

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**

**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. 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).

The Republic of 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.

The Republic of Azerbaijan accepts the second part of the recommendation. However, it points out that the requirements deriving from the Convention against Torture are already expressed in the legislation of the Republic of Azerbaijan and are applied in practice. The Criminal Code of the Republic of Azerbaijan examined by Council of Europe has criminalised the acts included to the notion of torture under the United Nations Convention against Torture. Matters related to prevention of torture are expressed in the Criminal Procedural Code, Code on Execution of Punishments and other legislative documents. The effective implementation of these provisions is ensured by certain state bodies within their authority. The condition of those held in penitentiary institutions is monitored by state and civil society. There was established a Committee comprised of the members of well-known NGOs with for ensuring public monitoring. The members of the Committee have an access to the penitentiary institutions.

The Republic of Azerbaijan accepts the third part of the recommendation. According to the Constitution of the Republic of Azerbaijan (article 12) human rights and freedoms are applied in accordance with international treaties Azerbaijan is a party to. The treaties, accepted by Azerbaijan are inseparable part of the national legislation of Azerbaijan (article 148) and in case of contradiction between normative legal acts (except Constitution and acts adopted by referendum) and international treaties, the latter applies.

Referring to this requirement of the Constitution all draft laws' are reviewed in the light of their conformity to Constitution, as well as international treaties and in case of unconformity draft laws are brought in line with international treaties. With a view of this, drafts are examined at Council of Europe and their suggestions are considered.

Besides, according to second provision of the National Plan of Action on the Protection of Human Rights adopted by decree of the President of the Republic of Azerbaijan on 28 December 2006, implementation of obligations deriving from international treaties, Azerbaijan is a party to and conformity of national legislation to international documents shall be ensured.

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).

The Republic of Azerbaijan accepts this recommendation, as these issues are of main goals of Government and are constantly implemented. Protection of human rights and freedoms are enshrined in the Constitution of the Republic of Azerbaijan as main purpose of the State.

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).

The Republic of Azerbaijan accepts these recommendations and points 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.

Promotion of human rights in society, strengthening institutional and policy frameworks in this area are envisaged in the National Plan of Action on the Protection of Human Rights. According to Plan international organizations and NGOs shall be involved to the implementation of National Plan of Action, also to the preparation of the reports to the United Nations Committees, NGOs' cooperation with state bodies shall be expanded.

With a view of providing transparency there was adopted "National Strategy on increasing transparency and struggle against corruption" in 2007, which determines implementation of various measures and social monitoring mechanisms.

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).

The Republic of Azerbaijan does not accept the first part of this recommendation. Because the Republic of Azerbaijan is a unitary republic and government is not separated to local and federal ones.

The second recommendation in the paragraph 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. Fulfil its voluntary pledge (Latvia) and issue (Norway) and implement a standing invitation to all the Special Procedures of the Human Rights Council (Czech Republic).

Regarding this recommendation we state that the Republic of Azerbaijan always cooperates with Human Rights Council Special Procedures and will continue cooperation hereafter.

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).

Although Azerbaijan accepts these recommendations, it notes that 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.

In respect to elimination of discrimination against women, there were prepared draft laws regulating the implementation of the United Nations Convention on the Elimination of All forms of Discrimination against Women, as well as, strategic plans for protection of women from violence, elimination of domestic violence and general cruelty in society within the framework of “Complex Republican Program on struggle against domestic violence in a democratic society”. The draft “Law on elimination of domestic violence” is currently under review in Milli Maclis (Parliament).

Local TVs broadcast video clips and telecasts, and various posters are displayed in public places on discrimination, domestic violence, and protection of right to education of women and girls. These measures are intended to be continued and intensified in the future.

For further strengthening the gender equality guarantee there was adopted a “Law of the Republic of Azerbaijan on guarantees of gender (men and women) equality” in 2006.

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).

The Republic of Azerbaijan accepts this recommendation and is already implementing it.

According to Recommendations of the Committee on the Rights of the Child presented at its 44th 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.

The Ministry of Justice of the Republic of Azerbaijan in cooperation with United Nations OHCHR held seminars for judges and prosecutors on CEDAW and other main United Nations human rights treaties.

Generally, recently all trainings and seminars held for legal and judicial system are mainly focused on the provisions of CEDAW and the notion of gender equality.

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).

The Republic of Azerbaijan accepts these 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.

Azerbaijani legislation provides for legal remedies for women victim of violence and these remedies are being advanced in order to make them more effective and easy accessible for women.

National Plan of Action on the Protection of Human Rights envisages enhancement of struggle against violence, advancement of legal remedies for victims of violence, compulsory compensation, rehabilitation, medical and psychological care and wide awareness raising campaigns.

