



Committee on Economic, Social and Cultural Rights**Concluding observations on the fourth periodic report of Azerbaijan***

1. The Committee considered the fourth periodic report of Azerbaijan¹ at its 34th and 36th meetings,² held online on 30 September and 1 October 2021, and adopted the present concluding observations at its 57th meeting, held on 15 October 2021.

A. Introduction

2. The Committee welcomes the submission of the fourth periodic report by the State party, and the supplementary information provided in the replies to the list of issues.³ The Committee appreciates the constructive dialogue held with the State party's high-level and interministerial delegation.

B. Positive aspects

3. The Committee welcomes the legislative, institutional and policy measures taken by the State party to enhance the realization of economic, social and cultural rights, as referred to in the present concluding observations. In particular, the Committee welcomes the adoption of the Law of 31 May 2018 on the Rights of Persons with Disabilities that promotes economic, social and cultural rights of persons with disabilities.

C. Principal subjects of concern and recommendations**Domestic application of the Covenant**

4. The Committee notes with appreciation the examples provided by the State party of cases in which domestic courts have directly referred to the articles of the Covenant. However, the Committee notes with concern that the provisions of the Covenant are rarely invoked in courts, in spite of the constitutional provisions affirming its status as an integral part of the State party's domestic legal order (art. 2 (1)).

5. **The Committee recommends that the State party enhance training for judges, lawyers and public officials on the Covenant rights and their justiciability. It also draws the State party's attention to the Committee's general comment No. 9 (1998) on the domestic application of the Covenant.**

* Adopted by the Committee at its seventieth session (27 September–15 October 2021).

¹ [E/C.12/AZE/4](#).

² See [E/C.12/2021/SR.34](#) and [E/C.12/2021/SR.36](#).

³ [E/C.12/AZE/RQ/4](#).



Application of the Covenant in the context of military hostilities

6. The Committee recalls that, in situations of armed hostilities, the applicability of international humanitarian law does not preclude the application of international human rights law, including the Covenant, which operates independently. In that regard, while taking into account the information provided by the State party delegation during the constructive dialogue, the Committee expresses its concern about the impact on the enjoyment of economic, social and cultural rights of the military hostilities that took place in and around Nagorno-Karabakh from 27 September 2020 to 9 November 2020. In particular, the Committee takes note of the reports of economic, social and cultural rights violations, in the context of armed hostilities involving the State party's military forces, including damage to and destruction of houses, hospitals, schools, kindergartens, and historical, cultural and religious buildings and monuments (arts. 2, 11–13 and 15).

7. The Committee recommends that the State party:

(a) **Effectively, promptly, thoroughly and impartially investigate all violations of the Covenant in the context of military hostilities, and ensure that those alleged to have committed them, including those who carried them out and those who ordered them, are brought to justice and, if found guilty, appropriately punished;**

(b) **Provide access to remedies for victims of economic, social and cultural rights violations in the context of military hostilities;**

(c) **Provide systematic training on State obligations under human rights and humanitarian law to its military forces to ensure, in the context of military operations, that the principles of distinction and proportionality are observed and that attacks against civilians and civilian objects are prohibited;**

(d) **Continue to take measures to restore non-discriminatory access to adequate housing, health, education and other public services in areas affected by military hostilities, and enhance efforts to rebuild the destroyed infrastructure;**

(e) **Take the measures necessary, in consultation with the communities affected, for the restoration of damaged historical, cultural and religious buildings and monuments, and consider seeking technical advice and assistance from the United Nations Educational, Scientific and Cultural Organization to that effect.**

National human rights institution

8. The Committee notes with concern that the Human Rights Commission of Azerbaijan was downgraded from A status to B status in 2018 by the Global Alliance of National Human Rights Institutions, while providing a number of recommendations for further strengthening its independence and effective functioning. The Committee notes with concern, in particular, that the selection and appointment process for the human rights commissioner is not sufficiently transparent and participatory (art. 2 (1)).

9. The Committee recommends that the State party fully strengthen the independence and effective functioning of the Human Rights Commission in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), including by fully implementing the recommendations made by the Global Alliance of National Human Rights Institutions.

