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Working Group on the Universal Periodic Review

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### Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21

#### Azerbaijan\*

The present report is a summary of 18 stakeholders' submissions<sup>1</sup> to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. As provided for in Resolution 16/21 of the Human Rights Council, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

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\* The present document was not edited before being sent to United Nations translation services.

## **I. Information provided by the accredited national human rights institution of the State under review in full compliance with the Paris Principles**

### **A. Background and framework**

1. The Commissioner for Human Rights (Ombudsman) noted that Azerbaijan joined the UNESCO Convention on the Protection and Promotion of the Diversity of the Cultural Expressions.<sup>2</sup>

2. The Ombudsman stated that a National Programme for Action was approved to raise the effectiveness of protection of human rights and freedoms, to improve legal culture of society, and to promote sustainability of measures aimed at improving the normative base and legal protection.<sup>3</sup>

### **B. Cooperation with human rights mechanisms**

3. The Ombudsman organized joint discussions on the recommendations of the previous UPR with the participation of public authorities, non-governmental organizations with a view to determining measures to be taken to address shortcomings mentioned in the recommendations.<sup>4</sup>

### **C. Implementation of international human rights obligations**

4. As national preventive mechanism, the Ombudsman conducted scheduled and *ad hoc* visits to places of detention. Ombudsman also carried out monitoring of alternative care facilities for children to investigate cases of violence against them.<sup>5</sup>

5. The Ombudsman noted the creation of an Inter-Agency Council to implement the National Directive Mechanism Rules regarding victims of human trafficking. She also noted the “Programme on Elimination of Social Problems Causing Human Trafficking,” whose aims are: to eliminate social problems causing human trafficking, to create favourable conditions for better livelihood for victims and potential victims of human trafficking, and to ensure social protection of vulnerable groups subjected to human trafficking, including orphans, neglected children and adolescents and people who had left boarding schools and alternative care facilities due to age limit.<sup>6</sup>

6. The Ombudsman noted the adopted Law on “Domestic Violence” in June 2010. Ombudsman proposed some recommendations to fully eliminate violence against children.<sup>7</sup>

7. The Ombudsman prepared the draft Law on “Protection of Children from Corporal Punishment” to strengthen fight against violence and submitted it to Parliament. The draft Law regulates the issue of elimination of corporal punishment against children including the legal situation and protection and assistance to children subjected to corporal punishment.<sup>8</sup>

8. The Ombudsman noted that 12 new regional courts began operating from January 2011. New regional courts of Grave Crimes in four regions were established to simplify the court application procedures, and administrative economic courts were created in seven regions. The military court system was also improved.<sup>9</sup> Moreover, the Ministry of Justice established 16 regional legal consultation centres to provide free legal assistance, particularly to low-income populations.<sup>10</sup>

9. The Ombudsman encouraged removal of the criminal liability for defamation. Ombudsman stated that as regards the extension of her mandate and new responsibilities concerning “Access to Information”, the Ombudsman held consultations with representatives of the media, experts specialized in media rights, and information-holding state bodies.<sup>11</sup>

10. The Ombudsman recommended to Parliament that the latter increase regularly minimum monthly wages, pensions and allowances in the framework of the employment of persons with special needs, including persons with disabilities, strengthen social protection of low-income populations, and reduce poverty.<sup>12</sup>

11. The Ombudsman proposed taking necessary measures to protect the social security of vulnerable population groups, including refugees, IDPs, persons with disabilities, children with health problems, orphans and children deprived of parental care, and the lone elderly people.<sup>13</sup>

12. The Ombudsman stated that measures to solve the IDP problems had been constantly implemented. The Ombudsman noted that new settlements for refugees and IDPs were set up in cities and regions and new education, medical, cultural and communication facilities were opened.<sup>14</sup>

## **II. Information provided by other stakeholders**

### **A. Background and framework**

#### **1. Scope of international obligations**

13. Joint Submission 4 (JS4) considered the ratification of the Convention on the Rights of Persons with Disabilities and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT) and the appointment of Ombudsman as national preventive mechanism as important additional steps in implementation of international human rights instruments.<sup>15</sup>

14. JS4 recommended the ratification of the Convention for the Protection of All Persons from Enforced Disappearance as well as ILO Convention Nos.102, 128, 155, 184, and 187..<sup>16</sup>

15. Joint Submission 8 (JS8) stated that Azerbaijan prohibited the use of children in hostilities but only those who are 15 years old or younger, which implies that the deployment of 16 to 18 years olds may be considered permissible in violation of its obligations under the Optional Protocol to the Convention on the Rights of the Child on the involvement of Children in Armed Conflict.<sup>17</sup>

#### **2. Constitutional and legislative framework**

16. JS4 recommended the adoption of the draft law on Juvenile Justice and the draft Law on Prohibition of Corporal Punishment of Children.<sup>18</sup>

