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**УНИВЕРСАЛЬНЫЙ ПЕРИОДИЧЕСКИЙ ОБЗОР**

**Доклад Рабочей группы по универсальному периодическому обзору\***

Азербайджан

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## **Introduction**

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its fourth session from 2 to 13 February 2009. The review of Azerbaijan was held at the 6th meeting on 4 February 2009. The delegation of Azerbaijan was headed by H.E. Mr. Khalaf Khalafov, Deputy Minister for Foreign Affairs. At its meeting held on 6 February 2009, the Working Group adopted the present report on Azerbaijan.

2. On 8 September 2008, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Azerbaijan: Saudi Arabia, Slovenia and Mauritius.

3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of Azerbaijan:

(a) A national report submitted / written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/4/AZE/1);

(b) A compilation prepared by the Office of the High Commissioner for Human Rights (OHCHR), in accordance with paragraph 15 (b) (A/HRC/WG.6/4/AZE/2);

(c) A summary prepared by OHCHR, in accordance with paragraph 15 (c) (A/HRC/WG.6/4/AZE/3).

4. A list of questions prepared in advance by the Czech Republic, Denmark, Germany, Latvia, Liechtenstein, Lithuania, the Netherlands, Slovakia, Slovenia, Sweden and United Kingdom of Great Britain and Northern Ireland was transmitted to Azerbaijan through the troika. These questions are available on the UPR extranet.

## **I. SUMMARY OF THE PROCEEDINGS OF THE REVIEW PROCESS**

### **A. Presentation by the State under review**

5. At the 6th meeting, on 4 February 2009, Azerbaijan presented its national report and indicated that it was drafted by a working group encompassing relevant ministries and authorities with the involvement of the Commissioner for Human Rights (Ombudsman) as well as human rights NGOs.

6. Azerbaijan informed that international human rights instruments were domesticated through political and legal measures and that the primacy of human rights led to regular changes of the legislation. The 2002 Referendum Act amending the Constitution granted individuals the right to challenge in the Constitutional Court statutory instruments of the legislative and executive authorities, enactments of municipalities and courts that allegedly encroached on their rights.

7. The delegation referred to the Presidential Decree on measures to uphold human rights and freedoms, the State programme and the national action plan on human rights protection which is coordinated by a working group chaired by the Ombudsman with the active involvement of civil society. A referendum will be held in 2009 on amendments to the Constitution aimed at reinforcing human rights protection.
8. Azerbaijan has ratified most of the international and regional human rights treaties, including seven core universal instruments, recently signed the ICPED, and ratified, in 2008, CRPD, OP-CAT and the amendment to article 20 (1) of CEDAW.
9. Azerbaijan highlighted that it accepted the individual complaint mechanism under relevant treaty bodies, and cooperated with special procedures and expressed its readiness to continue. Azerbaijan also cooperates with the Council of Europe and has ratified a series of conventions, including the European Convention on Human Rights and the European Convention on the Prevention of Torture, its optional protocol and the revised European Social Charter.
10. Azerbaijan noted it takes all necessary measures aimed at strengthening the media. By law, printed media can be established without prior authorisation and a wide number are registered in addition to numerous televisions and radios operating alongside with many journalist NGOs. Azerbaijan adopted measures on providing financial assistance to news media.
11. The delegation referred to the 2007 strategic framework for State support of NGOs aimed at creating a stable and effective partnership between State bodies and NGOs, and noted the establishment of the Council for State support of NGOs.
12. Judicial reforms have led to the adoption of a series of laws for the democratisation of the legal policy and judiciary, the strengthening of the independence of the judiciary and the reinforcement of human rights protection in the Constitution.
13. Azerbaijan noted having set up a working group, together with the Council of Europe (CoE), aimed at improving the effectiveness of the judiciary, independence of judges and their election procedure. The Judicial and Legal Council Act and significant amendments to the Courts and Judges Act were adopted along with the establishment of a Judicial Selection Committee mandated to select judges.
14. Azerbaijan is working with the European Committee on the Prevention of Torture (CPT) to enhance the functioning of the penitentiary system. The Ombudsman can visit penitentiary establishments without prior notification. Over the past years, two divisions within the Ministry of Justice have been granted free access to penitentiary establishments, as well as NGOs and the ICRC. The last CPT visit was held in December 2008. Penitentiary staff are trained, in particular in the area of prevention of torture and cruel treatment and the 2006 European Penitentiary Rules were translated into Azerbaijani.
15. Azerbaijan has adopted various programmes to promote social and economic rights, such as the Poverty Alleviation and Sustainable Development for 2008-2015 and the Employment Strategy for 2006-2015. This resulted in a considerable increase in the GDP over the last 5 years, the creation of 766,000 new workplaces and a decrease of the poverty rate. In 2008, the part

allocated to social maintenance in the national budget increased by 40 per cent. The delegation underlined that, in 2008, the World Bank declared Azerbaijan as the most active reformer country.

16. Azerbaijan stated that the Constitution guarantees the equality of all, irrespective of ethnicity, religion or race, and no instances of discrimination or intolerance against members from other ethnicities were observed during many centuries. This high level of tolerance was emphasized by the United Nations Special Rapporteur on freedom of religion and belief and demonstrated notably through the 2002 visit of the Pope.

17. In Azerbaijan, women were granted the right to vote and to be elected in 1918 and women are now represented in legislative, executive, judiciary bodies and administrative services and actively participate in the social and political life.

18. The State Committee on the Family, Women and Children (SCFWC), established in 2006, is the main executive body responsible for applying State policy in this field. Azerbaijan adopted various measures to counter violence against women, including a new extended definition of sexual discrimination included in the 2006 Law on Gender Equality and the 2007 comprehensive programme to combat domestic violence. The Parliament currently discusses a draft law on the prevention of domestic violence, and joint project on combating violence against women in the twenty-first century, is mandated to further tackle this phenomenon through awareness raising campaigns and the elaboration of a strategy to assist victims.

19. Azerbaijan indicated that 2009 was declared the Year of Children by a presidential decree. In 2008, Azerbaijan signed the European Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse in addition to the adoption of a range of legal documents such as the Law on the Rights of the Child. There is also a 2006-2015 State programme for the placement of children living in State institutions, in families (deinstitutionalization) and alternative care. At present, there are 4,545 schools in line with modern requirements and seven specialized schools for children with disabilities. The delegation indicated that, in 2006, Azerbaijan and UNICEF signed an action plan for juvenile justice reform.

20. Azerbaijan informed of legislative and social measures to counter human trafficking, including the Suppression of Human Trafficking Act and the national action plan to counter human trafficking. A mechanism for social rehabilitation of victims was elaborated, which provides financial support for them. There were instances of prosecution and sentencing of persons involved in human trafficking and an awareness-raising campaign is conducted in schools on this issue.

21. On corruption, Azerbaijan abides by international instruments, takes the necessary implementary measures to combat corruption and hoped that the Parliament will adopt in 2009 the bill on combating the laundering of money and other proceeds from crime and the financing of terrorism.