Civil society

10. With regard to the Law on Non-Governmental Organizations, the Law on State Registration and State Register of Legal Entities and the Law on Grants, the Committee is concerned that the laws' excessive restrictions in relation to the registration of and access to grants by non-governmental organizations, both in provision of law and in practice, hinder the operations by such organizations for the protection and promotion of all human rights, including in particular economic, social and cultural rights under the Covenant (art. 2 (1)).

11. The Committee recommends that the State party repeal any legal provisions that unduly restrict the activities of non-governmental organizations, including in relation

to their registration and access to grants. It further recommends that the State party guarantee an enabling environment for non-governmental organizations engaged in the promotion and protection of economic, social and cultural rights.

Corruption

12. While welcoming the information provided by the State party delegation in relation to its anti-corruption legal and institutional framework in place, the Committee is concerned about the limitations in its implementation, including shortcomings in the effective investigation, prosecution and adjudication of high-level corruption cases. It is particularly concerned about the prevalence of corruption, despite the efforts made by the State party, in the judiciary, law enforcement, public services, land administration, tax administration, public procurement and the extractive sector, which has a grave impact on the enjoyment of economic, social and cultural rights (art. 2 (1)).

13. The Committee recommends that the State party:

(a) **Take appropriate measures to guarantee the independence and the impartiality of the judiciary, and strengthen the capacity of the Anti-Corruption Department under General Prosecutor's Office and law enforcement agencies to combat corruption in all sectors, including through the provision of in-service training and adequate resources;**

(b) **Ensure that all acts of corruption are investigated in an independent and impartial manner, and that those responsible are brought to justice and, if found guilty, appropriately punished;**

(c) **Take the necessary measures to ensure the transparent management of natural resources, with the participation of civil society.**

Business and human rights

14. The Committee is concerned about the absence of legal obligations for business entities under the State party's jurisdiction to exercise human rights due diligence. With that regard, it notes with concern the reportedly insufficient human rights impact assessment of business activities conducted by the State Oil Company of Azerbaijan Republic (SOCAR), as well as transnational oil and gas corporations operating in the State party. The Committee is particularly concerned that the inhabitants of villages near oil and gas exploration sites have been negatively affected by increasing levels of soil, air and water pollution that severely affect their enjoyment of economic, social and cultural rights (art. 2 (1)).

15. The Committee recommends that the State party:

(a) **Adopt a regulatory framework that requires business entities to exercise human rights due diligence in their business activities at home and abroad;**

(b) **Ensure that businesses entities operating in the State party and those domiciled under its jurisdiction and acting abroad, irrespective of whether they are privately or State-owned, are held accountable for economic, social and cultural rights violations for which they are responsible, and that victims of such violations have access to effective remedies;**

(c) **Step up its efforts to guarantee the quality of soil, air and water sources and protect them from pollution as a result of business operations, including by establishing the liability of business entities and individuals involved in oil and gas extraction activities that lead to such pollution;**

(d) **Refer to the Committee's general comment No. 24 (2017) on State obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities.**

Climate change

16. While welcoming the State party's efforts to diversify its economy and increase its investment in renewable energy, the Committee notes that oil and gas account for 90 per cent

of the State party's export revenues and 98 per cent of its own energy needs. Accordingly, the Committee notes with concern that the climate change mitigation measures taken or planned by the State party are insufficient and that the State party is not on track to meet its nationally determined contributions under the Paris Agreement or its targets for reduction in greenhouse gas emissions (art. 2 (1)).

17. The Committee recommends that the State party intensify its efforts to achieve its nationally determined contributions under the Paris Agreement and to reduce its greenhouse gas emissions, in particular by promoting alternative and renewable energy sources and respecting its human rights obligations in its natural resource exploitation and export policies. The Committee refers the State party to the Committee's statement on climate change and the Covenant,⁴ adopted on 8 October 2018.

Non-discrimination

18. The Committee is concerned that:

(a) While the constitutional and legislative framework of the State party contains anti-discrimination provisions, there is no comprehensive anti-discrimination legislation and policy framework;

(b) Despite the State party's efforts to improve their living conditions, a large number of internally displaced persons continue to live in poverty and that their access to adequate housing, legal employment, education and health care is limited;

(c) While noting the explanation by the State party's delegation to the effect that there is no provision in law that directly discriminates against lesbian, gay, bisexual, transgender and intersex persons, the prevalence of widespread discrimination in practice, stigmatization and negative stereotypes hinder their access to economic, social and cultural rights;

(d) The absence of legal recognition of the gender identity of transgender persons is a barrier to their effective access to work, education and health services (art. 2 (2)).

