

COUNCIL OF EUROPE

COMMITTEE OF MINISTERS

Resolution ResCMN(2004)8 on the implementation of the Framework Convention for the Protection of National Minorities by Azerbaijan

*(Adopted by the Committee of Ministers on 13 July 2004
at the 893rd meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Articles 24 to 26 of the Framework Convention for the Protection of National Minorities (hereinafter referred to as "the Framework Convention");

Having regard to Resolution (97) 10 of 17 September 1997 setting out rules adopted by the Committee of Ministers on the monitoring arrangements under Articles 24 to 26 of the Framework Convention;

Having regard to the voting rule adopted in the context of adopting Resolution (97) 10;¹

Having regard to the instrument of accession submitted by Azerbaijan on 26 June 2000;

Recalling that the Government of Azerbaijan transmitted its state report in respect of the first monitoring cycle under the Framework Convention on 4 June 2002;

Whereas the Advisory Committee accepted the invitation of the Government of Azerbaijan to send a delegation to gather further information in Azerbaijan, this visit taking place from 30 March to 1 April 2003;

Whereas the Advisory Committee's opinion on the implementation of the Framework Convention by Azerbaijan was adopted on 22 May 2003 and then transmitted to the Permanent Representative of Azerbaijan and communicated to the Permanent Representatives of all member states as document CM(2003)89 and subsequently made public by the Government of Azerbaijan;

Whereas the Government of Azerbaijan submitted its written comments on the opinion of the Advisory Committee, these written comments having been communicated to the delegations of all member states as an addendum to document CM(2003)89, dated 11 December 2003;

Having examined the Advisory Committee's opinion and the written comments of the Government of Azerbaijan;

Having also taken note of comments by other governments,

1. Adopts the following conclusions concerning the implementation of the Framework Convention by Azerbaijan:

- Azerbaijan has made particularly commendable efforts in opening up the personal scope of application of the Framework Convention to a wide range of minorities. In Azerbaijan, the importance of the protection and promotion of cultures of national minorities is recognised and the long history of cultural diversity of the country is largely valued;

¹ In the context of adopting Resolution (97) 10 on 17 September 1997, the Committee of Ministers also adopted the following rule: "Decisions pursuant to Articles 24.1 and 25.2 of the Framework Convention shall be considered to be adopted if two-thirds of the representatives of the Contracting parties casting a vote, including a majority of the representatives of the Contracting parties entitled to sit on the Committee of Ministers, vote in favour".

- The Nagorno-Karabakh conflict and its consequences have considerably hampered efforts to implement the Framework Convention. Despite the general spirit of tolerance in Azerbaijan, the continued occupation of large parts of Azerbaijani territory and the displacement of a high number of people have caused tensions which have resulted in disconcerting manifestations of intolerance. It is to be hoped that a lasting and peaceful solution to the existing conflict will be found and that efforts to that effect will be accelerated. The eventual solution should protect the rights of all persons concerned, in conformity with the territorial integrity of the country and other principles of international law;
 - Certain general human rights issues - including concerns as regards freedom of expression and the process of registration of non-governmental organisations - have an impact also on the protection of national minorities and need to be addressed by the authorities as a matter of priority;
 - Despite certain positive legislative initiatives, there are a number of shortcomings in the legislation pertaining to the implementation of the Framework Convention. The 2002 Law on the State Language contains regrettable reductions in the legal guarantees relating to the protection of national minorities. These put at risk, for example, certain commendable practices in the field of electronic media. The process of amending the said law should be pursued further with a view to making it compatible with the Framework Convention;
 - There is a need to couple the Law on the State Language with improved legal guarantees for the protection of national minorities in such fields as minority language education and use of minority languages in relations with administrative authorities, with a view to consolidating and expanding the positive practices that exist. Priority should be given to the adoption of a new law on the protection of national minorities, providing the necessary guarantees for the implementation of the relevant minority language standards;
 - Azerbaijan should consider developing further the consultation structures for representatives of national minorities in order to improve their participation in decision-making.
2. Recommends that Azerbaijan take appropriate account of the conclusions set out in section 1 above, together with the various comments in the Advisory Committee's opinion.
 3. Invites the Government of Azerbaijan, in accordance with Resolution (97) 10:
 - a. to continue the dialogue in progress with the Advisory Committee;
 - b. to keep the Advisory Committee regularly informed of the measures it has taken in response to the conclusions and recommendations set out in section 1 and 2 above.