

Submission to the UN Office of the High Commissioner for Human Rights for the consideration of the 3<sup>rd</sup> Universal Periodic Review of the Republic of Azerbaijan



Unrepresented Nations and Peoples Organization

The Unrepresented Nations and Peoples Organization (UNPO) is an international, nonviolent and democratic membership organisation. Its Members are indigenous peoples, minorities, unrecognised States and occupied territories that have joined together to defend their political, social and cultural rights, to preserve their environments and to promote their right to self-determination.

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*Keywords: Minority rights, gender discrimination, persecution, assimilation, political representation, freedom of expression, human rights violations, political prisoners, prisoners of conscience*

## I. Introduction

1. This report, submitted by the Unrepresented Nations and Peoples Organization (UNPO) on the occasion of the 30<sup>th</sup> session of the Universal Periodic Review, during which the Republic of Azerbaijan is under consideration, draws attention to the ongoing human rights violations that affect the country's ethnic minorities. The report will provide a brief introduction to the different minorities in the country, with an emphasis on the Talysh and Lezghin minorities. Next, following the primary legal frameworks established by the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), the International Covenant on Economic, Social and Cultural Rights (CESCR) and the 1995 Constitution of the Republic of Azerbaijan, it will outline violations of cultural, educational, religious and economic rights and the right of freedom of expression that are endured by these ethnic groups in the country. Finally, it will conclude with a series of recommendations.

### Indigenous minorities in Azerbaijan

2. The total number and the size of ethnic minority groups in Azerbaijan are still a matter of controversy. According to the latest official census (2009), 91.6% of the population (8.17 million people) are Azerbaijanis. The Caucasian republic is today home to more than 15 different indigenous peoples<sup>1</sup> – which make up around 9.4% of the country's total population<sup>2</sup>. Among them Mountain Jews, Kurds, Ingiloyls, Tsakhurs, Avars, Khynalygs, Gryzs, Buduqlus, Molokans. Lezghins, Russians and Talysh constitute the largest minorities. Lezghins are divided between the northern region of Azerbaijan and southern Dagestan. Officially, they amount to 178,000<sup>3</sup>, a figure that has been disputed by independent sources, who put the number between 600,000 and 800,000<sup>4</sup>. State census reveals that around 76,800 Talysh live in Azerbaijan's southern regions. According to representatives of the Talysh community the number is in fact around ten times higher<sup>5</sup>.

## II. Ethnic Minority Issues

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<sup>1</sup>Garces de los Fayos, F (2014), "Minorities in the South Caucasus: New Visibility amid Old frustrations", available at: [http://www.europarl.europa.eu/RegData/etudes/briefing\\_note/join/2014/522341/EXPO-AFET\\_SP\(2014\)522341\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/briefing_note/join/2014/522341/EXPO-AFET_SP(2014)522341_EN.pdf)

<sup>2</sup>Republic of Azerbaijan –Ministry of Foreign Affairs, available at: <http://www.mfa.gov.az/en/content/114>

<sup>3</sup>Ibid.

<sup>4</sup>UNPO (2013), "Democracy and Minority Rights in Azerbaijan", available at: <http://unpo.org/article/16364>

<sup>5</sup>MeydanTV, "The Talysh People Demand Cultural Autonomy in Azerbaijan", 18.04.2017, available at: <https://www.meydan.tv/en/site/society/22391/>

3. Following the Nagorno-Karabakh war, Azerbaijan feared further pro-independence movements and became increasingly wary of recognising any level of ethnic identity. Since then, Baku has maintained an assimilation policy, which has led to the depletion and further suppression of distinct ancient indigenous groups. As a result, current official statistics have artificially decreased the number of Talysh and Lezghins, most of whom are counted as Azeris<sup>6</sup>.
4. Besides the CERD and the CESC, Azerbaijan joined the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), in 1995, and the European Framework Convention on National Minorities (FCNM) in 2000. These and other international treaties and national laws constituted timid steps forward on paper. However, the country's dubious stance on minorities endangers ethnic groups and justifies restrictions to be imposed on them.
5. This report presents evidence of Baku's repressive policies towards indigenous minorities and proves Azerbaijan's reluctance to comply with fundamental human rights treaties when it comes to the protection of ethnic minorities.
  - a. Violations of cultural rights
    6. Article 5 of the CERD guarantees the rights of everyone, without distinction of race or ethnic origin. This implies the protection of citizens' economic, social and cultural rights<sup>7</sup>. In accordance with these commitments, article 25 of Azerbaijan's Constitution specifies that any kind of restrictions of citizens' rights and freedoms on the grounds of race or ethnic origins, religion, political opinion or social origins is prohibited<sup>8</sup>. On paper, all people of Azerbaijan have the right to use their native languages freely, even when different from Azeri, and are free to pursue their economic, social and cultural development (article 21)<sup>9</sup>.
    7. Yet, over the last decades, little has been done regarding the protection of ethnic minorities in Azerbaijan. The country has been criticised for its failure to implement the above-mentioned principles and guarantees on various occasions. During the 2013 UPR, Vietnam recommended that Azerbaijan pay attention to fundamental indigenous rights and provide adequate resources to improve the protection and promotion of education, health care and social welfare rights of ethnic minorities<sup>10</sup>.

