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Points 3, 4, 8 et 9 de l'ordre du jour

Promotion et protection de tous les droits de l'homme, civils, politiques, économiques, sociaux et culturels, y compris le droit au développement

Situations relatives aux droits de l'homme qui requièrent l'attention du Conseil

Suivi et application de la Déclaration et du Programme d'action de Vienne

Racisme, discrimination raciale, xénophobie et intolérance qui y est associée : suivi et application de la Déclaration et du Programme d'action de Durban

Note verbale datée du 1^{er} mars 2023, adressée au Haut-Commissariat des Nations Unies aux droits de l'homme par la Mission permanente de l'Arménie auprès de l'Office des Nations Unies à Genève

La Mission permanente de la République d'Arménie auprès de l'Office des Nations Unies et des autres organisations internationales à Genève a l'honneur de communiquer ci-joint un rapport sur les violations persistantes des droits de l'homme (droits de l'enfant) par l'Azerbaïdjan (voir annexe).

La Mission permanente de la République d'Arménie prie le Haut-Commissariat des Nations Unies aux droits de l'homme de bien vouloir faire distribuer le texte de la présente note verbale et de son annexe* en tant que document du Conseil des droits de l'homme, au titre des points 3, 4, 8 et 9 de l'ordre du jour.

* L'annexe est reproduite telle qu'elle a été reçue, dans la langue de l'original seulement.



Annexe à la note verbale datée du 1^{er} mars 2023, adressée au Haut-Commissariat des Nations Unies aux droits de l'homme par la Mission permanente de l'Arménie auprès de l'Office des Nations Unies à Genève

Azerbaijan: Ongoing human rights violations Rights of the child

This report has been prepared in response to the Note Verbale of the Permanent Mission of Azerbaijan to the United Nations Office at Geneva dated 1 February 2023 and addressed to the Office of the United Nations High Commissioner for Human Rights.

It is appalling that a country where people suffer from severe and systematic abuses of human rights and which commits violations, many of which “could amount to various war crimes in contravention of the Geneva Conventions of 1949, of which Azerbaijan is a party”¹ has become concerned about the violations of the rights of the child by Armenia.

Azerbaijan is not a role model in terms of protecting children’s rights in its own country as evidenced by the criticism from number of international organizations defending children’s rights.

To mention but a few examples: one of international human rights watchdogs stated that the issue of discrimination, ill-treatment and racism faced by children in Azerbaijan is of widespread and serious concern.² Another horrifying example of children’s rights violation in Azerbaijan is the observation of the UN Committee on Economic, Social and Cultural Rights, which expresses serious concerns about the reports of children who are illegally adopted from orphanages for the purpose of trafficking in organs.³

Azerbaijan has been described by a number of international structures as not free⁴, corrupted⁵ country with a consolidated authoritarian regime⁶, which has one of the worst human rights records⁷, along with violations of the rights of its own children upon which human rights watchdogs have been systematically alarming. Just to mention some data, Azerbaijan

¹ Communication from Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on violence against women and girls, its causes and consequences and the Working Group on discrimination against women and girls to Azerbaijan, AL AZE 1/2022, p. 4,

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27659>.

² See CRC/C/AZE/CO/3-4, Consideration of reports submitted by States parties under article 44 of the Convention, para. 30, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G12/413/19/PDF/G1241319.pdf?OpenElement> ; CRC/C/AZE/CO/2, Consideration of Reports Submitted by States Parties Under Article 44 of the Convention Concluding Observations: Azerbaijan, para. 35, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Download.aspx?symbolno=CRC%2FC%2FAZE%2FCO%2F2&Lang=en ; Committee on the Rights of the Child Concluding observations on the combined fifth and sixth periodic reports of Azerbaijan, 22 February 2023, para. 17, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FAZE%2FCO%2F5-6&Lang=en.

³ See E/C.12/1/Add.104, Concluding Observations of the Committee on Economic, Social and Cultural Rights: Azerbaijan, para. 25, <https://www.ecoi.net/en/document/1024187.html>.

⁴ Freedom House, Global Freedom Scores, <https://freedomhouse.org/country/azerbaijan/freedom-world/2022>.

⁵ Transparency International: Corruption Perceptions Index, <https://www.transparency.org/en/cpi/2022>.

⁶ Freedom House. Democracy Scores, <https://freedomhouse.org/country/azerbaijan/nations-transit/2022>.

⁷ Reporters Without Borders (RSF), 2022 PRESS FREEDOM INDEX, Azerbaijan, Country Fact File, <https://rsf.org/en/country/azerbaijan> ; Freedom House, Countries and Territories, <https://freedomhouse.org/countries/freedom-world/scores> ; Transparency International: Corruption Perceptions Index, <https://www.transparency.org/en/cpi/2022>.

received a Democracy Percentage of 1 out of 100 in the *Nations in Transit 2022* report, and according to the Economist Intelligence Unit (EIU) *Democracy Index 2022* ranked 134th among the authoritarian countries⁸.

