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PART I

The Republic of Azerbaijan is situated on the junction of Asia and Europe, occupying south-eastern part of South Caucasus. It borders on the Russian Federation in the north, the Islamic Republic of Iran in the south, Turkey, Georgia and Armenia in the west, Kazakhstan and Turkmenistan in the east across the Caspian Sea. The Republic of Azerbaijan consists of the Nakhichevan Autonomous Republic.

Official name: Азярбайжан Республикасы (Republic of Azerbaijan)

Form of Government: Democratic, legal, secular, unitary republic with a one-chamber parliament (Милли Мязлис), which consists of 125 deputies.

Head of State: President

Capital: Баки (Baky)

Official language: Azerbaijani

Religion: Religion is separated from the state; all confessions are equal before law

Monetary unit: Manat

Territory: 86,600 sq. km

I. Brief review of a historical development of country

Scientists included into Azerbaijan «...lands inhabited by the Azerbaijani Turks, the people, which inhabited the region ranging from the northern slopes of the Caucasian mountains along the Caspian Sea to the Iranian plateau». ¹ Azerbaijan is one of the regions of ancient human settlements; its territory was inhabited during the Palaeolithic period. In 7-6 millennia B.C. the agricultural and cattle-breeding settlements were spread here. Scientists dated the rock drawings in Gobustan near Baky as belonging to the end of the 7th or the beginning of the 6th millennium before the B.C. The famous Norwegian explorer Thor Heyerdahl, who specially travelled to Baky in 1979 and 1994 to study these drawings, believed that the Caspian Sea shores were, in fact, the cradle of civilization that later spread southwards and northwards via waterways. T. Heyerdahl found the confirmation of his hypothesis not only in the pictures of the Gobustan pirogues repeatedly drawn thousand years later by the Vikings on the rocks in Norway, but also in sagas that were written as late as the Middle Ages. ² The rock drawings, depicting ships with the Sun over them, which were discovered in Gobustan, also confirm the connection between the early settlements in Azerbaijan and the Shumer-Akkadian civilization of Mesopotamia, which has bequeathed the similar cultural monuments to history.

In the 3rd and the beginning of the 2nd millennium B.C. the prerequisites for the early class societies, early urban civilisation and early state formations were created. Tribal unions of Aratta, Kuti and Lullubi appeared here. The first state to be formed on the territory of historical Azerbaijan, according to Shumer cuneiform sources, was the State of Aratta, which sprung up to the south and southeast of the Lake Urmia in the first half of the third millennium B.C. In the 23rd century B.C. the second ancient State to arise on the territory of Azerbaijan - the State of Lullubum - came into being to the south of the Lake Urmia. In the second half of the 3rd millennium B.C. the State of Kutium was established to the west and southwest of the Lake

¹ Tadeusz Swietochowski, *Russia and Azerbaijan: A borderland in transition* (New York: Columbia University Press, 1995), 1.

² *Труд*, 26 апреля, 1995.

Urmia. In the year 2175 B.C. the forces of Kutium conquered Shumer and Akkad, where they ruled for 100 years.

The most ancient Azerbaijani States maintained political, economic and cultural ties with Shumer and Akkad, were part of the overall region of the Mesopotamian civilization and were ruled by the dynasties of Turkic origin. The Turkic-speaking peoples that inhabited the territory of Azerbaijan from the ancient times were fire-worshippers and professed one of the world's oldest religions - Zoroastrianism. The name of the state originates from the present-day form of the Turkic word combination meaning «land, noblemen who keep the fire».

Since the second half of the 9th until the 8th century B.C. the State of Manna existed in the region near the Lake Urmia. The Cimmerian-Scythian-Saka kingdom existed in 7-6th centuries B.C. in the western part of South Azerbaijan.

In the 70s of the 7th century B.C. a Midian kingdom appears on the territory of Azerbaijan, which was replaced by the Persian State of Akhaemenids in the middle of the 6th century B.C.

The State of Atropatene, which was formed in the southern part of the territory around the year 320 B.C. and was considerably influenced by Hellenism, played an important role in the history of Azerbaijan.

In the third century B.C. the State of Caucasian Albania was formed in the north of Azerbaijan with its southern borders extending along the river Araks. The people of Albania (one of the ancestor nations of contemporary Azerbaijanis) consisted of various ethnic groups, the overwhelming majority of whom spoke Turkic languages. Albania was converted to Christianity in the year 313 B.C. Albania comprised also the mountainous part of Karabakh, then called «Artsakh».

In the 1st-4th centuries when the whole Caucasus was subjected to Rome, Albania remained the only independent state, the political independence of which provided for the flourishing of the Albanian writings, language and literature. During that period the influence of the office of autocephalic Albanian Catholicos, Albanian Church, which was independent of other Christian churches and even spread Christianity among North Caucasian and Turkic peoples.

In connection with the Arab invasion from the beginning of the 8th century Islam becomes the dominant religion in Azerbaijan. As part of this process most of the Albanians were converted to Islam, although some retained their own religion. Taking into account the influence of the Byzantine Empire on South Caucasus on the eve of the Arab invasion, the Albanian Church, as well as the Georgian one, shared the dogmas of duophizicizm. In order to prevent the influence of the Byzantine Empire the Caliphate, with the help of the Armenian Church changes the Albanian Church into monophizite one and subordinates it to the Armenian Gregorian Church. This resulted in that the Albanians living in the mountainous part of Karabakh – Artsakh – were gradually Gregorianized.

The fact that the population of Albania and Atropatene lived within a unitary state and professed common religion helped to consolidate the people of Azerbaijan. The Khurramite movement in Azerbaijan, headed by Babak, at the beginning of the 9th century, incorporated the ideas of freedom, independence and universal equality.

As a result of anti-Caliphate struggle of the local population in the 9th century several new states appeared in Azerbaijan, the strongest of them being the Shirvan state with the capital city of Shamakhi, where the Shirvanshah dynasty ruled. That state existed until the 16th century and

played a big role in the history of a medieval Azerbaijan. In the 9th to the 11th centuries independent States of the Sajids, Salarids, Ravvadids (with the capital city of Tabriz) and the state of Sheddadids (with the capital city of Ganja) appeared on the territory of Azerbaijan.

At the end of the 11th century the dynasty of Seljukids ruled in Azerbaijan.

In 1136-1225 the Atabay Eldeghizid State existed in Azerbaijan.

Common Turkic language, ethnic Turkic origin, Islamic religion of the native population led finally to consolidation of the Azerbaijani people, which finished, mainly, in the 11th-12th centuries. At that period the culture of Azerbaijan flourished when Azerbaijani philosophers, architects, poets and scientists became known to the world. The works of the poet and philosopher Nizami Ganjavi who contributed into the golden treasury of the world culture became the peak of the public and cultural thought in the Azerbaijan of the that period.

During the 12th and 13th centuries the Khachen Principality came to the fore in the mountainous part of Karabakh under the rule of Albanian kings. The rule of Hassan Jalal (1215-1261) ushered in the Albanian revival and saw the completion of the construction of the Gandzasar monastery complex, which became the foremost cathedral of the country. This monastery was sanctified by the catholicos of Albania.

Since the mid-13th century the Azerbaijani states became vassals of the Mongol State of Khulaguids (1258-1356). In the middle of the 14th century a local feudal lord Jalayir, who founded the state of Jalairids, supported by Azerbaijani nobility came to power as a result of the struggle of the local population against foreign oppression.

Since the end of the 14th century Azerbaijan became the object and arena of Timur the Great's struggle with the Golden Horde.

In 1410-1468 the Turkic dynasties of Garagoyunlu and in 1468-1501 Aghgoyunlu ruled in Azerbaijan, when it reached a considerable influence. In 1501 the state of Safavids (named after the ruling dynasty) with the capital in Tabriz appeared, which in the beginning of the 16th century for the first time in the history of Azerbaijan united all Azerbaijani territories into one Azerbaijani state of Safavids. The territory of the Safavid state extended from the Amu–Darya to the Euphrates and from Derbent to the Persian Gulf. It was formed and developed as an Azerbaijani state, the political power being in the hands of the Azerbaijani nobility. High-ranking court dignitaries, military, regional rulers were designated from among it. The army consisted of units of the biggest Azerbaijani tribes. The state language of the Safavid state was Azerbaijani. To the end of the 16th century the capital of the Safavid state was transferred to Isfahan. The Shah relied on the Persian nobility and the state governed by the Azerbaijani dynasty acquired Persian features.

In the 40s of the 18th century as a result of weakening of the Shah power 20 independent khanates appear on the territory of Azerbaijan, such as Ardebil, Baky, Ganja, Derbent, Kavad, Karabakh, Garadag, Irevan, Guba, Maku, Maraga, Nakhchivan, Salyan, Urmia, Khoy, Tabriz, Talysh, Sarab, Shirvan, Sheki khanates. Besides khanates, there existed Gazakh-Shamsadil, Borchali, Ilisu, Arash, Gutgashen, Gabala sultanates. Moslem Azerbaijani- and Christian Albanian-populated Upper Karabakh was a part of the Azerbaijani Karabakh khanate, which, on the whole, consisted of territories between the Kura and the Araks rivers. This khanate included as vassals Dizag, Varanda, Khachin, Jilabort and Gulistan melikates, covering the mountainous part of Karabakh.

Occupying a beneficial strategic and geopolitical position, Azerbaijan becomes the arena of struggle for domination between Iran, Russian and Ottoman empires at the end of the 18th – the first third of the 19th centuries. Some khanates defended their statehood with arms in their hands. Others were forced to conclude vassal agreements in order to protect their interests.

Thus, on May 14, 1805 at the river Kurak a tractate was signed with the Azerbaijani Khan Ibrahim on submission of the Karabakh khanate under the Russian rule, which is an important document testifying to that Karabakh historically belonged to Azerbaijan.

The first Russian-Iranian war (1804-1813) for the establishment of the domination over the Azerbaijani khanates resulted in the first division of the Azerbaijani territories between Russia and Iran. The Gulistan peace treaty signed on October 12, 1813, between Russia and Iran *de jure* recognized joining to Russia of the North Azerbaijan khanates, excluding Nakhichevan and Irevan khanates, that actually taking place during 1800-1806. As a result of the second Russian-Iranian war (1826-1828) the Turkmenchai peace treaty was signed on February 10, 1828, according to which Iran confirmed its refusal to claim North Azerbaijan and finally recognized, including Nakhichevan and Irevan khanates, its joining to Russia.

It is important to note that all above-mentioned khanates, including Karabakh, were joined to Russia as purely Azerbaijani property. They were Azerbaijani lands from the point of view of the Azerbaijani population dominating on these territories and national identity of the feudal elites (khans, owners of large arable lands, clergy, etc.).

According to Turkmenchai treaty and the peace treaty concluded in Edirne in 1829, Armenians living at that time in Iran and Ottoman Empire were resettled to Azerbaijan, mainly to Nakhchivan, Irevan and Karabakh khanates.

Thus, the Russian scientist K.Shavrov admitted that only from 1828 to 1830 40 thousand Armenians from Persia and 84 thousand Armenians from Turkey were resettled to Transcaucasus, who were «placed on the best lands of Yelisavetpol (Karabakh) and Erivan provinces, where the Armenian population was insignificant and they were given 200 thousand dessiatinas (measure of land) of government lands».³

As the famous Russian diplomat and poet A.S.Griboyedov wrote, «Armenians were mostly settled on the territories of Moslem landowners ... The settlers... press Moslems... We also discussed a lot about suggestions to be made Moslems in order to convince them to reconcile with their present difficulties, which will not last for a long time, and to eradicate their fears on that the Armenians will get into possession of the lands they were let in for the first time (temporarily)».⁴

The American scientist Justine McCarthy gives the following information on the settlement of South Caucasus, namely, Azerbaijan, by the Armenians. During 1828-1920 in the process of implementation of the policy aimed at the transformation of demographic structure of Azerbaijan in favour of Armenians at the expense of Azerbaijanis, «more than 2 million Moslems were forcefully ousted, their unestablished number was killed... Two times, in 1828 and 1854 the Russians invaded Eastern Anatolia... and twice were forced to leave, taking 100 thousand

³ Шавров К.Н., *Новая угроза русскому делу в Закавказье: распродажа Мугани инородцам* (СПб: 1911).