19. The Committee recommends that the State party:

(a) **Adopt a comprehensive anti-discrimination legislation and policy framework aimed at ensuring equality and addressing direct, indirect, multiple and intersecting forms of discrimination on any ground, including gender identity, sexual orientation, and residence or documentation status, among others;**

(b) **Strengthen its efforts to ensure non-discriminatory access to adequate housing, employment, education and health care by disadvantaged and marginalized individuals and groups, including internally displaced persons;**

(c) **Take all measures necessary to eliminate negative stereotypes and stigmatization of lesbian, gay, bisexual, transgender and intersex persons, including through awareness-raising campaigns for the public, health-care providers, teachers, social workers, and law enforcement and other public officials;**

(d) **Put in place an efficient procedure for legal gender recognition, irrespective of whether or not the person has undergone gender reassignment surgery, to facilitate the equal enjoyment of Covenant rights by transgender persons.**

Equal rights of men and women

20. While acknowledging the State party's efforts to develop a policy framework to promote gender equality, the Committee is nevertheless concerned that:

(a) There are still a number of professions in which women are not legally allowed to be employed, and access to economic opportunities is further limited owing to perceived traditional gender roles in the family and in society, especially in rural areas;

⁴ E/C.12/2018/1.

(b) Women are still underrepresented in senior and decision-making positions in both the private and public sectors;

(c) The gender pay gap remains high, and women's average salary is about only half of that of men;

(d) Unequal distribution of unpaid domestic and care responsibilities between men and women remains a significant barrier to gender equality, and is further exacerbated by the detrimental impact of the coronavirus disease (COVID-19) pandemic on the socioeconomic rights of women (art. 3).

21. The Committee recommends that the State party:

(a) **Repeal discriminatory laws as soon as possible to ensure that women have access to employment in all professions on an equal footing with men, and take concrete measures to combat the perceived traditional gender roles in the family and in society with a view to promoting equality of opportunity in employment;**

(b) **Continue to promote the increased representation of women at all levels of public administration, in particular in decision-making positions, and promote their participation in management roles in the private sector;**

(c) **Take effective measures to close the gender pay gap, including by addressing the structural causes that result in women occupying lower paid jobs and facing obstacles to their enjoyment of career opportunities on an equal footing with men;**

(d) **Develop policies to reduce the burden of women's unpaid domestic and care work by promoting the sharing of family responsibilities between men and women and by undertaking awareness-raising campaigns to combat gender stereotypes in the family and in society;**

(e) **Refer to the Committee's general comment No. 16 (2005) on the equal right of men and women to the enjoyment of all economic, social and cultural rights.**

Unemployment

22. While recognizing the efforts made by the State party to promote employment, the Committee remains concerned about the high levels of unemployment and underemployment, which disproportionately affect women, young people, persons with disabilities and internally displaced persons. The Committee also notes the shortcomings in the collection of data on employment, and that accordingly, the available employment data may not fully reflect the extent of underemployment and unemployment in the State party (art. 6).

23. The Committee recommends that the State party, in consultation with its social partners:

(a) **Step up its efforts to reduce unemployment and underemployment, and ensure that its employment policies and strategies tackle the main causes of unemployment and underemployment in the State party, in particular among women, young people, persons with disabilities and internally displaced persons;**

(b) **Continue its efforts to provide diverse vocational and technical training in order to promote the acquisition of the skills needed in the labour market;**

(c) **Improve its system for the collection of disaggregated data on employment, underemployment and unemployment, and provide updated data in its next periodic report, disaggregated by sex, age, geographical area, disability, ethnic origin, residence or documentation status, and any other parameters necessary to measure the progress made in the realization of the right to work.**

Informal economy

24. While acknowledging the efforts made by the State party to enforce transition from the informal to the formal economy, the Committee remains concerned about the high number of workers employed in the informal sector of the economy, especially in agriculture, construction and domestic work, and that these workers are not sufficiently protected by

labour and social protection laws, including in relation to a minimum wage, occupational health and safety, and protection from economic exploitation (arts. 6–7 and 9).

