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EXAMEN PÉRIODIQUE UNIVERSEL

Rapport du Groupe de travail sur l'Examen périodique universel*

Azerbaïdjan

* Seul le chapitre II (Conclusions et recommandations) du présent rapport est traduit. L'annexe est distribuée telle qu'elle a été reçue.

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Introduction

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its fourth session from 2 to 13 February 2009. The review of Azerbaijan was held at the 6th meeting on 4 February 2009. The delegation of Azerbaijan was headed by H.E. Mr. Khalaf Khalafov, Deputy Minister for Foreign Affairs. At its meeting held on 6 February 2009, the Working Group adopted the present report on Azerbaijan.
2. On 8 September 2008, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Azerbaijan: Saudi Arabia, Slovenia and Mauritius.
3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of Azerbaijan:
 - (a) A national report submitted / written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/4/AZE/1);
 - (b) A compilation prepared by the Office of the High Commissioner for Human Rights (OHCHR), in accordance with paragraph 15 (b) (A/HRC/WG.6/4/AZE/2);
 - (c) A summary prepared by OHCHR, in accordance with paragraph 15 (c) (A/HRC/WG.6/4/AZE/3).
4. A list of questions prepared in advance by the Czech Republic, Denmark, Germany, Latvia, Liechtenstein, Lithuania, the Netherlands, Slovakia, Slovenia, Sweden and United Kingdom of Great Britain and Northern Ireland was transmitted to Azerbaijan through the troika. These questions are available on the UPR extranet.

I. SUMMARY OF THE PROCEEDINGS OF THE REVIEW PROCESS

A. Presentation by the State under review

5. At the 6th meeting, on 4 February 2009, Azerbaijan presented its national report and indicated that it was drafted by a working group encompassing relevant ministries and authorities with the involvement of the Commissioner for Human Rights (Ombudsman) as well as human rights NGOs.
6. Azerbaijan informed that international human rights instruments were domesticated through political and legal measures and that the primacy of human rights led to regular changes of the legislation. The 2002 Referendum Act amending the Constitution granted individuals the right to challenge in the Constitutional Court statutory instruments of the legislative and executive authorities, enactments of municipalities and courts that allegedly encroached on their rights.
7. The delegation referred to the Presidential Decree on measures to uphold human rights and freedoms, the State programme and the national action plan on human rights protection which is coordinated by a working group chaired by the Ombudsman with the active involvement of civil

society. A referendum will be held in 2009 on amendments to the Constitution aimed at reinforcing human rights protection.

8. Azerbaijan has ratified most of the international and regional human rights treaties, including seven core universal instruments, recently signed the ICPED, and ratified, in 2008, CRPD, OP-CAT and the amendment to article 20 (1) of CEDAW.
9. Azerbaijan highlighted that it accepted the individual complaint mechanism under relevant treaty bodies, and cooperated with special procedures and expressed its readiness to continue. Azerbaijan also cooperates with the Council of Europe and has ratified a series of conventions, including the European Convention on Human Rights and the European Convention on the Prevention of Torture, its optional protocol and the revised European Social Charter.
10. Azerbaijan noted it takes all necessary measures aimed at strengthening the media. By law, printed media can be established without prior authorisation and a wide number are registered in addition to numerous televisions and radios operating alongside with many journalist NGOs. Azerbaijan adopted measures on providing financial assistance to news media.
11. The delegation referred to the 2007 strategic framework for State support of NGOs aimed at creating a stable and effective partnership between State bodies and NGOs, and noted the establishment of the Council for State support of NGOs.
12. Judicial reforms have led to the adoption of a series of laws for the democratisation of the legal policy and judiciary, the strengthening of the independence of the judiciary and the reinforcement of human rights protection in the Constitution.
13. Azerbaijan noted having set up a working group, together with the Council of Europe (CoE), aimed at improving the effectiveness of the judiciary, independence of judges and their election procedure. The Judicial and Legal Council Act and significant amendments to the Courts and Judges Act were adopted along with the establishment of a Judicial Selection Committee mandated to select judges.
14. Azerbaijan is working with the European Committee on the Prevention of Torture (CPT) to enhance the functioning of the penitentiary system. The Ombudsman can visit penitentiary establishments without prior notification. Over the past years, two divisions within the Ministry of Justice have been granted free access to penitentiary establishments, as well as NGOs and the ICRC. The last CPT visit was held in December 2008. Penitentiary staff are trained, in particular in the area of prevention of torture and cruel treatment and the 2006 European Penitentiary Rules were translated into Azerbaijani.
15. Azerbaijan has adopted various programmes to promote social and economic rights, such as the Poverty Alleviation and Sustainable Development for 2008-2015 and the Employment Strategy for 2006-2015. This resulted in a considerable increase in the GDP over the last 5 years, the creation of 766,000 new workplaces and a decrease of the poverty rate. In 2008, the part allocated to social maintenance in the national budget increased by 40 per cent. The delegation underlined that, in 2008, the World Bank declared Azerbaijan as the most active reformer country.