#### **3. Institutional and human rights infrastructure and policy measures**

17. JS4 stated that there was no strong mechanism to promote and protect children’s rights and to redress violations of their rights recommending the establishment of the position of Ombudsman for Children’s Rights as part of the existing Ombudsman.<sup>19</sup> JS4 noted that the monitoring of implementation of the right of access to information is given to the Ombudsman. Many experts and parliamentarians deemed that burdening the Ombudsman and increasing her workload without any effective delegation of authority and

without expanding the capacity of the institute would undermine the work on protection and promotion of the right to access to information.<sup>20</sup>

18. JS4 stated that the National Plan of Action on Human Rights had helped promote increased awareness of international human rights instruments and the ratification of various European and international human rights conventions. JS4 noted that the President signed a decree on adoption of Human Rights National Actions Programme in 2011, which sets specific goals and objectives aimed at strengthening the human rights protection mechanisms of certain population groups, including improvement of criminal legislation in the field of sexual abuse against children in accordance with international standards; improvement of legislation on defamation; protection of rights of people in custody for extradition; and development of a draft migration code.<sup>21</sup>

## **B. Cooperation with human rights mechanisms**

### **1. Cooperation with treaty bodies**

19. Joint Submission 5 (JS5) noted that treaty bodies' decisions related to torture still were not implemented because of lack of procedure in domestic law.<sup>22</sup>

### **2. Cooperation with special procedures**

20. Joint Submission 3 (JS3) recommended that a standing invitation be extended to the Special Procedures, particularly to the Special Rapporteurs on Human Rights Defenders, Freedom of Expression and on Freedom of Peaceful Assembly and Association.<sup>23</sup> JS4 made a similar recommendation.<sup>24</sup>

## **C. Implementation of international human rights obligations**

### **1. Equality and non-discrimination**

21. Joint Submission 2 (JS2) stated that the number of women in law enforcement agencies, including police and prosecutorial authorities were very low. JS2 noted that there was no woman working in traffic police and customs office. Further, there was no women heads of tax departments in the Ministry of Taxes.<sup>25</sup>

22. Joint Submission 1 (JS1) recommended that Azerbaijan develop a legal and medical system which would allow transgender people to change their bodies and legal papers in accordance with their gender identity.<sup>26</sup>

### **2. Right to life, liberty and security of the person**

23. JS5 stated that the definition of torture in domestic law did not comply with Article 1 of the CAT.<sup>27</sup>

24. Human Rights Watch (HRW) stated that torture and ill-treatment remained a serious problem.<sup>28</sup> HRW noted credible allegations of ill-treatment in police custody was not effectively investigated despite the 2009 UPR recommendation "to establish a system to follow up complaints of allegations of torture."<sup>29</sup>

25. Amnesty International (AI) stated that several activists detained at and after the protests in March and April 2011, as well as following the dispersal of protests in March, April and October 2012, had complained of ill-treatment at the time of their arrest and while in police custody. To date, none of these allegations had been investigated in an effective manner.<sup>30</sup> AI recommended that Azerbaijan conduct a prompt effective and independent and impartial investigation into the allegations of torture and other ill-

treatment of the detained activists and ensure that those found responsible are brought to justice in accordance with international obligations and fair trial standards.<sup>31</sup>

26. JS2 expressed concern that prisoners are suffering from problems in penitentiaries such as physical and mental torture, corruption and bribery.<sup>32</sup>

27. JS4 welcomed the establishment of the Public Committee for Monitoring of Penitentiary Service. However, JS4 expressed concern that the Public Committee's mandate only covers penitentiary facilities under the Jurisdiction of the Ministry of Justice. Accordingly, pre-trial detention facilities under the jurisdiction of the Ministry of Internal Affairs and detention facilities under the Ministry of National Security still remain closed to it.<sup>33</sup> JS5 expressed a similar concern.<sup>34</sup>

28. JS1 noted that sexual harassment existed within families. In the case of rape, the family usually tried to cover up and if a victim was single, she may be offered to marry the perpetrator. Reporting a rape was a long and humiliating endeavour in a society where the woman victim is blamed for being sexually abused.<sup>35</sup> JS1 recommended that Azerbaijan include marital rape in the current legislation and raise public awareness about the issue of consent in sexual relations.<sup>36</sup> Joint Submission 9 (JS9) recommended that Azerbaijan provide training on domestic violence for police officers and other professionals, including medical personnel and judges.<sup>37</sup>

29. Global Initiative to End All Corporal Punishment of Children (GIEACPC) noted that corporal punishment of children in Azerbaijan was unlawful in the penal system and possibly in schools but it was lawful in the home and alternative care settings.<sup>38</sup>

30. GIEACPC noted that despite Azerbaijan's acceptance of the recommendation to prohibit corporal punishment in the previous UPR in 2009, a draft law on protection of children against all forms of corporal punishment was being discussed but not yet enacted and the legality of corporal punishment in Azerbaijan was the same as in the previous review in 2009.<sup>39</sup>

31. JS1 recommended that Azerbaijan: develop legislation to address family violence and hate crimes against LGBT people; conduct proper investigations into police blackmailing, harassment and violence against them duly punishing those responsible and setting up administrative and legal frameworks to eradicate such practices.<sup>40</sup>

