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**ADVISORY COMMITTEE ON THE FRAMEWORK CONVENTION
FOR THE PROTECTION OF NATIONAL MINORITIES**

**COMMENTS OF THE GOVERNMENT OF AZERBAIJAN ON THE OPINION OF
THE ADVISORY COMMITTEE**
(received on 24 October 2003)

Para 21 and 93

The population census program of 1999 was prepared by taking into account UN recommendations and the question 'nationality' was included into the questionnaire for creating an opportunity to define individual's ethnic origin. The answers to this question were given on the voluntary basis and any documents confirming this answer were not demanded. At the same time, it should be underlined that 659 citizen of Azerbaijan belonging to Armenian nationality indicated their ethnic origin (Armenians) in the questionnaire.

Para 24 and 95

In conformity with Article 6.1.1 of the Civil Code of the Republic of Azerbaijan, one of the principles of the civil legislation is the principle of equality of subjects of the civil law.

In accordance with Article 8 of the Civil Procedural Code of the Republic of Azerbaijan "justice on civil and economic disputes is administered on the basis of everyone's equality before the law and the courts. The court attitudes equally to all persons participating in the case irrespective of race, nationality, religion, language, sex, origin, property, official status, beliefs, membership of political parties, trade unions and other public associations, location, subordination, property form of corporation, and other differences not envisaged by law".

In accordance with Article 7.1 of the Code on Administrative Offences of the Republic of Azerbaijan "persons committed administrative misdemeanours are equal before the law and are called to administrative responsibility irrespective of race, nationality, religion, language, sex, origin, property, official status, beliefs and other circumstances".

Article 11 of the Civil Procedural Code of the Republic of Azerbaijan runs that "on civil and economic disputes the court proceedings are conducted in the State language of the Republic of Azerbaijan - the Azerbaijani - or in the language of the majority of population of this locality. For those persons, participating in the case, but not speaking the language of the court proceedings, the right to get acquainted with all the case files, make statements, give explanations and testimonies, address the court, to file a petition, to make complaints in mother tongue, and to use the services of translator, is provided and explained. The court documents are handed over to persons, participating in the case, in the language that the court proceedings are conducted in".

Parties to the criminal proceedings have the similar right of selection of language. This right is stipulated in Article 26 of the Criminal Procedural Code.

In accordance with the Criminal Procedural Code of the Republic of Azerbaijan, persons participating in the criminal process, particularly witnesses, victims, suspected and defendants shall be provided with all conditions for realization of their right to testify in mother tongue. These persons are provided with translator, whose services are paid by the State.

In accordance with Article 363.2 of the Code on Administrative Offences of the Republic of Azerbaijan "persons participating in cases of administrative offences, but not speaking the language of the proceedings, are provided with the right to give testimonies, explanations, to make complaints or petitions in mother tongue or in any other language, they have a command of, as well as to use the services of translator ...".

Para 25

It should be noted that in Azerbaijan various minorities had lived together with Azerbaijanis for centuries in peace and harmony. It may be stated that this ethnic and religious multiplicity has been preserved in Azerbaijan to the present day.

It should be also stressed that the Armenians living on the territory of Azerbaijan occupied by Armenia pursue the policy of aggressive separatism against the territorial integrity, sovereignty and independence of the Republic of Azerbaijan.

Since 1999 direct talks between presidents of Armenia and Azerbaijan began. They did not result in the conflict settlement due to destructive position of the Armenian side. Up to now, despite unambiguous demands of the UN Security Council and other international organisations Armenia continues to occupy Azerbaijani territories and increases its military potential there.

Para 35

It should be stressed that re-registration of the non-governmental organisations is not required in the amendments to the Law "On Grants".

The proposals on improvement of the legislation on taxes concerning grants are considered by the State authorities. These proposals basically concern the payments for the mandatory social insurance. Thus, in accordance with relevant legislation the payments from money received as a grant for the mandatory social insurance have been provided.

In accordance with the Law "On changes and amendments to some legal acts of the Republic of Azerbaijan and considering some legal acts as null and void in connection with the application of the Law on approval, enter into force of the Tax Code of the Republic of Azerbaijan and the Tax Code of the Republic of Azerbaijan" of 23 November 2001, paragraphs 1 and 2 of Article 5 of the law "On Grants" were given in new version:

“1. The issues concerning money received as a grant in accordance with the present law and (or) tax restrained in connection with any other financial assistance are regulated by the Tax Code of the Republic of Azerbaijan.