⁴ Грибоедов А.С., *Горе от ума. Письма и записки* (Баку: 1989), 387.

Armenians to the Caucasus, where the latter were settled instead of the Turks (Azerbaijanis) who emigrated or died.

During the war of 1877-1878 Russia seized Kars-Ardagan region, ousting Moslems and settling 70 thousand Armenians there... Approximately 60 thousand Armenians resettled to the Russian Caucasus during the events of 1895-1896... The migration that occurred during World War I resulted in an almost equal exchange of 400 thousand Armenians from Eastern Anatolia to 400 thousand Moslems from the Caucasus».⁵

According to the American scientist, from 1828 to 1920 560 thousand Armenians were resettled to Azerbaijan. Thus, it was after Russia conquered South Caucasus that the Armenian population on the territory of Azerbaijan to the North of the River Araks began to increase sharply.

As for Karabakh, according to official data of 1810, i.e. shortly before joining to Russia, there were up to 12 thousand families in the Karabakh khanate, including 9500 Azerbaijani and only 2500 Armenian ones.⁶ According to the data of 1823, there was one town in the Karabakh khanate, namely Shusha, and about 600 villages (including 450 Azerbaijani and about 150 Armenian villages), where there were about 90 thousand inhabitants. In Shusha there were approximately 1048 Azerbaijani and 474 Armenian families, and in the villages 12902 and 4331 families, respectively.⁷

Armenians, living in Karabakh, are actually descendants of the Armenianized local Albanian population. The Armenian historian B.Ishkhanian wrote: «The Armenians, living in Nagorno-Karabakh, are partly aborigines, the descendants of ancient Albanians..., and partly refugees from Turkey and Iran, for whom the Azerbaijani land became a refuge against persecutions».⁸

In accordance with the decree of the Russian emperor Nikolai I of March 21, 1828, the Azerbaijani khanates of Nakhichevan and Irevan were abolished and instead of them a new administrative unit called «Armenian Region» was created, governed by the Russian officials. In 1849 the mentioned region was re-named to Erivan province.

Pursuing their far-reaching goals, in 1836 the Armenians achieved the liquidation by the Russian authorities of the Albanian Christian patriarchate that functioned in Azerbaijan and the transfer of its property to the Armenian Church. When the western provinces of the former Albania, i.e. the Karabakh region where the Armenian elements penetrated, were losing their state and religious independence, some time later the Gregorianization (Armenianization) of the local Albanian population began.

After the revolutionary developments of 1917 centrifugal tendencies in Russia intensified, and the prerequisites for the formation of independent states on the territory of the national outlying districts of the former Russian empire were created. On May 28, 1918, the Azerbaijan Democratic Republic (ADR) was proclaimed on the territory of the eastern part of South Caucasus. It was the first parliamentary democracy in the Moslem Orient, which played a

⁵ Джастин Маккарти, *Армянский терроризм. История как яд и противоядие* (Анкара: 1984), 85-94.

⁶ *Присоединение Восточной Армении к России*, том 1 (Ереван: 1972), 562.

⁷ *Описания Карабахской провинции, составленного в 1823 г. действительным статским советником Могилевским и полковником Ермоловым* (Тифлис: 1866).

⁸ Б.Ишханян, *Народности Кавказа* (Петроград: 1916)

historic part in the revival and further development of national consciousness and statehood of the Azerbaijani people.

The official doctrine of the national and state development of the ADR became the notion of «Azerbaijanism», main elements of which became the principles of modernism, Islamism and Turkism, symbolizing the strive of the Azerbaijani people for the progress on the basis of preservation of belonging to Moslem civilization and Turkic cultural and ethnic originality.

During short 2 years the multiparty Azerbaijani parliament and the coalition governments managed to take a number of measures in national and state building, education, creation of army, independent financial and economic systems, international recognition of the ADR as the subject of world community of nations. On January 11, 1920, the Supreme Council of the Paris (Versailles) conference recognized *de facto* independence of the ADR. By that time in the capital of the ADR – the city of Baky – there were already representatives of 20 countries of the world.

However, in 1919-1920 the internal and foreign political situation of the ADR considerably complicated. The country found itself at the crossing of the bitter struggle between the members of the Entente, Turkey, Russia and Iran. Each of them pursued its own geopolitical goals in this strategically important region, which was rich in oil. The policy of non-recognition of the ADR carried out by the government of the Bolshevik Russian Soviet Federative Socialist Republic (RSFSR), a reach of the 11th Red Army of the ADR boundaries in spring of 1920, the aggression of the Dashnak Armenia against the ADR in Karabakh and Zangezur, terrorist actions of the Armenian and Bolshevik parties against the peaceful Azerbaijani population, socio-economic crisis in the country – all these factors resulted in weakening of the ADR and the occupation of its capital city by the 11th Red Army on April 27-28, 1920 – in accordance with the telegram of the Headquarters of the Caucasian Front to the Command of the 11th Red Army of May 1, 1920, the troops of the RSFSR were ordered to further «seize the whole territory of Azerbaijan within the boundaries of the former Russian empire without crossing the border of Persia».

70 years of membership in the USSR became a new and important stage in the Azerbaijani statehood, during which the Azerbaijan SSR achieved a considerable success in social, economic and cultural development. At the same time during the Soviet period of development, like in the whole USSR, there were also many negative tendencies in Azerbaijan.

Economically the country became an appendix of fuel and raw materials, as well as agricultural products of the Soviet economy. In the cultural sphere, as a result of the change of alphabet – from Latin to Cyrillic – the links to the written sources of spiritual culture of the Azerbaijani people were lost. The Soviet regime did everything to suppress any strive of the Azerbaijani intelligentsia to show national originality, to study the true history of its country.

During the Soviet times the territories of Zangezur, Goycha, a part of Nakhchivan and other regions were taken from Azerbaijan in favor of the neighboring Armenia. As a result the territory of Azerbaijan that during the times of the ADR in 1920 constituted 114 thousand sq. km, reduced to 86.6 thousand sq. km during 1920-1991. Besides, on July 7, 1923, at the initiative of the Moscow leadership of the Bolshevik party, the Nagorno-Karabakh Autonomous Region with dominating Armenian population was artificially taken out of the part of historic Karabakh, the majority of its population being Azerbaijanis. This decision became the first step on the way of goal-oriented policy of separation of Nagorno-Karabakh from Azerbaijan.

In 1988-1990 national democratic movement of Azerbaijan led an active struggle for the restoration of country's independence. With the aim of suppressing this movement the units of the Soviet Army were brought to Baky on January 20, 1990 with the permission of the USSR

leadership headed by M.Gorbachev. As a result of punitive measures carried out with unseen brutality hundreds of citizens of Azerbaijan were killed and wounded. A state of emergency was introduced in the country, which lasted until mid-1991. Despite this as a result of the continued struggle of the patriotic forces of the Azerbaijani people for independence the Supreme Soviet of the Azerbaijan SSR adopted a declaration «On the restoration of the state independence of the Azerbaijan Republic» on August 30, 1991.

On October 18, 1991, the Constitutional Act of the Republic of Azerbaijan «On the state independence of the Azerbaijan Republic» was adopted, which laid basics of the state, political and economic structure of independent Azerbaijan. Since that moment the Azerbaijan Republic, after the 71-year interval, again became an independent subject of international law.

II. Aggression of the Republic of Armenia against the Republic of Azerbaijan

While being a part of the USSR, Azerbaijan faced the threat to its territorial integrity and security. In February 1988 at the session of the regional Soviet of the Nagorno-Karabakh Autonomous region (NKAR) of the Azerbaijan SSR, without the participation of Azerbaijani deputies a decision was adopted on the withdrawal of the NKAR from Azerbaijan and its joining Armenia. On December 1, 1989, the Supreme Soviet (Parliament) of the Armenian SSR adopted a decree, which is still being in force, on the annexation of the Nagorno-Karabakh region of Azerbaijan to Armenia. This and other similar decisions of the Armenian side, aimed at the unilateral separation of a part of territory of Azerbaijan from it, contradicted the Constitutions of the USSR and Azerbaijan SSR, according to which the territory of a union Republic could not be changed without its consent. The borders between union Republics could be changed by mutual agreement of respective Republics, to be confirmed by the USSR.

In spite of assertions by Armenian nationalist leaders concerning the violation of the Armenian minority's rights in Azerbaijan, NKAR, a number of residents in which before the conflict were 186,1 thousand residents (138,6 thousand Armenians (73,5%) and 47,5 thousand Azerbaijanis (25,3%)), had all the basic indications of self-government and had achieved significant social, economic and cultural development.

Under the Constitution of the Azerbaijan SSR the legal status of NKAR was defined by the Law on the Nagorno-Karabakh Autonomous region, which had been proposed by the NKAR Soviet of People's Deputies and adopted by the Supreme Soviet of Azerbaijan.

Under the Constitution of the former USSR the NKAR was represented by 5 deputies in the Nationalities Council of the USSR Supreme Soviet. NKAR was represented by 12 deputies in the Supreme Soviet of the Azerbaijan SSR.

The NKAR Soviet of People's Deputies – the government authority in the region – had a wide range of powers. It decided all local issues on the basis of the interests of citizens living in the region, with reference to its national and other specific features. The NKAR Soviet of People's Deputies participated in discussions of issues of Republic-wide significance and made suggestions on them, implemented the decisions of superior government authorities, guided the work of subordinate Soviets. All the organs of state authority, of state administration, of the judiciary, the procuracy and of education performed their work in the Armenian language in accordance with the language needs of the population.

In the period 1971-1985 capital investment to the value of 483 million roubles was channeled into the development of NKAR, which exceeded capital investment in the previous 15 year period 2.8 times. Over the preceding 20 years the volume of per capita capital investment increased nearly five-fold (226 roubles in 1981-1985 against 59 roubles in 1961-1965). Over the preceding 15 years housing facilities increased by 3.64 square metres per person in Azerbaijan as a whole, whereas for NKAO the figure was 4.76 square metres. The number of hospital beds per 10000 of the population increased by 15% more in NKAR than in the rest of the Republic.

Despite the fact that, among the regions in the Republic, the NKAR ranked relatively high in terms of the number of pre-school places available, in the period 1971 to 1985 the region's increase in the number of places in children's institutions per 10000 of the population exceeded the Republican average by 1.4. The same applies to the increase in the number of places for pupils in schools providing general education per 10000 of the population: The NKAR was ahead by a factor of 1.6.

The fact that provision of housing, goods and services was superior to that in the Republic as a whole was typical of the social and cultural development of the region. The apartment area per person in the region was almost one third more than average for the Republic, while the area available to countrydwellers was 1.5 times more than to the countrydweller of the Republic as a whole. The population of the region was better supplied with medium-level medical staff (by 1.3 times). There was a more extensive network of institutions providing cultural and information services (more than 3 times the number of cinemas and clubs, twice the number of libraries), there were 1.6 times more books and magazines per 100 readers. 37% of children had pre-school places (compared with 20% in the Republic).

In the 1988-1989 academic year there were 136 secondary schools in which the teaching language was Armenian (16120 pupils) and 13 international schools (7,045 pupils) in NKAR. There were altogether 181 Armenian secondary schools (20,712 pupils) and 29 international schools (12,766 pupils) in Azerbaijan in the academic year 1988-1989. In the town of Khankendi (formerly Stepanakert) there was a State Pedagogical Institute with over 2,130 students, mainly Armenians, annually attending its Azerbaijani, Armenian and Russian departments. In addition there were dozens of technical colleges and vocational training schools in NKAR working in the Armenian and Russian languages.

In fact the NKAR was developing more rapidly than Azerbaijan as a whole. Thus, whereas industrial output in the Republic increased 3 times between 1970 and 1986, the figure for NKAR was 3.3 times (the rate of growth here was 8.3 percent higher). In 1986 3.1 times more basic funds were brought into operation in the region than in 1970, whereas in the Republic the figure was 2.5. In terms of the basic indices of social development NKAR exceeded the average republican standard of living indices for Azerbaijan SSR. Cultural construction increased significantly in the region, as throughout the Republic.