22. The delegation asserted that the Nagorno-Karabakh conflict remains the hardest problem for Azerbaijan. The Nagorno-Karabakh region and seven surrounding regions are occupied by the Republic of Armenia and more than one million Azeris became refugees and IDPs as a result

of ethnic cleansing policy carried out by Armenia. As a consequence, Azerbaijan is not able to entirely implement its international human rights obligations in these territories, and made special reservations or declarations when acceding to a number of international human rights instruments. Azerbaijan fully acknowledged its responsibility regarding refugees' and IDPs' protection and undertook efforts, notably for their temporary integration into society, taking into account the exercise of their right to safely return to native lands. The State programme to improve the living conditions and increase employment of refugees and IDPs was adopted in 2004. Over the last seven years, 61 settlements have been created for refugees and IDPs, the last tent camps were shut down in December 2007 and an important budget was allocated to this end. United Nations High Commissioner for Refugees highly appreciated these efforts.

### **B. Interactive dialogue and responses by the State under review**

23. During the inter-active dialogue, statements were made by 58 delegations. A number of delegations thanked the Government for the comprehensive national report, its presentation and for the responses provided to advance questions. Statements were made welcoming Azerbaijan's commitment to the UPR process, its constructive participation and the consultations with stake holders that took place in preparing the national report.

24. Algeria asked about measures taken in particular in light of the 2007 CEDAW recommendation to adopt a bill on domestic violence. Algeria encouraged Azerbaijan to devote increasing attention to the struggle against violence against women, especially through the implementation of social measures. Algeria recommended continuing efforts to improve and ensure access to education for all children and to include human rights teaching in school programs. Algeria recommended Azerbaijan to continue its efforts in order to offer IDPs satisfactory life conditions. Algeria recommended Azerbaijan to continue its efforts in the reduction of poverty and to envisage the sharing of best practices with interested countries.

25. Slovenia commended Azerbaijan for ratifying both Optional protocols to CRC in 2002. Slovenia noted the efforts in the education sector, especially in regard to IDPs. It also noted that the long lasting conflict had had a negative impact on the quality of education for displaced children and that the financial and social hardships for their families, the material condition of schools, the quality of teachers and the psychological condition of displaced children all played a potentially adverse role. Slovenia recommended the authorities of the republic of Azerbaijan to fully implement the recommendations of the United Nations study on violence against children.

26. The Netherlands recommended that Azerbaijan consider modifying or repealing the criminal legislation on defamation to take away the possibility of depriving anyone of his or her liberty on account of opinions. It noted that human rights organisations operating in areas such as women's rights and LGBT rights, as well as religious groups, are subjected to harassment and sometimes even violence. It also recommended that Azerbaijan strengthen its efforts to guarantee freedom of assembly and association and to respect the work of human rights defenders, and that legislation concerning NGOs be implemented accordingly.

27. Uzbekistan welcomed the achievements reached in crime suppression and reform of the penitentiary system, in defending social security, rights of women and children. Positive steps have also been reflected in the development of non-governmental organizations (NGOs): in the

Parliament, standing commissions' special working groups are cooperating with NGOs to develop draft legislation.

28. Cuba noted measures such as the 2002 law guaranteeing equality between men and women and inquired about other initiatives to eliminate gender inequality. Cuba underlined the work done with detainees and appreciated the National Plan and legislation to protect children. Cuba recommended that Azerbaijan continue efforts already underway to improve the living standards of its people and to ensure the social protection of its people based on a vigorous development of the economy and an appropriate distribution of wealth. It further recommended that Azerbaijan continue with national programmes already undertaken to reduce any form of discrimination against women until it is totally eliminated, as it is through this that it can protect the most vulnerable sections of the population, including women and children.

29. Germany strongly recommended that Azerbaijan take all necessary measures to ensure that the law on freedom of assembly is not applied in an unduly strict manner by the local authorities, to consider abolishing the pre-approval requirement for public assemblies altogether and to replace it with an obligation of notification for the organisers of public assemblies. Germany also recommended that Azerbaijan take all the necessary measures to shorten the pre-trial detention of all persons arrested on criminal charges, in particular that of minors, and create separate detention facilities for the latter. Germany recommended that the government urgently improve prison conditions.

30. Belarus stated that events have been held to improve the judicial system, and technical facilities in courts have been upgraded. It also noted measures to eliminate poverty and to increase the level of social protection. Belarus recommended that Azerbaijan continue to support a high level of socio-economic protection. Serious attention given to the exercise of rights in defence of women and children has resulted in legislation enshrining provisions for gender equality and a new juvenile justice system. Belarus also recommended Azerbaijan to continue providing accessibility and high calibre education at all levels.

31. Republic of Korea applauded the cooperation between the penitentiary administration and NGOs in monitoring the situation in detention facilities, as exemplified by the International Committee of the Red Cross' visits. The Republic of Korea is still concerned about the situation of vulnerable groups such as children and women among the refugees and IDPs and made a reference to the Committee on the Rights of the Child (CRC) which recommended that Azerbaijan address the special needs and rights of displaced and refugee children, and CEDAW which urged Azerbaijan to implement targeted measures to improve the access of refugees and internally displaced women and girls to education, employment, health and housing.

32. China commended Azerbaijan for improving prison conditions, assisting vulnerable groups, dealing with human trafficking, strengthening traditional justice and promoting the rights of women and children. China indicated that Azerbaijan trained judicial personnel on human rights. It noted the challenge faced by Azerbaijan in eradicating violence against women and pursuing perpetrators.

33. Mexico recommended Azerbaijan to comply with the recommendations made by Treaty Bodies and Special Procedures and, in this connection, recommended to establish mechanism to monitor ethnic minorities and other vulnerable groups, including migrants and asylum seekers,

and to allow these groups to access all rights enjoyed by the rest of the population. In order to prevent and to combat discrimination against women, Mexico recommended to adopt specific legislation on violence against women and forced marriages, in conformity with the Convention on the Elimination of All Forms of Discrimination of Women and the Convention on the Rights of the Child. Mexico recommended improving the administration of justice, including the establishment of a system of inspection of detention centres and a system to follow-up complaints of allegations of torture. Finally, Mexico recommended the establishment of inter-institutional mechanism, in which relevant civil society actors will participate, in order to implement UPR recommendations as well as Human Rights Council's Special Procedures and Treaty Bodies recommendations.

34. Ukraine noted with satisfaction that Azerbaijan works closely with treaty bodies and provides all the required periodical reports. It also noted that Azerbaijan attaches high priority to the protection of rights of women, especially to elimination of all forms of violence against women. Ukraine asked Azerbaijan to elaborate more on activities, particularly aiming at raising awareness of the trafficking in human beings threat. With regard to the CoE Commissioner recommendation to adopt robust measures to counter trafficking in human beings, Ukraine asked what measures have been taken.

35. Saudi Arabia noted that the Constitution contains provisions aimed at protecting human rights and includes measures geared towards overcoming the difficulties which Azerbaijan needs to cope. Azerbaijan's experience in promoting human rights elicits the following question: What difficulties is Azerbaijan facing in the provision of more health and education services for children? What role are international organizations (such as UNICEF) playing in the development of the rights of the child in Azerbaijan? In the light of the above, Mr. Chairman, my country's delegation commends the real achievements made by Azerbaijan in the field of human rights and recommended that the positive aspects of those achievements be taken into consideration in order to act as an incentive and a stimulus for further progress in the promotion and protection of human rights in Azerbaijan.

