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**UNIVERSAL PERIODIC REVIEW**

**Report of the Working Group on the Universal Periodic Review \***

**Azerbaijan**

**Addendum**

**Views on conclusions and/or recommendations, voluntary commitments  
and replies presented by the State under review**

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**RESPONSE OF THE REPUBLIC OF AZERBAIJAN TO THE RECOMMENDATIONS  
IN THE REPORT OF THE WORKING GROUP ON  
THE UNIVERSAL PERIODIC REVIEW**

The Government of the Republic of Azerbaijan welcomes the recommendations made in the course of its Universal Periodic Review. After careful consideration to all recommendations, it responds as follows:

1. Azerbaijan does not accept the recommendation regarding accession to the Rome Statute of the International Criminal Court. Since the Statute of the International Criminal Court does not contain the definition of the Aggression, Republic of Azerbaijan currently does not intend to accede to it.

It points out that the requirements deriving from the Convention against Torture are already expressed in the legislation and are applied in practice. The Criminal Code examined by Council of Europe has criminalised the acts included to the notion of torture under the United Nations Convention against Torture. According to the Constitution human rights and freedoms are applied in accordance with international treaties Azerbaijan is a party to and in case of contradiction between normative legal acts (except Constitution and acts adopted by referendum) and international treaties, the latter applies.

2. We accept the recommendation. Protection of human rights and freedoms are enshrined in the Constitution as main purpose of the State.
3. We accept recommendations and point out that it constantly takes measures to this end. On 18 of March 2009 there were made constitutional reforms very significant for promotion of human rights and freedoms. Constitutional reforms were directed towards strengthening the social focus of the state, the enhancement of the effectiveness of human rights and freedoms protection, the improvement of the work of supreme state authorities, as well as courts and municipalities.

As a result of amendments to the Constitution the provisions on right to equality, to property, to personal immunity, to live in a healthy environment, rights of detained, arrested and convicted persons, freedom of conscience, freedom of information and other provisions on protection of human rights and freedoms and other related guarantees have been advanced.

4. We do not accept the first part of this recommendation. Because our country is a unitary republic and government is not separated to local and federal ones.

The second recommendation is accepted by the Republic of Azerbaijan. We inform that measures on scrutinizing child institutions with respect to relevant quality standards of child care will be intensified in future.

5. Regarding recommendation, we state that Azerbaijan always cooperates with Human Rights Council Special Procedures and will continue cooperation hereafter.
6. We accept recommendations; discrimination against women is not typical for the country.

As was pointed out in the main report there are several State Programs implemented in the field of ensuring gender equality and rights of women. State bodies are closely

cooperating with NGOs and international organizations in the implementation of these programs, as well as, in conducting awareness raising events. The draft “Law on elimination of domestic violence” is currently under review in Milli Maclis (Parliament).

7. We accept recommendation and are already implementing it.

According to Recommendations of the Committee on the Rights of the Child presented at its 44<sup>th</sup> session there were held special courses delivered by experts of United Nations and OSCE in current field for police officers dealing with children within the framework of Juvenal Justice improvement program and were attended at least by 300 police officers.

8. We accept recommendations. There are held various social measures in respect to women within the framework of the State Programs.

According to the “Complex Republican Program on struggle against domestic violence in a democratic society” social rehabilitation is provided, new specialisation courses are hold in order to reduce unemployment among women, programs are prepared in educational institutions on equality, and particularly on struggle against violence towards women, and social surveys are held to determine the causes of violence.

9. We accept recommendations. Protection of women and child rights is always in the focus of attention of our Government.

The draft “Law on elimination of domestic violence” currently under review in the Parliament envisages legal, social and preventive measures and contains provisions on establishment of shelters, provides for rehabilitation and compensation.

10. We accept this recommendation.

11. We accept recommendation and note that measures are regularly taken in this regard.

Corporal punishment, including against children is prohibited and criminalised by legislation. A draft law amending Criminal code and Administrative delinquencies code defines administrative and criminal responsibility of parents and other individuals for cruel treatment of children, psychological and physical violence against them.

There were also adopted the “Law on prevention of abandonment and legal violations of minors” and “Plan of Action on Solving the problem of abandoned and street children in the Republic of Azerbaijan”.

12. We accept recommendations. With respect to implementation of this recommendation there was adopted a “State Program on transfer of children from state institutions to families (De-institutionalization) and alternative care for (2006-2015 years)”

13. We accept this recommendation. National Plan of Action on struggle against Human Trafficking approved by the Decree of the President in 2004.

For continuation of measures realized in the field of struggle against human trafficking, improvement of normative legal basis and institutional mechanisms, as well as, raising effectiveness in the activity of state bodies, the second National Plan of Action (for 2009-2013 years) was accepted dated 6 February 2009.