There were in the autonomy 5 periodicals in Armenian. Unlike other administrative-territorial units of Azerbaijan, remote from the capital and situated in mountainous areas, the region was provided technically to receive TV and radio programmes.

Accordingly, as the statistics and NKAR's experience of development within Azerbaijan confirm, the form of autonomy which had evolved was entirely appropriate to the specific social, cultural, national and daily needs of the population of the autonomous region.

The mass expulsion since 1988 of Azerbaijanis from NKAR and Armenia resulted in complete ethnic cleansing of these territories from all non-Armenians. The Soviet leadership was not able

to stop anti constitutional actions of Armenia and prevent from sending military units and terrorist groups to the territory of Azerbaijan.

In accordance with the Law adopted by the Supreme Soviet of the Republic of Azerbaijan on 26 November 1991, the NKAR as a national-territorial unit had been abolished. One of the reasons of this decision was that the creation of NKAR had promoted deepening national enmity between the Azerbaijani and Armenian peoples.

Full-scale hostilities began to unfold end 1991/early 1992. Armenian armed units, using most sophisticated weapons systems, expanded their military operations in Nagorno - Karabakh, the culmination of which were the seizure in February 1992 of the Khojaly town, resulted in deaths of over 600 civilians, including women, children and elderly people occupation in May 1992 of the Shusha town and Shusha district. As a result of these actions all Azerbaijani population was expelled from Nagorno - Karabakh, which had been completely occupied. By the seizure of Lachin in May 1992, the territory of Nagorno - Karabakh was joined with Armenia.

Afterwards, the military operations have spread beyond the confines of the region and have extended to other territories of Azerbaijan outside the administrative borders of the region, as well as to the Azerbaijan-Armenia border. Six more districts were occupied by Armenia.

As a result of the aggression against the Republic of Azerbaijan, over 17 thousand square km. or 20% of the country's territory have been occupied, more than 50000 people have been wounded or become invalids, more than 18000 people have been killed, 877 settlements, 100000 residential buildings, over 1000 economic facilities, over 600 schools and education institutions, 250 medical facilities, the majority of architectural monuments in the occupied area have plundered or destroyed. As a result of the aggression and ethnic cleansing from Azerbaijanis both of the territory of Armenia itself and of the occupied territories of Azerbaijan, there are about one million refugees and displaced persons in Azerbaijan today.

Since February 1992 the process of mediatory efforts on the settlement of the Armenian-Azerbaijani conflict within the framework of the Conference for Security and Co-operation in Europe began. At the meeting of the CSCE Council of Ministers held in Helsinki on 24 March 1992 the decision was adopted to convene in Minsk a conference on Nagorno-Karabakh under the auspices of the CSCE as an ongoing forum for negotiations towards a peaceful settlement of the conflict on the basis of the principles, commitments and provisions of the CSCE.

In its resolutions 822 (1993) of 30 April 1993, 853 (1993) of 29 July 1993, 874 (1993) of 14 October 1993 and 884 (1993) of 11 November 1993 the United Nations Security Council condemned the occupation of the territory of the Republic of Azerbaijan, reaffirmed respect for the sovereignty, territorial integrity, and inviolability of the borders of the Republic of Azerbaijan and the inadmissibility of the use of force for the acquisition of territory, and demanded the immediate cessation of hostilities and hostile acts as well as the immediate, complete and unconditional withdrawal of all occupying forces from the occupied districts of Azerbaijan.

Since May 1994 the cease-fire is in force. On December 5-6, 1994 at the CSCE Budapest Summit a decision was adopted, in accordance with which Heads of State and Government of CSCE participating States established Co-Chairmanship of the Minsk Conference for the coordination of all mediatory efforts within the CSCE framework. The Budapest Summit tasked the CSCE Chairman-in-Office to conduct negotiations aimed at the conclusion of a political agreement on the cessation of the armed conflict, the implementation of which would lift the consequences of the conflict and would permit to convene the Minsk Conference. The Summit also decided to

deploy the CSCE multinational peacekeeping force after the achievement of the agreement between the Parties on the cessation of the armed conflict, as well as to set up High-Level Planning Group aimed at the preparation of the peacekeeping operation.

At the OSCE Summit held in Lisbon in 1996 the following principles were worked out for settling the armed conflict, recommended by the Co-Chairmen of the OSCE Minsk Group and supported by all the OSCE member states with the exception of Armenia:

territorial integrity of the Republic of Armenia and the Republic of Azerbaijan;
legal status of Nagorno-Karabakh defined in an agreement based on self-determination which confers on Nagorno-Karabakh the highest degree of self-rule within Azerbaijan;
guaranteed security for Nagorno-Karabakh and its whole population, including mutual obligations to ensure compliance by all the Parties with the provisions of the settlement.

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 organizations Armenia continues to occupy Azerbaijani territories and increases its military potential there.

III. Information on the form of the State structure

The new Constitution of the Republic of Azerbaijan was adopted at the referendum held on 12 November 1995 and entered officially into force on 5 December 1995. The Basic Law was drafted with reference to fundamental international legal principles and norms.

In conformity with Article 1 of the Constitution of the Republic of Azerbaijan «the sole source of state power in the Republic of Azerbaijan is the people of Azerbaijan».

In accordance with Article 2 of the country's Basic Law «the people of Azerbaijan shall exercise their sovereign right directly through nation-wide voting – referendum – and through their representatives elected on the basis of universal, equal a direct elections in a free, secret and personal ballot».

In accordance with Article 7 of the Constitution of the Republic of Azerbaijan «Azerbaijan State is a democratic, legal, secular, unitary Republic. In internal affairs, State power in the Republic of Azerbaijan is limited only by the law, and in external affairs, only by the provisions of international treaties to which the Republic of Azerbaijan is a party.

State power in the Republic of Azerbaijan is organized on the basis of principle of the separation of power: legislative power is exercised by the Milli Majlis of the Republic of Azerbaijan; executive power belongs to the President of the Republic of Azerbaijan; judicial power is exercised by the courts of the Republic of Azerbaijan. According to provisions of the Constitution legislative, executive and judicial powers interact and independent within the framework of their authority».

In accordance with Article 8 of the Constitution of the Republic of Azerbaijan «the head of the Azerbaijan State is the President of the Republic of Azerbaijan».

With the purpose of carrying out of the executive power's authority, the President of the Republic of Azerbaijan creates the Cabinet of Ministers, executive body of the President of the Republic of Azerbaijan, which is subordinated and accountable to the head of State.

In accordance with Article 125 of the Constitution of the Republic of Azerbaijan judicial power in Azerbaijan shall be exercised solely through the bodies of judicial power, which are the Constitutional Court, the Supreme Court, the Economic Court, the ordinary and specialized courts.

IV. Information on status of international law in national legislation

In conformity with Article 148, part II, of the Constitution of the Republic of Azerbaijan «international treaties to which the Republic of Azerbaijan is a party are inalienable component of the legislation of the Republic of Azerbaijan».

According to Article 151 of the Constitution of the Republic of Azerbaijan «when contradictions arise between the normative-legal acts forming the legislative system of the Republic of Azerbaijan (excluding the Constitution of the Republic of Azerbaijan and acts adopted by the referendum) and international treaties to which the Republic of Azerbaijan is a party, the international treaties shall apply».

Moreover, in conformity with Article 12, part II, of the Constitution of the Republic of Azerbaijan «the human and citizens rights and freedoms enumerated in the present Constitution are applied in accordance with international treaties to which the Republic of Azerbaijan is a party».

Article 71, part III, of the Constitution of the Republic of Azerbaijan stresses that «human rights and freedoms shall act directly at the territory of the Republic of Azerbaijan».

The above-mentioned provisions demonstrate that international norms are directly applicable in the internal jurisdiction and may be directly used by the courts and other State bodies.

In accordance with the Decree of the President of the Republic of Azerbaijan «On the measures in the field of ensuring the citizen's and human rights and freedoms» of 22 February 1998 the Cabinet of Ministers of the Republic of Azerbaijan and the Administration of the President of the Republic of Azerbaijan in co-operation with appropriate State organs were entrusted, in connection with the legal reforms, to take measures on ensuring full conformity of normative legal acts to international standards in the field of human rights.

V. Information on demographic situation in the country

Population (2001): 8,081,000

Urban-rural (2001): urban- 4,107,500 (50,8%); rural- 3,973,500 (49,2%)

Sexual composition (2001): male - 3,954,500 (48,9%); female - 4,126,500 (51,1%)

Age structure (2001): youth up to 15 years old - 29,8%, 65 years and older - 5,9 %

Ethnic composition (1999): Azerbaijanis – 7,205,500 (90,6%), Lezgins - 178,000 (2,2%), Russians- 141,700 (1,8%), Armenians - 120,700 (1,5%), Talish - 76,800 (1,0%), Avars - 50,900 (0,6%), Meskhetian Turks - 43,400 (0,5%), Tatars - 30,000 (0,4%), Ukrainians - 29,000 (0,4%),

Tsakhurs - 15,900 (0,2%), Georgians - 13,100 (0,2%), Tats - 10,900 (0,13%), Jews - 8,900 (0,1%), Udi - 4,200 (0,05%) and other nationalities - 9,500 (0,12%).

Birth-rate per 1000 persons (2000): 14,8

Infantile mortality rate (under 1 years old) per 1000 alive children (2000): 12,8

Maternal mortality (mortality among pregnant, women in childbirth and women recently confined during complicated pregnancy, delivery and in post-natal period) counting on 100,000 born alive (2000): 37,6

Prospective lifetime during delivery (2000): 71,6; male – 68,6, female– 75,1

Literacy population rate (1999): 15 years old and elder - 98,8%; male - 99,5%, female - 98,2%.

As a result of two recent population censuses in 1989 and 1999 respectively, dynamics of the development of national composition of the population of the republic is the following:

Name of national and ethnic Groups	Thousand of Persons	Percentage out of the general number of population	Thousand of persons	Percentage out of the general number of population
	1989	1989	1999	1999
General number of Population	7021,2	100	7953,4	100
Azerbaijanis	5805,5	82,7	7205,5	90,6
Lezgins	171,4	2,4	178,0	2,2
Russians	392,3	5,6	141,7	1,8
Armenians	390,5	5,6	120,7	1,5
Talish	21,2	0,3	76,8	1,0
Avars	44,1	0,6	59,9	0,6
Turks	17,7	0,2	43,4	0,5
Tatars	28,6	0,4	30,0	0,4
Ukrainians	32,3	0,5	29,0	0,4
Tsakhurs	13,3	0,2	15,9	0,2
Georgians	14,2	0,2	14,9	0,2
Kurds	12,2	0,2	13,1	0,2
Tats	10,2		10,9	0,13
Jews	30,8	0,4	8,9	0,1
Udins	6,1	0,1	4,1	0,05
Others nationalities	41,5	0,6	9,6	0,12

Collection and processing of demographic rates in the Republic of Azerbaijan is being carried out by the State Committee Republic of Azerbaijan on Statistics.

VI. Main economic data - gross domestic product and per capita income

Gross domestic product (2000): 23566,2 milliard manats (5,267,100 dollars)

(1999): 18875,4 milliard manats (4,583,600 dollars)

Monetary population income (2000): 17556,8 milliard manats (3,924,000 dollars)

(1999): 16134,4 milliard manats (3,918,000 dollars)

Monetary income per capita (2000): 2,214,800 manats (495,0 dollars).

VII. State's national policy in the field of the protection of the rights of persons belonging to minorities

Azerbaijan is a multiethnic country. The Government takes the necessary measures to establish conditions for guarantying equality of all citizens, and ensure that persons belonging to national minorities are drawn into active participation in all spheres of vital activity in the Republic.

In Azerbaijan various national minorities have lived together with Azerbaijanis for centuries in peace and harmony. It may be stated that this ethnic multiplicity has been preserved in Azerbaijan to the present day. At no time in the history of Azerbaijan have there been recorded cases of intolerance or discrimination on ethnic, religious, language and cultural grounds.