36. France asked about measures to ensure the independence of justice and the respect of international norms related to a just and fair trial. Noting that in the domestic legislation discrimination is a crime, France asked why no process has been so far held on this charge. France recommended that Azerbaijan ensure the full exercise of freedom of expression and of the freedom of all independent media, both national and foreign ones, regardless to their nature: press, internet, radio or television. France recommended Azerbaijan to take all measures to grant access to justice for all women victim of violence, and take measures for their protection and rehabilitation, and to train police authorities on violence against women.

37. South Africa applauded Azerbaijan for, inter alia, the Programme on strengthening the Fight against Corruption. It referred to CESCR's previous request to provide training to law enforcement officials and judges on the serious and criminal nature of domestic violence. South Africa recommended that the Government reviews its Poverty Reduction Programmes with a view to addressing the root causes of poverty and the adoption of effective ways of dealing with the social challenges.

38. Qatar noted the separation of powers underlined in the Constitution and that the final objective of the state is to protect human rights and fundamental freedoms. It also noted that the



Constitution indicates that ratified treaties become part of national law and have supremacy over other laws. It welcomed the adoption of a number of, including on the rights of children. Qatar expressed the hope that Azerbaijan will overcome the remaining obstacles, particularly where children and IDPs are concerned.

39. Bahrain noted the efforts taken in order to promote, strengthen and protect civil, political, economic, social and cultural rights. These efforts are greatly valued as Azerbaijan made progress in many disciplines, especially freedom of religion and belief, religious tolerance and harmony. Bahrain also valued the efforts made regarding formulation of plans and human rights training of the judiciary in order to enhance the legal reform.

40. Liechtenstein recalled that, in 2006, the CRC expressed concerns at the growing numbers of street children and the lack of recovery, medical treatment, social integration or educational programmes and asked about further measures planned. It recommended that Azerbaijan accede to the Rome Statute of the International Criminal Court. Liechtenstein welcomed the measures taken to improve the training of law-enforcement officials regarding the prevention of torture and ill-treatment.

41. Egypt welcomed the establishment of the Human Rights Commissioner, which also includes a Special Counsellor on gender equality, as well as the State Committee on Women's Affairs. Egypt referred to the recommendation of CRC that this Office include a unit on children's rights. It welcomed the cooperation between Azerbaijan and the Human Rights Council, OHCHR and the different treaty bodies. It recommended that Azerbaijan continue efforts to promote and protect human rights in collaboration with the Human Rights Council and OHCHR on the basis of the needs identified by Azerbaijan and also continue its efforts to ensure that national laws are consistent with international obligations, and to further their implementation on the ground.

42. Sweden recommended increasing the efforts to ensure that detention conditions fully meets international human rights standards. Sweden recommended Azerbaijan to ensure that all branches of the State, including agents of public authorities, fully respects and promotes the freedom of expression. Concerned by recent decisions to stop foreign media from broadcasting in Azerbaijan, Sweden recommended Azerbaijan to fully uphold media freedom in accordance with international obligations. Sweden also recommended the Government to uphold the respect of the right to peaceful assembly and ensure that this right is effectively implemented.

43. Norway recommended Azerbaijan to issue a standing invitation to the Special Procedures. Norway recommended that Azerbaijan ensure that its media regulations promote diversity among media outlets in line with international standards and best practices. Norway recommended that crimes and violations against journalists and human rights defenders are effectively investigated and prosecuted, and that those responsible are punished. Norway recommended that complaints of harassment of journalists and human rights defenders receive prompt response and that adequate measures for their safety are taken. Finally Norway recommended that the State officials are discouraged from continuing the current practice of instituting lawsuit against journalists and human rights defenders that publish criticism.

44. Tunisia noted with interest the National Action Plan to promote human rights, the aim being, inter alia, to develop interaction between the state and civil society. Tunisia welcomed the

considerable efforts to curb violence against women. It expressed the view that the project on combating violence against women in the 21<sup>st</sup> century is an important approach in safeguarding the rights of women, including in countering early marriages, and in reducing the impact of this phenomenon on the family, particularly children.

45. Spain asked what kind of measures Azerbaijan will adopt in order to guarantee religious freedom including to ensure a greater press freedom and the eventual de-criminalization of defamation. Spain stated that approximately 600,000 Azeri have been living as IDPs for more than a decade as a result of the 1991-94 Nagorno-Karabakh conflict and asked what the Government is doing to ensure the enjoyment of human rights by IDPs. Spain asked about measures being taken in order to prevent cases of torture and abuses by police authorities.

46. Indonesia commended the new legislation on the Penal Enforcement Code and the Code of Criminal Procedure of 24 June 2008, which contains some progressive dispositions regarding the welfare of detainees and prisoners. Indonesia recommended Azerbaijan to ensure the effective implementations of these new laws. Indonesia recommended the Government to continue and intensify its efforts on behalf of children and women generally, to ensure their safety in the domestic environment and to remove any obstacles to their education, development and access to equal opportunities.

47. The United Kingdom noted that CAT was concerned at the substantial gap between the legislative framework and its practical implementation and that CRC was concerned that legislative measures are not provided with adequate mechanisms and financial support. The United Kingdom recommended that Azerbaijan reconsider its decision and permit broadcasting by non-Azeri outlets on FM frequencies. It referred to reports that some sectors of the Ministry of Interior and the judiciary appear to exert pressure on the media, including with the use of defamation trials. It emphasised that the use of criminal libel law to unjustly imprison or financially ruin journalists severely impacts on media freedom in this context it recommended that all journalists remaining in detention be released. It recommended that Azerbaijan continue to engage fully with civil society groups in the follow-up and implementation of this review.

48. The Czech Republic recommended to issue and implement a standing invitation to all Special Procedures. It recommended Azerbaijan to address persisting problems of prison conditions, such as overcrowding and insufficient health care and to establish an independent mechanism to overview conditions in detention facilities, with particular focus on conditions of children and their protection against violence and abuse. Referring to recommendations made by CAT, the Czech Republic recommended Azerbaijan to provide law enforcement and judicial officials with specific education/sensitivity training towards the protection of children, women and persons of minority sexual orientation or gender identity. The Czech Republic recommended Azerbaijan to take concrete measures to ensure necessary resources to increase effectiveness of the protection of children rights, including effective monitoring of conditions in institutional care and establishing of a complaint mechanism for children, to develop and adjust new mechanisms for the protection of children based on serious research and wide piloting, and to create mechanisms to deliver foster care services. The delegation finally recommended bringing rules on broadcasting in compliance with relevant provisions of ICCPR, releasing persons held in prisons for their political views and adopt safeguards against arbitrary or politically motivated detention and trials including through ensuring full independence and transparency of judiciary.

49. Turkey, aware of the fact that Azerbaijan found itself faced with a large scale displacement problem as a result of the Nagorno-Karabakh conflict, praised Azerbaijan for the effective measures taken to alleviate the suffering of IDPs. It appreciated the establishment of the Ombudsman Institution and encouraged Azerbaijan to continue to make the best use of this important mechanism in addressing the remaining shortcomings in the judiciary and the penitentiary systems as well as in the fight against corruption. It trusts that the new Law on Freedom of Assembly will constitute a step in the right direction for raising further the democratic standards.