### **3. Administration of justice, including impunity and the rule of law**

32. JS4 expressed concern that the judicial system had not been left aside of corruption allegations, and it had been under serious attack by local and international NGOs and human rights defenders due to its deep dependence from the executive branch.<sup>41</sup>

33. JS4 recommended that juvenile correction facilities undergo reforms to become more open to public monitoring and disciplinary measures, including the prohibition of placement of a child in single cells. JS4 recommended that the children's rights to privacy and contacts with families be reinforced.<sup>42</sup>

34. JS4 further recommended: the establishment of specialized juvenile courts; and that prosecutors and police investigating and working on juvenile cases and juvenile advocates be trained on international standards and guidelines on juvenile justice particularly community-based alternatives to arrest and custodial detention and imprisonment.<sup>43</sup>

35. Joint Submission 7 (JS7) stated that virtually no case of violence against journalists since 2005 had been investigated by the authorities and brought those responsible to justice, which had created a climate of complete impunity for those who wish to use violence to silence critical voices.<sup>44</sup> JS3 recommended that Azerbaijan conduct impartial and effective

investigations into all cases of attack, harassment and intimidation of human rights defenders and journalists and bring perpetrators to justice.<sup>45</sup>

36. JS7 stated that authorities had undermined fair trial rights. They had targeted lawyers who provide legal counsel to those subjected to politically motivated prosecutions and a number of them had been disbarred without justification. The trials of those accused for politically motivated reasons often failed to meet international fair trial standards.<sup>46</sup> JS9 expressed similar concerns.<sup>47</sup>

37. JS9 noted that one of the challenges for citizens regarding access to fair trial is the refusal by the Supreme Court to hear cassation complaints, when made by a person who is not a member of the Bar. People of low income whose rights are violated cannot retain a lawyer.<sup>48</sup>

#### **4. Right to privacy, marriage and family life**

38. JS2 noted that despite the national legislation prohibiting usage and spread of information about private life without consent, many people had suffered from infringement of their privacy in mass media and on internet sites.<sup>49</sup> JS7 recommended that Azerbaijan investigate seriously all violations of journalists' right to privacy and prosecute those responsible bringing the perpetrators and organizers to justice.<sup>50</sup>

39. JS1 noted that the "family honour" concept prevailed in Azeri families limiting women's mobility and placing them in a vulnerable situation if they had sex before marriage or decided to live independently.<sup>51</sup>

40. JS1 expressed concern about forced marriages within extended families sometimes at an early age before the official ages of 17 for women and 18 for men and religious marriages.<sup>52</sup> JS1 specified that religious marriages performed before the official ages of marriage left women without any legal claims in case of divorce, death of the spouse or child support. Traditionally, there was a custom of "*sighe*", a temporary marriage blessed by the religious authorities, which can happen parallel to the officially registered marriage with a different woman.<sup>53</sup>

41. JS1 stated that the Azeri society valued men over women because ethnicity and family name are passed through men. Many families decided to abort female fetuses. JS1 recommended that Azerbaijan implement strict measures to punish medical personnel involved in sex-selective abortions.<sup>54</sup>

#### **5. Freedom of movement**

42. JS2 noted that dialysis patients were forced to be examined in hospitals where they are registered, which restricts their right to movement for the purposes of moving to other regions for rest or for visiting their relatives.<sup>55</sup>

#### **6. Freedom of religion or belief, association and peaceful assembly, and right to participate in public and political life**

43. Forum18 stated that Azerbaijan had produced increasingly complex legal restrictions and punishments for exercising freedom of religion or belief, which was often prepared in secret.<sup>56</sup>

44. HRW noted that despite the accepted recommendation of the previous UPR regarding the right to freedom of religion,<sup>57</sup> Azerbaijan introduced further restrictions: constitutional amendments passed in 2009 and 2011 tightened restrictions on all religious activity, requiring all religious communities to reregister, dramatically increasing fines for unauthorized religious activity and requiring all religious groups to seek prior authorization

to gather; and unwarranted raids continue to take place across Azerbaijan, closing down various houses of worship and fining members of their congregations.<sup>58</sup>

45. Forum18 noted that the State Committee for Work with Religious Organizations (the State Committee) specified the number of copies of each religious work that may be printed or imported, actively checked the contents of shops selling religious literature, and maintained a list of banned religious literature that it refused to make public. Forum18 noted that compulsory State Committee licencing was not uniformly applied across the country.<sup>59</sup> European Association of Jehovah's Christian Witnesses (EAJCW) stated that since March 2010, eight Jehovah's Witnesses had received fines for distributing religious literature.<sup>60</sup>

46. Forum18 noted the compulsory re-registration requirement, which means for some religious communities de-registration. Forum18 noted that a Baku court upheld the State Committee to close down the Baku Greater Grace Protestant Church for failing to regain the compulsory re-registration.<sup>61</sup> EAJCW stated that in November 2009, Jehovah's Witnesses applied for re-registration and in late February, they learned that the State Committee refused application on a technicality. They filed with a court for an appeal against the refusal to provide re-registration. On 1 February 2012, the Supreme Court of Azerbaijan upheld the decision of the lower court thus refusing to give Jehovah's Witnesses full legal status.<sup>62</sup>