Article 25 of the Constitution of the Republic of Azerbaijan secures the right to equality. In accordance with part III of this Article of the country's Basic Law «the State guarantees the equality of everyone's rights and freedoms irrespective of race, nationality, religion, language, sex, origin, property, official status, beliefs, membership of political parties, trade unions and other voluntary organizations. Limitation of human and citizen's rights and freedoms on grounds of race, nationality, religion, language, sex, origin, beliefs, political and social affiliation is prohibited».

Support for the national languages and cultures of all national minorities living in Azerbaijan is one of the important directions of the Azerbaijan State's national policy.

The President of the Republic of Azerbaijan signed on 16 September 1992 the Decree «On the protection of the rights and freedoms and on State support for the promotion of the languages and cultures of national minorities, numerically small peoples and ethnic groups living in the Republic of Azerbaijan».

Cultural centers, charitable associations and other public organizations of all country's national minorities are functioning in Azerbaijan.

All acting normative-legal acts in the fields of education, science, culture, language, state of health, political parties, public organizations, labour etc. assist in the promotion of human rights without any discrimination.

The Republic of Azerbaijan was invited to accede to the framework Convention at the 708th meeting of the Council of Europe's Committee of Ministers held on 3 May 2000. The Republic of Azerbaijan acceded to the framework Convention in accordance with the Law of 16 June 2000. The Instrument of Accession dated 16 June 2000 was deposited with the Secretary General of the Council of Europe on 26 June 2000. Thus, the framework Convention entered into force for the Republic of Azerbaijan on 1 October 2000.

Apart from relevant State bodies, responsible for the ensuring of human and citizen's rights and freedoms in general, the State infrastructure includes also the State Advisor of the Republic of Azerbaijan on national policy as well as the State Committee of the Republic of Azerbaijan on the work with religious organizations, created on the basis of the Decree of the President of the Republic of Azerbaijan of 21 June 2001.

The themes on the protection of the rights of persons belonging to national minorities are being scheduled in the staff training system and educational programs of the Police Academy, the requirements of the Constitution of the Republic of Azerbaijan, the basic provisions of the relevant legislative acts and international treaties, as well as the rules of calling to account of persons responsible for the violation of the rights and freedoms of persons belonging to national minorities are being cleared up for students of the Academy. Measures are taken the police staff, in charge in the areas compactly inhabited by numerically small ethnic groups, to study the culture, history, customs and traditions, speaking languages of the national minorities. Measures are taken for the training of the internal affairs staff representing national minorities, especially for the work in the areas of their compact living, as well as for their unimpeded promotion, and for the improvement of their special knowledge. At the same time, the conditions for the free address of citizens – representatives of national minorities - to the police in mother tongue, their provision, in case of necessity, with the free of charge services of translators are being created. The experience of other States in the field of ensuring of the rights of persons belonging to national minorities is being examined, and the measures are taken to use this experience bearing in mind the specificity of our country.

VIII. Population awareness on international treaties to which Azerbaijan is a party to

In accordance with Article 25 of the Law of the Republic of Azerbaijan «On procedure of conclusion, implementation and denunciation of the international treaties of the Republic of Azerbaijan» «the international treaties of the Republic of Azerbaijan ratified, as well as approved, and adopted in accordance with the present Law, or international treaties to which Azerbaijan is a party, are being published on introduction of the Ministry of Foreign Affairs of the Republic of Azerbaijan at the Gazette of the Milli Majlis and the official state newspaper of the Republic of Azerbaijan». The international treaties of the Republic of Azerbaijan, the authentic texts of which are drawn up in foreign languages, are being published in one of these languages with an official translation into Azerbaijani».

At present, the international treaties to which the Republic of Azerbaijan is a party are being published in the Compilation of legislation of the Republic of Azerbaijan.

In accordance with Article 26 of the mentioned Law «all the international treaties of the Republic of Azerbaijan are registered by the Ministry of Foreign Affairs of the Republic of Azerbaijan at the register of the international treaties of the Republic of Azerbaijan. Registration of all the international treaties of the Republic of Azerbaijan at the Secretariat of the United Nations Organization or at relevant bodies of other international organizations is carried out by the Ministry of Foreign Affairs of the Republic of Azerbaijan».

There is a Department for legislation and legal propaganda functioning at the Ministry of Justice, one of the main activities of which is realization of means for increase of public awareness in legal sphere. This field of activity is implemented via addresses being done by the officials of the department at the mass media outlets.

Reports of the Republic of Azerbaijan under international instruments in the field of human rights to which Azerbaijan is a party are prepared in accordance with the special executive orders of the President of the Republic of Azerbaijan.

For preparation of reports working groups comprising of representatives of relevant governmental bodies are created by the executive orders of the country's President. The representatives of non-governmental organizations and independent experts are also being involved to the work at reports.

Process of reports preparation and their examination at relevant bodies of international organizations is being enlightened broadly in mass media outlets.

For preparation of the current report under the framework Convention a working group, including representatives of the Ministry of Foreign Affairs of the Republic of Azerbaijan, the Ministry of Internal Affairs of the Republic of Azerbaijan, the Ministry of Justice of the Republic of Azerbaijan, the Ministry of National Security of the Republic of Azerbaijan, the Ministry of Culture of the Republic of Azerbaijan, the Ministry of Education of the Republic of Azerbaijan, the Ministry of Labour and Social Protection of the Population of the Republic of Azerbaijan, the State Committee of the Republic of Azerbaijan on Statistics, the State Committee of the Republic of Azerbaijan on work with religious organizations, as well as the Office of the State Advisor of the Republic of Azerbaijan on national policy, was created by the executive order of the President of the Republic of Azerbaijan of 3 November 2001.

With the assistance of the Azerbaijan National Commission for UNESCO a compilation of international instruments in the field of human rights in Azerbaijani was issued in 1998.

In 2001 the Ministry of Justice issued a compilation of human rights documents, including international instruments, decrees of the country's President, orders of the Minister of Justice in the field of human rights, prevention of torture, and observance of rights of prisoners in accordance with international standards. This compilation is sent for use to all law-enforcement bodies, correctional facilities and courts of the country.

Texts of international instruments in the field of human rights in Azerbaijani, as well as scientific articles covering different aspects of international human rights law are being published regularly at *Renascence – XXI century* and *International Law* magazines published by the Institute of State Building and International Relations and the Society of International Law and International Relations respectively.

* * *

PART II

Article 1

The protection of national minorities and of the rights and freedoms of persons belonging to those minorities forms an integral part of the international protection of human rights, and as such falls within the scope of international co-operation.

In accordance with Article 12, part II, of the Constitution of the Republic of Azerbaijan, «the human and citizens rights and freedoms enumerated in the present Constitution are applied in accordance with international treaties to which the Republic of Azerbaijan is a party».

The Government of the Republic of Azerbaijan is pursuing a policy of active co-operation with different international organizations in the field of the protection of human rights and freedoms, including of persons belonging to national minorities.

Having become a full-fledged member of the OSCE since 1992, the Republic of Azerbaijan had established intimate contacts with the OSCE High Commissioner on National Minorities, had been presented at the number of activities organized by the High Commissioner. The OSCE Office in Baky has carried in its 2002 Action Programme a project on holding a round table with participation of NGOs, representing national minorities and organizations dealing with the protection of rights of persons belonging to national minorities, as well as with participation of representatives of different governmental bodies. The purpose of the project is an implementation of efficient dialogue between representatives of both national minorities and of governmental bodies.

Representatives of the Republic of Azerbaijan are taking part regularly at the work of annual sessions of the Working Group on Minorities of the UN Sub-Commission on the Promotion and Protection of Human Rights.

On 18-19 August 1999 the Committee on the Elimination of Racial Discrimination had considered in the course of its 55th session the initial and second periodic reports of the Republic of Azerbaijan (document CERD/C/350/Add.1) on giving effect to the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination. As a result of consideration of the reports the Committee had adopted the concluding observations contained in document CERD/C/304/Add.75.

From 31 August to 7 September 2001 the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance was held in South Africa, in the work of which the delegation of the Republic of Azerbaijan had also taken part. Azerbaijan was elected as a member of the Conference Bureau, and the head of the delegation was confirmed as Vice-President of the Conference. Representatives of Azerbaijan took an active part in preparation and final adoption of the drafts of the Declaration and the Programme of Action of the World Conference.

A Conference entitled «The legal frameworks to facilitate the settlement of ethnopolitical conflicts in Europe», organized jointly with the Venice Commission of the Council of Europe and the Constitutional Court of the Republic of Azerbaijan, was held in Baky on 11-12 January 2002. International experts, parliamentarians, representatives of governmental bodies, as well as of scientific and public circles of the country participated in the work of the Conference.

Apart from the framework Convention of the Council of Europe for the Protection of National Minorities, the Republic of Azerbaijan is a party to many other international instruments in the field of the protection of human rights, including the following:

- International Covenant on Civil and Political Rights;
- Optional Protocol to the International Covenant on Civil and Political Rights;
- Second Optional Protocol to the International Covenant on Civil and Political Rights;
- International Covenant on Economic, Social and Cultural Rights;
- Convention on the Rights of the Child;
- Convention on the Political Rights of Women;
- Convention on the Elimination of All Forms of Discrimination against Women;
- Convention on the Nationality of Married Women;
- Convention relating to the Status of Refugees and its Protocol;
- International Convention on the Elimination of All Forms of Racial Discrimination;
- International Convention on the Suppression and Punishment of the Crime of Apartheid;
- Convention on the Prevention and Punishment of the Crime of Genocide;
- Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity;
- Slavery Convention;
- Protocol amending the slavery Convention;
- Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery;
- Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others;
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- Convention on the Reduction of Statelessness;
- Convention relating to the Status of Stateless Persons;
- Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages;
- International Convention against the Recruitment, Use, Financing and Training of Mercenaries;
- Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

The Republic of Azerbaijan is also a party to the Convention of the Commonwealth of Independent States on the Ensuring of the Rights of Persons belonging to National Minorities.

The Republic of Azerbaijan has also ratified the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols №№ 1,4,6,7, the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, and the European Charter of Local Self-Government.

The Republic of Azerbaijan signed on 18 October 2001 and 21 December 2001 the European Social Charter and the European Charter for Regional or Minority Languages respectively.

Article 2

The provisions of this framework Convention shall be applied in good faith, in a spirit of understanding and tolerance and in conformity with the principles of good neighbourliness, friendly relations and co-operation between States.

In accordance with Article 10 of the Constitution of the Republic of Azerbaijan «The Republic of Azerbaijan is building up its relationships with other States on the basis of principles stipulated in the universally recognized international legal norms».

Article 3

1. Every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice.

2. Persons belonging to national minorities may exercise the rights and enjoy the freedoms flowing from the principles enshrined in the present framework Convention individually as well as in community with others.

In accordance with Article 44 of the Constitution of the Republic of Azerbaijan «everyone possess the right to maintain his or her national identity. No one can be forced to change his or her national identity».

Although there is no definition of «national minority» in the national legislation, the Government of Azerbaijan had never faced with the issue of recognition or non-recognition of any language or ethnic groups as national minorities, since it proceeded from the fact that every person has the right to freely determine his belonging to any national minority.

The State body responsible for collection of demographic data is the State Committee of the Republic of Azerbaijan on Statistics.

Persons belonging to national minorities may exercise the rights and enjoy the freedoms flowing from principles enshrined in the framework Convention individually as well as in community with others.

Structural composition of population, languages used and places of compact habitation of the population of the Republic of Azerbaijan are the following:

Lezgins - 178 thousand, compactly inhabit the Northern regions of Azerbaijan (Khachmas and Gusar districts). Language of communication is Lezgi, relating to the Dagestan branch of the Caucasian languages, as well as Azerbaijani and Russian languages.

Russians - 141,7 thousand, compactly inhabit industrial cities (Baky, Sumgayit), as well as a number of rural regions (Ismayilly and Gedabey districts). Language of communication is Russian, relating to the Eastern-Slavonic group.

Armenians - 120,7 thousand, compactly inhabit mainly the Nagorno-Karabakh region of Azerbaijan. Despite the armed conflict with Armenia and the continuing occupation by the latter of the part of the territory of Azerbaijan, there are reportedly living outside of the Nagorno-Karabakh region, including Baky city, from 30 to 50 thousand Armenians. Language of communication is Armenian, relating to Indo-European linguistic family.