50. Latvia noted with appreciation the recent voluntary pledge of Azerbaijan to extend a standing invitation to all United Nations special procedures. It further noted the positive cooperation with a number of these special procedures and that Azerbaijan has invited and received several Special Rapporteurs in the past few years. In the light of this positive cooperation, Latvia recommended that Azerbaijan fulfil its voluntary pledge and extend a standing invitation to all special procedures of the Human Rights Council.

51. Jordan welcomed the adoption of the constitutional acts on the Commissioner for Human Rights (Ombudsman) and commended the strong political will as reflected in, inter alia, the 2006 national plan of action for human rights protection. Jordan recommended that Azerbaijan continue its constructive efforts in human rights education, including its active cooperation with the key international organizations towards this end.

52. Austria welcomed the Rights of the Child Act and the National Plan of Action for Human Rights Protection but said that their implementation reportedly face challenges. Austria recommended that Azerbaijan take concrete steps and ensure that all necessary resources are provided to government agencies in order to increase the efficiency of a child protection system. It also recommended that Azerbaijan ensure that pilot initiatives at regional level are fully supported by the federal government with a view to consider developing inter alia an independent, nationally coordinated statutory service, which could act as a referral and decision-making body. Austria noted the 2006 State Programme for the Placement of Children living in State Institutions in Families and Alternative Care as well as the project to create surrogate families for homeless and orphaned children. Austria recommended that Azerbaijan take concrete measures to ensure that institutions are adequately scrutinised with respect to quality standards of care and the possibility of redressing abuse and violations and recommended that Azerbaijan take concrete steps to make other forms of alternative care more accessible, i.e. promote guardianship and foster care systems as well as develop community based family support services that prevent the abandonment of children from their families.

53. Hungary expressed that it is important that children have a safe and harmonious family background and therefore welcomed measures taken in this regard. Hungary was concerned that children may still suffer neglect, corporal punishment and abuse, including sexual abuse in the family. It indicated that trafficking in human beings also remains a problem and that the risk is even higher for children who are illegally adopted from orphanages for the purpose of trafficking in organs. Hungary recommended that Azerbaijan take adequate measures to further defend children's rights. Hungary also recommended that Azerbaijan take the necessary measures so that persons below 18, being under arrest, would not be subject to corporal punishment or other forms of ill-treatment.

54. Russian Federation noted that over the last years, Azerbaijan managed to achieve considerable success in improving its human rights situation and that it has continued to improve its national legislation. It considered it important to look at the experiences of Azerbaijan in resolving social and economic issues, and especially the situation of children who lack supervision. The Russian Federation recommended that Azerbaijan continue its sustained work in the implementation of State program, over a period of 10 years, to transfer children from State institutions to families and alternative care.

55. Azerbaijan welcomed the recommendations made and indicated that it will address progress made and constraints in a frank manner. Regarding the strengthening of the judiciary, the delegation recalled its introductory statement and added that the selection of judges is fully transparent. In addition, new specialized courts are due to be established such as juvenile courts and new administrative courts. A great attention is paid to the training and re-training of judges and law enforcement officials. Attention is paid to expand access to justice and targeted measures include the establishment of six regional courts of appeal in addition to that in Baku.

56. Regarding journalistic activities, the delegation noted that Azerbaijan has abolished State censorship and legislative measures were adopted to truly ensure the freedom of speech and opinion. Azerbaijan has established a Council of the Press and adopted a special concept paper on working with the media. A special fund to support news media was established and all violations of journalists' rights are carefully investigated and monitored by relevant bodies. There were instances of law enforcement officials being punished for such violations. The delegation acknowledged that a number of journalists were prosecuted in criminal courts and serve a sentence in jail but for specific crimes not related to their journalistic activities and many of them were pardoned over the past years. The prosecution of journalists for slander and insult are rare, treated as civil cases and there is currently only one journalist serving a sentence for defamation.

57. Regarding children without supervision, Azerbaijan noted cases of abuse of authority by the police but that necessary measures have been taken. On corruption, by a 2006 Decree, a structure for internal investigations was established within the Ministry of Interior. Over the past years, a number of cases of human rights violations by the police were registered, which led to disciplinary measures, prosecution and dismissals.

58. On children's rights, efforts have been undertaken in line with the CRC, including the 2005 Law on street children and children without parental supervision. Over the last few years, more than 1000 children were taken out of the street and received assistance tailored to their needs including education and issuance of identification documents. To this end, Azerbaijan cooperates with human rights institutions, SCFWC and NGOs. In 2007 and 2008 a training course on street children was conducted and a foster institution for street children was created.

59. Azerbaijan stated that social protection of vulnerable persons, including disabled persons is a priority area. The main goal is to promoting employment for these persons and quotas were established by law in 2001 for the employment of disabled persons. In addition, a law targeting State assistance was adopted, which enshrines the principle of equality without any kind of discrimination.

60. On poverty, the delegation recalled that the poverty rate decreased in 2008 and referred to the prior mentioned 2008-2015 State programme. On institutionalisation and alternative care for children, Azerbaijan referred to the 2006-2015 State programme conducted with UNICEF and NGOs.

61. On women's rights, Azerbaijan noted that it will as a State party to CEDAW present its periodic report in 2009 to the Committee whose recommendations will help in improving the situation. The delegation made reference to the 2007 comprehensive programme, the draft law to prevent domestic violence, and recalled that criminal law provides for sanctions and penalties of physical and sexual violence.

62. On children's rights, the delegation said that a national programme was being drafted, and that a supplement to the criminal code had been adopted emphasizing rehabilitation of children. There is only one educational institution, which is overcrowded, but measures will be taken in the reform of the penitentiary system. The ICRC can visit penitentiary institutions without obstacles and a Public Affairs Committee was established within the Ministry of Justice made up of NGOs, which monitors the situation in full transparency.

63. Azerbaijan praised special procedures and announced having decided to extend a standing invitation to all of them. The Ombudsman was granted Status A in 2000 and respects the Paris Principles. Finally, it was recalled that Azerbaijan ratified OP-CAT.

64. Chile expressed concern at, inter alia, persistent cases of intimidation, cruel treatment and torture, prison conditions and judicial procedures, restrictions on freedom of assembly and expression. Chile recommended to promote and strengthen international humanitarian cooperation and assistance so as to provide for programmes and mechanisms to contribute to the elimination of threats and limitations to human rights of refugee and displaced persons. Chile also recommended to speed up the implementation of legal framework, as well as improve systems and procedures for the administration of justice and to make further progress on public governance. Chile recommended to increase the protection mechanisms for women and children as well as measures to disseminate and make their implementation more effective.

65. Japan welcomed the agreement with the ICRC to permit its officials to visit convicted persons in places of detention without interference. Japan noted that, according to the 2007 annual report from the Office of the Ombudsman, 144 cases of human rights violations were registered and that disciplinary action was taken against 199 people. With a view to improving criminal justice, especially in terms of the prevention of torture, Japan recommended that Azerbaijan consider taking substantial measures, such as requesting capacity-building assistance, to advance the understanding of human rights and criminal investigation ability of police personnel.

