



Anti-Discrimination Centre Memorial Brussels

Submission to the Human Rights Council for the 44th Session of the Universal Periodic Review (Fourth cycle, November 2023)

Republic of Azerbaijan Discrimination of ethnic minorities

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31 March, 2023

1. Anti-Discrimination Centre (ADC) Memorial¹ made this submission in relation to the problems of discrimination based on nationality, ethnic identity and language in the Republic of Azerbaijan. It focuses on a several minorities, namely Lezgins (officially 183,300 people in 2009); Tsakhurs, (officially 12,300 in 2009); Talysh (officially 112,000 in 2009); Tat/Parsi (at least several thousand residents); a significant Armenian population (by some estimates up to 120,000 people) in districts of the former Nagorno-Karabakh Oblast that came under Azerbaijan's jurisdiction; heterogenous Roma and Roma-like groups (up to 20,000).
2. Though being a member of many international documents² Azerbaijan still does not have a comprehensive antidiscrimination law or advisory mechanisms to protect the rights of ethnic minorities.
3. On the basis [of an assessment](#) of the situation with ethnic rights in Azerbaijan (2017-2021), the CoE Advisory Committee on the Framework Convention for the Protection of National Minorities noted with regret that Azerbaijan lacks a comprehensive law to protect the rights of national minorities and an advisory mechanism for minorities to participate in decision making, and does not have enough support measures for minority languages³.

1. Overview of the situation of ethnic minorities

4. The Republic of Azerbaijan has a diverse ethnic composition: over 100 ethnic groups live on its territory. Its population currently [stands at](#) just over 10 million people, but data of the latest census (2019) are not published. In 2009, the population was declared as 8,922,447 in total; the Azerbaijani majority made up 91.6%, while minorities made up 8.4% (approximately 750,000 people). A number of activists, experts, and international organizations believe that the official population of ethnic minorities is deliberately underestimated.
5. Ethnic minorities are distributed unevenly across various regions of the country. This is a product of their historical settlements, assimilation, migration, demographic processes, and, in the case of Armenians, a long-standing military confrontation and the de jure shifting of the border after the war of 2020.
6. The situation of each ethnic minority in Azerbaijan has its own specific nature, but their common problems include non-recognition of their ethnic identity and the value of their languages and cultures, lack of state support in education, and underrepresentation in state bodies.
7. Azerbaijan declared an official “national state ideology – Azerbaijanism” formulated in a number of civic values serving as the foundation for consolidating the country’s multinational people (“citizenship,” “patriotism,” “loyalty,” “responsibility of citizens to society and the state”). These ideas were published as part of the special project “[Azerbaijani Multiculturalism](#)” of the Presidential Library under the Presidential Administration of the Republic of Azerbaijan (since 2016).
8. However, minorities do not have equal access to leadership positions or equal opportunities for representation of their interests in social and political life. This, in turn, leads to open or hidden discrimination, which takes on different forms for each specific ethnic group.

¹ Anti-Discrimination Centre (ADC) Memorial is a Human Rights NGO defending the rights minorities and vulnerable groups (such as representatives of ethnic minorities and indigenous peoples, migrants, stateless persons, LGBTI+ and others) and fighting against any form of racism, sexism, homophobia and xenophobia in the former Soviet Union through advocacy, litigation assistance, Human Rights education, research and publications (see more: <https://adcmemorial.org/>).

² Azerbaijan has acceded to many international documents on human rights and the rights of ethnic minorities, including the Council of Europe conventions: the European Convention on the Protection of Human Rights and Fundamental Freedoms and the Framework Convention for the Protection of National Minorities (2000). It ratified the Framework Convention on the Protection of National Minorities. When it joined the Council of Europe in January 2001, Azerbaijan undertook to sign and ratify the European Charter for Regional or Minority Languages within one year and adopt a law on national minorities that would supplement non-discrimination provisions contained in the Constitution and the Criminal Code within three years. It has yet to meet these obligations.

³ See Fourth Opinion on Azerbaijan – ACFC/OP/IV(2017)006, November 8, 2017; the corresponding recommendations were summarized in a resolution (Resolution CM/ResCMN(2021)7 on the implementation of the Framework Convention for the Protection of National Minorities by Azerbaijan, adopted by the Committee of Ministers on February 3, 2021 at the 1394th meeting of the Ministers' Deputies.