Violations of the rights of the child during Azerbaijani aggression against Nagorno-Karabakh (September-November 2020)

During 30 years Azerbaijan has been actively preparing for war, increasing its military budget and preparing its population by spreading disinformation and anti-Armenian propaganda, thereby creating the image of an enemy. “Political leaders, educational institutions and media have continued using hate speech against Armenians; an entire generation of Azerbaijanis has now grown up listening to this hateful rhetoric”⁹.

In 2020, when the international community was focused on the responding to and overcoming the crises caused by the COVID-19 pandemic, Azerbaijan not only refused to unconditionally support the UN Secretary General’s Appeal for Global Ceasefire, but launched **a large-scale war of aggression against the people of Nagorno-Karabakh**.

Azerbaijan, using force, grossly violated not only the UN Charter and the Helsinki Final Act, but also the Convention on the Rights of the Child and its Optional Protocol on Children in Armed Conflict. From the very first day of the aggression Azerbaijan was systematically carrying out indiscriminate attacks against civilian infrastructure and civilian population.¹⁰ By heavy artillery and UAVs Azerbaijan was deliberately targeting towns, villages, residential housing, public buildings, schools, kindergartens, hospitals, maternity wards, food stores, energy supply sources thus violating international humanitarian law, in particular Article 51 of Additional Protocol I to the Geneva Conventions.¹¹

Azerbaijani missile strikes, shelling and UAV attacks in different cities and villages of Artsakh have seriously wounded 9 children.¹² Moreover, these indiscriminate attacks have resulted in the death of civilian population including children. On the very first day of the war a 9-year-old girl, Viktoria Gevorgyan was killed by a shell landed in the yard of her home in Martuni region of Nagorno-Karabakh.¹³

Throughout the 44-day war Azerbaijani armed forces attacked around 170 civilian communities of Artsakh, including 71 schools and 14 kindergartens. As a consequence, 220 schools and 58 kindergartens were closed, thus depriving 23978 schoolchildren and 4036 pre-school children of the right to education.

The Azerbaijani aggression also included indiscriminate attacks in the provinces of the Republic of Armenia. Drone attacks have been recorded in different civilian villages and cities of Armenia. These attacks have caused casualties, including killing of civilians and destruction of houses.¹⁴ In October 2020, a 14-year-old resident of Vardenis was seriously injured in the attacks of the Azerbaijani UAV. The attack took place in the immediate vicinity

⁸ EIU Report, Democracy Index 2022, <https://www.eiu.com/n/campaigns/democracy-index-2022/>.

⁹ CRI(2016)17 ECRI report on Azerbaijan (fifth monitoring cycle), p. 9, <https://rm.coe.int/fourth-report-on-azerbaijan/16808b5581>.

¹⁰ HUMAN RIGHTS WATCH, Azerbaijan: Unlawful Strikes in Nagorno-Karabakh, December 11, 2020, <https://www.hrw.org/news/2020/12/11/azerbaijan-unlawful-strikes-nagorno-karabakh>

¹¹ Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (PROTOCOL I), of 8 June 1977, Art. 51, https://www.icrc.org/en/doc/assets/files/other/icrc_002_0321.pdf.

¹² Artsakh Human Rights Defender Report, “Ad Hoc report the Children Rights Affected by the Azerbaijani Attacks Against the Republic of Artsakh (Nagorno-Karabakh), November 9, 2020, <https://artsakhombuds.am/en/document/766>.

¹³ Artsakh Human Rights Defender Report “Interim Report on the Cases of the Killing of Civilians in Artsakh by the Armed Forces of Azerbaijan”, September 27, 2021, <https://artsakhombuds.am/en/document/785>.

¹⁴ See also Ad Hoc Public report of the Human Rights Defender of the Republic of Armenia on Azerbaijani drones’ targeted attacks against peaceful population of Armenia and Artsakh in grave breach of international law, https://www.mfa.am/filemanager/NKR_war_2020/ra_hr/1.pdf.

of agricultural land, where civilians, including children, were present for the seasonal potato harvest.

It shall be also mentioned that as a result of **the military aggression against the sovereign territory of Armenia** on September 13-14, 2022 and shelling of border villages and towns by heavy artillery and drones, many people, including children, were displaced. This has had an irreversible impact on the children's access to education. The right to education was violated for 25,000 children from the regions of Gegharkunik, Vayots Dzor and Syunik of the Republic of Armenia.