66. The United Arab Emirates noted efforts made especially in the field of health, education, the protection of women's rights and the contribution women give to the society. The United Arab Emirates were satisfied about the measures taken to thwart human trafficking, but were willing to learn more about this.

67. Democratic People's Republic of Korea appreciated the establishment of the Institution of Ombudsman and Presidential Pardons Commission. It was impressed by Azerbaijan's

ratification of the major human rights instruments and efforts to observe reporting obligations. It asked Azerbaijan to elaborate on plans to further improve the situation of women and children.

68. Kazakhstan noted the work undertaken to reform the judiciary and was pleased to note that Azerbaijan, is implementing measures to ensure the effective administration of justice. It expressed satisfaction at the policy on the protection of the rights of the family, women and children. Kazakhstan recommended that Azerbaijan continue its effective work in the area of defending these rights.

69. Malaysia was encouraged to note the serious efforts in combating violence against women including domestic violence. It recommended that Azerbaijan consider widely disseminate information on the provision of CEDAW to the publics through education system, awareness-raising campaigns and gender sensitivity training. Malaysia recommended that Azerbaijan steps up its efforts to ensure that basic needs of the population are fully met, in particular, in the areas of employment, public health, education and public housing.

70. Italy recommended that Azerbaijan take fully into account the recommendations of the Special Rapporteur on Freedom of Religion aimed at promoting and fully ensuring freedom of religion for all religious communities throughout Azerbaijan. Italy recommended Azerbaijan to further align its legislation and practice with the provisions of the Convention against Torture. Italy recommended that Azerbaijan develop a national strategy to guarantee better access to education to all children and to include in the school system, at all levels, appropriate measures in the field of human rights education, in accordance with the Plan of Action 2005-2009 of the World Programme for Human Rights Education.

71. Canada welcomed the adoption of the 2008 Law on freedom of assembly. It recommended that Azerbaijan improve respect for the right to freedom of assembly in line with its domestic legislation and its obligations under article 21 of the ICCPR. Canada recommended that Azerbaijan expand media freedoms, particularly access to broadcast media. It recommended to implement the recommendations of the OSCE in regards to reversing the ban on foreign FM radio broadcasting. Canada also recommended that Azerbaijan fully respect the social and economic rights of all, including internally displaced persons, in line with its obligations under the ICESCR by following through on its commitments under the programme of the State Committee on Refugees and Internally Displaced Persons.

72. Sudan commended Azerbaijan for protecting and promoting human rights, especially the rights of vulnerable groups, and noted Azerbaijan's also continued focus on the right of the child. Sudan recommended Azerbaijan to continue its cooperation with the international community, especially in two fields: the solution of problems of refugees and IDPs; and its 2006-2015 State program on poverty alleviation and development.

73. Lithuania expressed appreciation for having abolished death penalty more than ten years ago. Lithuania recommended Azerbaijan to change the criminal legislation provisions on defamation and to eliminate unnecessary pressure on journalists fulfilling their professional duties. Lithuania recommended that public awareness campaigns about equal opportunities of women and men should be carried on. Lithuania also recommended further developing measures against domestic violence against women. Victims of domestic violence should have possibility to use appropriate means of redress and access to shelters.

74. Armenia referred to CERD that encouraged Azerbaijan to combat tendencies giving rise to racist and xenophobic behaviour, particularly against ethnic Armenians. CESCR in 2004, ECRI and Commissioner for Human Rights in 2007 raised similar concern stating: “Armenians living in an atmosphere of fear”, “illegal occupation of properties belonging to Armenians and other ethnic groups, facing widespread discrimination in various spheres, oral and written inflammatory speech... fuelling negative feelings among society towards Armenians”. According to the Delegation of Armenia, despite those recommendations, hate-speech and deprivation of cultural rights by misappropriation and destruction of Armenian cultural heritage continue (ICOMOS resolution 5, 16th General Assembly). Armenia asked for clarifications on measures taken to redress the situation with discriminatory treatment of the Armenian community. Armenia referred to 2006 CRC recommendations (paras. 24, 49, 55, 57(e), 58(f)) and recommended Azerbaijan to stop the discriminatory practices against its own citizens, and redress the situation to achieve full protection of human rights for all its citizens, especially children.

75. Holy See was well aware of the enormous contribution Azerbaijan has made to religious freedom and inter-religious dialogue. The Holy See draw the attention to the cumbersome registration process requested for religions and problem is the difficulty to obtain visas for clergy and religious personnel in general. The delegation recommended coming to a more streamlined, transparent registration process, and visa issuing. Finally, in order to foster a further dialogue between religions, the delegation recommends an educational and awareness program focusing on the different religions in the country.

76. Islamic Republic of Iran noted that a Commission on Human Rights or Ombudsman is in place to redress human rights violations and that a national plan of action was approved. It asked about measures taken to combat domestic violence; and for further explanation concerning the national strategy to increase transparency and combat corruption and relevant plan of action for 2007-2011. The Islamic Republic of Iran recommended Azerbaijan to further promote a culture of human rights among the society, to strengthen national capacities and to address shortcomings in the area of human rights promotion and protection, including the rule of law and adequate protection of vulnerable segments of the population.

77. Poland recommended that Azerbaijan improve the living standards and conditions in prisons. Poland wished to learn how the authorities would explain the ban on foreign broadcasters using FM frequencies. Poland recommended that Azerbaijan take effective measures to ensure the full realisation of the right to freedom of expression. It congratulated Azerbaijan on the decision to extend a standing invitation to all special procedures of the Human Rights Council.

78. Pakistan noted that the work being done under the adoption of the first National Plan of Action for the Protection of human is impressive. The penitentiary reform is a clear example of collective efforts. Pakistan appreciated the priority being given to the issue of IDPs, to the elimination of violence against women and bringing all perpetrators to justice.

79. Bangladesh hoped that the oil revenue will be used equitably across the population to raise their overall standard of life. Bangladesh added that the issue of gender mainstreaming and equality has been identified as a critical challenge and recommended that Azerbaijan continue to address the challenge in a purposeful manner. Bangladesh said that the issue of freedom of

media should also be looked at and recommended that the Government of Azerbaijan continue to work in earnest to address some of the legitimate concerns in this regard.

80. Senegal welcomed the possibility afforded to NGOs to submit draft legislation and to participate in the consideration and adoption of those bills, noting that it is a practice in which Azerbaijan could take pride. In the light of the excellent provisions adopted by Azerbaijan concerning human rights issues, Senegal encouraged Azerbaijan to hold fast to its course so as to strengthen its efforts in the area of protecting the rights of the child and eradicating poverty.

81. Syrian Arab Republic stated that Azerbaijan achieved progress, inter alia, by the the protection of the independent judicial power of the courts including the Constitutional Court. As a member of the CoE, Azerbaijan recognizes the jurisdiction of the European Court of Human Rights. It took note with appreciation of the efforts to provide all basic human services to more than one million Azerbaijani refugees and IDPs, especially women and children.