25. The Committee recommends that the State party intensify its efforts to progressively bring workers into the formal sector and to ensure that they are covered by labour laws, have access to social protection and can lodge complaints. It also recommends that the State party ensure that labour inspections are carried out, and that occupational health and safety services are provided, in the informal sector of the economy as well.

Minimum wage

26. While noting the information provided by the State party delegation indicating that the minimum wage has been increased in 2019 to surpass the minimum subsistence level, the Committee regrets the lack of information on whether the minimum wage enables workers and their families to enjoy a decent living, and on measures taken to enforce the minimum wage in all sectors of the economy (art. 7).

27. The Committee recommends that the State party take measures to ensure that the national minimum wage applies to all workers in all sectors and industries. It also recommends that the State party, in consultation with its social partners, periodically review the minimum wage in order to index it to the cost of living, and ensure that it enables workers and their families to make a decent living.

Right to just and favourable conditions of work

28. The Committee is concerned about pervasive labour rights violations, especially of migrant workers, in the fields of agriculture, construction, and oil and gas sectors, including non-payment or underpayment of salaries, salary discrimination, and workplace deaths and injuries. It is also concerned that, despite the reports of labour rights violations in many sectors of the economy, the labour inspections have been suspended following the Law of 20 October 2015 on suspension of inspection in the field of entrepreneurship (art. 7).

29. The Committee recommends that the State party take measures to:

(a) **Ensure that all workers, in particular migrant workers, enjoy just and favourable conditions of work without discrimination, and are protected from occupational injuries and accidents, exploitation and abuse;**

(b) **Repeal the Law of 20 October 2015 on suspension of inspection in the field of entrepreneurship, and ensure that labour inspection mechanisms are operational and the labour inspectors monitor the conditions of work, especially in agriculture, construction, and the oil and gas sectors, with a view to fully enforcing employment standards;**

(c) **Provide access to effective remedies to all victims of labour rights violations, ensuring compensation and guarantee of non-repetition;**

(d) **Refer to its general comment No. 23 (2016) on the right to just and favourable conditions of work.**

Trade union rights

30. The Committee notes with concern that, despite protection of trade union rights in law, workers, especially those working in transnational corporations operating in the oil and gas sectors, abstain from engaging in trade union activities out of fear of reprisals. The Committee remains concerned about the excessive restrictions on the right to strike by workers in the air and railway sector (art. 8).

31. The Committee recommends that workers, including those employed in the oil and gas sectors, can freely exercise trade union rights, including rights to collective bargaining, strike and union representation, and be effectively protected against

reprisals. It also reiterates its previous recommendation⁵ that the State party revise the scope of the definition of essential services so as to ensure the effective exercise of the right to strike, including by workers in the air and railway sectors.

Right to social security

32. While welcoming the information provided by the State party that the amounts of some social security benefits have been increased throughout the years, the Committee is concerned that the levels of social benefits are still inadequate, especially those provided for unemployment, disability or old age. The Committee also notes with concern the shortcomings in the coordination of different social protection measures, which result in inadequate access to social security for some beneficiaries (art. 9).

33. The Committee recommends that the State party continue its efforts to adjust the levels of social protection measures and establish a sustainable system of indexation and, if necessary, carry out recalculations of social allowances. The Committee also recommends that the State party allocate the necessary human, technical and financial resources and training to strengthen the administrative capacity of the social services with a view to ensuring coordination of the social protection measures, and ensuring adequate, targeted and individualized support for beneficiaries.

Gender-based violence

34. While welcoming the information provided by the State party delegation in relation to efforts undertaken to eliminate it, the Committee remains concerned at the high incidence of gender-based violence against women and the very low rate of reporting, in particular of domestic violence. It is further concerned about the limited availability of shelters and support services for victims (art. 10).