16. Azerbaijan stated that the Constitution guarantees the equality of all, irrespective of ethnicity, religion or race, and no instances of discrimination or intolerance against members from other ethnicities were observed during many centuries. This high level of tolerance was emphasized by the United Nations Special Rapporteur on freedom of religion and belief and demonstrated notably through the 2002 visit of the Pope.
17. In Azerbaijan, women were granted the right to vote and to be elected in 1918 and women are now represented in legislative, executive, judiciary bodies and administrative services and actively participate in the social and political life.
18. The State Committee on the Family, Women and Children (SCFWC), established in 2006, is the main executive body responsible for applying State policy in this field. Azerbaijan adopted various measures to counter violence against women, including a new extended definition of sexual discrimination included in the 2006 Law on Gender Equality and the 2007 comprehensive programme to combat domestic violence. The Parliament currently discusses a draft law on the prevention of domestic violence, and joint project on combating violence against women in the twenty-first century, is mandated to further tackle this phenomenon through awareness raising campaigns and the elaboration of a strategy to assist victims.
19. Azerbaijan indicated that 2009 was declared the Year of Children by a presidential decree. In 2008, Azerbaijan signed the European Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse in addition to the adoption of a range of legal documents such as the Law on the Rights of the Child. There is also a 2006-2015 State programme for the placement of children living in State institutions, in families (deinstitutionalization) and alternative care. At present, there are 4,545 schools in line with modern requirements and seven specialized schools for children with disabilities. The delegation indicated that, in 2006, Azerbaijan and UNICEF signed an action plan for juvenile justice reform.
20. Azerbaijan informed of legislative and social measures to counter human trafficking, including the Suppression of Human Trafficking Act and the national action plan to counter human trafficking. A mechanism for social rehabilitation of victims was elaborated, which provides financial support for them. There were instances of prosecution and sentencing of persons involved in human trafficking and an awareness-raising campaign is conducted in schools on this issue.
21. On corruption, Azerbaijan abides by international instruments, takes the necessary implementary measures to combat corruption and hoped that the Parliament will adopt in 2009 the bill on combating the laundering of money and other proceeds from crime and the financing of terrorism.
22. The delegation asserted that the Nagorno-Karabakh conflict remains the hardest problem for Azerbaijan. The Nagorno-Karabakh region and seven surrounding regions are occupied by the Republic of Armenia and more than one million Azeris became refugees and IDPs as a result of ethnic cleansing policy carried out by Armenia. As a consequence, Azerbaijan is not able to entirely implement its international human rights obligations in these territories, and made special reservations or declarations when acceding to a number of international human rights instruments. Azerbaijan fully acknowledged its responsibility regarding refugees' and IDPs' protection and undertook efforts, notably for their temporary integration into society, taking into

account the exercise of their right to safely return to native lands. The State programme to improve the living conditions and increase employment of refugees and IDPs was adopted in 2004. Over the last seven years, 61 settlements have been created for refugees and IDPs, the last tent camps were shut down in December 2007 and an important budget was allocated to this end. United Nations High Commissioner for Refugees highly appreciated these efforts.