In respect to the last part of the recommendation it is noted that on 4-11 April 2009 deputy of Paris city Prosecutor of the Republic of France, Ms.Francoise Guyot was invited to Baku by State Committee for Family, Women and Children’s Affairs to share practice with state bodies on violence against women and activity of law enforcement bodies in this field. Alongside meetings in the Constitutional Court, General Prosecutor’s office, Ministry of Justice, Parliament and Ministry of Internal Affairs, Ms. Guyot held trainings on activity and duties of judicial officer and police regarding violence against women at the Academy of Ministry of Justice.

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).

The Republic of Azerbaijan accepts recommendations in this paragraph. Protection of women and child rights is always in the focus of attention of Azerbaijani Government. There was established a State Committee for Family, Women and Children's Affairs particularly dealing with these issues. According to the decree of the president of the Republic of Azerbaijan year of 2009 was declared as a *Year of Child*.

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.

Within the framework of the project "Against Violence towards women in XXI century" implemented together by State Committee for Family, Women and Children's Affairs, United Nations Population Fund and Heydar Aliyev Foundation, with a view of protection of women and children from domestic violence, prevention of early marriages and minimizing the effect of this kind of events on children, creating further opportunities for women in realization of their rights, there are held awareness raising campaigns on human rights, gender equality, human trafficking and early marriages, seminars in the regions, published relevant materials, prepared strategies on care of victims of violence, established family rehabilitation centres. In family rehabilitation centres functioning currently in Shuvalan, and Goranboy women can obtain legal aid, psychological consultation. Currently such rehabilitation centres are being established also in Ganca, Lankaran and Zardab.

10. Increase the protection mechanisms for women and children as well as measures to disseminate and make their implementation more effective (Chile).

The Republic of Azerbaijan accepts this recommendation.

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).

The Republic of Azerbaijan accepts this recommendation and notes 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.

At the same time, in the Plan of Action regarding 2009 Child Year includes enhancement of activity towards elimination of violence against children, injury to their moral development, physical and psychological health, their exploitation and degradation. These measures are undertaken jointly by State Committee for Family, Women and

Children's Affairs, Ministry of Internal Affairs and local authorities. The draft "Law on Elimination of Domestic Violence" also refers to violence against child.

Social-economic protection of street children, their educational and health problems, their involvement to education, rehabilitation, organization of their leisure time activity, prevention of their involvement to criminality and exploitation of their labour and other matters are solved within the framework of 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. 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).

The Republic of Azerbaijan accepts these 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)" In the framework of this program 53 institutions have been monitored and evaluated and their conformity to international criteria was examined, as recommended. Consequently there were given suggestions on the improvement of these institutions and transfer of children to families, which are currently implemented.

It has to be noted that, Plan of Action regarding 2009 Child Year envisages study of international practice and preparation of recommendations for state bodies on creation of republican information bank, social care to children with special needs and preparation of guidelines in accordance with child rights for personnel dealing with children.

13. Ensure the effective implementation of the National Action Plan against Trafficking and to provide the necessary assistance to the victims of trafficking (Estonia).

The Republic of Azerbaijan accepts this recommendation. The Deputy Minister of Ministry of Internal Affairs was appointed as national coordinator for coordination of implementation of National Plan of Action on struggle against Human Trafficking approved by the Decree of the President in 2004.

In the framework of the National Plan of Action on struggle against Human Trafficking, besides prevention of crimes in this field, wide awareness raising campaigns were held involving also NGOs, special websites were created, TV programs were telecasted, special social researches were held to learn the problems causing these crimes and to prepare programs for solving them, shelters were established for victims of human trafficking, reparation for their injuries was provided, also in order to reintegrate the victims to society, they were provided with employment when leaving the shelters.

With a view of further effective implementation of National Plan of Action Draft "Guidelines of National Mechanism regarding human trafficking victims" was developed, considering also suggestions of International Migration Organization, OSCE, International Labor Organization, Embassy of USA in Azerbaijan, and NGOs and was presented to Cabinet of Ministers for adoption.

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 by the Decree of the President of the Republic of Azerbaijan dated 6 February 2009.

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).

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. 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);

The Republic of Azerbaijan accepts the third, fourth, fifth and seventh recommendation expressed in paragraph 15.

Freedom of expression in the Republic of Azerbaijan is guaranteed by article 47 and 50 of the Constitution of Azerbaijan 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 this paragraph, as freedom of expression is fully ensured in the Republic of Azerbaijan without any impediment.

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).

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.

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

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).

The Republic of Azerbaijan does not accept this recommendation. It should be noted that foreign radio broadcasting is not banned in the Republic of Azerbaijan. 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. 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);

The Republic of Azerbaijan accepts only the 1st, 3rd, and 4th of recommendations in this paragraph.

Freedom of assembly of everyone in the Republic of Azerbaijan is guaranteed according to the Constitution and International Treaties the Republic of Azerbaijan is a party to. For further effective realization of the freedom of assembly, there was adopted “Law of the Republic of Azerbaijan 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. 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).

The Republic of Azerbaijan accepts these recommendations.

Azerbaijani nation has an old tradition of tolerance and is ready share this with all other countries. The Republic of Azerbaijan continues its efforts to enhance and develop this tradition.