Talyshes - 76,8 thousand, compactly inhabit the Southern regions of Azerbaijan (Lenkaran, Astara, Massally and Lerik districts). Language of communication is Talysh, relating to Iranian group of Indo-European linguistic family, as well as Azerbaijani.

Avars - 50,9 thousand, compactly inhabit Zakataly and Balakan districts. Language of communication is Avar, relating to Avar-Ando-Tsez group of the Dagestan branch of the Caucasian languages. Easily speak Azerbaijani as well.

Turks - 43,4 thousand, compactly inhabit the Northern and lower regions of the country. Language of communication is Azerbaijani.

Tatars - 30 thousand, compactly inhabit the cities of Azerbaijan. Language of communication is Tatar, relating to Turkic linguistic family, as well as Russian.

Ukrainians – 29 thousand, live mainly in Baky city. Language of communication is Ukrainian, relating to the Eastern-Slavonic linguistic family, as well as Russian.

Tsakhurs - 15,9 thousand, compactly inhabit Zakataly district. Language of communication is Tsakhur, relating to the South-Eastern group of the Dagestan branch of the Caucasian languages. Easily speak Azerbaijani as well.

Georgians - 14,9 thousand, compactly inhabit Gakh district. Language of communication is Georgian, relating to Kartvelian group of the Caucasian languages.

Tats - 10,9 thousand, compactly inhabit Khachmaz and Davachi districts. Language of communication is Tat, relating to Iranian linguistic group, as well as Azerbaijani.

Kurds - 13,1 thousand, before the beginning of the armed conflict with Armenia compactly inhabited Lachin, Kalbadjar, Gubadly and Zangelan districts. As a result of occupation of the mentioned districts by the Armenian armed units, they were forced to leave places of permanent residence. Language of communication is Kurdish, relating to the Iranian linguistic group, as well as Azerbaijani.

Jews - 8,9 thousand, are divided into European (Ashkenazi), mountain and Georgian Jews. Compactly inhabit Guba district and Baky city. Language of communication is Jewish, relating to Semitic group of Semite and Khamit linguistic family. Also speak Russian, Georgian Jews - Georgian.

Udi - 4,1 thousand, compactly inhabit Gabala and Oguz districts. Language of communication is Udi, relating to Dagestan branch of the Caucasian linguistic family. Easily speak Azerbaijani as well.

Article 4

1. The Parties undertake to guarantee to persons belonging to national minorities the right to equality before the law and of equal protection of the law. In this respect, any discrimination based on belonging to a national minority shall be prohibited.

2. The Parties undertake to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to a majority. In this respect, they shall take due account of the specific conditions of the persons belonging to national minorities.

3. The measures adopted in accordance with paragraph 2 shall not be considered to be an act of discrimination.

In accordance with the Constitutional Act on State Independence of the Republic of Azerbaijan of 18 October 1991, all citizens of the Republic of Azerbaijan are equal before the law. The Republic of Azerbaijan, acceding to the international instruments in the field of human rights, shall ensure that all the rights and freedoms envisaged in them are observed and exercised without hindrance, irrespective of sex, race, nationality, religion, social origin, political convictions or any other factor.

In accordance with Article 5 of the Constitution of the country «the people of Azerbaijan are united. The unity of the people of Azerbaijan constitutes the basis of the Azerbaijan State. The Republic of Azerbaijan is a common and indivisible motherland for all citizens of the Republic of Azerbaijan».

Everyone's equality before the law and the courts is guaranteed in Article 25 of the country's Basic Law. Pursuant to part III of this Article «the State guarantees the equality of everyone's rights and freedoms irrespective of race, nationality, religion, language, sex, origin, property, official status, beliefs, membership of political parties, trade unions and other voluntary organizations. Limitation of human and citizen's rights and freedoms on grounds of race, nationality, religion, language, sex, origin, beliefs, political and social affiliation is prohibited».

According to Article 47, part III, of the Constitution of the Republic of Azerbaijan «the agitation and propaganda aimed at arousing racial, national, religious or social difference and hostility are prohibited».

Under Article 7 of the Law of the Republic of Azerbaijan on courts and judges «justice is administered on the basis of everyone's equality before the law and the courts irrespective of race, nationality, religion, language, sex, origin, property, official status, beliefs, membership of political parties, trade unions and other public associations».

Article 6 of the Criminal Code secures that «those who committed crimes are equal to the law and subject to criminal responsibility irrespective of race, nationality, religion, language, sex, origin, property, official status, beliefs, membership of political parties, trade unions and other public associations, and other circumstances as well».

According to the legislation in the field of criminal law, violation of equality of citizens is a crime against constitutional human rights and freedoms (Article 154 of the Criminal Code of the Republic of Azerbaijan).

«Actions intended to arouse national, racial or religious hostility, to lower national dignity, as well as to restrict the rights of citizens, or to establish superiority for citizens on the ground of their national or racial identity, attitude to religion...» are also recognized as criminally prosecuted (article 283 of the Criminal Code of the Republic of Azerbaijan).

According to the Article 61.1.6 of the Criminal Code of the Republic of Azerbaijan «committing an offence inspired by motives of national, racial or religious hostility, religious fanaticism, by revenge for lawful actions of other persons, for mercenary ends or with other vile motives, and also with the purpose of concealing another crime or to facilitate committing of it» is recognized as one of the circumstances aggravating the fault.

Article 111 of the Criminal Code of the Republic of Azerbaijan stipulates responsibility for «crimes committed with the purpose of organizing and providing superiority of one racial group for oppression of another racial group».

In accordance with Article 11 of the Criminal Procedural Code of the Republic of Azerbaijan «criminal proceeding in the Republic of Azerbaijan is conducted on the basis of everyone's equality before the law and the courts. The bodies of criminal proceeding provide none of those participating in the criminal proceeding with advantages on the grounds of citizenship, social, sex, racial, national, political and religious identity, language, origin, property, official status, beliefs, residence, location and other considerations not based on 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 misdemeanors 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 2.4 of the Family Code of the Republic of Azerbaijan prohibits any form of limitation of rights of citizens while contracting a marriage and in the family relations on the grounds of social, racial, national, language, or religious identity.

According to Article 16.1, part I, of the Labour Code of the Republic of Azerbaijan, in it is prohibited labour relations to permit any discrimination between workers on grounds of citizenship, sex, race, belief, nationality, language, residence, property, public and social descent, age, marital status, conviction, political views, membership of trade unions and other public associations, official status, as well as other factors not related to the professional qualities, professional skills, results of the worker's labour, determination directly or indirectly on the basis of these factors advantages and privileges, and limitation of these rights.

In accordance of article 16, parts III and IV, of the Labour Code of the Republic of Azerbaijan «the employer or other physical person committed in the process of labour relations a discrimination between workers specified in part I of present Article bear relevant responsibility stipulated by legislation. A worker subjected to discrimination may appeal to the court with complaint demanding of restoration of the violated rights».

Article 3, paragraph 1, of the Law of the Republic of Azerbaijan "On education" guarantees the right of citizens to education irrespective of their race, national and confessional identity, language, sex, age, health condition, social and material status, field of activity, social descent, residence, attitude to religion, political views, and previous convictions.

Article 4 of the Law of the Republic of Azerbaijan "On political parties" does not allow the creation or operation of political parties whose aim or method of which of operation is to stir up racial, national, or religious strife.

Similar articles are also contained in the Laws of the Republic of Azerbaijan "On non-governmental organizations (public associations and funds)" and "On trade unions".

The Law of the Republic of Azerbaijan "On employment" prohibits the discrimination of persons belonging to national minorities in the field of employment. In accordance with Article 6

of this Law, one of the main directions of the State policy in the field of employment is «providing of all citizens irrespective of race, nationality, religion, language, sex, marital status, public and social identity, residence, property, convictions, membership of political parties, trade unions, and other public associations, with equal opportunities for the enjoyment of the right to work and free choice of employment».

Thus all necessary legal norms, guaranteeing to the persons belonging to national minorities the right to equality before the law and equal protection by the law and prohibiting discrimination, were adopted and implementing in the Republic of Azerbaijan.

Article 5

1. The Parties undertake to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements to their identity, namely their religion, language, traditions and cultural heritage.

2. Without prejudice to measures taken in pursuance of their general integration policy, the Parties shall refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aimed at such assimilation.

In accordance with Article 18 of the Constitution of the Republic of Azerbaijan « religion in the Republic of Azerbaijan is separated from the State. All religions are equal before the law».

Azerbaijani is an official language in the Republic of Azerbaijan. At the same time, the free use and development of other languages are also guaranteed.

With the purpose of further promotion and protection of the rights of persons belonging to national minorities the Decree «On the protection of rights and freedoms and on State support for the promotion of the languages and cultures of national minorities, numerically small peoples and ethnic groups living in the Republic of Azerbaijan» was issued by the President of the Republic of Azerbaijan on 16 September 1992.

In accordance with the Decree the relevant State bodies were entrusted the implementation of specific measures aimed at the realization of the State support and Government's policy in the following directions:

- the maintenance and development of the distinctive cultures, languages and religions of national minorities, numerically small peoples and ethnic groups;
- the free exercise of national traditions and customs, religious rites and ceremonies, the maintenance and utilization of holy sites;
- the free development of national trades, professional and amateur creative pursuits and national handicrafts;
- the safeguard of historical and cultural monuments belonging to all national groups;
- the maintenance of places that are important to the population, protected lands, parks and other natural features.

The Decree also contained an assignment to create conditions and to adopt relevant legal measures to guarantee the rights of persons belonging to national minorities to organize their cultural and religious societies and its activities. At the same time, it was deemed purposeful to provide such kind of societies and associations with State assistance, including providing them with premises, material resources and financial allocations.

Article 8 of the Law «On culture» passed on 6 February 1998 guarantees the right to the cultural identity. This Article runs that each person has the right to freely choose moral, esthetic and other values, to the protection and maintenance of its cultural identity. This Article provides the legal guarantee for everyone to satisfy its cultural needs irrespective of racial, ethnic and national identity.

Article 11 of this Law mentions assistance for the development and maintenance of national culture. The State guarantees the development and maintenance of national culture of the people of Azerbaijan, including cultural identity of all national minorities living at the territory of the Republic of Azerbaijan.

There are dozens of national-cultural centers functioning in Azerbaijan at present. They include the «Commonwealth» Society, the Russian community, the Slavic cultural center, the Azerbaijan-Israel community, the Ukrainian community, the Kurdish cultural center «Ronai», the Lezgin national center «Samur», the Azerbaijan-Slavic culture center, the Tat cultural center, the Azerbaijan-Tatar community, the Tatar culture society «Tugan-tel», the Tatar cultural center «Yashlyg», the Crimean Tatars society «Crimea», the Georgian community, the humanitarian society of Azerbaijani Georgians, the Ingiloian community, the Chechen cultural center, «Vatan» society of Akhyska-Turks, «Sona» society of the women of Akhyska-Turks, the Talysh cultural center, the Avar society, the mountain Jews community, the European Jews community, the Georgian Jews community, the Jewish women humanitarian association, the German cultural society «Karelhaus», the Udin cultural center, the Polish cultural center «Polonia».

The State within its ability provides material and financial assistance to these organizations from the budget and Presidential foundation.

The Ministry of Culture of the Republic of Azerbaijan is carrying out work regarding the protection and development of cultural values of national minorities living in the country. Among these activities are the following:

- the work with Embassies and representations of the countries, which are historical homeland of national minorities living in Azerbaijan;
- the co-operation with cultural centers and societies of national minorities;
- the organization of international scientific-practical conferences and round tables, dedicated to the cultural rights of national minorities;
- the organization of seminars-conferences with workers of culture, who are in charge of this sphere;
- the organization of exhibitions on ethnography, art and customs of national minorities;
- the tours of the folk groups of national minorities within the country and abroad;
- the active participation of the folk groups of national minorities in the cultural events on both regional and country-wide level;
- the organization of jubilees of prominent representatives of culture and arts of national minorities;
- the conferment of honorary ranks on supervisors and participants of amateur artistic groups;
- the provision of amateur groups with the folk costumes, musical instruments and technical appliances.