Azerbaijan's systematic policy of racism, hatred and discrimination towards Armenians

During 2020 aggressive war Azerbaijan was actively disseminating online hate including malicious communications (sending letters, emails and messages that cause distress and anxiety), cyberbullying, cyberstalking through content (text, image, video, audio), incitement to commit violence, scenes of violence, inhuman and degrading treatment and the use of hate speech against children, particularly on social media platforms. The social networks were full of hatred and calls for murder, torture, bloodshed and other ill-treatment of Armenian children. Hate speech towards Armenian children referred to a whole spectrum of negative discourse. It covered not only written communication but also any other form of expression such as surveys, polls that encourage killings and cruel treatment of Armenian children.

Furthermore, Azerbaijan weaponizes their own children for the propaganda against Armenia and Armenians. As observed by the Advisory Committee on the Framework Convention for the Protection of National Minorities (FCNM), a strong public narrative exists against the Republic of Armenia in the context of the conflict in Nagorno-Karabakh¹⁵ and an entire generation of Azerbaijanis has now been raised with a rhetoric of hate, hostility and victimhood, which may have an impact on prospects of future reconciliation¹⁶.

Hate dissemination towards Armenians is an everyday activity in Azerbaijani kindergartens and schools. Armenophobic material is a part of the national curriculum taught in schools and universities. Academic subjects such as history and geography, have become propaganda tools used by the political leadership in Azerbaijan in order to indoctrinate pupils of all ages with falsified anti-Armenian teachings. From a young age, children are taught to hate the "Armenian enemy" and the Republic of Armenia's borders are often modified in geography books with the aim of falsely claiming that parts of the Republic of Armenia are "Azerbaijani ancestral lands" by replacing the names of Armenian regions with Azerbaijani names. The above mentioned, inter alia, is proved by a video "displaying an Azerbaijani kindergarten where children are asked a question "Who is our enemy?" and according to a taught lesson they shout together "Armenians", "who have killed their soldiers""¹⁷.

Violation of children's rights during current blockade of the Lachin Corridor

Current blockade of the only road, Lachin Corridor, connecting Nagorno-Karabakh to the Republic of Armenia and to the rest of the world by a group of Azerbaijani so-called "environmental activists", in the violation of international law, has irreversible impact on children of Nagorno-Karabakh as one of the most vulnerable groups.

Along with severe shortages of food and medical supplies caused by the blockade, Azerbaijan systematically cuts off supply of natural gas from the Republic of Armenia to Nagorno-Karabakh, creates energy and heating outages in cold weather conditions when temperature

¹⁵ See ACFC/OP/IV (2017)006, Fourth Opinion on Azerbaijan – adopted on 8 November 2017, para. 6, <https://rm.coe.int/4th-acfc-opinion-on-azerbaijan-english-language-version/1680923201>.

¹⁶ Ibid, para. 40.

¹⁷ Report on Xenophobia in Azerbaijan, February 28, 2021, p. 13- 14, <https://transparency.am/hy/publication/pdf/235/1340>.

is below 0, thus depriving 120 thousand residents of Nagorno-Karabakh, including 30 thousand children, of their basic rights and protection.

At the end of December, 2022, the activities of 31 state, 7 charitable and 3 private kindergartens and 56 preschool groups of 30 public schools were completely suspended. On January 9, 2023, kindergartens, pre-schools, and groups of primary schools and schools working with extended hours stopped operating. Consequently, 6828 children have been deprived of the opportunity to receive care and exercise their right of education.

Moreover, amid the blockade, a group of children of Nagorno-Karabakh returning back home had been terrorized by Azerbaijani side. Particularly, on January 17, 2023, the bus transporting children from Armenia to Nagorno-Karabakh through the Lachin Corridor for the reunification with their families, was stopped by the Azerbaijani masked “eco-activists” and representatives of mass media, who boarded the bus and, shouting threatening wording, started taking footages of children without any permission. Without any consent of the children or their parents the video recordings of children were spread through the Azerbaijani mass media clearly showing the children’s faces thus disrespecting their dignity and rights. As a result of this kind of psychological pressure and abuse, one of the children collapsed and the others later were taken to medical facilities by parents for mental health check.

Upon the blockade of Lachin Corridor and emerged situation of humanitarian crises the International Court of Justice in its order of 22 February, 2022 on the request for the indication of provisional measures made by the Republic of Armenia in the case concerning Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan) indicated that Azerbaijan shall take all measures at its disposal to ensure unimpeded movement of persons, vehicles and cargo along the Lachin Corridor in both directions¹⁸.

*Information on the blockade of Lachin corridor is available also in the Joint Report “The Azerbaijani Government’s “Eco-Activist” Agents Who Blockaded the Only Road of Life Connecting Artsakh to Armenia and the Outside World” published by the Center for Law and Justice “Tatoyan” Foundation and the Human Rights Defender of Artsakh.*¹⁹

¹⁸ <https://www.icj-cij.org/sites/default/files/2023-02/180-20230222-ORD-01-00-EN.pdf>.

¹⁹ <https://bit.ly/3YUnlFz>.