2. Money received as a grant in accordance with the present law and (or) the duties as well as relevant mandatory payments to the State budget taken from any other assistance are not collected”.

VAT for the purchase of the property, execution of work, rendering the services and their import at the expense of non-repayable financial assistance (grants) received from abroad is not collected.

Para 36

It should be underlined that the expression "in other parts of Azerbaijan" must be changed to the expression "in other parts of the territory of Azerbaijan occupied by Armenia".

Para 38

It was not the fact of the intolerance towards the representative of Human Rights Centre of Azerbaijan but it was the objection of the society to their actions.

Para 41

It should be underlined that the necessary conditions for the Chechen's refugee children residing on the territory of the Republic of Azerbaijan to receive an education were created.

Para 42

The expression "general problems" shall be more precisely defined and changed to the expression "social-economic problems",

Para 43

The legislation of the Republic of Azerbaijan guarantees the protection of everyone's honor and dignity.

Para 44

The Draft Law "On the State registration of legal persons and State register" is under the consideration (last reading) of the Milli Mejlis (Parliament) of the Republic of Azerbaijan. The experts of the Council of Europe and NGOs have given a positive opinion to this draft law. After adoption of this law the procedure of registration of NGOs including NGOs dealing with the issues of protection of minorities rights will be simplified and accelerated.

It should be stressed that 27 NGOs belonging to national minorities have been registered in Azerbaijan. At the same time, it should be underlined that the documents of public union "Krys history" were returned because they contradicted to the legislation of the Republic of Azerbaijan. The issue of registration of this organisation can be considered after eradication of the existing irregularities.

Para 46, 47 and 106

After establishment of the State Committee on the work with the religious organisations, the re-registration of the 406 religious organisations registered by the Ministry of Justice has been started on the voluntary basis with the aim of getting acquainted with their activity, examining the existence of the documents, ensuring the operation of them in accordance with the legislation of Azerbaijan, defining the present status of the organisers.

Until now 220 religious organisations have been registered and re-registered. Among them, 199 are Muslim, 15 -Christian, 6 - other orientation religious organisations. It should be specially underlined that out of the 220 religious organisations, 100 ones have been registered for the first time and the 120 - reregistered. It means that 286 religious organisations out of the 406 ones, which primarily registered in the Ministry of Justice of the Republic of Azerbaijan, had not been passed the registration once again. However, it does not mean that their registration has been annulled or the hindrance for their activity within the framework of their existing Statues has

been created. Moreover, at present, more than 500 religious organisations are officially operated in Azerbaijan.

The creation of hindrance for the registration of the religious organisations is not permitted in the State Committee. According to Article 12 of the Law of the Republic of Azerbaijan "On freedom of religion" the founders of the religious organisation, at least 10 adult person, shall apply to the religious centre or department for the state registration of this religious organisation by enclosing the founding protocol and charter (statute) of the religious organisation with the written request. The religious centre or department shall send the documents together with its opinion to the competent authorities on the religious work)." Pursuant to the Decree of the President of the Republic of Azerbaijan of 21 June 2001 the State Committee of the Republic of Azerbaijan on work with religious organisations has been founded as the competent authority the main task of which is to create appropriate conditions for establishing and strengthening links between religious organisations and a State. In accordance with the instruction on procedure of the state registration of the religious organisations, the question of the state registration (re-registration) of the religious organisation shall be considered within period of 1-3 month.

Para 48 and 107

The State Committee of the Republic of Azerbaijan on work with religious organisations during its activity gave expert opinion for the importing and publication a number of literatures of the religious content and as a result, the religious organisations, legal and physical persons received consent of the Committee for importing a number of literatures of the religious content to the country.

At the same time, the State Committee prevented from the dissemination of the religious literature spreading propaganda about the ideas, which contradict to the Azerbaijan statehood and a number of literatures of such content were confiscated.

The State Committee implements the provision of Article 22 of the 1992 Law "On Freedom of Religious Beliefs" with particular caution and in accordance with whole legislation of the Republic of Azerbaijan. For example, the State Committee has not given consent to producing, importing and spreading the literature of the bookshop "Müslüm Shop" in accordance with the legislation of the Republic of Azerbaijan. The administration of this shop violates the copyright and other laws of the country. The last book of Mrs V.Poroxova, who is the famous translator of the Holy Book of Muslims "Koran", is sold in this shop without the consent of the author. She sent the letter to the State Committee where she stated that the book was produced without her consent and asked to confiscate these books and disseminate them free of charge. It should be also stressed that the dissemination of the literature spreading propaganda about religious discrimination, which serves for creation a resistance between religions is forbidden. The activity of the State Committee is carried out within the framework of the legislation and international instruments to which the Republic of Azerbaijan is a party.

