

## Responses to Recommendations

### AZERBAIJAN

Review in the Working Group: 4 February 2009  
 Adoption in the Plenary: 11 June 2009

#### Azerbaijan's responses to recommendations:

In the Report of the Working Group:	In the Addendum:	During the plenary:	Recommendations pending responses:	Summary:
1 REC rejected	30 REC accepted; 14 rejected; 8 commented but no clear position given	No additional information provided	2 REC	Accepted: 30 Rejected: 15 No clear position: 8 Pending: 2

#### List of recommendations contained in Section II of the Report of the Working Group A/HRC/11/20:

“96. In the course of the discussion, the following recommendations were made to Azerbaijan

- 1. **Accede to the Rome Statute of the International Criminal Court (Liechtenstein);**  
 - Further align its legislation and practice with the provisions of the Convention against Torture (Italy);  
 - Continue its efforts to ensure that national laws are consistent with international obligations, and to further their implementation on the ground (Egypt);
- 2. Further promote a culture of human rights among the society, to strengthen national capacities and to address short comings in the area of human rights promotion and protection including the rule of law and adequate protection of vulnerable segments of the population (Iran);
- 3. Continue its efforts to further strengthen institutional and policy frameworks in the area of promotion and protection of human rights (Brazil); continue to take the necessary measures to increase transparency in local and national institutions and to optimize the potential of the country (Palestine); establish an 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 (Mexico);
- 4. 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);

- take concrete measures to ensure that institutions are adequately scrutinized with respect to quality standards of care and the possibility of redressing abuse and violations in order to increase the efficiency of the child protection system (Austria);
- 5. Fulfil its voluntary pledge (Latvia) and issue (Norway) and implement (Czech Republic) a standing invitation to all the Special Procedures of the Human Rights Council
- 6. Continue with national programmes already undertaken to reduce any form of discrimination against women until it is totally eliminated (Cuba); Adopt specific legislation on violence against women and forced marriages, in conformity with CEDAW and CRC, in order to prevent and to combat discrimination against women (Mexico); implement active policies and awareness campaigns in order to overcome the situation of discrimination against women (Argentina); carry out public awareness campaigns about equal opportunities of women and men should be carried on (Lithuania); to address the challenge of gender mainstreaming in a purposeful manner (Bangladesh),
- 7. 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 (Czech Republic);
- 8. Devote increasing attention to the struggle against violence against women, especially through the implementation of social measures in this field (Algeria); take all measures to grant access to justice for all women victim of violence, and take measures for their protection and the rehabilitation, and to train police authorities on violence against women (France);
- 9. 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 (Indonesia); further developing measures against domestic violence against women (Lithuania), Victims of domestic violence should have possibility to use appropriate means of redress and access to shelters (Lithuania); 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 (Austria); continue efforts in the direction of the positive improvements in women and children's rights, especially measures taken to combat domestic violence (Afghanistan);
- 10. Increase the protection mechanisms for women and children as well as measures to disseminate and make their implementation more effective (Chile);
- 11. Fully implement the recommendations of the United Nations study on violence against children (Slovenia); 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 (Hungary); take necessary measures aimed at prohibiting all forms of corporal punishment against children (Brazil); 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 (Argentina);
- 12. Take concrete measures to ensure necessary resources to increase effectiveness in the protection of rights of the child, including through 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 (Czech Republic); Take adequate measures to further defend children's rights (Hungary);
- 13. Ensure the effective implementation of the National Action Plan against Trafficking and to provide the necessary assistance to the victims of trafficking (Estonia);
- 14. 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 (Netherlands);
- Change the criminal legislation provisions on defamation to eliminate unnecessary pressure on journalists fulfilling their professional duties (Lithuania);
- Ensure that the Law of Libel is not utilised in such a manner as to stifle honest and professional reporting (Ireland);

- 15. Ensure that all branches of the State, including agents of public authorities, fully respects and promotes the freedom of expression (Sweden);
  - 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);
  - Take effective measures to ensure the full realisation of the right to freedom of expression (Poland);
  - Continue to work in earnest to address some of the legitimate concerns in regard to the freedom of media (Bangladesh);
  - Put in place further measures to ensure respect for freedom of expression and of the media (Ireland);
  - Fully uphold media freedom in accordance with international obligations (Sweden);
  - Ensure that its media regulations promote diversity among media outlets in line with international standards and best practices (Norway);
  