82. Estonia noted the Law on Fighting against Trafficking in Human Beings and the relevant National Action Plan. Despite that, trafficking remains a serious problem in Azerbaijan and Estonia asked what steps have been taken to implement this National Action Plan with regard to the actual penalties to the perpetrators. Estonia recommended that Azerbaijan ensure the effective implementation of the National Action Plan against Trafficking and to provide the necessary assistance to the victims of trafficking.

83. Chad encouraged Azerbaijan to continue its efforts to improve the human rights situation in the country and urged the international community to assist the country in coping with the challenges. However, Chad expressed concern at reports of the abortion of female foetuses by families which preferred not have female children.

84. Afghanistan appreciated that places of detention were officially opened up to human rights organizations. Azerbaijan signed in 2000 an agreement permitting ICRC officials to visit convicted persons in detention without interference, and Afghanistan asked about the renewal status of that agreement. While welcoming the positive improvements in women and children's rights, especially measures taken to combat domestic violence, Afghanistan recommended to continue efforts in this direction.

85. Brazil commended the promulgation of the Gender Equality Act and Azerbaijan's efforts towards the attainment of the MDGs. Brazil asked Azerbaijan to further elaborate on the measures taken to combat and punish domestic violence against women. Brazil encouraged Azerbaijan to accomplish progressively human rights goals as set up by HRC Resolution 9/12. Within that context Brazil recommended continuing efforts to further strengthen institutional and policy frameworks in the area of promotion and protection of human rights. Brazil also recommended that Azerbaijan take necessary measures aimed at prohibiting all forms of corporal punishment against children.

86. Palestine noted that Azerbaijan's approach constitutes a model in terms of promoting human rights despite existing obstacles such as the situation of refugees, displaced persons and economic difficulties. Palestine emphasised that Azerbaijan had been the first Muslim country to recognise the right of women to vote. Palestine recommended that Azerbaijan continue to take



the necessary measures to increase transparency in local and national institutions and to optimise the country's potential.

87. Ireland welcomed the implementation of certain recommendations during the visit by the Special Rapporteur on the promotion and protection of freedom of opinion and expression in 2007. However, a number of journalists remain in prison which is of grave concern and Ireland asked, inter alia, what steps are taken to ensure the release of those journalists. Ireland recommended that the Government puts in place further measures a) to ensure respect for freedom of expression and of the media; b) to ensure that cases of alleged violence against, and wrongful imprisonment of members of the media are fully investigated; and c) to ensure that the Law of Libel is not utilised in such a manner as to stifle honest and professional reporting. Ireland recommended that the Law on Television and Radio broadcasting is amended as soon as possible to ensure that the licenses of international broadcasters can be renewed.

88. Argentina called for the possibility for ratifying CDP. Argentina recommended that Azerbaijan implement active policies and awareness campaigns in order to overcome the situation of discrimination against women. Argentina also recommended Azerbaijan to step up its social integration policies and education programmes to eradicate the current situation of children living on the street who are victims of sexual exploitation and physical abuse.

89. The Philippines inquired as to the main obstacles faced in implementing the national law and action plan against human trafficking and as to the measures it is taking to address high rates of maternal mortality. The Philippines recommended that Azerbaijan continue efforts to eradicate poverty, paying special attention to the situation of street children and children with disabilities. The Philippines also recommended that Azerbaijan share best practices in promoting religious tolerance and harmony in society.

90. India appreciated efforts to reduce poverty and strengthen human rights, including those of its ethnic minorities and IDPs. India asked about Azerbaijan's specific laws on gender equality and other efforts to impart greater awareness about gender sensitivity. Concern has also been expressed about the decline in education standards and school enrolment rates. India requested information on progress in reforming the judiciary and measures adopted to tackle human trafficking.

91. In response to statements made, Azerbaijan noted that defamation and discrimination is a legal and social matter of a developing democracy. Individuals brought to courts in relation to this legislation are very rarely handled through criminal courts. Azerbaijan endeavours to improve its legislation, a special working group was established and appropriate provisions have been drafted.

92. The delegation made reference to the Communication law according to which broadcasting takes place on the basis of a licence granted through a competitive process. Three foreign radio stations were closed because the law does not provide for foreign radios to broadcast on Azeri frequencies. The delegation hoped that progress will be made in this area.

93. On freedom of assembly, Azerbaijan indicated that there is a law on this matter in line with international standards. The problem lies in the fact that sometimes gatherings are organised outside of indicated locations. In cooperation with international organisations, an appropriate monitoring is carried out.

94. With regard to the Rome Statute, the delegation indicated that Azerbaijan was involved in its draft but that, notably, the concept of aggression should be clarified before Azerbaijan may proceed to ratification.

95. In closing, Azerbaijan thanked everyone for the spirit of cooperation and will take direct note of recommendations.

## **II. ВЫВОДЫ И/ИЛИ РЕКОМЕНДАЦИИ**

96. В ходе дискуссии Азербайджану были высказаны следующие рекомендации:

1. присоединиться к Римскому статуту Международного уголовного суда (Лихтенштейн); обеспечить дальнейшее соответствие законодательства и практики положениям Конвенции против пыток (Италия); продолжить усилия по обеспечению согласования национальных законов с международными обязательствами и обеспечить их выполнение на местах (Египет);
2. обеспечить дальнейшее поощрение культуры прав человека в обществе, укрепить национальный потенциал и устранить недостатки в деле поощрения и защиты прав человека, в том числе посредством обеспечения законности и надлежащей защиты уязвимых слоев населения (Иран);
3. продолжить усилия по дальнейшему укреплению институциональных и политических структур в области поощрения и защиты прав человека (Бразилия); продолжать принимать необходимые меры для повышения прозрачности в деятельности местных и национальных учреждений и в полной мере задействовать потенциал страны (Палестина); создать межучрежденческий механизм с участием соответствующих субъектов гражданского общества в целях выполнения рекомендаций УПО, а также рекомендаций договорных органов и специальных процедур Совета по правам человека (Мексика);
4. обеспечить, чтобы экспериментальные инициативы на региональном уровне получили полную поддержку федерального правительства в целях рассмотрения, в частности, возможности создания независимой,

- координируемой на национальном уровне статутной службы, которая могла бы действовать в качестве справочного и директивного органа (Австрия); принять конкретные меры для обеспечения надлежащей проверки учреждений в отношении соблюдения стандартов качества ухода и возможности предоставления возмещения в случае жестокого обращения и нарушений в целях повышения эффективности системы защиты детей (Австрия);
5. выполнить свое добровольное обязательство (Латвия) и направить (Норвегия) и реализовать (Чешская Республика) постоянное приглашение всем специальным процедурам Совета по правам человека;
  6. продолжить осуществление начатых национальных программ для сокращения числа любых форм дискриминации в отношении женщин до их полного искоренения (Куба); принять конкретное законодательство о насилии в отношении женщин и принудительных браках согласно КЛДЖ и КПР в целях предотвращения и борьбы с дискриминацией в отношении женщин (Мексика); осуществлять активную политику и проводить кампании по повышению информированности населения в целях преодоления ситуации, связанной с дискриминацией в отношении женщин (Аргентина); проводить кампании повышения информированности населения о равных возможностях женщин и мужчин (Литва); целевым порядком решить проблему всестороннего учета гендерного фактора (Бангладеш);
  7. обеспечить целевое образование/повышение информированности сотрудников правоохранительных и судебных органов в отношении защиты детей, женщин и лиц из числа меньшинств с иной сексуальной ориентацией или гендерной идентичностью (Чешская Республика);
  8. уделять повышенное внимание борьбе с насилием в отношении женщин, в частности путем осуществления социальных мер в этой области (Алжир); принять все необходимые меры для предоставления доступа к правосудию всех женщин, ставших жертвами насилия, и принять меры для их защиты и реабилитации и обеспечить подготовку сотрудников полицейских органов по вопросам насилия в отношении женщин (Франция);
  9. продолжать и активизировать свои усилия в интересах детей и женщин в целом для обеспечения их безопасности в домашних условиях и устранить все препятствия для их образования, развития и доступа к получению равных возможностей (Индонезия); принять дальнейшие меры в связи с бытовым насилием в отношении женщин (Литва), жертвы бытового насилия должны