B. Interactive dialogue and responses by the State under review

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

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

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

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

27. Uzbekistan welcomed the achievements reached in crime suppression and reform of the penitentiary system, in defending social security, rights of women and children. Positive steps have also been reflected in the development of non-governmental organizations (NGOs): in the Parliament, standing commissions' special working groups are cooperating with NGOs to develop draft legislation.

28. Cuba noted measures such as the 2002 law guaranteeing equality between men and women and inquired about other initiatives to eliminate gender inequality. Cuba underlined the work done with detainees and appreciated the National Plan and legislation to protect children. Cuba

recommended that Azerbaijan continue efforts already underway to improve the living standards of its people and to ensure the social protection of its people based on a vigorous development of the economy and an appropriate distribution of wealth. It further recommended that Azerbaijan continue with national programmes already undertaken to reduce any form of discrimination against women until it is totally eliminated, as it is through this that it can protect the most vulnerable sections of the population, including women and children.

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

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

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

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

33. Mexico recommended Azerbaijan to comply with the recommendations made by Treaty Bodies and Special Procedures and, in this connection, recommended to establish mechanism to monitor ethnic minorities and other vulnerable groups, including migrants and asylum seekers, and to allow these groups to access all rights enjoyed by the rest of the population. In order to prevent and to combat discrimination against women, Mexico recommended to adopt specific legislation on violence against women and forced marriages, in conformity with the Convention on the Elimination of All Forms of Discrimination of Women and the Convention on the Rights of the Child. Mexico recommended improving the administration of justice, including the establishment of a system of inspection of detention centres and a system to follow-up

complaints of allegations of torture. Finally, Mexico recommended the establishment of inter-institutional mechanism, in which relevant civil society actors will participate, in order to implement UPR recommendations as well as Human Rights Council's Special Procedures and Treaty Bodies recommendations.

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

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

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

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

38. Qatar noted the separation of powers underlined in the Constitution and that the final objective of the state is to protect human rights and fundamental freedoms. It also noted that the Constitution indicates that ratified treaties become part of national law and have supremacy over other laws. It welcomed the adoption of a number of, including on the rights of children. Qatar expressed the hope that Azerbaijan will overcome the remaining obstacles, particularly where children and IDPs are concerned.

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

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

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

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

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

44. Tunisia noted with interest the National Action Plan to promote human rights, the aim being, *inter alia*, to develop interaction between the state and civil society. Tunisia welcomed the considerable efforts to curb violence against women. It expressed the view that the project on combating violence against women in the 21st century is an important approach in safeguarding the rights of women, including in countering early marriages, and in reducing the impact of this phenomenon on the family, particularly children.

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

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

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

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

48. Turkey, aware of the fact that Azerbaijan found itself faced with a large scale displacement problem as a result of the Nagorno-Karabakh conflict, praised Azerbaijan for the effective measures taken to alleviate the suffering of IDPs. It appreciated the establishment of the Ombudsman Institution and encouraged Azerbaijan to continue to make the best use of this

important mechanism in addressing the remaining shortcomings in the judiciary and the penitentiary systems as well as in the fight against corruption. It trusts that the new Law on Freedom of Assembly will constitute a step in the right direction for raising further the democratic standards.

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

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

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

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

54. Russian Federation noted that over the last years, Azerbaijan managed to achieve considerable success in improving its human rights situation and that it has continued to improve its national legislation. It considered it important to look at the experiences of Azerbaijan in resolving social and economic issues, and especially the situation of children who lack

supervision. The Russian Federation recommended that Azerbaijan continue its sustained work in the implementation of State program, over a period of 10 years, to transfer children from State institutions to families and alternative care.

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

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

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

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

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

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

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

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

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

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

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

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

67. Democratic People's Republic of Korea appreciated the establishment of the Institution of Ombudsman and Presidential Pardons Commission. It was impressed by Azerbaijan's ratification of the major human rights instruments and efforts to observe reporting obligations. It asked Azerbaijan to elaborate on plans to further improve the situation of women and children.