47. According to Forum18, exercising freedom of religion or belief in defiance of state restrictions risks heavy punishments for organizers and participants. Unregistered communities facing possible punishment include: all Muslim communities outside the control of the state-backed Caucasian Muslim Board; all communities not registered in 2009, including all Baptist, Seventh-Day Adventist and Jehovah's Witnesses communities.<sup>63</sup>

48. Forum18 noted that raids were often conducted against groups such as Jehovah's Witnesses, Protestants and Readers of Said Nursi's works. In addition to preventing religious communities from meeting, places of worship, mainly Sunni mosques, were closed.<sup>64</sup>

49. Forum18 stated that military conscription was compulsory and there was no alternative civilian service noting that the Religion Law imposes a ban on conscientious objection to military service.<sup>65</sup> While noting that the Constitution provides for alternative service to military service, EAJCW stated that Azerbaijan continued to harass, prosecute and imprison individuals whose deeply-held religious convictions do not allow them to engage in military service.<sup>66</sup> Joint Submission 8 (JS8) noted that an implementing legislation for the Constitutional provision of alternative civilian service for conscientious objectors to military service had been promised but had not yet materialized.<sup>67</sup>

50. Joint Submission 6 (JS6) stated that the current state of freedom of expression in Azerbaijan was alarming as the cycle of violence against journalists, bloggers, human rights defenders, writers and political and civic activists and impunity for their attackers continued. They faced increasing pressure, harassment and interference from the authorities. Those who express opinions critical of the authorities found themselves imprisoned, including under far-fetched charges or otherwise targeted in retaliation, as also highlighted by JS2, JS3 and JS7.<sup>68</sup> JS3 specified that following the spring 2011 protests, as many as 17 civil society and political activists were convicted on questionable charges, including illegal possession of drugs and evading military service.<sup>69</sup>

51. The Council of Europe High Commissioner for Human Rights (CoE/Commissioner) noted his recommendation to end practices of unjustified or selective criminal prosecution of journalists or critical opinion makers made in 2010. He stated that fabricated charges had

been used to arrest and silence parliamentary candidates, journalists and members of youth groups.<sup>70</sup>

52. AI stated that a range of independent media outlets had been curbed through laws banning foreign broadcasters from national airwaves. The Government had begun cracking down on dissent on the internet and in social media forums. Bloggers and youth activists had been harassed and imprisoned on trumped-up charges.<sup>71</sup> HRW and JS5 expressed similar concerns.<sup>72</sup>

53. JS7 noted that those who take to the Internet to express critical opinions or call for protest became particular targets of repressive actions by the Government. JS7 stated that website blocking and cyber-attacks had occurred and there were no clear processes for appeal or legal action. During the past three years, the websites of critical media institutions such as *Azadliq* and *Yeni Musavat* newspapers and the Azeri service of Radio Free Europe/Radio Liberty were blocked and faced with cyber-attacks.<sup>73</sup>

54. JS7 noted that the National Television and Radio Council lacked independence.<sup>74</sup>

55. JS6 specified that despite Azerbaijan's accepting the recommendation regarding the right to freedom of expression in the previous UPR,<sup>75</sup> in 2011 alone, at least 50 foreign and domestic journalists were harassed by the authorities. Political critics, social media activists, human rights defenders and journalists were frequently imprisoned for expressing their views.<sup>76</sup> JS6 emphasized that years of intimidation and violent harassment, including before, during and after the Eurovision song contest held in Baku in 2012 had led to a culture of self-censorship that is difficult to address.<sup>77</sup>

56. JS6 recommended that Azerbaijan: 1) immediately release those imprisoned for exercising their right to freedom of expression; 2) stop targeting those exercising their right to freedom of expression in retaliation; 3) stop using far-fetched charges as a common tool to arrest journalists, bloggers, and writers who exercise their freedom of expression; 4) seriously investigate and prosecute all acts of violence against journalists; 5) decriminalize defamation and; 6) engage a constructive dialogue with local freedom of expression groups and trade associations on the issue of freedom of expression, freedom to publish and Internet freedom.<sup>78</sup>

57. JS6 noted that the criminal defamation legislation remained in place,<sup>79</sup> while HRW noted that Azerbaijan accepted the recommendation in the previous UPR to ensure that libel law is not used "in such a manner as to stifle honest and professional reporting." JS7 stated that the continued presence of defamation provisions in criminal law had a chilling effect on freedom of expression and had contributed to the widespread self-censorship in the country.<sup>80</sup> JS4 recommended the decriminalization of defamation by abolishing relevant articles of the Criminal Code.<sup>81</sup>

58. JS3 stated that civil society organizations in Azerbaijan were facing a number of unwarranted restrictions through legislation governing them. New regulations passed the cabinet in 2011 and a series of legal amendments introduced in 2009 were imperilling freedom of association. The Ministry of Justice can initiate dissolution of a CSO after issuing two warning letters in a year. Financial grants have to be registered with the authorities within an unrealistic timeframe of one month. International CSOs were subjected to additional restrictions such as the requirement to respect "national moral values" and not to be involved in "political and religious propaganda, neither of whose terms is defined."<sup>82</sup>