Para 50

In accordance with Law of the Republic of Azerbaijan "On the amendments to Article 6 of the Law of the Republic of Azerbaijan on State language in the Republic of Azerbaijan" the Article 6 of the Law "On State language in the Republic of Azerbaijan" has been given in new version:

"Article 6: The utilisation of State language in TV and Radio broadcasting

Regardless of the ownership, the reporters of all TV and Radio channels founded and operating on the territory of the Republic of Azerbaijan, broadcasted on state language shall have a perfect knowledge of State language and fluent speech ability. The films and programs dubbed on TV and Radio channels shall be in accordance with the language norms defined by the State".

Para 52

VAT is not collected from the turnover on all kind of purchase and sell of outputs of mass media arising from the editorial, publishing and printing activity connected with the producing of outputs of mass media.

Para 56

It should be stressed that the opinion that the Office of Ombudsperson accepts communications in minority languages must be defined more precisely. In some cases Office keeps up the correspondence in Russian and English languages. However, it is not absolutely precise if it is recognised as a work done in minority languages. The State language in Azerbaijan is Azerbaijani and the Office of Ombudsperson keeps up a correspondence in the State language.

Para 61

It should be stressed that in the history textbooks the attitude towards national minorities has always carried a positive character. There are a number of representatives of national minorities among the scientists in the field of history. There is no any intolerance towards the national minorities in Azerbaijan and the State authorities pay a due attention to this issue.

Para 62

In 2003 "native language programs for the grades 1-4 of the schools acting in the regions where the minorities compactly reside" were published by the Ministry of Education. The Talysh, Avar, Udin, Tsakhur, Kurdish, Khynalyg languages were included into this programs.

The new textbook in Khynalyg language is now under the preparation. The preparation of new textbooks with the assistance of the experts composed of the representatives of the minorities is in process.

Para 66

In accordance with Article 5.2 of the Law of the Republic of Azerbaijan "On State language in the Republic of Azerbaijan", the activity of the educational institutions in other languages is carried out in conformity with the rule defined by the legislation.

According to Articles 3 and 6 of the Law of the Republic of Azerbaijan "On Education" the freedom of citizens to choose the form of education, educational institution and the language of instruction is guaranteed. The right to choose the language of instruction is guaranteed by means of opening grades, groups and creation of conditions for their activity.

Para 71

It should be underlined that the languages of ethnic groups residing in the country are studied as a native language in grades I-IV within a framework of primarily school. Moreover, taking into account the desire of the parents and pupils the Lezgin language is studied in the schools of Gusar and Gabala districts of the Republic of Azerbaijan.

As far as the instruction of Tatar language is concerned, it should be stressed that Tatars do not compactly reside in any part of the territory of the country. The Tatars have not submitted until now an application to the Ministry of Education concerning instruction of Tatar language.

Para 72

It should be underlined that there are no any limitations for teaching the minority languages after grades I-IV. If the parents and pupils wish, the instruction of minority languages will be also provided in the senior grades in the future.

Para 77

The issue connected with the definition of local self-government provided in Article 1 of the Law "On the status of municipalities" was considered by the Permanent Commission of Regional issues of the Milli Mejlis and the draft was submitted to the Milli Mejlis for consideration. In this draft the first sentence of Article 1 was given in new version brought in conformity with the Social Charter on Local Self-government: "The local self-government in the Republic of Azerbaijan is such a system of the citizen's activity, which creates an opportunity within the framework of the law to implement the right to solve in independent and free manner an important local issues and to decide one part of State tasks in the name of the interests of the local population".

Para 83

The restrictions on crossing of border with Armenia are existed as a result of the occupation by the Armenia of the 20% of the territory of the Republic of Azerbaijan. The Republic of Azerbaijan can create the relations with Armenia after the solving the existing conflict on the basis of the respect for the sovereignty, territorial integrity of the Republic of Azerbaijan, liberation of the occupied territories of Azerbaijan and return of refugees and IDPs to their homes and lands.

Because the reality of the relations between the Armenia and Azerbaijan proceeding from the existing conflict is not taken into consideration, the provision of this paragraph shall be considered again.