68. Kazakhstan noted the work undertaken to reform the judiciary and was pleased to note that Azerbaijan, is implementing measures to ensure the effective administration of justice. It

expressed satisfaction at the policy on the protection of the rights of the family, women and children. Kazakhstan recommended that Azerbaijan continue its effective work in the area of defending these rights.

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

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

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

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

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

74. Armenia referred to CERD that encouraged Azerbaijan to combat tendencies giving raise to racist and xenophobic behaviour, particularly against ethnic Armenians. CESCR in 2004, ECRI and Commissioner for Human Rights in 2007 raised similar concern stating: "Armenians living in an atmosphere of fear", "illegal occupation of properties belonging to Armenians and

other ethnic groups, facing widespread discrimination in various spheres, oral and written inflammatory speech...fuelling negative feelings among society towards Armenians". According to the Delegation of Armenia, despite those recommendations, hate-speech and deprivation of cultural rights by misappropriation and destruction of Armenian cultural heritage continue (ICOMOS resolution 5, 16th General Assembly). Armenia asked for clarifications on measures taken to redress the situation with discriminatory treatment of the Armenian community. Armenia referred to 2006 CRC recommendations (paras. 24, 49, 55, 57(e), 58(f)) and recommended Azerbaijan to stop the discriminatory practices against its own citizens, and redress the situation to achieve full protection of human rights for all its citizens, especially children.

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

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

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

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

79. Bangladesh hoped that the oil revenue will be used equitably across the population to raise their overall standard of life. Bangladesh added that the issue of gender mainstreaming and equality has been identified as a critical challenge and recommended that Azerbaijan continue to address the challenge in a purposeful manner. Bangladesh said that the issue of freedom of media should also be looked at and recommended that the Government of Azerbaijan continue to work in earnest to address some of the legitimate concerns in this regard.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

II. CONCLUSIONS ET/OU RECOMMANDATIONS

96. Au cours du débat, les recommandations ci-après ont été faites à l'Azerbaïdjan:

1. Adhérer au Statut de Rome de la Cour pénale internationale (Liechtenstein); continuer à rendre sa législation et sa pratique conformes aux dispositions de la Convention contre la torture (Italie); poursuivre ses efforts pour que les lois nationales soient compatibles avec les obligations internationales qui incombent au pays et renforcer leur mise en œuvre sur le terrain (Égypte);
2. Continuer de promouvoir une culture des droits de l'homme dans la société, renforcer les capacités nationales et remédier aux lacunes dans le domaine de la promotion et de la protection des droits de l'homme, notamment pour garantir l'état de droit et la protection adéquate des groupes vulnérables de la population (Iran);
3. Poursuivre ses efforts pour renforcer les cadres institutionnel et politique dans le domaine de la promotion et de la protection des droits de l'homme (Brésil); continuer à prendre les mesures nécessaires pour accroître la transparence dans les institutions locales et nationales et pour optimiser le potentiel du pays (Palestine); établir un mécanisme interinstitutionnel auquel participeront les acteurs concernés de la société civile afin de mettre en œuvre les recommandations formulées à l'issue de l'Examen périodique universel et les recommandations faites par les procédures spéciales du Conseil des droits de l'homme et les organes conventionnels (Mexique);
4. Veiller à ce que les initiatives pilotes au niveau régional soient pleinement soutenues par le Gouvernement fédéral en vue d'envisager de mettre en place, notamment, un service public indépendant coordonné à l'échelle nationale, qui pourrait jouer un rôle d'organisme d'orientation et de décision (Autriche); prendre des mesures concrètes pour que les institutions fassent l'objet d'un examen en bonne et due forme portant sur les normes de qualité des soins et la possibilité de corriger les abus et les violations dans le but d'accroître l'efficacité du système de protection de l'enfance (Autriche);
5. S'acquitter de l'engagement qu'il a pris (Lettonie), adresser (Norvège) une invitation permanente à toutes les procédures spéciales du Conseil des droits de l'homme et lui donner effet (République tchèque);
6. Poursuivre les programmes nationaux déjà entrepris pour réduire jusqu'à les éliminer totalement toutes les formes de discrimination à l'égard des femmes (Cuba); adopter une législation spécifique sur la violence contre les femmes et les mariages forcés, conformément à la Convention internationale sur l'élimination de toutes les formes