59. AI stated that NGOs working on human rights and democratic reform faced pressure and harassment and were often denied registration or arbitrarily closed down. For instance, on 4 March 2011, three local NGOs located in Ganja, the Election Monitoring and Democracy Studies Centre, Demos Public Association and the Ganja Regional Information



Centre, were evicted from their premises by the authorities without any formal explanation or apparent legal grounds.<sup>83</sup>

60. JS9 noted that Azerbaijan imposed partial registration procedures, often resulting in the refusal of the registration of NGOs.<sup>84</sup> JS1 recommended that Azerbaijan take all necessary steps to ensure that organizations working on LGBT issues can legally register and operate.<sup>85</sup>

61. AI expressed concern on tightened restrictions regarding the right to freedom of peaceful assembly noting peaceful anti-government protest had been effectively criminalized by banning demonstrations and imprisoning those who organize or participate in them.<sup>86</sup>

62. JS3 stated that since March 2011, there had been ongoing protests in support of greater political freedoms, which increased in intensity in the run-up to the Eurovision Contest organized in May 2012. Activists and concerned citizens under the banner of “Sing for Democracy” sought to highlight severe restrictions on democratic freedoms to which the authorities responded heavy-handedly and brutally. Many of the protestors had been subjected to beatings and judicial harassment for exercising their right to democratic dissent, as also highlighted by JS9 and CoE/Commissioner.<sup>87</sup>

63. HRW stated that the long-repressive atmosphere for independent journalists, political activists, and human rights defenders had grown acutely hostile with authorities using imprisonment as a tool for political retribution and clamping down on freedom of assembly, breaking up peaceful demonstrations, often violently.<sup>88</sup> Despite the 2009 accepted recommendation to “uphold the respect of the right to peaceful assembly and the right is effectively implemented”<sup>89</sup> JS9 stated that the use of force against peaceful demonstrators was almost systematic. Authorities did not tolerate any assembly and used force to disperse assembly and detained participants for several hours before releasing them.<sup>90</sup>

64. AI noted that public protests continued to be banned in the centre of Baku and excessive force was used by police on a regular basis. AI was concerned that the unjustified denial of permission to gather anywhere in central Baku denied the protesters the opportunity to peacefully express their views in a visible, public location and criminalizes the right to peaceful assembly.<sup>91</sup>

65. JS9 stated that the Government managed to discourage meaningful citizen participation in political and decision-making processes and put a lid on genuine public debate on issues of wider public interest such as elections, social problems or the issue of transparency of oil and gas revenue expenditures.<sup>92</sup>

66. JS5 noted the conclusion of the Council of Europe (CoE) that the December 2009 municipal elections “demonstrated the weakness of local democracy in Azerbaijan and local self-government agencies,” and “there was no competition among the political parties.”<sup>93</sup>

## **7. Right to work and to just and favourable conditions of work**

67. JS4 noted that women usually made the majority in jobs with low wages and the lack of jobs for women was reflected predominantly with the shortage of flexible jobs.<sup>94</sup>

68. JS1 expressed concern that the 2006 law on “Ensuring Gender Equality” did not ensure protection from sexual harassment because its implementation was not adequate and unclear and the public opinion was largely unaware of its existence.<sup>95</sup>

## **8. Right to social security and to an adequate standard of living**

69. JS2 noted that as a result of absence of formal mechanism for determining statelessness, undocumented persons were unable to sign a labour contract or contracts that require the approval of notary and they could not use their rights to medical and legal assistance or their right to pension.<sup>96</sup>

70. HRW specified that since 2008, the authorities had been implementing a programme of urban renewal in Baku in the context of which they had unlawfully expropriated and demolished hundreds of properties, primarily apartments and homes in middle class neighbourhoods, to make way for parks, roads, and luxury residential buildings. Multiple egregious abuses had characterized this process, including lack of notice or court decision validating the expropriations, wilful disregard for health and safety of those evicted, and refusal to provide fair compensation.<sup>97</sup> JS9 noted that the authorities destroyed the Institute for Peace and Democracy building in August 2011 despite a court decision that the destruction of the building is inadmissible.<sup>98</sup>

71. JS2 stated that people in districts without centralized watering system had to obtain fresh water out of pits, irrigation watercourse and rivers and lakes, which are not subject to any ecological treatment.<sup>99</sup>

## **9. Right to health**

72. JS4 recommended that Azerbaijan: increase real expenditures for health care system, including salaries of health care workers; and provide incentives for medical professionals to work in rural areas.<sup>100</sup> CoE noted that the health care budget was significantly lower than that of other European countries.<sup>101</sup>

73. JS1 noted that the majority of women did not yet have the full enjoyment of their right to sexual health, nor was there sufficient awareness and knowledge of health issues in general and sexual issues in particular. A national strategy on reproductive health for 2008 – 2015 was being prepared in Azerbaijan, which takes into account the following five priority directions: maternal and infant health of mother and new-born babies; reproductive choices; sexually transmitted infections, including HIV and AIDS; reproductive health of youth; and gender violence and sexual exploitation.<sup>102</sup>