The Ministry of Culture of the Republic of Azerbaijan actively participates in cultural diversity programs of the UNESCO, Council of Europe and OSCE. In particular, the Ministry has elaborated a project entitled «Cultural Diversity of Azerbaijan», which is supposed to be implemented in co-operation with the OSCE. This project is aimed at the maintenance of and

development of cultural diversity in Azerbaijan, which is an important condition of development of democratic society. In the framework of the project it is planned to organize photo exhibitions, to publish a newsletter on national minorities of the country entitled «Entire Azerbaijan», to organize scientific-cultural conference on Cultural Diversity of Azerbaijan, which will be followed by the publication of the conference materials, to organize festival of culture and art of national minorities.

Within the STAGE regional project of the Council of Europe Ministry of Culture would present National Report on the Cultural Policy of Azerbaijan to the Council of Europe in October 2002. It is also planned to arrange «Entire Azerbaijan» photo exhibition in the Palace of Europe and distribute the catalogue among representatives of the Council of Europe Member States and Observers, and personnel of the Organization. National Report on the Cultural Policy of Azerbaijan is posted at the web-site of the Council of Europe: <http://www.culturalpolicies.net/index1.html>

Article 6

1. The Parties shall encourage a spirit of tolerance and intercultural dialogue and take effective measures to promote mutual respect and understanding and co-operation among all persons living on their territory, irrespective of those person's ethnic, cultural, linguistic or religious identity, in particular in the fields of education, culture and the media.

The State assists in strengthening of mutual understanding, tolerance and respect between all persons living in its territory regardless of their ethnic, cultural, linguistic or religious identity. Active participation of all national minorities in the life of society on equal basis, including the participation in the joint events of a country-wide level, is an evidence of environment of mutual respect existing in Azerbaijan.

Organization entitled «Three Brothers», which unifies Islamic, Orthodox and Judaic confessions, has been already registered and currently functions in Azerbaijan.

The Resource Center of national minorities under the aegis of the «Links» organization (UK) does also function in Azerbaijan.

A powerful factor unifying all national minorities is a struggle aimed at the restoration of the territorial integrity of the Republic of Azerbaijan. In the ranks of the Army of Azerbaijan, persons belonging to various national minorities have stood shoulder to shoulder and fought heroically. Many of them have been posthumously awarded the title of National Hero of Azerbaijan and decorated with orders and medals.

Article 154 of the Criminal Code of the Republic of Azerbaijan stipulates responsibility for violation of equality of rights of citizens on the grounds of race, nationality, religion, language, sex, origin, property, official status, beliefs, membership of political parties, trade unions and other public associations, which harmed the person's rights and legal interests.

Article 283 of the Criminal Code of the Republic of Azerbaijan stipulates responsibility for actions aimed at the arousing national, racial or religious hostility, humiliating of national dignity, as well as limitation or creation of superiority on grounds of national, racial and religious identity, if these actions done in public or with use of the media.

The Criminal Code of the Republic of Azerbaijan contains articles specifying criminal responsibility for committing such crimes as genocide (Article 103), instigation to perpetration

of genocide (Article 104), deportation or forced transfer of population (Article 107), racial discrimination (Article 111), use of torture (Article 113).

In accordance with Article 5, part I, of the Law of the Republic of Azerbaijan «On police» «the police while fulfilling its duties shall protect from unlawful acts the rights and legal interests, as set out in the Constitution of the Republic of Azerbaijan and interstate treaties to which the Republic of Azerbaijan is a party, of all persons irrespective of race, nationality, religion, language, sex, origin, property, official status, beliefs, membership of political parties, trade unions and other public associations».

In accordance with the requirements of Article 3.2.3 of the Law of the Republic of Azerbaijan «On extradition of persons committed crimes» of 15 May 2001, criminal prosecution of a person due to his racial, national, linguistic, religious, civil, gender identity or due to his political views may serve as a reason of rejection of an extradition request.

Since the Republic of Azerbaijan has restored its State independence the law enforcement agencies did not register a single case regarding discrimination of citizens on grounds of their ethnic, cultural, religious or linguistic identity.

Article 7

The Parties shall ensure respect for the right of every person belonging to a national minority to freedom of peaceful assembly, freedom of association, freedom of expression, and freedom of thought, conscience and religion.

The right to freedom of assembly is guaranteed in Article 49 of the Constitution of the Republic of Azerbaijan. According to this Article of the Basic Law of the country, «everyone has the right, having in advance informed relevant State bodies, to assembly, conduct gatherings, meetings, demonstrations, street processions, to hold pickets in community with others».

The right to peaceful assembly without any limitations due to the national identity is regulated by the Law of the Republic of Azerbaijan «On freedom of assemblies» of 13 November 1998.

According to Article 58 of the Constitution of the Republic of Azerbaijan «everyone has right to establish any association, including a political party, trade union and other public association, or to join an already existing association».

Realization of the freedom of associations is regulated by the Law of the Republic of Azerbaijan «On political parties» of 3 July 1992, the Law of the Republic of Azerbaijan «On trade unions» of 24 February 1994, and the Law of the Republic of Azerbaijan «On non-governmental organizations (public associations and funds)» of 13 June 2000.

Article 8

The Parties undertake to recognize that every person belonging to a national minority has the right to manifest his or her religion or belief and to establish religious institutions, organizations and associations.

Article 48 of the Constitution of the Republic of Azerbaijan guarantees the freedom of conscience. Part II of this Article envisages that «every person is entitled to define freely his attitude towards religion, to profess any religion whatsoever whether individually or in

community with others, not to profess any religion, and to express and propagate his convictions concerning the attitude towards religion».

According to Article 1 of the Law of the Republic of Azerbaijan «On freedom of religion» «every person independently defines his attitude towards religion, enjoys a right to profess any religion whatsoever whether individually or in community with others, express and propagate his religious convictions concerning the attitude towards religion».

All necessary conditions are created and appropriate legal measures are taken in Azerbaijan for the ensuring of the right of all national minorities to organize and operate in accordance with the legislation of the Republic their cultural and religious societies. Such kind of societies and associations are provided with the State relief.

In accordance with the above-mentioned Law of the Republic of Azerbaijan «On freedom of religion», religious organization means a voluntary organization of the full legal age members organized with the purpose to enjoy jointly the right to the freedom of religion as well as to propagate religious belief and worship. Religions and religious organizations are separated from a State. The State does not entrust the religious organizations to carry out any business related to the State, and does not interfere into their affairs. All religions and religious organizations are equal before the law. It is not permitted to grant advantageous or impose restrictions for one religion or religious association with respect to others.

Nowadays there are approximately 400 religious organizations functioning in Azerbaijan.

In comparison with the Soviet Union period when only 17 mosques and 1 madarasas existed in Azerbaijan, today, after 10 years of the restoration of the State independence, 1300 mosques and religious communities have launched their activities, 370 of which have passed official registration and obtained a legal status. While 60% of all Moslems in Azerbaijan are Shiah, 40% are Sunnit.

Today 85 Christian communities presenting 3 traditional Christian confessions of Orthodoxy, Catholicism and Protestantism are functioning in Azerbaijan. Following 35 religious associations have passed a State registration:

<u>Orthodoxy:</u>	
Russian Orthodox Church	5
Georgian Orthodox Church	1
<u>Roman Catholicism:</u>	
Roman Catholic Church	<u>1</u>
<u>Protestantism:</u>	
Community of Christian Malokans	2
Evangelist-Lutherans' Church	1
New Apostle's Church	1
Community of Evangelist Christian-Baptists	6
7 th day's Adventists	4

50 th day's Protestant	1
Community of Evangelist Christians	1
Jehovah's Witnesses	1
<u>Jewish synagogues:</u>	
«Ashkenazi» (religious community of European Jews)	1
Community of Mountain Jews	3
Community of Georgian Jews	1

Among new established non-traditional sects functioning in Azerbaijan are following:

«Nekhimiya»	1
«Tserkov vospevaniya»	1
«Jzivotvoryashaya blagodat» (the Saving Grace)	1
International Krishna society	1
Baha'i	1

There have been established the Faculty of Theology of Baky State University and Baky Islamic University with its branches in Sumgayit, Mingechevir and Zagatala in Azerbaijan. 22 madarasas are currently functioning, courses on Koran have been arranged at mosques. In addition, 168 hours for religion studies were initiated at schools. Within the last 5 years 250 students have graduated from Faculty of Theology at Baky State University, 680 - Baky Islamic University.

There also theological education centers of Christian and Jewish communities, Sunday schools under Christian Orthodox Churches, Bible courses organized by 50th day's Adventists Community, Bible School of «Jzivotvoryashaya blagodat» society and Yeshua-Jewish theological schools functioning in Azerbaijan.

The religious confessions functioning in Azerbaijan maintain close links with religious centers in different countries; they participate actively in the events with a religious focus which they organize. Thus the Administration of the Caucasus Moslems has established close links with the Organization of the Islamic Conference as well as with religious organizations functioning in Moslem and non-Moslem countries.

In addition to running Christian Orthodox Churches in the Caspian region, Bishop of the Russian Orthodox Church collaborates with other religious centers within and outside the country.

Jewish communities in Azerbaijan have close relations with such international organizations as «Sokhnut», «Agudit Israil», «Tshuva Israil» and Jewish communities of the United States, Great Britain and other countries.

Religious communities with their centers in the United States, Sweden and Germany cooperate with foreign religious centers, receive financial support and countenance, including methodological assistance in performance of religious rites.

The religious confessions and non-traditional religious groupings in Azerbaijan engage in charitable work, they support a number of societies providing humanitarian assistance, and visit boarding schools, homes for the disabled, hospitals and prisons, and extend material and moral assistance to them.

The national and religious occasions of all the religious confessions are widely celebrated in Azerbaijan. The Presidential Fund regularly provides financial assistance to Jewish synagogues and Orthodox churches. Participation of the leaders of different confessions at the Republic-wide events, their regular meetings with the President of the country are traditional in the cultural and inner life of the country.

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 organizations has been founded. In accordance with the Decree, the main task of the State Committee is to create appropriate conditions for exercising Article 48 of the Constitution of the Republic of Azerbaijan that guarantees a freedom of consciences, monitoring the exercise of legislative acts on the freedom of religion, establishing and strengthening links between religious organizations and a State.

Article 9

- 1. The Parties undertake to recognize that the right to freedom of expression of every person belonging to a national minority includes freedom to hold opinions and to receive and impart information and ideas in the minority language, without interference by public authorities and regardless of frontiers. The Parties shall ensure, within the framework of their legal systems, that persons belonging to a national minority are not discriminated against in their access to the media.**
- 2. Paragraph 1 shall not prevent Parties from requiring the licensing, without discrimination and based on objective criteria, of sound radio and television broadcasting, or cinema enterprises.**
- 3. The Parties shall not hinder the creation and the use of printed media by persons belonging to national minorities. In the legal framework of sound radio and television broadcasting, they shall ensure, as far as possible, and taking into account the provisions of paragraph 1, that persons belonging to national minorities are granted the possibility of creating and using their own media.**
- 4. In the framework of their legal systems, the Parties shall adopt adequate measures in order to facilitate access to the media for persons belonging to national minorities and in order to promote tolerance and permit cultural pluralism.**

According to Article 47 of the Constitution of the Republic of Azerbaijan, the right of every person to freedom of thought and of convictions. Moreover «no-one may be compelled to publicly proclaim their thoughts or convictions or to repudiate them».

Article 50 of the Basic Law of the country enshrines the right of every person «to seek, acquire, transmit, compile and disseminate information by legal means». At the same time it «guarantees the freedom of the media» and «prohibits government censorship of the mass media, including censorship of the press».

The Law of the Republic of Azerbaijan «On mass media» of 12 July 1999 operates in Azerbaijan to implement the inalienable human right to freedom of speech. According to Article 6 of this Law «the mass media use the State language in the territory of the Republic of Azerbaijan. Citizens of the Republic of Azerbaijan while composing and disseminating the mass information may use other languages that the population of the Republic of Azerbaijan speaks, as well as the languages widely spread in the world».