de discrimination à l'égard des femmes et à la Convention relative aux droits de l'enfant, en vue de prévenir et de réprimer la discrimination à l'égard des femmes (Mexique); mener des politiques et des campagnes de sensibilisation actives afin de remédier à la discrimination à l'égard des femmes (Argentine); mener des campagnes de sensibilisation du public sur l'égalité des chances pour les femmes et les hommes (Lituanie); faire preuve de volontarisme pour parvenir à la parité des sexes (Bangladesh);

7. Dispenser aux agents des services répressifs et judiciaires une formation spécifique et les sensibiliser à la protection des enfants, des femmes et des personnes dont l'orientation sexuelle ou l'identité de genre sont minoritaires (République tchèque);
8. Consacrer une attention croissante à la lutte contre la violence à l'égard des femmes, en particulier en appliquant des mesures sociales dans ce domaine (Algérie); prendre toutes les mesures pour donner accès à la justice à toutes les femmes victimes de violence, prendre des mesures pour les protéger et les réinsérer, et former les autorités de police au sujet de la violence contre les femmes (France);
9. Poursuivre et intensifier ses efforts en faveur des enfants et des femmes en général, afin d'assurer leur sécurité dans le milieu familial et de supprimer tout obstacle à leur éducation, à leur développement et à leur accès à l'égalité des chances (Indonésie); étendre les mesures de lutte contre la violence familiale à l'égard des femmes (Lituanie), faire en sorte que les victimes de violence familiale aient accès à des voies de recours appropriées et à des foyers (Lituanie); prendre des mesures concrètes et veiller à ce que les organismes gouvernementaux soient dotés de toutes les ressources nécessaires afin d'accroître l'efficacité du système de protection de l'enfance (Autriche); poursuivre ses efforts dans le sens positif de l'amélioration des droits des femmes et des enfants, en particulier les mesures prises pour lutter contre la violence familiale (Afghanistan);
10. Étendre les mécanismes de protection des femmes et des enfants ainsi que les mesures visant à les diffuser et à mieux les mettre en œuvre (Chili);
11. Appliquer pleinement les recommandations de l'étude des Nations Unies sur la violence contre les enfants (Slovénie); prendre les mesures nécessaires pour que les personnes âgées de moins de 18 ans qui sont en état d'arrestation ne soient pas soumises à des châtimens corporels ou à d'autres formes de mauvais traitements (Hongrie); prendre les mesures nécessaires pour interdire toutes les formes de châtimens corporels contre les enfants (Brésil); renforcer ses politiques d'intégration sociale et ses programmes pédagogiques pour mettre fin à la situation des enfants vivant dans la rue qui sont victimes d'exploitation sexuelle et de violence physique (Argentine);
12. Prendre des mesures concrètes afin de dégager les ressources nécessaires pour mieux protéger les droits de l'enfant, notamment en instaurant un suivi efficace des conditions de vie dans les institutions d'accueil et en mettant en place un mécanisme de plainte pour les enfants, élaborer et adapter de nouveaux mécanismes de protection de l'enfance fondés sur des travaux de recherche sérieux et des essais à

grande échelle, et créer des mécanismes pour fournir des services de placement familial (République tchèque); prendre des mesures adéquates pour mieux défendre les droits de l'enfant (Hongrie);