74. CoE noted that the rate of infant and maternal mortality was manifestly higher than in other European countries.<sup>103</sup> The high incidence of maternal and infant death was connected primarily with the low degree of awareness and knowledge of reproductive health of women; low qualifications of doctors; and widespread poverty among the population.<sup>104</sup> JS1 recommended that Azerbaijan improve nourishment of pregnant women; increase their awareness of the need for medical follow-up during pregnancy; and fund programmes to improve the skills of medical personnel in this area.<sup>105</sup>

75. JS1 recommended that Azerbaijan take measures to stop forced testing of key populations affected by HIV and AIDS; conduct public campaigns on raising awareness about HIV prevention and testing targeting groups affected by HIV, specifically migrants, young people, sex workers and injecting drug users; and ensure free treatment for people living with HIV.<sup>106</sup>

## **10. Right to education**

76. JS4 noted that despite the successful implementation of pilot programmes in the field of inclusive education, Azerbaijan had only been able to get a few dozens of disabled children in several districts up until the 4th grade of primary schools. JS4 recommended that Azerbaijan need to elaborate and adopt the National Action Plan or State Programme

on Development of Children with Disabilities in accordance with the CRPD and the rights set forth in the CRC.<sup>107</sup>

77. JS1 stated that families limited their daughters' access to education to protect "family honour" through not allowing them to enter universities in other cities.<sup>108</sup>

#### **11. Cultural rights**

78. According to Switzerland-Armenia Association, overwhelming evidence indicates that the Azerbaijani armed forces are responsible for the destruction of the Armenian medieval Necropolis in Julfa in the Autonomous Republic of Nakhchivan in December 2005 recommending that this hate-motivated crime against the Armenian cultural heritage be fully recognized and condemned by the international community.<sup>109</sup>

#### **12. Persons with disabilities**

79. Union of Disabled People Organizations of the Republic of Azerbaijan (UDPO) noted the state programme on implementation of the employment strategy, which contains measures such as improvement of a single database on vocations for the purpose of promoting persons with disabilities with appropriate jobs, preparing and implementing module vocational training programmes specialized for them, providing loans/credits for developments of entrepreneurship, creation of industrial fields specialized for them in rural areas, and preparation of vocational and psychological tests for them.<sup>110</sup>

80. UDPO stated that despite advance in legislative and policy formulations, the implementation gap still remained mainly due to: lack of coordination of activities among responsible government institutions; non-comprehensive treatment of the issue; and weakness of control mechanisms, particularly public control.<sup>111</sup>

81. UDPO specified that after the ratification of the CRPD, the ramps were fixed in some streets, public building and in underground passages. However, these works were not carried out systematically and not in compliance with international standards. UDPO noted that public transport system were an issue of concern as the newly introduced buses with ramps had become useless after a short period of time, and it was not possible for persons with disabilities to use metro and railways.<sup>112</sup>

#### **13. Minorities**

82. JS5 noted that the domestic courts considered as treason actions related to the protection of minority rights, JS5 noted the following activities considered to be high treason by the domestic courts: promotion of the Talysh language, culture and art; sending young Talysh people for getting religious education outside Azerbaijan; cooperation with foreign linguist colleagues; and conducting research on the contemporary Talysh language.<sup>113</sup>

#### **14. Migrants, refugees and asylum-seekers**

83. The European Commission against Racism and Intolerance (CoE/ECRI) noted that migrant workers remained vulnerable to illegal employment practices and serious forms of abuse. CoE/ECRI stated that the rate of recognition of refugees was extremely low and no subsidiary form of protection was recognized in Azerbaijani law leaving many persons who need it in a precarious situation.<sup>114</sup>

#### **15. Internally displaced persons**

84. JS2 noted that 20,000 settlements and 110,000 hectares of plantation and pasture fields were damaged as a result of flooding on Jura and Araz rivers in 2010. Many houses

in critical conditions still remained and compensation provided to people that suffered was not adequate to solve their problems.<sup>115</sup>

## 16. Situation in or in relation to specific regions or territories

85. According to JS9, there is no room for opposition in the Autonomous Republic of Nakhchivan as the ruling party does not hesitate to use all forms of pressure to weaken political opposition and oppress civil opposition. JS9 stated that journalists and their families in Nakhchivan were subjected to pressure and intimidation by the local authorities. They were often subjected to false accusations, imprisonment and fines aimed at restricting the activities of independent journalists and the media.

### Notes

<sup>1</sup> The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org). (One asterisk denotes a national human rights institution with “A” status).