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<sup>6</sup>Garces de los Fayos, F. (2014), "Minorities in the South Caucasus: New Visibility amid Old frustrations", available at: [http://www.europarl.europa.eu/RegData/etudes/briefing\\_note/join/2014/522341/EXPO-AFET\\_SP\(2014\)522341\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/briefing_note/join/2014/522341/EXPO-AFET_SP(2014)522341_EN.pdf)

<sup>7</sup>CERD (1965), available at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx>

<sup>8</sup>Constitution of the Republic of Azerbaijan (1995), available at:

[http://azerbaijan.az/portal/General/Constitution/doc/constitution\\_e.pdf](http://azerbaijan.az/portal/General/Constitution/doc/constitution_e.pdf)

<sup>9</sup> Ibid.

<sup>10</sup>109.141 Recommendation, UPR – Recommendations and Pledges (2013), available at: [https://www.upr-info.org/sites/default/files/document/azerbaijan/session\\_16\\_-\\_april\\_2013/recommendations\\_and\\_pledges\\_azerbaijan\\_2013.pdf](https://www.upr-info.org/sites/default/files/document/azerbaijan/session_16_-_april_2013/recommendations_and_pledges_azerbaijan_2013.pdf)

8. Minority language protection is undermined by the Law on State Language,<sup>11</sup> which promotes Azeri language at the expense of other indigenous languages in the country. This directly contradicts article 11 of the Law on Culture that guarantees assistance for development and preservation of a national culture “including cultural originality of all national minorities living in the territory of the Republic of Azerbaijan”<sup>12</sup>.

**Undercover assimilation policies:**

9. Officially, Azerbaijan’s national policy is “carried out in the spirit of traditional tolerance and harmonic coexistence of different ethnic and religious groups.”<sup>13</sup> In fact, Baku’s alleged ‘multiculturalism policy’ has turned the country into a mono-ethnic one. Ethnic minorities no longer have the right to communicate with the local government in their own language. In fact, today the promotion of Lezghin and Talysh culture and art is considered by the State to be high treason<sup>14</sup>. The predominance of Azerbaijanis has forced assimilation upon younger generations.
10. The law on State Language coincided with the State’s decision to transition from a Cyrillic to a Latin alphabet, ordered by President Aliyev in 2001. Some minority languages followed suit, but others such as the Lezghins still use the Cyrillic alphabet. This transition left many ethnic minorities’ representatives with no choice but to forfeit a critical element of their identity and gradually transfer from the Lezghin to the Azerbaijani language. Meanwhile, official data on ethnic groups continues to be falsified. The 2009 census falsely reflected the complexity of the current ethnolinguistic map of Azerbaijan: the number of Lezghins as well as other ethnic minorities was intentionally decreased as an Azeri ethnic identity was imposed on many of them<sup>15</sup>.

**b. Violations of educational rights**

11. In accordance with articles 42 and 45 of the Constitution, education may be provided in different languages to accommodate national minorities. Besides, article 6 of the Law on Education<sup>16</sup> guarantees everyone the freedom to choose their language of education.<sup>17</sup> Nonetheless, the government of Azerbaijan consistently fails to ensure this fundamental right. As of 2017, the Talysh are still

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<sup>11</sup>Law on State Language (2002), available at: [http://www.caa.gov.az/index.php?option=com\\_k2&view=item&id=120:law-of-the-rofa-on-the-state-language-of-the-rofa&Itemid=173&lang=en](http://www.caa.gov.az/index.php?option=com_k2&view=item&id=120:law-of-the-rofa-on-the-state-language-of-the-rofa&Itemid=173&lang=en)

<sup>12</sup>Law on Culture (2006), available at: <http://www.mfa.gov.az/en/content/114>