- 16. Effectively investigate and prosecute crimes and violations against journalists and human rights defenders, and that those responsible are punished (Norway);
  - That complaints of harassment of journalists and human rights defenders receive prompt response and that adequate measures for their safety are taken (Norway);
  - Discourage State officials from continuing the current practice of instituting lawsuit against journalists and human rights defenders that publish criticism (Norway);
  - that all journalists remaining in detention on the basis of misuse of criminal libel or defamation trials be released (United Kingdom);
  - Ensure that cases of alleged violence against, and wrongful imprisonment of members of the media are fully investigated (Ireland);
  - Bring 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 (Czech Republic);
  
- 17. Expand media freedoms, particularly access to broadcast media, and implement the recommendations of the OSCE in regards to reversing the ban on foreign FM radio broadcasting (Canada); Amend the Law on Television and Radio broadcasting as soon as possible to ensure that the licenses of international broadcasters can be renewed (Ireland); Reconsider its decision and permit broadcasting by non-Azeri outlets on FM frequencies (United Kingdom);
  
- 18. Strengthen its efforts to guarantee freedom of assembly and association, to respect the work of human rights defenders, and that legislation concerning NGOs is implemented accordingly (Netherlands);
  - 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);
  - Uphold the respect of the right to peaceful assembly and ensure that the right is effectively implemented (Sweden);
  - 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);
  
- 19. Share best practices in promoting religious tolerance and harmony in society (Philippines); 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); In order to foster a further dialogue between religions, develop an educational and awareness program focusing on the different religions in the country (Holy See); Come to a more streamlined and transparent registration process and visa issuing for clergy and religious personnel in general (Holy See);
  
- 20. Increase the efforts to ensure that detention conditions fully meets international human rights standards (Sweden); Improve the living standards and conditions in prisons (Poland); 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 as well as to urgently improve prison conditions (Germany); Address persisting problems, such as overcrowding and insufficient health care and to establish and independent mechanisms to overview conditions in

detention facilities, with particular focus on conditions of children and their protection against violence and abuse (Czech Republic);

- 21. Improve the administration of justice, including the establishment of a system of inspection of detention centers and a system to follow-up complaints of allegations of torture (Mexico); Ensure the effective implementations of the Penal Enforcement Code and the Code of Criminal Procedure which contains some progressive dispositions regarding the welfare of detainees and prisoners (Indonesia); 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); Consider taking substantial measures, such as requesting capacity-building assistance, to advance the understanding of human rights and criminal investigation ability of police personnel (Japan);

- 22. Continue its efforts to improve and ensure access to education for all children and to include human rights teaching in school programs (Algeria); Continue providing accessibility and high calibre education at all levels (Belarus); Consider widely disseminate information on the provision of CEDAW to the publics through education system, awareness-raising campaigns and gender sensitivity training (Malaysia); 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 (Italy);

- 23. 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 (Austria); 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 (Russian Federation);

- 24. Continue its efforts in the reduction of poverty and to envisage the sharing of best practices with interested countries (Algeria); Review 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 (South Africa); Continue efforts to eradicate poverty, paying special attention to the situation of street children and children with disabilities (Philippines);

- 25. Step 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 (Malaysia); 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 (Cuba); Continue to support a high level of socio-economic protection (Belarus);

- 26. Continue its effective work in the area of defending the rights of the family women and children (Kazakhstan);

- 27. Continue its efforts in order to offer IDPs satisfactory life conditions (Algeria); 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 (Canada); 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);

- 28. 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 (Mexico);

- 29. Continue its 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 (Egypt);

- 30. Continue its constructive efforts in the field of human rights education, including its active cooperation with the key international organizations towards this end (Jordan);

- 31. Continue its cooperation with the international community, especially in two fields: the solution of problems of refugees and IDPs; and in its 2006-2015 State program on poverty alleviation and development (Sudan);

- 32. Continue to engage fully with civil society groups in the follow-up and implementation of this review (United Kingdom).

**97. The response of Azerbaijan to these recommendations will be included in the outcome report to be adopted by the Human Rights Council at its eleventh session.**

**98. In the view of the Delegation of Azerbaijan the remarks and recommendations contained in the report in paragraph 74 are not relevant since they are not factually correct and do not comply with the basis of the review stipulated in HRC Resolution 5/1 “Institution-building of the United Nations Human Rights Council.”**

- Paragraph 74 (Armenia): “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”

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