9. According to the annual [Democracy Index](#) by Economist Intelligence, Azerbaijan's political system is classified as an "authoritarian regime" and ranked 141 out of 167 countries in 2021. In the annual [Press Freedom Index](#) by Reporters Without Borders, Azerbaijan ranked 167th out of 180 countries in 2021. Oppositionists, independent journalists, human rights defenders and social and religious activists are persecuted. This also affects the "ethnic" agenda, which the government believes includes separatism and attempts to violate the country's integrity and overthrow the constitutional system.
10. For example, since Soviet times and throughout Azerbaijan's modern history, active members of the Talysh minority have been subjected to politically motivated illegal detentions, fabricated criminal charges, imprisonment, kidnapping, and torture⁴.
11. One of the most sensitive processes for ethnic minorities in Azerbaijan has been the extremely questionable official interpretation of many historical events and the assignment of a special role to the national majority – the Azerbaijanis. This viewpoint is set forth in speeches by government representatives and textbooks composed by "official" historians and approved by the Ministry of Education.
12. In particular, official discourse is revising the history of Caucasian Albania, a feudal state in antiquity and the early Middle Ages on the territory of modern Azerbaijan. According to the conventional academic viewpoint, peoples of different origins contributed to the ethnogeny of Azerbaijanis, and the Turkic element appeared in the region relatively late. But "official" Azerbaijani historians are promoting the version that Caucasian Albania was initially settled by Turkic people, who are declared native residents of this region, while the role of other peoples and the impact of Armenian culture on them is devalued. This dubious theory has become popular and has had an impact on the escalation of the Karabakh conflict.
13. Among other points of the official discourse which raise protests of ethnic minorities, there are a revision of the history of the Talysh khanate; denying of the presence of the Tat population on the Absheron peninsula; mentioning the role of ethnic minorities in history manuals in biased contexts, etc.
14. There are complaints on violations of cultural rights: Turkification of toponyms and the names of cultural heritage sites, including in places of ethnic minorities' residents (cf. removal of a memorial plaque "Lezgin Mosque, 12th century" from one of the oldest Sunni mosques in Baku).

2. Underrepresentation of ethnic minorities in government bodies and public administration

15. Even though the government officially adheres to the principle of non-discrimination in employment, which is enshrined in Art.35 of the Constitution, selecting civil servants following family or clan/regional lines is widespread, which violates equal access to state and municipal positions for members of ethnic minorities.
16. Azerbaijanis predominate in government bodies and leadership positions in state institutions, even in areas densely populated by ethnic minorities. If minorities are represented at all, they often prefer to declare themselves as Azerbaijanis. This means that the needs of ethnic minorities are often disregarded, even by fellow members of the minority.

⁴ Here are some examples of such persecution:

In 2007, Novruzali Mamedov, who is chair of the Talysh Cultural Center, a well-known philologist, and the editor-in-chief of Tolshi Sədo, was sentenced to 10 years for treason. The list of charges included points like "promotion of the Talysh language," "formation of a negative image of Azerbaijan by appealing to international organizations concerning violation of the rights of national minorities," and "attempts to establish Talysh autonomy." Not long after the verdict was announced, Novruzali Mamedov died in a prison hospital due to torture (in 2009).

In 2013, Tolshi Sədo's next editor-in-chief Gilal Mamedov, a journalist and activist, was sentenced to five years in prison under fabricated charges of drug possession. He was pardoned in 2016.

In 2019, the historian and political scientist Fakhraddin Aboszoda, a figure in the Talysh national movement and the author of several dictionaries and many works on the Talysh language, was kidnapped in Russia and deported to Azerbaijan. He was charged with treason, inciting ethnic discord, and issuing calls to change the constitutional order through violence and sentenced to 16 years in prison. Aboszoda was presumably killed in the Gobustan Prison on November 13, 2020 (the week before, he reported through his lawyer that he had been threatened with murder). The official explanation for his death was suicide. There was no impartial investigation.

In June 2020, a court in Baku sentenced the Talysh blogger Aslan Gurbanov to seven years in prison for inciting hatred of the state and national, racial, social and religious enmity and hatred in his social media posts.