13. Veiller à la mise en œuvre effective du Plan national d'action de lutte contre la traite et apporter l'assistance nécessaire aux victimes de la traite (Estonie);
14. Envisager de modifier ou d'abroger la loi pénale sur la diffamation afin qu'une personne ne puisse plus être privée de sa liberté à cause de ses opinions (Pays-Bas); modifier la loi pénale sur la diffamation pour supprimer les pressions indues exercées sur les journalistes qui s'acquittent de leurs obligations professionnelles (Lituanie); s'assurer que la loi sur la diffamation ne sert pas à censurer des comptes rendus honnêtes et professionnels (Irlande);
15. Veiller à ce que toutes les branches de l'État, notamment les agents publics, respectent et promeuvent la liberté d'expression (Suède); assurer le plein exercice de la liberté d'expression et la liberté de tous les médias indépendants, nationaux et étrangers, quelle que soit leur nature: presse, Internet, radio ou télévision (France); prendre des mesures efficaces pour assurer la pleine réalisation du droit à la liberté d'expression (Pologne); continuer à travailler sérieusement pour répondre à certaines des préoccupations légitimes concernant la liberté des médias (Bangladesh); mettre en place des mesures supplémentaires pour assurer le respect de la liberté d'expression et de la liberté des médias (Irlande); respecter pleinement la liberté des médias, conformément aux obligations internationales (Suède); veiller à ce que la réglementation régissant les médias favorise la diversité parmi les médias conformément aux normes et aux meilleures pratiques internationales (Norvège);
16. Enquêter efficacement sur les infractions et les violations dont sont victimes les journalistes et les défenseurs des droits de l'homme, engager des poursuites et punir les responsables (Norvège); traiter sans délai les plaintes de harcèlement émanant de journalistes et de défenseurs des droits de l'homme et prendre des mesures appropriées pour assurer leur sécurité (Norvège); dissuader les agents de l'État de poursuivre la pratique actuelle consistant à engager une action en justice contre les journalistes et les défenseurs des droits de l'homme qui publient des articles critiques (Norvège); remettre en liberté tous les journalistes qui sont encore en détention à l'issue de procès abusifs pour calomnie ou diffamation (Royaume-Uni); veiller à ce que les cas allégués de violences contre des membres des médias et de placement abusif en détention fassent l'objet d'une enquête approfondie (Irlande); mettre les règles régissant la radiodiffusion en conformité avec les dispositions pertinentes du Pacte international relatif aux droits civils et politiques, en libérant les personnes détenues en raison de leurs opinions politiques et en adoptant des mesures de protection contre les placements en détention et les procès arbitraires ou à motivation politique, y compris en assurant l'indépendance et la transparence totales du système judiciaire (République tchèque);
17. Accroître la liberté des médias, notamment l'accès à la radio et à la télévision, et mettre en œuvre les recommandations de l'OSCE relatives à la levée de l'interdiction de la radiodiffusion FM étrangère (Canada); modifier la loi sur la télévision et la

radiodiffusion dans les meilleurs délais afin de garantir que les licences des radiodiffuseurs internationaux peuvent être renouvelées (Irlande); revoir sa décision et permettre la diffusion de programmes autres qu'azéris sur les fréquences FM (Royaume-Uni);