35. The Committee recommends that the State party take effective measures to facilitate and encourage the reporting of gender-based violence, including domestic violence, and ensure that all reported cases are promptly and thoroughly investigated, that the perpetrators are punished with penalties commensurate with the gravity of the offences and that victims receive adequate support, including temporary shelter, legal assistance and psychological support. It also recommends that the State party strengthen its efforts to raise awareness among the general public about gender-based violence against women, and to provide gender-sensitive training to law enforcement and judiciary personnel on how to handle cases of gender-based violence against women, including domestic violence. The Committee further recommends that the State party consider ratifying the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention).

Right to adequate housing

36. The Committee is concerned about the shortage of affordable housing in the State party, which is exacerbated by the rapid urbanization, especially in and around Baku. It is also concerned that a substantial number of marginalized and disadvantaged households continue living in inadequate and informal dwellings that reportedly lack documentation and were constructed on unsuitable and often unstable land (art. 11).

37. The Committee recommends that the State party adopt and implement a rights-based housing strategy, in order to address the shortage of affordable housing and achieve long-term housing solutions, improve the quality of housing, and provide affordable housing units and social housing units, especially for disadvantaged and marginalized individuals and groups.

Poverty

38. While taking note of official statistical data showing a low rate of income inequality in the State party, the Committee remains concerned about the prevalence of income

⁵ E/C.12/AZE/CO/3, para. 15.

inequality in practice, which disproportionately affects disadvantaged and marginalized individuals and groups. The Committee also notes with concern that over 4 per cent of the State party's population lives below the national poverty line (art. 11).

39. **The Committee recommends that the State party take effective measures to reduce income inequality. It also recommends that the State party intensify its efforts to eradicate poverty and address its root causes. The Committee refers the State party to the Committee's statement on poverty and the Covenant,⁶ adopted on 4 May 2001.**

Right to food

40. The Committee notes with concern:

(a) The vulnerability of the State party's population to food insecurity, and the prevalence of hunger and malnutrition, leading to substantial rates of stunting, obesity and anaemia;

(b) Challenges related to access to land, land registration, agricultural credits, and transport and distribution of foodstuffs;

(c) Difficulties encountered by smallholder farmers in relation to selling their products, taking into account reports of smallholder farmers having to throw away their crops after harvest because they were not able to sell, keep or process their crops, and insufficient support provided by the State party to smallholder farmers;

(d) Degradation of arable land, droughts, water scarcity, land and water pollution, and other environmental risks to food security that are projected to further upsurge as a result of climate change (art. 11).

41. **The Committee recommends that the State party take measures to:**

(a) **Adopt a comprehensive policy to address malnutrition, and allocate sufficient human and financial resources for its implementation;**

(b) **Enhance food security, including by ensuring effective access to land, security of land tenure, the transport and distribution of foodstuffs, and the availability of agricultural credits;**

(c) **Address the challenges faced by smallholder farmers, and improve their productivity by facilitating their access to appropriate technologies and to markets in order to raise incomes in rural areas;**

(d) **Develop a sustainable land and water management strategy that incorporates climate change adaptation measures in order to enhance sustainable agricultural production;**

(e) **Refer to the Committee's general comment No. 12 (1999) on the right to adequate food, and to the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, adopted by the Food and Agriculture Organization of the United Nations in 2004.**

Right to health

42. The Committee notes with concern that, despite the State party's investments to build and improve health-care infrastructure in rural and remote areas, the availability, accessibility and quality of health care remain limited, especially in the rural and remote areas. The Committee is also concerned about the widespread practice of informal payments from patients being accepted by health-care practitioners (art. 12).

43. **The Committee recommends that the State party allocate sufficient resources to the health sector and continue its efforts to ensure the availability, accessibility, acceptability and quality of health-care services, in particular in rural and remote areas, including by securing a sufficient number of qualified medical personnel, and continuing to ensure adequate medical equipment, infrastructure and facilities. It also**

⁶ E/C.12/2001/10.

recommends that the State party continue taking measures to prohibit the acceptance of informal payments by health-care practitioners, and further recommends that the State party roll out the universal health insurance system across the country and ensure the adequacy of its coverage, in order to guarantee access to affordable health care for all segments of the population, including disadvantaged and marginalized individuals.