17. According to Lezgins living in Qusar District, where the population is 90% Lezgin, Azerbaijanis hold most of the positions in the police, the prosecutor's office, medical and educational institutions, hospitals, and schools.

3. The problem of education in minorities' languages

18. In 2001, Azerbaijan signed (but did not ratify) the European Charter for Regional and Minority Languages (1992). In public statements, government representatives [stress](#) that the Charter's requirements "could harm our country's integrity, sovereignty, and national security".
19. The legal framework for the linguistic rights of ethnic minorities includes provisions of the Constitution⁵ and an early post-Soviet decree⁶. Article 7.2 of the law "On Education" allows education in other languages on the basis of the corresponding state standards, as long as there is mandatory instruction in the Azerbaijani language, Azerbaijani literature, and the history and geography of Azerbaijan, or at the request of citizens and the founders of educational institutions.
20. The law "On the State Language of the Republic of Azerbaijan" gives absolute priority to the state Azerbaijani language in all areas of public life and grants people who do not speak this language the right to translation and the right to use "other" languages in courts during criminal, civil, and administrative proceedings⁷. Article 18.1 of the law says that it is prohibited "to carry out veiled or open propaganda against the state language, resist the use of this language, or attempt to restrict its historically established rights." There are no individual legal acts that protect the language rights of minorities in Azerbaijan. Laws and even local regulations are not published in minority languages.
21. In Azerbaijan, a higher education can be obtained in the Azerbaijani or Russian languages. In secondary schools, instruction mainly takes place in Azerbaijani (the so-called "Azerbaijani sector"), but the so-called "Russian sector" is quite popular – schools and classes that offer instruction in Russian are widely believed to provide a better education. The "Russian sector" has grown in recent years and now accounts for 10% of state schools and classes (over 156,000 schoolchildren), mainly in the country's capital of Baku. Some districts in north-western Azerbaijan have schools that offer instruction in Georgian ("the Georgian sector").
22. There is widespread support for the Russian language because of mass labor migration to Russia and economic ties with Russia, which mean that knowledge of Russian is an advantage on the labor market⁸.
23. In the best case minority languages are presented in curriculum as a subject "native language" (one to two hours a week) or as extracurricular classes. This is true for languages that have a relatively large number of native speakers and learning materials (for example, Lezgin and Avar; the use of learning materials developed in Russia for the very same peoples is prohibited in Azerbaijan) and for languages with a small number of speakers, even in places with a large population of the respective ethnicity. The native languages of minorities are often missing entirely from the school program. An exception is the Armenians, who have their own educational system on the territory of the former Nagorno-Karabakh Republic (the fate of this system is unclear given the shifting political conditions).
24. The language of the Tat/Parsi, which they themselves call Parsi (part of the Persian language family) was widespread in the historical region of Shirvan, but today has been almost completely replaced by the Azerbaijani language and is considered a threatened language in Azerbaijan (UNESCO). The Tat language classes are only offered in a number of elementary schools.

⁵ Article 21: on ensuring the free use and development of languages spoken by members of the population who are not ethnic Azerbaijanis; Article 45: everyone has the right to use their native language, be raised and educated in any language they wish, and create in any language they wish.

⁶ Decree of the President of the Republic of Azerbaijan of September 16, 1992 "On the Protection of the Rights and Freedoms of National Minorities, Small Peoples, and Ethnic Groups living in the Republic of Azerbaijan and on State Support for the Development of Languages and Cultures".

⁷ The law only makes one mention of "languages of the majority of the population in the corresponding territory" in the context of administrative proceedings.

⁸ Until recently, this situation was a matter of pride for the Azerbaijani government, but it has also been criticized by "patriotic" activists and remains a topic of discussion, especially in light of the Russian military aggression against Ukraine and deteriorating Russian-Azerbaijani relations.

25. In 2019, Lezgin language classes were excluded from the school program and were only available as extracurricular classes for interested children in grades 1 to 4. Prior to 2019, the Lezgin language was mandatory along with Russian and English for grades 1 to 10. The Lezgin language is also absent from the media. There is, however, a Lezgin drama theatre, even though more and more pieces are being performed in Azerbaijani.
26. In the case of the Tsakhur language, which is related to the Lezgin language, only extracurricular classes are offered in the areas with large Tsakhur populations. There is no training for Tsakhur language teachers, at least in Baku, and textbooks are not being reprinted.
27. The Talysh language is taught in only two elementary school extracurricular classes in areas with large Talysh populations. The Talysh language is disappearing not just from schools, but also from the media, television, and radio. The newspaper “Tolshi Sədo” (“Voice of Talysh”) stopped in 2011, while its editors were subjected to repressions.

