting prohibited information on the internet information resources, such as information on the propaganda of violence and open calls to incite national, racial or religious hatred and enmity shall not be allowed.

The Ministry of Internal Affairs maintains unified crime statistics in accordance with the Regulations approved by Presidential Decree No. 518 of 30 June 2001, and ensures that all illegal acts established by the Criminal Code of the Republic of Azerbaijan are recorded in this process.

As a result, horrific war crimes, crimes against humanity and acts of genocide that have accompanied Armenia's armed aggression against Azerbaijan, including those committed in Khojaly, Bashlibel, Malibayli, Gushchular, Aghdaban remain unaddressed. No single investigative action has ever been taken by Armenia with respect to serious allegation of war crimes, crimes against humanity as documented also by several independent third parties. On the contrary, the perpetrators have been glorified in Armenia and decorated with state awards.

- **Racism, racial discrimination, xenophobia and related intolerance targeting migrants and refugees**

According to Article 74.1 of the Migration Code of the Republic of Azerbaijan, foreigners and stateless persons, while staying in the Republic of Azerbaijan, may enjoy all the same rights as the citizens of the Republic of Azerbaijan, unless otherwise provided for in the law or international agreements to which the Republic of Azerbaijan is a party.

Except for the cases stipulated in the Labor Code of the Republic of Azerbaijan, the same conditions defined by legislation for citizens of the Republic of Azerbaijan regarding labor conditions are applied to labor migrants and payment of their labor is carried out in the manner established by legislation for the citizens of the Republic of Azerbaijan.

At the same time, according to Article 74.4 of the Code, foreigners and stateless persons shall be equal before the law and courts of the Republic of Azerbaijan, regardless of their social and property status, race and nationality, gender, language, religion, type and nature of their activities and other circumstances. According to the law of the Republic of Azerbaijan "On protection of health of population" medical care is free in the public medical enterprises of the Republic of Azerbaijan. According to the legislation of the Republic of Azerbaijan migrants can use urgent and special medical care without any restrictions or discrimination. Moreover, Azerbaijan has included all migrants in its territory, regardless of their migration status, in the national COVID-19 vaccination related measures. In this regard, channels have been established for irregular migrants to access vaccines without enforcing administrative expulsion from the territory of the country.

In accordance with Article 5 of the Law "On education", state ensures right of every citizen to free compulsory secondary education and everyone who receives education at state educational institutions enjoys the right to free-of-charge general education. In this regard, no information on migratory status of both children and their parents is exchanged between the Ministry of Education and State Migration Service (SMS) to ensure migrants' right to education.

According to the legislation of the Republic of Azerbaijan migrants can use urgent and special medical care without any restrictions or discrimination. In this regard, no information on migratory status of patients is exchanged between healthcare providers and SMS.

In order to promote obtaining work permits for labor migrants by the employers, regular improvements have been carried out in the legislation, the procedure and complaint

mechanisms have been simplified. According to Article 76.3 of the Migration Code foreigners and stateless persons staying on the territory of the Republic of Azerbaijan should observe the declared purposes of their entry. Foreigners and stateless persons intending to reside temporarily and engage in paid labour activity on the territory of the Republic of Azerbaijan should obtain a work permit in addition to the temporary residence permit.

The procedure for hiring labor migrants on the basis of work permits, the implementation of labor activities are regulated by the Migration Code of the Republic of Azerbaijan, the Labor Code and other regulatory legal acts and within their framework, with no exception provided in this regard. According to the legislation, foreigners and stateless persons have the same labor rights as citizens of the Republic of Azerbaijan. These rights are protected by the law which is enforced by the relevant state authorities. If any fact related to the violation of rights is discovered, measures are taken in accordance with the legislation.

According to Article 10 of the Law "On Courts and judges" foreign citizens and stateless persons residing in the territory of the country are entitled to judicial protection of their rights and freedoms envisaged by the Constitution of the Republic of Azerbaijan and other laws, as well as legal interests of juridical persons from any conspiracies and infringements in any phase of the court proceeding, along with citizens of the Republic of Azerbaijan. No one can be deprived from the right to judicial protection. Therefore, no information on migratory status of migrants is exchanged between the courts and SMS.