Health-care response to the COVID-19 pandemic

44. The Committee welcomes the information provided by the State party's delegation about its efforts to contain the spread of COVID-19 and to increase vaccination rates against COVID-19, including by operationalizing mobile vaccination units. It is nonetheless concerned about the COVID-19 pandemic's disproportionate impact on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, especially on disadvantaged and marginalized groups, such as women, children and internally displaced persons (art. 12).

45. **The Committee recommends that the State party:**

(a) **Continue its efforts to facilitate universal and equitable access to COVID-19 testing, treatment and immunization;**

(b) **Regularly collect and disseminate to the public reliable and scientifically accurate information and statistical data in relation to the COVID-19 pandemic, including information on vaccines against COVID-19;**

(c) **Ensure that constraints on health-care resources owing to the COVID-19 pandemic do not significantly hinder access to health care, including for pre-existing conditions;**

(d) **Refer to the Committee's general comment No. 25 (2020) on science and economic, social and cultural rights, and the Committee's three statements, on the COVID-19 pandemic and economic, social and cultural rights,⁷ on universal and equitable access to vaccines for COVID-19,⁸ and on universal affordable vaccination against COVID-19, international cooperation and intellectual property.⁹**

Sexual and reproductive health

46. While welcoming the information provided by the State party in relation to the progress made in reducing maternal mortality rates, and noting the measures taken to promote access to sexual and reproductive health care under its reproductive health strategy,¹⁰ the Committee is nonetheless concerned about the inadequate access to sexual and reproductive health care and education, including by adolescents, persons living in rural areas, persons living on low incomes and persons with disabilities, and is also concerned about the limited availability and accessibility of modern contraceptives (art. 12).

47. **The Committee recommends that the State party ensure the availability, accessibility and affordability of sexual and reproductive health services, including modern contraceptives, for all, including adolescents, persons living in rural areas, persons living on low incomes and persons with disabilities. The Committee also recommends that the State party incorporate comprehensive, non-discriminatory, evidence-based, scientifically accurate, and age-appropriate sexual and reproductive health education into the school curricula. The Committee refers the State party to its general comment No. 22 (2016) on the right to sexual and reproductive health.**

Drug use

48. While welcoming the information provided by the State party in relation to its harm reduction programmes,¹¹ the Committee is nonetheless concerned about the acute health

⁷ E/C.12/2020/1.

⁸ E/C.12/2020/2.

⁹ E/C.12/2021/1.

¹⁰ E/C.12/AZE/RQ/4, paras. 232–236.

¹¹ Ibid., paras. 240–246.

conditions of drug users, such as the prevalence of HIV infections, and the limited access of drug users to health-care services due to social stigma. It is also concerned about limited access to opioid substitution therapy and harm reduction programmes, in particular in prisons (art. 12).

49. **The Committee recommends that the State party take the measures necessary to combat social stigma against drug users, including by training the police, prison officials, social workers and medical professionals and by raising awareness among the public. It also recommends that the State party expand the provision of harm reduction services and opioid substitution therapy and allocate the necessary resources to the relevant programmes.**

Mental health

50. While acknowledging the information provided by the State party in relation to its legislative and policy measures taken to promote mental health,¹² the Committee remains concerned about the inadequate non-residential and community-based mental health-care services for persons with psychosocial disabilities and persons with mental health conditions, and about the prevalence of compulsory admissions of such individuals to psychiatric institutions. It is also concerned about the stigmatization of persons with psychosocial disabilities and persons with mental health conditions (art. 12).

51. **The Committee recommends that the State party increase the availability, accessibility and quality of professional mental health-care services, including non-residential and community-based services, and of skilled personnel. It urges the State party to combat the social stigmatization of persons with mental health conditions, including by conducting activities to raise awareness among the public.**

Right to education

52. The Committee welcomes the efforts made by the State party to improve the availability and quality of education, notably preschool education. However, the Committee notes with concern the pervasive difficulties faced by disadvantaged and marginalized children and the regional disparities in access to quality primary and secondary education. It also notes with concern the financial and material barriers to access vocational training and tertiary education (art. 13).

