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PERMANENT MISSION OF THE REPUBLIC OF AZERBAIJAN TO THE UNITED NATIONS OFFICE AND OTHER INTERNATIONAL ORGANIZATIONS AT GENEVA

AZƏRBAYCAN RESPUBLİKASININ BMT-nin CENEVRƏ ŞƏHƏRİNDƏKİ BÖLMƏSİ VƏ DİGƏR BEYNƏLXALQ TƏŞKİLATLAR YANINDA DAİMİ NÜMAYƏNDƏLİYİ

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№ 425/10/N

The Permanent Mission of the Republic of Azerbaijan to the United Nations Office and other international organizations at Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights, and herewith with reference to the Letter GVA 0655 dated 3 August 2010, has the honor to transmit the information of the Government of the Republic of Azerbaijan on the implementation of prohibition of incitement to national, racial or religious hatred through national legislation and different types of policies.

The Permanent Mission of the Republic of Azerbaijan to the United Nations Office and other international organizations at Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Enclosure: 3 pages.

Geneva, 20 October 2010

THE OFFICE OF THE UN HIGH COMMISSIONER FOR HUMAN RIGHTS
GENEVA

OHCHR REGISTRY
21 OCT 2010
Recipients : I. Salama

Information for the OHCHR workshops on the implementation of prohibition of incitement to national, racial or religious hatred through national legislation and different types of policies

The Constitution and legislation of the Republic of Azerbaijan articulate direct prohibition of incitement to national, racial or religious hatred and also indirect disapproval through provisions protecting and ensuring equality and also criminalizing violation of the right to equality.

Article 25 of the Constitution guarantees general provision on equality before the law, gender equality and equal enjoyment of rights and freedoms by everyone irrespective of race, nationality, religion, language, sex, origin, financial position, occupation, belief, affiliation to political parties, trade unions and other public organizations.

Article 47 of the Constitution, which guarantees freedom of expression, express the prohibition of agitation and advocacy leading to racial, national, religious, social hatred and hostility.

At the same time it is worth to note that International treaties Azerbaijan is a party to are an integral part of the legislative system of the state and in case of collision between the laws (except Constitution and constitutional laws) and international treaty, the latter prevails. Furthermore according article 12 of the Constitution the rights and freedoms articulated therein shall be applied in conformity with the international treaties Azerbaijan is a party to.

Azerbaijan is a party to International Covenant on Civil and Political Rights, International Convention on the Elimination of All Forms of Racial Discrimination, European Convention on Human Rights and other important human rights treaties.

In the light of above mentioned we may conclude that the provisions of the national law on freedom of expression and prohibition of incitement to national, racial and religious hatred and hostility have to be considered in the light of the framework of articles 19 and 20 of the International Covenant on Civil and Political rights and other international human rights norms.

National Law

Following are the provisions from different codes and laws of the Republic of Azerbaijan related to prohibition of incitement to national, racial or religious hatred or hostility.

Constitution