<sup>13</sup>Republic of Azerbaijan –Ministry of Foreign Affairs, available at: <http://www.mfa.gov.az/en/content/114>

<sup>14</sup> This alarming situation was raised already during the last UPR in 2013 - Joint Submission5 (2013), available at: [http://lib.ohchr.org/HRBodies/UPR/Documents/Session16/AZ/JS5\\_UPR\\_AZE\\_S16\\_2013\\_Jointsubmission5\\_E.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Session16/AZ/JS5_UPR_AZE_S16_2013_Jointsubmission5_E.pdf)

<sup>15</sup>OSCE (2015), available at: <http://www.osce.org/odihr/188456?download=true>

<sup>16</sup>Law on Education (2009), available at: <http://edu.gov.az/en/page/72/5244>

<sup>17</sup>UNPO Alternative Report CEDAW, (2015), available at <http://unpo.org/article/17884>

prevented from receiving education in their native tongue. Residents of the Talysh village of Lankaran have complained that children could not learn using their native language<sup>18</sup>. According to Talysh community representative Hilal Mammadov, schoolbooks to study Talysh were published only once, in 2005, and lessons in Talysh from 1<sup>st</sup> to 4<sup>th</sup> grades are mandatory only on paper. In practice, language classes have been replaced by other extracurricular activities. In its CEDAW Alternative report from 2015<sup>19</sup>, UNPO highlighted the existing shortage of Talysh speaking teachers leading to the disappearance of Talysh language lessons in most schools.

12. Baku doesn't provide sufficient teaching school materials in the languages of ethnic minorities, an alarming situation issued raised by the European Parliament already in 2014<sup>20</sup>. In Lezghin-populated areas parents are pressured to officially declare in writing that their children do not want to learn Lezghin at school, a situation that infringes article 13 of the CESCRR<sup>21</sup>. Instead, Lezghin is taught as a foreign language in schools of the Qusar region, where 95% of the inhabitants are Lezghins<sup>22</sup>. In addition, a ban on the Lezghin language has been applied that prohibits any inscription and plaques to be written in Lezghin. The Lezghin textbooks that are available are imported from Russia and are not adapted for contemporary teaching as they date back to the 1990s. This current situation is leading to the alienation of younger generations from their native culture, particularly since they are no longer taught how to read the Cyrillic alphabet.

c. Violations of religious freedom

13. There are currently more than 649 registered religious communities in the Republic of Azerbaijan, among which 37 are non-Islamic<sup>23</sup>. According to article 48 of the Constitution, the people of Azerbaijan have the freedom to choose any faith and to express their view on religion. Article 18 separates the religious and secular powers so that each religion is equal before the law. As officials actively promote Azerbaijan as a bastion of religious tolerance,<sup>24</sup> Baku continues to limit religious freedom and “to justify fines, police raids, detentions, and imprisonment.”<sup>25</sup>The United States Commission on International Religious Freedom (USCIRF)<sup>26</sup> highlighted in 2016 that the Law on Religious Belief justified compulsory state

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<sup>18</sup>MeydanTV, “The Talysh People Demand Cultural Autonomy in Azerbaijan”, 18.04.2017, available at: <https://www.meydan.tv/en/site/society/22391/>

<sup>19</sup>UNPO Alternative Report CEDAW, (2015), available at: <http://unpo.org/article/17884>

<sup>20</sup>Garces de los Fayos, F. (2014), “Minorities in the South Caucasus: New Visibility amid Old frustrations”, available at: [http://www.europarl.europa.eu/RegData/etudes/briefing\\_note/join/2014/522341/EXPO-AFET\\_SP\(2014\)522341\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/briefing_note/join/2014/522341/EXPO-AFET_SP(2014)522341_EN.pdf)

<sup>21</sup>CESCRR (1966), available at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCRR.aspx>

<sup>22</sup>UNPO (2013), “Democracy and Minority Rights in Azerbaijan” available at: <http://unpo.org/article/16364>

<sup>23</sup>UNPO, (25/05/15), “Lezghin: Severe Restriction of Freedom of Religion and Belief in Azerbaijan”, available at: <http://unpo.org/article/18074>

<sup>24</sup>Mid-Term Report of the Government of the Republic of Azerbaijan, (2016), available at:

[http://lib.ohchr.org/HRBodies/UPR/Documents/Session16/AZ/AzerbaijanImplementation\\_2docycle.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Session16/AZ/AzerbaijanImplementation_2docycle.pdf)