18. Redoubler d'efforts pour garantir la liberté de réunion et d'association, respecter le travail des défenseurs des droits de l'homme, et appliquer en conséquence la législation régissant les ONG (Pays-Bas); prendre toutes les mesures nécessaires pour que les autorités locales n'appliquent pas la loi sur la liberté de réunion avec une rigueur indue, envisager de supprimer l'obligation d'obtenir un accord préalable pour tenir toute assemblée publique et de la remplacer par une obligation de notification pour les organisateurs de réunions publiques (Allemagne); défendre le respect du droit de réunion pacifique et veiller à ce que ce droit soit effectivement mis en œuvre (Suède); améliorer le respect du droit à la liberté de réunion conformément à la législation interne et aux obligations qui lui incombent en vertu de l'article 21 du Pacte international relatif aux droits civils et politiques (Canada);
19. Échanger des informations sur les bonnes pratiques permettant de promouvoir la tolérance religieuse et l'harmonie dans la société (Philippines); prendre pleinement en compte les recommandations du Rapporteur spécial sur la liberté de religion visant à promouvoir et à garantir pleinement la liberté de religion pour toutes les communautés religieuses dans tout le territoire (Italie); dans le but de favoriser la poursuite du dialogue entre les religions, élaborer un programme d'éducation et de sensibilisation mettant l'accent sur les différentes religions dans le pays (Saint-Siège); parvenir à mettre en place un processus d'enregistrement et de délivrance des visas pour les membres du clergé et le personnel religieux en général qui soit plus simple et transparent (Saint-Siège);
20. Intensifier les efforts pour que les conditions de détention soient pleinement conformes aux normes internationales relatives aux droits de l'homme (Suède); améliorer le niveau et les conditions de vie dans les prisons (Pologne); prendre toutes les mesures nécessaires pour réduire la durée de la détention provisoire de toutes les personnes inculpées d'infractions pénales, en particulier les mineurs, créer des centres de détention séparés pour les mineurs et améliorer d'urgence les conditions de détention (Allemagne); remédier aux problèmes persistants tels que la surpopulation et l'insuffisance des soins de santé et créer des mécanismes indépendants chargés de superviser les conditions dans les centres de détention, en mettant l'accent sur les conditions de vie des enfants et leur protection contre la violence et les sévices (République tchèque);
21. Améliorer l'administration de la justice, notamment en mettant en place un système d'inspection des centres de détention et un système de suivi des plaintes portant sur des allégations de torture (Mexique); assurer la mise en œuvre du Code d'application des peines et du Code de procédure pénale, lequel contient des dispositions concernant le bien-être des détenus et des prisonniers (Indonésie); accélérer la mise en œuvre du cadre juridique, améliorer les systèmes et procédures en matière d'administration de la justice et poursuivre les progrès dans le domaine de la gouvernance publique (Chili); envisager de prendre des mesures de fond, notamment

- en demandant une assistance en matière de renforcement des capacités, afin de faire mieux comprendre les droits de l'homme et d'améliorer les compétences des policiers, notamment en matière d'enquêtes pénales (Japon);
22. Poursuivre ses efforts pour améliorer et assurer l'accès à l'éducation pour tous les enfants et intégrer dans les programmes scolaires un enseignement dans le domaine des droits de l'homme (Algérie); continuer d'assurer l'accès à l'éducation et des programmes de grande qualité à tous les niveaux d'enseignement (Biélorus); envisager de diffuser largement des informations sur les dispositions de la Convention internationale sur l'élimination de toutes les formes de discrimination à l'égard des femmes au public par l'intermédiaire du système éducatif, de campagnes de sensibilisation et de la formation à l'égalité entre les sexes (Malaisie); élaborer une stratégie nationale visant à garantir un meilleur accès à l'éducation pour tous les enfants, et intégrer dans le système scolaire, à tous les niveaux, des mesures appropriées dans le domaine de l'éducation aux droits de l'homme, conformément au Plan d'action 2005-2009 du Programme mondial d'éducation aux droits de l'homme (Italie);
 23. Prendre des mesures concrètes pour rendre plus accessibles d'autres formes de protection de remplacement, c'est-à-dire promouvoir des systèmes de tutelle et de placement familial et développer localement des services de soutien qui permettent de prévenir les abandons d'enfants par leur famille (Autriche); continuer à faire des efforts soutenus pour mettre en œuvre un programme national, sur une période de dix ans, en vue de transférer les enfants des institutions publiques vers des familles et d'autres formes de protection (Fédération de Russie);
 24. Poursuivre ses efforts visant à réduire la pauvreté et envisager d'échanger des informations sur les meilleures pratiques avec les pays intéressés (Algérie); revoir ses programmes de réduction de la pauvreté en vue de s'attaquer aux causes profondes de ce phénomène et adopter des moyens efficaces de faire face aux problèmes sociaux (Afrique du Sud); poursuivre les efforts visant à éradiquer la pauvreté, en accordant une attention particulière à la situation des enfants des rues et des enfants handicapés (Philippines);
 25. Intensifier ses efforts pour que les besoins fondamentaux de la population soient pleinement satisfaits, en particulier dans les domaines de l'emploi, de la santé publique, de l'éducation et du logement (Malaisie); poursuivre les efforts déjà engagés pour améliorer les conditions de vie de la population et assurer sa protection sociale grâce à un développement vigoureux de l'économie et à une distribution appropriée des richesses (Cuba); continuer de maintenir un niveau élevé de protection socioéconomique (Biélorus);
 26. Poursuivre son travail efficace dans le domaine de la défense des droits de la famille, des femmes et des enfants (Kazakhstan);
 27. Poursuivre ses efforts afin d'offrir aux personnes déplacées des conditions de vie satisfaisantes (Algérie); respecter pleinement les droits économiques et sociaux de tous, y compris les personnes déplacées, conformément aux obligations qui lui