иметь возможность пользоваться соответствующими средствами правовой защиты и иметь доступ к приютам (Литва); принять конкретные меры и обеспечить предоставление государственным учреждениям всех необходимых ресурсов для повышения эффективности системы защиты детей (Австрия); продолжить усилия в направлении позитивного улучшения прав женщин и детей, в особенности меры, направленные на борьбу с бытовым насилием (Афганистан);

10. активизировать деятельность механизмов по защите женщин и детей, а также принять меры по распространению информации о таких механизмах и повысить их эффективность (Чили);
11. обеспечить дальнейшее выполнение рекомендаций исследования Организации Объединенных Наций о насилии в отношении детей (Словения); принять необходимые меры по обеспечению того, чтобы находящиеся под арестом лица в возрасте до 18 лет не подвергались телесным наказаниям или другим формам жестокого обращения (Венгрия); принять необходимые меры по запрещению всех форм телесного наказания детей (Бразилия); активизировать политику социальной интеграции и осуществления просветительских программ для устранения существующей ситуации, в которой находятся живущие на улицах дети, становящиеся жертвами сексуальной эксплуатации и физического насилия (Аргентина);
12. принять конкретные меры для выделения необходимых ресурсов в целях повышения эффективности системы защиты прав ребенка, в том числе путем эффективного мониторинга условий содержания в учреждениях по уходу и создания механизма рассмотрения жалоб в интересах детей, создания и регулирования деятельности новых механизмов по защите детей на основе проведения серьезных исследований и осуществления широких экспериментальных проектов, а также создания механизмов предоставления услуг в области опеки (Чешская Республика); принятие надлежащих мер для дальнейшей защиты прав детей (Венгрия);
13. обеспечить эффективное осуществление Национального плана действий по борьбе с торговлей людьми и предоставить необходимую помощь жертвам такой торговли (Эстония);
14. рассмотреть возможность изменения или отмены уголовного законодательства о диффамации в целях устранения возможности лишения кого-либо свободы на

основании высказанных мнений (Нидерланды); изменить положения уголовного законодательства о диффамации для устранения ненужного влияния на журналистов, выполняющих свои профессиональные обязанности (Литва); обеспечить, чтобы применение Закона о клевете не нарушало свободы честной и профессиональной работы журналистов (Ирландия);

15. обеспечить, чтобы все ветви государственной власти, включая сотрудников государственных органов, в полной мере уважали и поощряли свободу выражения мнений (Швеция); обеспечить полное осуществление свободы выражения мнений и свободы всех независимых средств массовой информации, как национальных, так и иностранных, независимо от их характера: печати, Интернета, радио или телевидения (Франция); принять эффективные меры для обеспечения реализации в полной мере права на свободу выражения мнений (Польша); продолжать действенную работу по устранению некоторых из законных озабоченностей, касающихся свободы средств массовой информации (Бангладеш); принять дополнительные меры для обеспечения свободы выражения мнений и средств массовой информации (Ирландия); в полной мере обеспечивать свободу средств массовой информации в соответствии с международными обязательствами (Швеция); обеспечить, чтобы положения, регулирующие деятельность средств массовой информации, способствовали обеспечению многообразия каналов средств массовой информации в соответствии с международными нормами и передовой практикой (Норвегия);
16. эффективно расследовать и преследовать в судебном порядке преступления и нарушения в отношении журналистов и правозащитников, и привлекать виновных в ответственности (Норвегия); обеспечивать принятие своевременных ответных мер в связи с жалобами на преследования журналистов и правозащитников и обеспечить принятие надлежащих мер для гарантирования их безопасности (Норвегия); принимать меры, препятствующие сохранению существующей практики возбуждения государственными должностными лицами судебных исков в отношении журналистов и правозащитников, публикующих критические материалы (Норвегия); освободить всех журналистов, находящихся под стражей по обвинению в клевете или диффамации (Соединенное Королевство); обеспечить всестороннее расследование случаев предполагаемого насилия в отношении сотрудников средств массовой информации и случаев их противоправного лишения свободы (Ирландия); привести нормы, касающиеся радио- и телевидения в соответствии с положениями МПГПП, освободить лиц,

- содержащихся в заключении за их политические взгляды, и принять гарантии против произвольного или политически мотивированного лишения свободы и судебных разбирательств, в том числе путем обеспечения полной независимости и транспарентности судебных органов (Чешская Республика);
17. расширить свободы средств массовой информации, в особенности доступ к вещательным средствам массовой информации, и выполнить рекомендации ОБСЕ в отношении снятия запрета на вещание иностранных радиостанций в диапазоне "FM" (Канада); как можно скорее изменить закон о теле- и радиовещании для обеспечения продления срока действия лицензий международных телерадиовещательных компаний (Ирландия); пересмотреть принятое решение и разрешить радиовещание неазербайджанских каналов на частотах "FM" (Соединенное Королевство);
  18. активизировать свои усилия для гарантирования свободы собраний и ассоциации, уважать работу правозащитников и соответствующим образом выполнять законодательство, касающееся НПО (Нидерланды); принять все необходимые меры для обеспечения того, чтобы закон "О свободе собраний" не применялся в чересчур ограничительном порядке местными властями, рассмотреть возможность полной отмены требования о получении предварительного разрешения на проведение общественных собраний и вместо этого обязать организаторов общественных собраний уведомлять власти об их проведении (Германия); гарантировать уважение права на мирные собрания и обеспечивать его эффективное осуществление (Швеция); улучшить соблюдение права на свободу собраний в соответствии со своим внутренним законодательством и обязательствами по статье 21 МКГПП (Канада);
  19. делиться накопленным опытом в деле поощрения религиозной терпимости и гармонии в обществе (Филиппины); в полной мере учитывать рекомендации Специального докладчика по вопросу о свободе религии, направленные на поощрение и полное обеспечение свободы религии для всех религиозных общин на территории Азербайджана (Италия); для укрепления дальнейшего диалога между религиями предусмотреть проведение просветительской и информационной программы, ориентированной на различные религии в стране (Святой Престол); обеспечить более организованный и транспарентный процесс регистрации и выдачи виз для священнослужителей и религиозных деятелей в целом (Святой Престол);
  20. активизировать усилия по обеспечению того, чтобы условия в местах содержания под стражей в полной мере соответствовали международным