<sup>25</sup>United States Commission on International Religious Freedom (USCIRF) report, (2016), available at:

[http://www.uscifr.gov/sites/default/files/USCIRF\\_Tier2\\_Azerbaijan.pdf](http://www.uscifr.gov/sites/default/files/USCIRF_Tier2_Azerbaijan.pdf)

<sup>26</sup>Ibid.

registration with complex and intrusive requirements as well as state control on the content, production and dissemination of religious materials.<sup>27</sup>

14. On the front line, Sunni Muslims continue to be targeted since Azerbaijani officials fear Islam as a mobilising force. Baku has imposed a censorship policy on imported and locally published religious literature, leading to the confiscation of books, police raids, heavy fines and imprisonments<sup>28</sup>. In July 2016, the 12<sup>th</sup> century Sunni Lezghin Mosque, located in Baku's Old Town, was forcibly closed. Prior to this, the Mosque was renamed into Azeri (Ashurbekovskaya), further deleting Lezghin cultural imprinting in the history of the country. In March 2015 Lezghin imam, Mubariz Qarayev was arrested along with four other Sunni Muslims. They were sentenced to 6 to 15-month imprisonments on the grounds of selling censored religious literature. The country's repressive measures against religious communities breach Azerbaijan's Constitution.

d. Violations of freedom of expression

15. Article 47 of the Constitution stipulates that the people of Azerbaijan “may enjoy freedom of thought and speech”. However, the comprehensive information collected by international and non-governmental organisations highlights the constant violations of freedoms of expression and the extensive use of torture and ill-treatment by Azerbaijani security forces. Canada and Germany have urged Azerbaijan to ensure the protection of media and freedom of expression for independent journalist, as well as to uphold the diversity of media outlets<sup>29</sup>. The situation has worsened over the last years.
16. The “Law on State Language” stipulating that all television and radio broadcasts must be in Azerbaijani violates articles 46, 47 and 50 of the constitution and the “Law on Mass Media”<sup>30</sup>. The latter specifies that every citizen of the Republic of Azerbaijan has the right to produce and spread information in other languages. In 2013, UNPO revealed the struggle of the Lezghin ethnic minority to access media in Lezghin “due to the repressive measures from the Azeri government and the lack of a regional network”<sup>31</sup>. At present, there are no television channels broadcasting in minority languages. According to UNPO's sources, there is no newspaper or TV programme providing information in Lezghin either.
17. The situation for the Talysh is hardly better. The only Talysh newspaper, Tolyshi Sədo (The Talysh Voice) is now published only once a month due to financial constraints. As Baku doesn't provide any financial assistance to it, the newspaper's

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<sup>27</sup>Ibid.

<sup>28</sup>UNPO, “Lezghin: Severe Restriction of Freedom of Religion and Belief in Azerbaijan”, 25.05.2015, available at: <http://unpo.org/article/18074>

<sup>29</sup>UPR – Recommendations and Pledges (2013), available at: [https://www.upr-info.org/sites/default/files/document/azerbaijan/session\\_16\\_-\\_april\\_2013/recommendations\\_and\\_pledges\\_azerbaijan\\_2013.pdf](https://www.upr-info.org/sites/default/files/document/azerbaijan/session_16_-_april_2013/recommendations_and_pledges_azerbaijan_2013.pdf)

<sup>30</sup>Republic of Azerbaijan –Ministry of Foreign Affairs, available at: <http://www.mfa.gov.az/en/content/110>

<sup>31</sup>UNPO (2013), “Democracy and Minority Rights in Azerbaijan” available at: <http://unpo.org/article/16364>

future is uncertain<sup>32</sup>. In 2012, Hilal Mammadov, Tolishi Sado's director, was arrested on non-credible drug and espionage charges and was sentenced to a 5-year imprisonment, but pardoned in 2016 by President Aliyev<sup>33</sup>. Yet, in June 2017, the journalist was detained for the second time, along with activists Farid Abbasov and Rafiq Jalilov<sup>34</sup>. The reasons for these arrests remain unclear but seem politically motivated. Unsurprisingly, this happens at a time when Azerbaijan is simultaneously shutting down all independent media, a situation strongly condemned by Human Rights Watch and other organisations.