Article 10 of the above-mentioned Law reads on the inadmissibility of misuse of the freedom of the mass media. In particular, it is not permitted to use the mass media with purposes of violence and cruelty, of rousing national, racial, social discord or intolerance.

According to Article 14 of this Law, any citizen of the Republic of Azerbaijan has the right to establish a media outlet.

On 20 July 2001 the President of the Republic of Azerbaijan issued the Decree «On establishment of the National Council on press, TV, radio and Internet» as well as the Decree «On increasing the State care of the mass media».

On 27 December 2001 the President of the country has also issued the Decree «On additional measures of increasing the State care of the mass media».

In Azerbaijan radio and television broadcasts are made, and books, magazines and newspapers are published, in the languages of the various national minorities living in the country. Thus the Republic radio regularly organizes broadcasts in the Kurdish, Lezgin, Talysh, Georgian, Russian languages, which are financed from the State budget. The local radio station in the Belokan district organizes broadcasts in the Avar language, while in the Khachmas district they broadcast in the Lezgin and Tat languages. In the Gusar and Khachmas districts local television broadcasts in the Lezgin language. In the city of Baky over dozens newspapers are published in Russian, and there are daily radio and television broadcasts in the language. The Russian programmes of ORT, RTR and NTV are relayed in full. Newspapers are also published in the Kurdish, Lezgin, Talysh and Georgian languages, and these receive financial assistance from the State. In particular, the newspapers «Samur» and «Dengi Kurd» are published in Azerbaijan in the Lezgin and in Kurdish languages respectively, while in the Gusar district the newspaper «Gusar» is published in Lezgin. The Jewish society «Sokhnut» publishes the newspaper «Aziz».

Article 10

According to Article 45 of the Constitution of the Republic of Azerbaijan everyone has the right to use mother tongue, to get upbringing, education and to do creative work in any language that he/she wishes. Nobody may be deprived of the right to use the mother tongue.

The legislation of the Republic of Azerbaijan does not impose any kind of restrictions on the use of mother tongue.

According to Article 3 of the Law of the Republic of Azerbaijan «On the State Language» of 22 December 1992, ethnic groups compactly living in the territory of Azerbaijan enjoy the right to

establish through State bodies in educational institutions of various types pre-school institutions, general education schools or separate classes and groups to study their mother tongue.

According to Article 8 of this Law, the sessions of the Parliament of the country are being held in the State language. At the same time, the deputies belonging to national minorities are allowed to address in other language.

According to Article 14 of the Law of the Republic of Azerbaijan «On the Courts and Judges», restriction in any form of the rights of persons not speaking the language of the court proceedings is inadmissible. In cases stipulated by the legislation everyone is provided with the right to use the services of translator free of charge.

According to Articles 90.7.11 and 90.7.12 of the Criminal Procedural Code of the Republic of Azerbaijan, the suspected person has the right to testify in the mother tongue and to use assistance of translator free of charge. According to Articles 91.5.11 and 91.5.13 of the Criminal Procedural Code of the Republic of Azerbaijan, defendant enjoys the same rights.

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...».

Article 11

1. The Parties undertake to recognize that every person belonging to a national minority has the right to use his or her surname (patronymic) and first names in the minority language and the right to official recognition of them, according to modalities provided for in their legal system.

2. The Parties undertake to recognize that every person belonging to a national minority has the right to display in his or her minority language signs, inscriptions and other information of a private nature visible to the public.

3. In areas traditionally inhabited by substantial numbers of persons belonging to a national minority, the Parties shall endeavor, in the framework of their legal system, including, where appropriate, agreements with other States, and taking into account their specific conditions, to display traditional local names, street names and other topographical indications intended for the public also in the minority language when there is a sufficient demand for such indications.

In accordance with Article 18 of the Law of the Republic of Azerbaijan «On the State language», every citizen of the Republic of Azerbaijan has the right to take surname, which corresponds to his ethnic identity.

In accordance with Article 26.1 of the Civil Code of the Republic of Azerbaijan, «physical persons have the right to name, which includes first name, patronymic and surname».

In accordance with Article 53 of the Family Code, «the child has the right to carry the name, patronymic and surname. The name is given to a child by consent of parents, patronymic – by the father’s name. The child’s surname is formed by parent’s surname. If the child’s parents carry different surnames, his/her father’s or mother’s surname is given to a child with consent of parents. In case of discord between parents concerning the child’s name and surname, the indicated divergence of opinions is solved by the appropriate body of the executive power. If the paternity is not determined, the name is given to a child by mother’s instruction, the patronymic is given by the name of person, who registered as child’s father in accordance with the relevant Article of the present Code, and surname – by mother’s surname.

According to Article 54 of the mentioned Code, «appropriate body of the executive power can permit to change child’s name, as well as child’s surname to the surname of another parent in the best interest of the child with joint request of parents till child’s 18 age. If parents live separately and the parent, with whom the child lives, wants to give him his/her surname, appropriate body of the executive power solves this issue with taking into consideration an opinion of the other parent and in the best interest of the child. Consideration of opinion of parents is not necessary in case of impossibility to establish his/her location, deprivation of his/her parent rights, recognition of his/her incapacity, and also in cases of deviation of parent without good reasons from upbringing and maintenance of a child. If child was born from persons, who are not married, and paternity was not established in accordance with the rule stipulated in the legislation, the appropriate body of the executive power, in the best interest of the child, has the right to permit mother to change his/her surname to the mother’s surname, which she carries at the moment of appealing with that request. Change of the name or surname of child achieved an age of 10 years old, can be executed by his/her consent»

According to Articles 15 and 16 of the Law of the Republic of Azerbaijan «On the State language», printed announcements, information, advertisement and other visual information may be designed in the Republic’s official language and, when necessary, simultaneously in an acceptable foreign language.

Names of localities, administrative units and other geographical places at the territory of the Republic of Azerbaijan are written in the official language, the way of their writing on the maps is determined by the State informative-inquiry publications.

Article 12

- 1. Parties shall, where appropriate, take measures in the fields of education and research to foster knowledge of the culture, history, language and religion of their national minorities and of the majority.**
- 2. In this context the Parties shall *inter alia* provide adequate opportunities for teacher training and access to textbooks, and facilitate contacts among students and teachers of different communities.**
- 3. The Parties undertake to promote equal opportunities for access to education at all levels for persons belonging to national minorities.**

According to Article 6 of the Law of the Republic of Azerbaijan «On Education» of 7 October 1992 and Article 3 of the Law of the Republic of Azerbaijan «On the State language», education may be carried out also in languages of national minorities.

In thirteen districts of Azerbaijan (Gusar, Balaken, Masalli, Samuh, Lenkoran, Lerik, Ismaili, Astara, Oguz, Khachmas, Qabala, Zagatala, Quba), in which national minorities are living compactly, necessary conditions have been created for studying mother tongue, national customs, traditions and culture. In 398 secondary schools of general education of the country 57649 children belonging to national minorities study their mother tongue as a separate topic. 6169 children belonging to national minorities are attending preparatory classes of 385 schools of general education of the above-mentioned districts. 28949 Talysh pupils are attending 245 schools of Lerik, Lenkaran, Astara, Masalli districts, 23468 Lezgin pupils are attending 113 schools of Guba, Gusar, Khachmaz, Gabala, Ismayilli, Oguz districts, 5232 pupils in 40 schools of Balakan, Gabala, Khachmaz, Zagatala, Guba and Samuh districts are teaching in elementary classes Avar, Udin, Tat, Tsakhur, Kurdish, Khynalyg languages and Hebrew.

The State's attitude to the language of the people dwelling in the mountain village of Khynalyg is worth noting. Despite the fact the language spoken by these villagers does not fit into any language group, and is spoken by the population of only one village, books are published in the Khynalyg language, and a Khynalyg cultural center operates in the Republic.

In conformation with curriculums in study of languages of national minorities, there are divided 2 hours in a week in 1-4 classes. For studying mother tongue additionally one hour is allotted for Lazgin pupils. 6 alphabetical text-books in Lezgin, Talish, Tat, Kurd, Sakhur, Khinalig languages were published and sent to schools, as well books «Lezgin language», «Talish language», «Tat language» etc. Text-books «For studying Talish language», «Talish – Azerbaijani school dictionary», «Georgian–Azerbaijani–Russian dictionary», great deal of methodical literature were published to assist in studying languages of national minorities.

During the last years 17 text-book names and teaching aids in languages of national minorities were published and sent to schools.

The pupils of Russian sector of schools of general education of the country use 116 text-book names, 41 of which were published in 2001. These are the following text-books: «Azerbaijani language» for 1–11 classes, «Natural history» for 3–4–5 classes, «Mother tongue» for 2–3–4 classes, «Azerbaijan literature» for 9 – 10 classes, «Reader on Azerbaijan literature» for 9–10 classes, «Basis of the Constitution of The Republic of Azerbaijan», «History of Azerbaijan» for 5–11 classes, «History of ancient world», «History of ancient centuries», «Modern history» and

«The newest history». Text-books «Citizen sciences», «Geography of the Republic of Azerbaijan» and «Economical and social geography of foreign countries» are preparing to publish.

In schools of general education, special secondary and higher educational establishments education conducts both in Azerbaijani and Russian languages. Russian and Russian-speaking population of Azerbaijan have an opportunity to study in mother tongue in full measure and at all stages.

With the purpose to maintain national identity, traditions and culture, exhibitions, national holidays, and corners, with demonstration of labor, art and creative work of representatives of national minorities, are organized in educational institutions.

For the perfection and retraining of pedagogical personnel – teachers of the languages of national minorities, courses and seminars, scientific–practical and theoretical conferences are organized jointly by the Republic institute of increasing qualification of teachers and the specialists of National Academy of Science and higher educational institutions.

Article 13

1. Within the framework of their education systems, the Parties shall recognize that persons belonging to a national minority have the right to set up and to manage their own private educational and training establishments.

2. The exercise of this right shall not entail any financial obligation for the Parties.

According to Article 3 of the Law of the Republic of Azerbaijan «On education», citizens are secured with the right to education irrespective of their race, nationality and confession, language, sex, age, state of health, social and material status, field of activity, social origin, place of residence, political views, and previous convictions. Citizens are provided with the free choice of education form, institution and language of teaching.

In conformity with Article 5 of the same Law, apart from the secular education, religious-educational institutions can function for those, who have completed secondary education.

According to Article 13 of the Law of the Republic of Azerbaijan «On education» there are State and private educational institutions operating in the Republic of Azerbaijan. In Article 28 of this Law is indicated that citizens of the Republic of Azerbaijan and citizens of foreign States can found educational institutions.

Article 14

1. The Parties undertake to recognize that every person belonging to national minority has the right to learn his or her minority language.

2. In areas inhabited by persons belonging to national minority traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavor to ensure, as far as possible and within the framework of their education systems, that persons belonging to those minorities have adequate opportunities for being taught the minority language or for receiving instructions in this language.

3. Provisions of the Paragraph 2 of this article shall be implemented without prejudice to the learning of the official language or the teaching in (it) this language.

In conformity with Article 21 of the Constitution of the Republic of Azerbaijan, «Azerbaijani is an official language». The Republic of Azerbaijan ensures free use and development of other languages spoken by the population.

The language of education in the educational institutions of the Republic of Azerbaijan is Azerbaijani. According to the needs of the society at the desire of citizens and institutions, within the framework of the State standards the education can be conducted in the languages of national minorities as well, with compulsory teaching of Azerbaijani, history of Azerbaijan, Azerbaijan literature and geography of Azerbaijan.

In conformity with Article 6 of the Law of the Republic of Azerbaijan “On Education”, the right to choose the language of education is provided in appropriate order by means of establishing classes and groups and creating conditions for their functioning.

The distribution of pupils of the day shift schools providing general education into the language of education (without the pupils of the schools for the mentally and physically handicapped children) is given below:

	2000/2001
Number of pupils	1648,500 persons
<i>Including by language of education:</i>	
Azerbaijani	1537,700 persons
Russian	08,200 persons
Georgian	2,600 persons
<i>In percentage to the total number</i>	
Azerbaijani	93,3 %
Russian	6,6 %
Georgian	0,1 %

Article 15

The Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them.