14. In respect of the recommendation on change of criminal legislation provisions on defamation, we note that currently a special working group is functioning on improvements of criminal legislation, which is comprised of judges, lawyers, and outstanding scholars. The working group is preparing suggestions according to the international practice.
15. The Republic of Azerbaijan accepts the 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup>, and 7<sup>th</sup> recommendation expressed in paragraph 15.

Freedom of expression is guaranteed by article 47 and 50 of the Constitution and other laws. For effective realization of this right, independent activity of mass media, strengthening their financial, technical capacity state is undertaking several measures. These include reducing taxes of press entities, provide them with financial credits, clearance of their debts and financial assistance. Currently there are more than 3800 means of mass media functioning in Azerbaijan.

With a view of elimination of problems in field of media, effectively ensure the realisation of freedom of expression and information, support the independence of means of mass media there was adopted “State Support Conception for development of means of mass media in the Republic of Azerbaijan” in 2008.

There was established a State Support Fund for Development of Means of Mass Media at the auspices of the President by Decree of the President on 3 April 2009 and 1,3 million manats (1,625 million dollars) were designated from State fund for this purpose.

The Republic of Azerbaijan does not accept other recommendations in paragraph, as freedom of expression is fully ensured in the country without any impediment.

16. Regarding first recommendation, it is noted that all legal breaches, as well as, crimes and violations against journalists and human rights defenders are widely investigated, relevant measures are taken and those committing such violations are necessarily brought to justice and punished.

We do not accept other recommendations in paragraph. Regarding arrested journalists it should be noted that they bear responsibility for commitment of certain crimes according to Criminal Code and in accordance with court decision. Four of them were released by act of amnesty declared on 17 March 2009.

17. We do not accept recommendation. It should be noted that foreign radio broadcasting is not banned. According to the “Law on Television and Radio Broadcasting”, which has been examined by experts of Council of Europe and approved to be in line with international standards, foreign radio broadcasting was stopped only on national frequencies. This provision is not intending to restrict freedom of media, on the contrary, it aims to promote the development of local media and with this view the primacy of broadcasting on national frequencies is given to local radios.

As in European countries, the AM broadcasting of foreign radios, as well as, their broadcasting through internet, cable and satellite is ensured.

18. We accept only the 1<sup>st</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> of recommendations in this paragraph.

Freedom of assembly of everyone in Azerbaijan is guaranteed according to the Constitution and International Treaties. For further effective realization of the freedom of assembly, there was adopted “Law on freedom of assembly”, which reflects the guarantees enshrined in international treaties. After the amendments were made to the Law in accordance with suggestions of Venice Commission, in its final opinion the Law was considered to be in line with European standards.

According to the Law freedom of assembly can only be restricted when prescribed by law and necessary in a democratic society, in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health and morals, rights and freedoms of others. As known this provision reflects article 11 of the European Convention on Human Rights, expressing freedom of assembly.

19. We accept these recommendations.

Azerbaijani nation has an old tradition of tolerance and is ready share this with all other countries.

Considering the realization of freedom of religion as a priority of state policy in religious matters Azerbaijani Government undertakes constant measures in this direction. Ensuring freedom of religion of all religious communities, equal conditions have been provided for all of them.

The State Committee for Work with Religious Associations holds various awareness raising events on different religions.

As for recommendation on more streamlined and transparent registration process, it is noted that previous difficulties related to registration of religious entities are eliminated, the registration process has been completely simplified.

20. Complex measures are undertaken within the framework of reforms implemented together with international organizations in the field of bringing penitentiary system in line with international standards. Measures on improving detention conditions of prisoners are also expressed in “State Program on Progress of Azerbaijani Justice System for 2009-2013 years”. Modernization of penitentiary system is defined as one of the main directions of “Support Program to Justice Reforms” which is to be implemented from 2009 together with European Commission.

It should be noted that, the number of prisoners held in penitentiary facilities is less than average limit, so there is no overcrowding problem.

The notion that medical care is not adequate in penitentiary institutions is not accurate. With a view of bringing medical service in line with modern requirements and ensuring independence of medical staff, medical service was taken out of the auspices of penitentiary system and established as a Central Medical Department under the Ministry of Justice.

21. Monitoring over the conditions of prisoners is hold by European Committee on Prevention of Torture (CPT), Ombudsman, International Committee of Red Cross, Public Committee monitoring the functioning of penitentiary institutions and as well as by non-governmental organizations.

Regarding recommendation on improvement of justice system we note that Statute of Ministry of Justice, adoption of “Law on public service at Justice organs”, approval of Decree on “Development of justice organs”, “State Program on development of Azerbaijani justice system for 2009-2013 years” is a basis for development of Azerbaijani Justice system, as well as Penitentiary service.