incombent en vertu du Pacte international relatif aux droits économiques, sociaux et culturels, en donnant suite aux engagements pris dans le cadre du programme du Comité d'État sur les réfugiés et les personnes déplacées (Canada); promouvoir et renforcer la coopération et l'assistance humanitaires internationales de façon à mettre en place des programmes et des mécanismes qui contribuent à éliminer les menaces et les restrictions qui pèsent sur les droits fondamentaux des réfugiés et personnes déplacées (Chili);

28. Donner effet aux recommandations faites par les organes conventionnels et les procédures spéciales et, à cet égard, mettre en place des mécanismes de surveillance des minorités ethniques et autres groupes vulnérables, y compris les migrants et les demandeurs d'asile, et permettre à ces groupes d'exercer tous les droits dont jouit le reste de la population (Mexique);
29. Poursuivre ses efforts pour promouvoir et protéger les droits de l'homme en collaboration avec le Conseil des droits de l'homme et le HCDH, en se fondant sur les besoins recensés par le pays (Égypte);
30. Poursuivre ses efforts constructifs dans le domaine de l'éducation aux droits de l'homme, y compris sa coopération active avec les principales organisations internationales à cette fin (Jordanie);
31. Poursuivre sa coopération avec la communauté internationale, en particulier dans les deux domaines suivants: la résolution des problèmes des réfugiés et des déplacés et le programme national 2006-2015 de lutte contre la pauvreté et de promotion du développement (Soudan);
32. Continuer à participer pleinement avec les groupes de la société civile au suivi et à la mise en œuvre des recommandations issues du présent examen (Royaume-Uni).

97. Les réponses de l'Azerbaïdjan à ces recommandations figureront dans le rapport final adopté par le Conseil des droits de l'homme à sa onzième session.

98. De l'avis de la délégation azerbaïdjanaise, les observations et recommandations figurant au paragraphe 74 du rapport ne sont pas pertinentes car elles ne sont pas fondées sur des faits et ne sont pas conformes à la base de l'Examen périodique universel prévue dans la résolution 5/1 du Conseil des droits de l'homme intitulée «Mise en place des institutions du Conseil des droits de l'homme».

99. Toutes les conclusions et/ou recommandations figurant dans le présent rapport reflètent la position de l'État ou des États les ayant formulées et/ou de l'État examiné à leur sujet. Elles ne sauraient être considérées comme ayant été approuvées par le Groupe de travail dans son ensemble.

Annexe

COMPOSITION OF THE DELEGATION

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

H.E. Mr. Oruj ZALOV- Deputy Minister for Internal Affairs;

H.E. Mr. Togrul MUSAYEV – Deputy Minister of Justice,

H.E. Mr. Natiq MAMMADOV – Deputy Minister of Labour and Social Protection of Population,

H.E. Mr. Elchin AMIRBAYOV- Ambassador, Permanent Representative;

Mr. Muzaffar TALIBLI – Head of Sector, Executive Apparatus of the President;

Mr. Telman MAMMADOV – Head of the Apparatus of the State Committee on Refugees and IDPs;

Mr. Murad NAJAFBAYLI – Head of Department, Ministry of Foreign Affairs;

Mr. Faiq QURBANOV – Head of Department, Ministry of Justice;

Mr. Ismayil ASADOV – First Secretary, Ministry of Foreign Affairs;

Mr. Mammad TALIBOV – Second Secretary, Permanent Mission;

Mr. Habib MIKAYILLI – Third Secretary, Permanent Mission;

Ms. Samira SAFAROVA – Attaché, Permanent Mission.