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. Currently measures are being continued for protection of principles of freedom of religion and ensuring easy practice and worship of religion.

The State Committee for Work with Religious Associations holds various awareness raising events on different religions. Such seminar-trainings covering all regions of Azerbaijan aim at promotion of dialogue among religions, further strengthening the tradition of tolerance, awareness raising among citizens on notion of religion and are prepared in line with secularity principle.

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 and is now held according to the “Law of the Republic of Azerbaijan on Freedom of Religion” by presenting the necessary documents to the State Committee for Work with Religious Associations.

In regard to streamlined visa issuing for clergy we note that according to article 1 of “Law of the Republic of Azerbaijan on Freedom of Religion” religious propagation by foreigners and individuals without nationality is prohibited. As in many cases, foreign religious figures travel to Azerbaijan to propagate religion and perform missionary activity; visa issuance to them is thoroughly investigated and takes some time. When found out that their travel purpose is not missionary, they are granted visa without any impediment.

20. Increase the efforts to ensure that detention conditions fully meet 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 independent mechanisms to overview conditions in detention facilities, with particular focus on conditions of children and their protection against violence and abuse (Czech Republic).

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. On the other hand as a result of amnesty and acts of pardon thousands of prisoners were released. The last amnesty act declared in March of this year covers 9000 individuals.

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.

For more effective protection of prisoners there was developed a draft “Law on guaranteeing rights and freedoms of detained persons” which has already passed two hearings of the Parliament. Medical examination of detained persons and prisoners can be conducted by state or private medical institutions by their own or their lawyer’s application according to the Draft Law.

Regarding shortening the pre-trial detention it should be noted that, detention period is determined as maximum 3 months according to the Criminal Procedural Code, which can

only be prolonged by complexity of the criminal case. Pre-trial detention with respect to minors is applied as short as possible and they are held separately in investigative isolators. Furthermore, in the new-built investigatory isolator in Sabunchu region there is a special corpus for minors answering modern requirements and a new penitentiary facility is going to be built for them.

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).

For an advanced monitoring of protection of rights of detained persons there was established Agency for execution of punishments and Human Rights and Public relations Department in the structure of Ministry of Justice. 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 and measures in this field are constantly continued.

According to legislation, Commissioner for Human Rights of the Republic of Azerbaijan who has an authority to receive applications and when necessary take measures has an unlimited access to Investigatory Isolators, and can visit detained persons, talk with them alone and see documents proving the legality of arrest.

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).

The Republic of Azerbaijan accepts 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'.

Measures related to advancing the level of education, also is envisaged in the Decree of the President declaring 2009 as a year of child.

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 the Republic of Azerbaijan and Ministry of Education have developed and are currently implementing joint Plan of Action.

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).

The Republic of Azerbaijan accepts 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.

Ministry of Internal Affairs of the Republic of Azerbaijan has increased the monitoring over district polis organs' related services according to relevant provisions of State Program.

From the adoption of State Program until now there were held meetings with members of relevant bodies in child institutions, educational institutions and more than 200 suggestions and recommendations were sent to district guardianship and wardship entities and commissions at the regional authorities and more than 170 children have been given to their biological or patronage families.

In order to make other forms of alternative care available government establishes Daily Care and Support Centres for children and their families. Currently two such alternative care centres function at the auspices of the State Committee for Family, Women and Children's Affairs. The centres generally work with programs on prevention of abandonment of children and some positive results are achieved in this field. State Committee continues work on transferring children to families and also prepares alternative family models.

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).

The Republic of Azerbaijan accepts this recommendation and states its readiness to share its practice on reduction of poverty with interested countries. Currently for elimination of poverty in the Republic of Azerbaijan “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. 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).

The Republic of Azerbaijan accepts 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. Continue its effective work in the area of defending the rights of the family women and children (Kazakhstan).

The Republic of Azerbaijan accepts this recommendation and notes that special state body – State Committee for Family, Women and Children’s Affairs is functioning for protection of family, women and child rights.

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).

The republic of Azerbaijan accepts this recommendation. The Republic of Azerbaijan 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.

As a result of measures taken in the framework of these programs the tent villages in the country were abandoned and more than 70 000 of internally displaced persons were provided with favourable housing, many of their social problems were solved and employment was ensured. In last 5 years 72647 refugee and internally displaced persons were provided with employment, and poverty rate among them was decreased from 74 per cent to 30 per cent.

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.

The Republic of Azerbaijan continues cooperation with international humanitarian organisations in realisations of rights of refugees and internally displaced persons. As an example the World Food Program Organization’s support to 270000 internally displaced persons might be noted.

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);

The Republic of Azerbaijan does not accept the two 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.

The Republic of Azerbaijan does 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. 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).

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

The Republic of Azerbaijan accepts this recommendation and will continue efforts in this direction.

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).

The Recommendation is accepted, as the Republic of Azerbaijan is ready for international cooperation in all fields.

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

The Republic of Azerbaijan accepts 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.