e. Violations of economic freedom

18. Pursuant to Article 29 of the Constitution, everyone has the right to own property and “nobody shall be deprived of his/her property without decision of law court. Total confiscation of property is not permitted.”<sup>35</sup> Yet, Baku continues to fail to comply with CERD obligations. UNPO has observed actions from the Azerbaijani government that force Lezghin and Talysh minorities to leave their historical land. No later than last autumn, in the Udzharski region, Lezghin shepherds were forced to leave their pastures. The local administration asked them to remove their herds since cotton crops were to be planted. The shepherds were not offered any alternatives to graze the herds. UNPO has registered several similar cases.
19. Article 6, part III of the ICESCR compels state parties to “recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.”<sup>36</sup> Yet, sustainable economic conditions have not been met. Many Lezghins prefer to be identified as Azeris to avoid job discrimination<sup>37</sup>. Talysh villagers from Lankaran can't find employment and don't get support from the State. Consequently, many young Talysh are leaving to Russia to find work<sup>38</sup>.
20. UNPO noted that poor education and medical services and high unemployment rates among Lezghin and Talysh populations has led to the desertification of these ethnic villages. Recently a Lezghin village, Ksyunet, located in the Kabala region has ceased to exist. In May 2017, UNPO received a letter signed by 66 people representing the Lezghin community residing in the village of Astrakhanovka (renamed “Gyzmaidany”), complaining about the government's lack of support and

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<sup>32</sup>Chai-Khana, (2017), “Edinstvenniy ‘Gholos Talysha’ “, available at: <https://chai-khana.org/ru/gholos-talysha>

<sup>33</sup>UNPO, “Talysh: Prominent Journalists and Human Rights Activists Still Under Threat in Azerbaijan”, 03.08.2017, available at <http://unpo.org/article/20251>

<sup>34</sup>Chai-Khana, (2017), “Edinstvenniy ‘Gholos Talysha’ “, available at: <https://chai-khana.org/ru/gholos-talysha> , MeydanTV, “The Talysh People Demand Cultural Autonomy in Azerbaijan”, 18.04.2017, available at: <https://www.meydan.tv/en/site/society/22391/>

<sup>35</sup>Constitution of the Republic of Azerbaijan (1995), available at: [http://azerbaijan.az/portal/General/Constitution/doc/constitution\\_e.pdf](http://azerbaijan.az/portal/General/Constitution/doc/constitution_e.pdf)

<sup>36</sup>CESCR (1966), available at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>

<sup>37</sup>Garces de los Fayos, F. (2014), “Minorities in the South Caucasus: New Visibility amid Old frustrations”, available at: [http://www.europarl.europa.eu/RegData/etudes/briefing\\_note/join/2014/522341/EXPO-AFET\\_SP\(2014\)522341\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/briefing_note/join/2014/522341/EXPO-AFET_SP(2014)522341_EN.pdf)

<sup>38</sup>MeydanTV, “The Talysh People Demand Cultural Autonomy in Azerbaijan”, 18.04.2017, available at: <https://www.meydan.tv/en/site/society/22391/>



help after the 2015 earthquake destroyed their village. Meanwhile the neighbouring Azeri-inhabited village was reconstructed immediately after the natural disaster. Moreover, the village of Ksyunet already lacked crucial infrastructure (no roads, no gas nor water supply). Azerbaijan doesn't respect the integrity of ethnic minorities and fails to guarantee them the same economic rights as Azeri citizens.

### III. Recommendations

Given the aforementioned violations, UNPO urges the Government of Azerbaijan to consider the following recommendations:

- To ensure the implementation and enforcement of treaties and agreements that Azerbaijan is a party to, in accordance with Article 37 of the United Nations Declaration on the Rights of Indigenous Peoples;
- To give a comprehensive definition of "national minority", thus providing legal status to minority groups;
- To stop assimilation policies in minority areas and adhere to the European Charter for Regional or Minority Languages;
- To conduct an accurate census of the population taking into account minority groups;
- To adopt comprehensive anti-discrimination legislation on gender, ethnicity and religion to adequately protect religious and ethnic minorities in the country;
- To release human rights defenders and civil society activists held on ethnicity and politically-motivated charges including Hilal Mammadov;
- To promote minority education through the construction of schools, the development of modern educational material with minority dialects as compulsory languages and accurate training for minority language teachers;
- To guarantee freedom of expression by ensuring regular broadcasting and press publishing in minority languages in accordance with article 5 of the CERD;
- To establish national institutions which represent and safeguard the needs of minority groups in the country, including women. Such institutions should protect the language, culture, history and traditions of minority groups in Azerbaijan;
- To guarantee freedom of conscience in the country, notably by lifting censorship on religious literature;
- To improve living conditions in minority areas, through the construction of adequate infrastructure and the development of communication and transport networks.