#### *Civil society*

AI	Amnesty International, London (UK);
EAJCW	European Association of Jehovah’s Christian Witnesses, Kraainem (Belgium);
Forum18	Forum18;
GIEACPC	Global Initiative to End All Corporal Punishment of Children (UK);
HRW	Human Rights Watch, New York (USA);
SAA	Switzerland-Armenia Association, Bern (Switzerland);
UDPO	Union of Disabled People Organizations of the Republic of Azerbaijan, Baku (Azerbaijan);
JS1	Joint submission 1 submitted by: Center “Women and Modern World”, Baku (Azerbaijan) and Sexual Rights Initiative (SRI);
JS2	Joint submission 2 submitted by: Education on Human Rights Public Association, Baku (Azerbaijan); Oil Workers’ Rights Protection Organization, Baku (Azerbaijan); Support for Economic Initiatives Public Union, Baku (Azerbaijan); and Media Rights Institute (Azerbaijan);
JS3	Joint submission 3 submitted by: CIVICUS: World Alliance for Citizen Participation, Johannesburg (South Africa); and Center for National and International Studies (VNIS), Baku (Azerbaijan)
JS4	Joint submission 4 submitted by: NGO Alliance for Children’s Rights; Citizen’s Labour Rights League; Reliable Future NGO; Economic Research Center; World Vision Azerbaijan; Open Society Institute Azerbaijan; SOS Children’s Village Azerbaijan; Mushfig Public Union for Children with Disabilities; Dan International Youth Public Union; Azerbaijan Child Helpline Service; World of Law NGO; Center for Children Victims of Violence and Crime; and Children’s Rights Legal Clinic;
JS5	Joint submission 5 submitted by: Human Rights Center of Azerbaijan, Baku (Azerbaijan); and International Federation for Human Rights (Fidh), Paris (France);
JS6	Joint submission 6 submitted: by International Publishers Association (IPA), Geneva (Switzerland); and PEN International, London (UK);
JS7	Joint submission 7 submitted: by Article 19; Association for Progressive Communications; Freedom Now; Institute for Reporters’ Freedom and Safety; Media Rights Institute; Committee to Protect Journalists; Freedom House; Human Rights House Foundation; Index on Censorship; Institute for War and Peace Reporting; Media Diversity Institute; Norwegian Helsinki Committee; PEN

International; Reporters Without Borders; World Association of Newspapers and New Publishers (WAN-IFRA); and Human Rights Club;

JS8 Joint submission 8 submitted: by International Fellowship of Reconciliation (ifor), Alkmaar (The Netherlands); and Conscience and Peace Tax International, Leuven (Belgium);

JS9 Joint submission 9 submitted: by Democracy and Human Rights Resource Centre Public Union (Sungait); Democracy and NGO's Development Resource Centre (Autonomous Republic of Nakhchivan); Human Rights Club; Institute for Reporters' Freedom and Safety; Legal Education Society; Media Rights Institute; Women's Association for Rational Development; Human Rights House Foundation.

*National human rights institution*

The Ombudsman The Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan.

*Regional intergovernmental organization*

CoE The Council of Europe, Strasbourg (France).

- <sup>2</sup> The Ombudsman, p. 1.  
<sup>3</sup> The Ombudsman, p. 1.  
<sup>4</sup> The Ombudsman, p. 1.  
<sup>5</sup> The Ombudsman, p. 6.  
<sup>6</sup> The Ombudsman, p. 4.  
<sup>7</sup> The Ombudsman, p. 2.  
<sup>8</sup> The Ombudsman, p. 3.  
<sup>9</sup> The Ombudsman, p. 1.  
<sup>10</sup> The Ombudsman, p. 2.  
<sup>11</sup> The Ombudsman, p. 5.  
<sup>12</sup> The Ombudsman, p. 7.  
<sup>13</sup> The Ombudsman, p. 7.  
<sup>14</sup> The Ombudsman, p. 7.  
<sup>15</sup> JS4, p. 2.  
<sup>16</sup> JS4, p. 3. ILO Convention No. 102 on Social Security (Minimum Standards), ILO Convention No. 128 on Invalidity, Old-age and Survivors' Benefits, ILO Convention 168 on Employment Promotion and Protection against Unemployment, ILO Convention No. 155 on Occupational Health and Safety, ILO Convention No. 184 on Safety and Health in Agriculture and No. 187 on Promotional Framework for Occupational Safety and Health.  
<sup>17</sup> JS8, paras. 24 – 25.  
<sup>18</sup> JS4, p. 3.  
<sup>19</sup> JS4, p. 3.  
<sup>20</sup> JS4, p. 3.  
<sup>21</sup> JS4, p. 2.  
<sup>22</sup> JS5, para. 21.  
<sup>23</sup> JS3, para. 5.5.  
<sup>24</sup> JS4, pp. 3 -4.  
<sup>25</sup> JS2, para. 55.  
<sup>26</sup> JS1, para. 44.  
<sup>27</sup> JS5, para. 18.  
<sup>28</sup> HRW, p. 1.  
<sup>29</sup> HRW, p. 4.  
<sup>30</sup> AI, p. 1 and p. 4.  
<sup>31</sup> AI, p. 4.  
<sup>32</sup> JS2, para. 7.  
<sup>33</sup> JS4, p. 5.  
<sup>34</sup> JS5, para. 17.  
<sup>35</sup> JS1, paras. 8 – 9.