4. Situation of Roma-like communities

28. Roma-like groups in Azerbaijan (up to 20,000) are referred to by the general term Qaraçı (lit. “blacks”), which they view as a pejorative. This word can be used for various communities: Roma (members of European subethnic minority Romani groups who migrated to Azerbaijan mainly during Soviet times), and Dom – a Roma-like Muslim group that has lived in the South Caucasus since the Middle Ages. The Dom often declare themselves as “Kurds” and are taken as “Kurds” by their neighbors; and they speak the Domari language and the languages of their neighbours, including the state Azerbaijani language.
29. Structural discrimination is a typical problem for this community. This includes problems with personal documents, low level of education, extreme poverty, unemployment, involvement in the informal economy, unregistered housing, harmful traditional practices (forced early marriages, exploitation of children, begging). “Roma” groups in Azerbaijan are involved in shuttle migration to Georgia.
30. Extreme marginality and poverty only deepen in times of emergencies. For example, in May 2020, 80 COVID-19 cases were identified in Yevlakh; 53 of the people infected were residents of the “Qaraçı quarter.” The authorities considered this a reason to close the entire quarter for quarantine, with entry and exit controlled by the police and the military. These restrictions based on ethnicity touched off protests among residents, and 21 people were arrested and faced criminal prosecution. Such a development of events speaks at a minimum to the absence of mutual understanding and readiness on the part of the authorities to carry on a peaceful dialogue with ethnic minorities living in dense settlements.
31. Children from Dom communities represent up to 85% of street children (information from service NGOs). They are excluded from the education system because they are not accepted to school without documents or they are too old to be enrolled in school. The Azerbaijani authorities are not taking any positive government measures and instead [place](#) responsibility on the parents.
32. The authorities prefer to take punitive measures against the “Qaraçı”. For example, in Baku they are constantly carrying out raids against beggars, prosecuting and fining adults for administrative liability, and evicting families from squatter settlements and rented housing and sending them to their place of registration (specifically, to Yevlakh).
33. “Qaraçı” groups experience problems with medical care. Women often give birth at home due to poverty (informants reported corruption in medical institutions), fear of being sterilized, early unregistered marriages (fear of prosecution for sexual abuse of a minor), and the fact that hospitals may not take them due to racism. Many children do not receive the necessary vaccinations.

Recommendations

34.

- Adopt comprehensive antidiscrimination legislation;
- Guarantee security and compliance with the civil, socioeconomic, and cultural rights of the Armenian population in territories that became de facto and de jure part of Azerbaijan after the 2020 war;
- Adopt and implement a national plan of proactive measures to improve the situation of groups of Roma, Dom, and other similar communities. These measures should solve the problem of ensuring that members of these groups have personal documents, that their children have access to a school education, that there is a standard for medical and social assistance, and that women and children are guaranteed protection from multiple discrimination and harmful traditional practices. Support the work of NGOs providing assistance to vulnerable Roma groups;
- End the persecution of human rights defenders and activists, including those who are members of ethnic minorities, in particular, the Talysh. Guarantee freedom of speech and expression, including the freedom to make statements concerning the self-determination of peoples populating Azerbaijan;
- Guarantee linguistic rights of ethnic minorities: ensure that minority languages can be studied in schools; provide schools with instructional materials, including published outside of Azerbaijan; support publication of books, media, and other informational materials in the languages of ethnic minorities; ensure that teachers of ethnic minority languages receive a high professional level of training.
- Stop the practice of renaming toponyms in areas densely populated by ethnic minorities; use double names (in Azerbaijani and in the minority language). Guarantee the right of ethnic minorities to preserve and develop their cultures, avoid devaluing their contributions to the country's history and culture; treat the historical and cultural heritage sites of peoples populating Azerbaijan with care.
- Guarantee representation of ethnic minorities in government bodies and public administration.