53. **The Committee recommends that the State party:**

(a) **Increase its resource allocation to education in order to ensure universal and equal access to quality and inclusive primary and secondary education throughout the country, including by reducing social exclusion of internally displaced children and children living in rural areas and economic exclusion of children from poor households, and by overcoming barriers for children with disabilities;**

(b) **Continue taking measures to remove the financial and material barriers to ensure non-discriminatory access to vocational training and tertiary education.**

Impact of the COVID-19 pandemic on education

54. The Committee is concerned about the deepening educational inequalities disproportionately affecting children from poor households, children with disabilities and children living in rural areas during the COVID-19 pandemic owing to school closures and distance learning. It notes in particular that approximately 30 per cent of children in the State party did not have access to the Internet and therefore could not follow online classes (art. 13).

55. **The Committee recommends that the State party continue taking all measures necessary in the context of the COVID-19 pandemic to ensure that children have safe access to education at schools, and that children, especially disadvantaged and marginalized children, receive educational support to not fall behind in their learning.**

¹² Ibid., paras. 240–242.

It also draws the State party's attention to paragraphs 7 and 15 of its statement on the COVID-19 pandemic and economic, social and cultural rights.¹³

Cultural rights

56. While noting the measures taken by the State party to facilitate the teaching of some minority languages, including Georgian and Russian, the Committee notes with concern the lack of comprehensive measures and mechanisms that enable different minorities composing the State party's population to promote and express their cultural identity and fully exercise their cultural rights, and to learn and use their language; and that promote respect and intercultural understanding among different groups in the society overall (arts. 13 and 15).

57. The Committee recommends that the State party take legislative measures and create mechanisms to foster an enabling environment for the preservation, development, promotion and expression of the identity, history, culture, language, traditions and customs of the minorities composing the State party's population. It also recommends that the State party design and conduct public awareness-raising campaigns and other measures, including comprehensive measures that target the majority population, in order to promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, in line with article 13 (1) of the Covenant.

Digital divide

58. While noting the investments made in improving the digital infrastructure in the State party, the Committee remains concerned about the pervasive digital divide, resulting in lack of access to the Internet and digital technologies and services for persons living in rural areas, low-income households and persons with disabilities. The Committee is particularly concerned that, due to the digital divide in the country, disadvantaged and marginalized individuals and groups have had limited access to economic, social and cultural rights during the COVID-19 pandemic, because of the increased reliance on the Internet and digital technologies (art. 15).

59. The Committee recommends that the State party continue working to narrow the digital divide by expanding access to the Internet and digital technologies, in particular for disadvantaged and marginalized individuals and groups. The Committee refers the State party to the Committee's general comment No. 25 (2020) on science and economic, social and cultural rights.

D. Other recommendations

60. **The Committee encourages the State party to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.**

61. **The Committee recommends that the State party take fully into account its obligations under the Covenant and ensure the full enjoyment of the rights enshrined therein in the implementation of the 2030 Agenda for Sustainable Development at the national level. Achievement of the Sustainable Development Goals would be significantly facilitated by the State party establishing independent mechanisms to monitor progress and by treating beneficiaries of public programmes as rights holders who can claim entitlements. Implementing the Goals on the basis of the principles of participation, accountability and non-discrimination would ensure that no one is left behind. In this regard, the Committee draws the State party's attention to the Committee's statement on the pledge to leave no one behind.¹⁴**

62. **The Committee requests that the State party disseminate the present concluding observations widely at all levels of society, including at the national and municipal levels, in particular among parliamentarians, public officials and judicial authorities, and that it inform the Committee in its next periodic report about the steps taken to implement**

¹³ E/C.12/2020/1.

¹⁴ E/C.12/2019/1.

them. The Committee encourages the State party to engage with the Human Rights Commissioner, non-governmental organizations and other members of civil society in the follow-up to the present concluding observations and in the process of consultation at the national level prior to the submission of its next periodic report.

63. In accordance with the procedure on follow-up to concluding observations adopted by the Committee, the State party is requested to provide, within 24 months of the adoption of the present concluding observations, information on the implementation of the recommendations contained in paragraphs 15 (a) (business and human rights), 29 (b) (right to just and favourable conditions of work) and 53 (a) (right to education) above.

64. The Committee requests the State party to submit its fifth periodic report in accordance with article 16 of the Covenant by 31 October 2026, unless otherwise notified as a result of a change in the review cycle. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words.