- <sup>36</sup> JS1, para. 11.
- <sup>37</sup> JS9, para. 64.
- <sup>38</sup> GIEACPC, para. 2.1.
- <sup>39</sup> GIEACPC, paras. 1.1. – 1.3.
- <sup>40</sup> JS1, para. 44.
- <sup>41</sup> JS4, p. 2.
- <sup>42</sup> JS4, p. 5.
- <sup>43</sup> JS4, p. 6.
- <sup>44</sup> JS7, para. 11.
- <sup>45</sup> JS3, para. 5.3.
- <sup>46</sup> JS7, para. 27.
- <sup>47</sup> JS9, para. 54.
- <sup>48</sup> JS9, para. 53.
- <sup>49</sup> JS2, para. 2.
- <sup>50</sup> JS7, para. 18.
- <sup>51</sup> JS1, para. 4.
- <sup>52</sup> JS1, para. 13.
- <sup>53</sup> JS1, para. 18.
- <sup>54</sup> JS1, paras. 30 – 36.
- <sup>55</sup> JS2, paras. 9 – 11.
- <sup>56</sup> Forum 18, para. 4.
- <sup>57</sup> “To 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” (Recommendation No. 19 of A/HRC/11/20).
- <sup>58</sup> HRW, p. 4.
- <sup>59</sup> Forum 18, para. 12.
- <sup>60</sup> EAJCW, para. 10.
- <sup>61</sup> Forum 18, paras 15 – 18.
- <sup>62</sup> EAJCW, paras. 6 – 7.
- <sup>63</sup> Forum 18, para 19-20.
- <sup>64</sup> Forum 18, paras 22 – 25. See also EAJCW, para. 9.
- <sup>65</sup> Forum 18, para. 8.
- <sup>66</sup> EAJCW, paras. 12 – 13.
- <sup>67</sup> JS8, paras. 2 – 18.
- <sup>68</sup> JS6, para. 2., and JS7 paras. 19 – 28. See also JS2, paras. 30 – 36, and JS3, paras. 3.1. – 3.4.
- <sup>69</sup> JS3, para. 3.5.
- <sup>70</sup> CoE, p.3.
- <sup>71</sup> AI, pp. 1 - 3.
- <sup>72</sup> HRW, pp. 1 – 2, and JS5, paras. 26 – 32.
- <sup>73</sup> JS7, paras. 41 and 43. See also JS9, paras. 46 – 49.
- <sup>74</sup> JS7, paras. 47 and 49.
- <sup>75</sup> “To put in place measures to ensure respect for freedom of expression and the media” (Recommendation No. 15 of A/HRC/11/20).
- <sup>76</sup> JS6, para 4. See also HRW, p. 1, JS7, para. 5, and EAJCW, para. 14.
- <sup>77</sup> JS6, para. 5. See also HRW, p. 3.
- <sup>78</sup> JS6, para. 7. See also JS7, paras. 8 – 10., AI, p. 4., and JS7, para. 16.
- <sup>79</sup> JS6, para. 6. See also JS4, p.
- <sup>80</sup> JS7, para. 6. See also JS9, paras. 32 – 37., and HRW, p. 1.
- <sup>81</sup> JS4, p. 5.
- <sup>82</sup> JS3, para. 4.2. See also JS4, p. 4., JS5, paras. 23 – 25., and JS9, paras. 16 – 31.
- <sup>83</sup> AI, p. 3. See also JS2, paras. 39 – 44., and JS3, para. 4.3.
- <sup>84</sup> JS9, para. 16.
- <sup>85</sup> JS1, paras. 44 and 49.
- <sup>86</sup> AI, p. 1.
- <sup>87</sup> JS3, para. 2.2., JS9, paras. 7 – 15., and CoE, p. 3.
- <sup>88</sup> HRW, p. 1.

- <sup>89</sup> HRW, p. 2.  
<sup>90</sup> JS9, para. 12.  
<sup>91</sup> AI, p. 3.  
<sup>92</sup> JS9, para. 65.  
<sup>93</sup> JS5, paras. 3-4.  
<sup>94</sup> JS4, p. 6.  
<sup>95</sup> JS1, para. 7.  
<sup>96</sup> JS2, paras. 17 – 18.  
<sup>97</sup> HRW, p. 4. See also JS2, paras. 20 – 27., and JS9, paras. 59 – 61.  
<sup>98</sup> JS9, para. 61.  
<sup>99</sup> JS2, paras. 52 – 53.  
<sup>100</sup> JS4, p. 8.  
<sup>101</sup> CoE, p.6.  
<sup>102</sup> JS1, paras 20 – 22.  
<sup>103</sup> CoE, p. 6.  
<sup>104</sup> JS1, para. 23.  
<sup>105</sup> JS1, para. 29.  
<sup>106</sup> JS1, para. 49. See also JS4, p. 8.  
<sup>107</sup> JS4, pp. 8 – 9.  
<sup>108</sup> JS1, para. 5.  
<sup>109</sup> SAA, p. 1 and p. 7.  
<sup>110</sup> UDPO, pp. 2- 3.  
<sup>111</sup> UDPO, p. 4.  
<sup>112</sup> UDPO, p. 4. See also JS2, paras. 49 – 50.  
<sup>113</sup> JS5, para. 33.  
<sup>114</sup> CoE, p. 4.  
<sup>115</sup> JS2, paras. 28 – 29.
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