22. We accept these recommendations.

Right to Education of everyone is articulated in the Constitution (article 42). State guarantees free and compulsory primary and secondary education to all. The new Draft “Law on Education” was prepared to improve children’s opportunities to obtain education. Draft law currently under consideration of Parliament includes also provisions on ‘inclusive education’.

With a view of implementation of United Nations World Programme for Human Rights Education, for conducting human rights education at schools, Commissioner for Human Rights of Azerbaijan and Ministry of Education have developed and are currently implementing joint Plan of Action.

23. We accept these recommendations.

“State Program on transfer of children from state institutions to families (De-institutionalization and alternative care for (2006-2015 years)” envisages improvement of current legislation in line with international requirements, connecting the implemented measures with elimination of poverty and sustainable development, transfer of children into families, protection of their rights and adoption of their social protection mechanisms, determination of criteria of state guardianship and other issues.

The working group created for the implementation of the Program together with experts of UNICEF have hold the monitoring of 55 state child institution and conditions of about 15000 children brought up in these institutions and data was created.

There was signed a joint Memorandum on “Creation of mechanism on transfer of children to families and providing them with alternative care” between UNICEF and several state bodies.

In order to make other forms of alternative care available government establishes Daily Care and Support Centres for children and their families.

24. We accept this recommendation and state readiness to share its practice on reduction of poverty with interested countries. Currently for elimination of poverty “State Program on reduction of poverty and sustainable development for 2008-2015 years” is being implemented.

Before this, as a result of implementation of “State Program on reduction of poverty and economic progress for 2003-2005 years” poverty rate was decreased to 29,3 per cent in 2005 and to 13,2 per cent in 2008, which was 46,7 per cent in 2002.

In this respect World Bank has declared Azerbaijan as the most active reformer state.

25. We accept these recommendations. The implementation of “The Employment strategy of the Republic of Azerbaijan (for 2006-2010 years)”, “State Program on implementation of

employment strategy of the Republic of Azerbaijan (for 2007-2010 years)”, “State Program on social-economic progress of regions of the Republic of Azerbaijan (for 2004-2008 years)” has played a key role in improvement of living conditions of population, ensuring their employment and social protection.

There was recently adopted a “State Program on social-economic progress of regions of the Republic of Azerbaijan for 2009-2013 years” by Decree of the President on 14 April 2009.

Furthermore, according to amendments to Constitution by referendum on 18 March of this year, the Supreme goal of State, besides guaranteeing human rights now also includes, ensuring their favourable living conditions. As a result of amendments to Constitution, the provision was added on social focus of economic development.

26. We accept this recommendation.

27. We accept this recommendation. Government has taken and is continuing to take measures on ensuring human rights and particularly economic and social rights of internally displaced persons and towards improvement of their living conditions.

“The State Program on improvement of living conditions and employment of refugees and internally displaced persons” adopted in 2004 and additions to that Program in 2007 were principally focused on realization of rights of refugees and internally displaced persons enshrined in the Covenant on Economic, Social and Cultural Rights.

Currently the Draft Program on “Great Repatriation (Boyuk Qayidish)” is developed together with International Financial Structures, Specialised agencies of United Nations and International Humanitarian Organisations according to 1.9 para of “The State Program on improvement of living conditions and employment of refugees and internally displaced persons”. This Program is going to be implemented after the release of occupied territories.

28. We do not accept recommendations except the one on complying with the recommendations made by Treaty Bodies and Special Procedures. State pays special attention to protection of human rights of ethnic minorities and vulnerable groups, but considers that “monitor” these groups (as is recommended) would lead to restriction of their rights. Generally it is not clear as to what “monitor” constitute according to recommendation.

At the same time we would like to note that State Migration Service established in 2007, alongside implementing migration policy, also functions for protection of migrants’ rights and in this regard several laws were amended in 2008.

We do not accept the last recommendation, because human rights and freedoms of all individuals and groups are ensured in the Republic of Azerbaijan without any impediment and regardless of ethnic origin, race, religion, language or sex.

29. Azerbaijan is willing to continue cooperation in the priority issue for the Government of Azerbaijan - promotion and protection of human rights, with Human Rights Council, High Commissioner for Human Rights and, as well as, other human rights mechanisms.

30. We accept this recommendation and will continue efforts in this direction.

31. The Recommendation is accepted, as the Republic of Azerbaijan is ready for international cooperation in all fields.
32. We accept this recommendation.

For discussion of given recommendations and development of relevant suggestions there was held a round table with participation of state bodies and also non-governmental organizations in the Office of Commissioner for Human Rights of the Republic of Azerbaijan on 30 April 2009.

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