Article 55 of the Constitution of the Republic of Azerbaijan ensures the right of every citizen to take part in the political life of the society and the State irrespective of national and religious identity.

According to Article 56 of the Basic Law of the country "citizens of the Republic of Azerbaijan have the right to elect and to be elected to the state bodies, as well as to take part in referendum".

The Decree of the President of the Republic of Azerbaijan "On measures to ensure the human and citizen rights and freedoms" of 22 February 1998 created the favourable conditions for accelerating the development of democracy and the process of integration of our country into the world community. In this Decree the particular importance is attached to the issues of protection of the rights of persons belonging to national minorities.

The electoral rights of the citizens are regulated by the Laws of the Republic of Azerbaijan "On the election of the President of the Republic of Azerbaijan" of 9 June 1998, "On the elections to Milli Majlis of the Republic of Azerbaijan" of 5 July 2000 and "On the rules of election to the Municipalities" of 2 June 1999.

The electoral legislation of our country recognises the equal right of all citizens of the Republic of Azerbaijan irrespective of their national, race, religious and language identity to elect and to be elected to the higher bodies of the Government, as well as to the Municipalities of the Republic of Azerbaijan.

The duties on the ensuring the implementation of electoral legislation and conduct of referendum on the whole, including those provisions, which directly concern the electoral rights of citizens, are charged with Central Election Commission of the Republic of Azerbaijan.

In reporting period, all citizens of the Republic of Azerbaijan who wish to participate in the elections as the candidates to the municipal bodies or to the deputies of Milli Majlis of the Republic of Azerbaijan as well as the representatives of the national minorities equally profited by the rights flowing from the electoral legislation.

In the result of conducting the elections to Milli Majlis in November 2000, deputy mandates were also received by persons belonging to the different national minorities, including Ukrainians, Russians, Talishs, Lazgizs and Avars.

The persons belonging to national minorities, together with Azerbaijanis are represented in the electoral structures, including Central Election Commission of the Republic of Azerbaijan .

The applications and complaints from the citizens of the country in the occasion of national, religious and race discrimination in the time of conducting the elections have not been received by the Central Election Commission.

As the result of election of judges conducted under the observation of the society of the country, representatives of foreign states and international structures, judge corps have been renewed to 60 per cent and Avars, Jews, Lazgiz, Talishs and Russians are also represented in its structure.

The different national minorities are widely represented in the State structures of Azerbaijan. In the areas of tightly residing of the national minorities, the leading positions in the State bodies, bodies of the local self-government and other structures are held by the representatives of local population.

The persons belonging to national minorities work in the Executive Office of the President of the country, Parliament, Government, Municipality, Constitutional Court, military structures, judicial system and other state bodies. The persons belonging to national minorities are the

chairmen or deputy chairmen of some permanent commissions of the Parliament of the country, hold the leading posts in number of Ministries, State committees, Companies and Concerns.

The Laws of the Republic of Azerbaijan “On the State service” of 22 June 2001 and “On the service in Municipalities” of 30 November 1999 contain no restrictions for the persons belonging to national minorities concerning their service in the appropriate structures.

The persons belonging to national minorities actively participate in the political life of the country by means of, in particular, membership both in ruling party “New Azerbaijan” and in opposition parties.

Article 16

The Parties shall refrain from measures which alter the proportions of the population in areas inhabited by persons belonging to national minorities and are aimed at restricting the rights and freedoms flowing from the principles enshrined in the present framework Convention.

In the period after the restoration of the State independence no measures, which could influence on the structural composition of the population in areas of living of persons belonging to national minorities have been taken in Azerbaijan.

In conformity with Article 24 of the Constitution of the Republic of Azerbaijan ”everyone from the birth possess inviolable and inalienable rights and freedoms”.

According to Article 71 of the basic Law of the country, ”no one can restrict implementation of the human and civil rights and freedoms ”.

Article 17

1. The Parties undertake not to interfere with the right of persons belonging to national minorities to establish and maintain free and peaceful contacts across frontiers with persons lawfully staying in other States, in particular those with whom they share an ethnic, cultural, linguistic or religious identity, or a common cultural heritage.

2. The Parties undertake not to interfere with the right of persons belonging to national minorities to participate in the activities of non-governmental organisations, both at the national and international levels.

An opportunity to maintain and develop the international contacts of persons belonging to national minorities with their historical motherland is given by Articles 48 “International co-operation in the sphere of culture”, 49 “International exchange in sphere of culture”, 50 “Co-operation in the sphere of maintenance of cultural values” of the Law of the Republic of Azerbaijan “On culture”. This opportunity is also given by Article 30 “Effectiveness of the International legal acts in the sphere of maintenance of monuments” of the Law of the Republic of Azerbaijan “On the preservation of the monuments of history and culture” of 10 April 1998, Article 33 “International co-operation in the sphere of library affair” of the Law of the Republic of Azerbaijan “On the library affair” of 29 December 1998, Article 27 “International co-operation” of the Law of the Republic of Azerbaijan “On the museums” of 24 March 2000.

The restoration of the State Independence as well as the formation of democratic society in Azerbaijan has promoted to the further development of public, non-governmental organisations,

the number of which are more than thousands now. It shall be also mentioned, amongst them, the non-governmental organisations and cultural centres of national minorities, the information on which is kept in the present report under Article 5.

Article 18

1. The Parties shall endeavour to conclude, where necessary, bilateral and multilateral agreements with other States, in particular neighbouring States, in order to ensure the protection of persons belonging to the national minorities concerned.

2. Where relevant, the Parties shall take measures to encourage transfrontier co-operation.

A number of international treaties of the Republic of Azerbaijan with the neighbouring States have the provisions concerning the protection of the rights of the persons belonging to national minorities.

Thus, in the Treaty between the Republic of Azerbaijan and Georgia on strengthening of the friendship, co-operation and mutual security of 8 March 1996, the Parties confirmed their readiness to create conditions for the dissemination of the history, culture and language of Azerbaijan in Georgia and Georgian history, culture and language in the Republic of Azerbaijan including expansion of their education in pre-school, secondary and higher educational institutions and circulation of literature and textbooks in Azerbaijani and Georgian languages (Article 10).

Moreover, the Parties confirmed that the respect of the rights of the persons belonging to national minorities promotes to the strengthening of the peace, stability and democracy in the Republic of Azerbaijan and Georgia.

The Parties guaranteed the right of persons belonging to national minorities to exercise wholly and effectively their human rights and basic freedoms and enjoy them without any discrimination and under the conditions of absolute equality before the law, in accordance with the generally recognised international legal norms.

The Parties also guaranteed the right of persons belonging to national minorities individually or jointly with other persons belonging to national minorities, freely to express, preserve and develop their ethnic, cultural, linguistic and religious identity and to maintain and develop their culture without subject to any attempts of assimilation regardless of their will.

The Parties also agreed to conclude a separate Agreement on co-operation in the field of ensuring the rights of persons belonging to national minorities. (Article 13).

In the Declaration on the further deepening of the strategic co-operation between the Republic of Azerbaijan and Georgia of 18 February 1997, the Parties, proceeding from the aspiration to keep and strengthen traditionally close, friendly relations, confirming their adherence to the respect and ensuring of generally recognized human rights and fundamental freedoms, including the rights of persons belonging to ethnic minorities, expressed readiness to promote the develop the identity of Azerbaijanis, residing in Georgia and Georgians residing in Azerbaijan, as well as to ensure their rights to enjoy their culture, to profess and practice their religion, to use freely their language in private life and publicly.

In Joint Declaration of the Presidents of the Republic of Azerbaijan and Georgia of 22 March 2000, the Heads of two States once again expressed adherence to democratic transformation, protection of human rights, respect of the rights of persons belonging to national minorities as well as confirmed that they attached an importance to the issues of observance and defence of interests of Azerbaijanis residing in Georgia and Georgians residing in Azerbaijan accordingly, and considered the display of the solicitude for them as the priority sphere of the State policy.

In Article 10 of the Treaty on friendship, co-operation and mutual security between the Republic of Azerbaijan and Russian Federation of 3 July 1997, the Parties confirmed that the respect of the rights of persons belonging to national minorities as a part of generally recognized human rights was the essential factor of peace, justice, stability and democracy in the Republic of Azerbaijan and Russian Federation.

The Parties guaranteed the right of persons belonging to national minorities to exercise wholly and effectively their human rights and fundamental freedoms and enjoy them without any discrimination, and in the conditions of full equality before the law.

The Parties also guaranteed the right of persons belonging to national minorities individually or jointly with other persons belonging to national minorities freely to express, preserve and develop their ethnic, cultural, linguistic and religious identity and to maintain and develop their culture in all its aspects, without subject to any attempts of assimilation regardless of their will.

The Parties also agreed to ensure the protection of ethnic, cultural, linguistic and religious identity of national minorities on their territory and create conditions for encouraging of this identity.

The Parties undertook to take effective measures, including adoption of appropriate legislative acts in order to prevent and suppress any acts, which present itself the instigation to the violence against the persons or groups based on national, ethnic or religious discrimination, hostility or hatred.

The Parties also undertook to take the effective measures for the protection of persons or groups, which subject or can subject to the threats or acts of violence, discrimination or hostility by the reason of their ethnic, linguistic, cultural or religious identity and for the protection of their property.

The Parties also agreed to conclude the agreement on co-operation with the purpose of ensuring the rights of the persons belonging to ethnic, linguistic, cultural and religious minorities.

Article 20

In the exercise of the rights and freedoms flowing from the principles enshrined in the present framework Convention, any person belonging to a national minority shall respect the national legislation and the rights of others, in particular those of persons belonging to majority or to other national minorities.

In conformity with Article 24 of the Constitution of the Republic of Azerbaijan "the rights and freedoms also include responsibility and obligations of everyone to the society and other persons".

According to Article 72 of the basic Law of the country "everyone has obligations to the state and society directly flowing from his/her rights and freedoms". Everyone shall observe the

Constitution and the Laws of the Republic of Azerbaijan, respect the rights and freedoms of other persons, fulfil other obligations set out by the Law.

Article 80 of the Constitution envisages responsibility for the violation of provisions of the Constitution and laws of the Republic of Azerbaijan including abuse of rights and liberties and also failure to fulfil responsibilities specified in the Constitution and laws of the Republic of Azerbaijan.

The Republic of Azerbaijan considers that the special attention in the time of the consideration of this Article of the framework Convention shall be given to the situations under which the persons belonging to national minorities are the minority within the framework of the whole state but constitute majority within the certain region of this State.

Article 21

Nothing in the present framework Convention shall be interpreted as implying any right to engage in any activity or perform any act contrary to the fundamental principles of international law and in particular of the sovereign equality, territorial integrity and political independence of States.

It was declared in the Law of the Republic of Azerbaijan of 16 June 2000 "On accession to the framework Convention for the protection of national minorities" that the ratification of the framework Convention and implementation of its provisions exclude to engage in any activity which may injure the territorial integrity and sovereignty of the Republic of Azerbaijan, its internal and international security.

The Republic of Azerbaijan proceeds from that the most of the problems occur in such cases when the national or ethnic minorities urged by the external forces mainly by the "mother country" demand self-determination by means of secession or redrawing of borders. In this connection, the practically inevitable consequence of the policy of ethnic nationalism by the minorities in such cases are the attempts of the latter to purge members of other ethnic groups living inside their region, in order to have a pure ethnic composition, or they may seek to revise borders in order to join with a neighbouring State whose majority belongs to the same ethnic group.

In this connection, the Republic of Azerbaijan believes that the State should be the common home for all of its resident population, where neither majorities nor minorities should be entitled to assert their identity in ways which deny the possibility for others to do the same.

Thus the settlement of conflicts in which the national minorities are involved, should first of all be based on the restoration and strict observance of territorial integrity of States, as well as the maintenance and promotion of the identity of national minority living on its territory.

Obviously, the establishment of a "cleansed" state or quasi-state for every ethnic group cannot and should not be the solution of the problems of minorities. This threat should be averted through strengthening of States, not their partition, as well as through increased authority of international institutions in the overall protection and promotion of human rights.