нормам в области прав человека (Швеция); улучшить положение и условия содержания в тюрьмах (Польша); принять все необходимые меры для сокращения срока досудебного содержания под стражей всех лиц, арестованных по обвинению в уголовных преступлениях, в частности несовершеннолетних, и создать отдельные места содержания под стражей для этой категории лиц, а также в неотложном порядке улучшить условия содержания в тюрьмах (Германия); решить существующие проблемы, в частности касающиеся переполненности тюрем и недостаточного медицинского обслуживания в тюрьмах, и создать независимые механизмы для контроля условий в местах содержания под стражей, уделяя особое внимание условиям содержания детей и их защиты от насилия и жестокого обращения (Чешская Республика);

21. усовершенствовать процесс отправления правосудия, включая создание системы инспекции центров содержания под стражей и системы расследования жалоб на предполагаемые случаи применения пыток (Мексика); обеспечить эффективное осуществление Уголовно-исполнительного кодекса и Уголовно-процессуального кодекса, которые содержат ряд прогрессивных положений, касающихся благополучия содержащихся под стражей лиц и заключенных (Индонезия); ускорить создание правовой системы, а также улучшить системы и процедуры отправления правосудия и обеспечить достижение дальнейшего прогресса в области государственного управления (Чили); рассмотреть возможность принятия основополагающих мер, включая, например, обращение с просьбой о предоставлении помощи в создании потенциала для содействия распространению информации о правах человека и повышению возможностей проведения уголовных расследований сотрудниками полиции (Япония);
22. продолжить усилия по улучшению и расширению доступа к образованию всех детей и включить курс прав человека в школьные программы (Алжир); продолжать обеспечивать доступность и высокое качество образования на всех уровнях (Беларусь); предусмотреть возможность широкого распространения информации о положениях КЛДЖ среди общественности с помощью системы образования, кампаний по повышению информированности и подготовки специалистов по гендерной проблематике (Малайзия); разработать национальную стратегию, гарантирующую более широкий доступ к образованию всех детей и предусмотреть в рамках школьной системы на всех уровнях надлежащие меры по образованию в сфере прав человека в соответствии с Планом действий на 2005-2009 годы Всемирной программы по образованию в области прав человека (Италия);

23. предпринять конкретные шаги для обеспечения большей доступности иных форм альтернативного ухода, т.е. содействовать функционированию систем опекунов и передачи на воспитание в приемные семьи, а также создавать службы поддержки семей на общинном уровне, которые препятствовали бы оставлению детей их семьями (Австрия); продолжать постоянную работу по выполнению государственной 10-летней программы по передаче детей из государственных учреждений в семьи и альтернативные службы по уходу за детьми (Российская Федерация);
24. продолжать свои усилия по сокращению масштабов нищеты и предусмотреть возможность обмена передовым опытом с заинтересованными странами (Алжир); пересмотреть программы сокращения масштабов нищеты в целях искоренения основополагающих причин бедности и разработать эффективные способы решения социальных проблем (Южная Африка); продолжать усилия по искоренению нищеты, уделяя особое внимание положению беспризорных детей и детей-инвалидов (Филиппины);
25. активизировать свои усилия по удовлетворению в полной мере основных потребностей населения, в частности в сфере занятости, государственного здравоохранения, образования и обеспечения жильем (Малайзия); продолжить уже предпринимаемые усилия по улучшению уровня жизни своего народа и обеспечить социальную защиту населения на основе активного развития экономики и надлежащего распределения национального богатства (Куба); продолжать обеспечивать высокий уровень социально-экономической защиты (Беларусь);
26. продолжать свою эффективную работу в области защиты прав семьи, женщин и детей (Казахстан);
27. продолжать свои усилия для обеспечения удовлетворительных условий жизни ВПЛ (Алжир); в полной мере уважать социальные и экономические права всех лиц, включая внутренне перемещенных лиц, в соответствии с обязательствами, взятыми в рамках МКЭСМП, путем выполнения своих обязательств по программе Государственного комитета по делам беженцев и внутренне перемещенных лиц (Канада); поощрять и укреплять международное гуманитарное сотрудничество и помощь в целях реализации программ и механизмов, содействующих ликвидации угроз и ограничения прав человека беженцев и перемещенных лиц (Чили);



28. выполнить рекомендации, высказанные договорными органами и специальными процедурами, и в этой связи рекомендовать создание механизма для мониторинга положения этнических меньшинств и других уязвимых групп, включая мигрантов и просителей убежища, и предоставить этим группам такие же права, которыми пользуется все остальное население (Мексика);
  29. продолжить свои усилия по поощрению и защите прав человека в сотрудничестве с Советом по правам человека и УВКПЧ на основе потребностей, выявленных Азербайджаном (Египет);
  30. продолжить свои конструктивные усилия в области образования в сфере прав человека, включая в этой связи активное сотрудничество с основными международными организациями (Иордания);
  31. продолжать свое сотрудничество с международным сообществом, в частности в двух областях: в решении проблем беженцев и ВПЛ; и в реализации государственной программы 2006-2015 годов по уменьшению масштабов бедности и развитию (Судан);
  32. продолжать в полной мере сотрудничать с группами гражданского общества в осуществлении последующих мер и выполнении итогов настоящего обзора (Соединенное Королевство).
97. Ответ Азербайджана на эти рекомендации будет включен в итоговый доклад, подлежащий принятию Советом по правам человека на его одиннадцатой сессии.
98. По мнению делегации Азербайджана, замечания и рекомендации, содержащиеся в пункте 74 доклада, представляются неуместными, поскольку они не являются фактологически точными и не соответствуют основе обзора, предусмотренного в резолюции 5/1 СПЧ "Институциональное строительство Совета по правам человека Организации Объединенных Наций".
99. Все выводы и/или рекомендации, содержащиеся в настоящем докладе, отражают позицию представившего их государства (государств) и/или государства - объекта обзора. Они не должны рассматриваться как получившие одобрение Рабочей группы в целом.

## **Annex**

### **COMPOSITION OF THE DELEGATION**

The delegation of Azerbaijan was headed by H.E. Mr. Khalaf KHALAFOV, Deputy Minister for Foreign Affairs, and composed of 13 members:

- H.E. Mr. Oruj ZALOV- Deputy Minister for Internal Affairs;
- H.E. Mr. Togrul MUSAYEV – Deputy Minister of Justice,
- H.E. Mr. Natiq MAMMADOV – Deputy Minister of Labour and Social Protection of Population,
- H.E. Mr. Elchin AMIRBAYOV- Ambassador, Permanent Representative;
- Mr. Muzaffar TALIBLI – Head of Sector, Executive Apparatus of the President;
- Mr. Telman MAMMADOV – Head of the Apparatus of the State Committee on Refugees and IDPs;
- Mr. Murad NAJAFBAYLI – Head of Department, Ministry of Foreign Affairs;
- Mr. Faiq QURBANOV – Head of Department, Ministry of Justice;
- Mr. Ismayil ASADOV – First Secretary, Ministry of Foreign Affairs;
- Mr. Mammad TALIBOV – Second Secretary, Permanent Mission;
- Mr. Habib MIKAYILLI – Third Secretary, Permanent Mission;
- Ms. Samira SAFAROVA – Attaché, Permanent Mission.

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