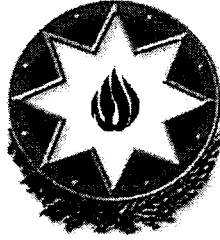


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**United Nations Human Rights Council
Universal Periodic Review**

Adoption of the report of the Republic of Azerbaijan

Opening Statement

**H.E. Mr. Khalaf Khalafov
Deputy Minister for Foreign Affairs**

Geneva, 11 June 2009

Mr. Chairman
Honourable Members of the Council
Ladies and Gentlemen,

First of all, let me express gratitude on behalf of the delegation of the Republic of Azerbaijan to all countries that participated in consideration of the national report of Azerbaijan within the framework of Universal Periodic Review, for the Conclusions and Recommendations.

The Republic of Azerbaijan pays significant attention to this mechanism and in this context, presented constructive recommendations will contribute without any doubt to further progress in the protection and promotion of human rights and fundamental freedoms in Azerbaijan.

Mr. Chairman

In preparation process of Commentaries were involved the representatives of various ministries and institutions of Azerbaijan. Besides, the recommendations were discussed in Ombudsman Office with the participation of governmental representatives and actors of civil society.

With the view of implementation of recommendations to the Universal Periodic Review, the Government considers the possibility of establishing the Working Group composed of representatives of governmental institutions and non-governmental organizations in Azerbaijan.

Detailed considering the recommendations of the Working Group of the UN Human Rights Council we have accepted most of them in whole or in part.

The Republic of Azerbaijan accepts a number of recommendations concerning further institutional strengthening of protection and promotion of fundamental human rights and freedoms in Azerbaijan.

In this connection, would like to mention that in March 18, 2009 there were 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 prohibition of unlawful interference into private and family life, right to equality, rights of the children, as well as right to freedom of religion, right to obtain information have been enhanced.

The new form of direct democracy was also included in the Constitution. In accordance with this new amendment 40 thousands electors obtain the right of legislative initiative.

At the same time, with the view of improvement of normative legal basis and institutional mechanisms, increase of transparency in work of governmental bodies and municipalities, and implementation of state policy in this field was adopted National Strategy on increase of transparency and fight against corruption by Presidential Decree and the National Plan for 2007-2011 years on the implementation of this Strategy.

Azerbaijan also accepts the recommendations in regards to further measures on prevention of all forms of violence against women.

With a view to eliminate all forms of violence against women, the Government of Azerbaijan takes relevant measures of social and economic character and the national legislation in this field is being improved.

The definition of “sexual discrimination” was enhanced in the Law on “Gender equality” adopted in 2006, was extended by including also “any demonstrations of differentiation and superiority for reason of sex that limit or impede equal implementation of rights”

The draft Law “On elimination of domestic violence” is currently under review in the Milli Majlis (Parliament) and it envisages legal framework of violence and contains provisions on establishment of rehabilitation centres for women and children that are victims of violence.

Within the framework of the project on “Combating violence against women in the 21st century” implemented by the State Committee for Family, Women and Children Problems, the Haydar Aliyev Foundation and UN Population Fund is planning to open rehabilitation centres for women and children that are victims of violence in Gandja, Goranboy, Zardab and Lankoran to the end of 2009.

The Republic of Azerbaijan also accepts the recommendations concerning necessity of taking further steps towards prohibition of corporal punishment of and cruel treatment of children, as well as enhancement of educational programmes and measures on social integration for street children that are victims of sexual exploitation and physical violence, and proceeding with institutional measures with the view of increasing effectiveness of human rights protection.

It is worth to mention that a number of provisions to increase the effectiveness of child rights protection were reflected in amendments to the Constitution. Thus, there were provisions prohibiting recruitment of children under 15 years old and involvement of children in work that creates threat to their lives, health and morals.

At the same time, it is stipulated that children deprived from parental care and tutors are in the charge of a state.

The special norm was stipulated in the Constitution on the state monitoring the realization of the child rights.

Besides, a number of legal documents on child rights protection, prevention of violence against them, child trafficking, improvement of their social welfare were adopted by the Government. Among them Law on the "Rights of the Child", "Law on provisions of commissions on minor problems and protection of their rights", "Prevention of homelessness and law violations by minors" should be noted.

Azerbaijan also accepts recommendations regarding effective realization of National Plan of Action against Human Trafficking, as well as assistance to the victims of human trafficking.

It is important to mention that within the framework of National Plan of Action, adopted in May 6, 2006, wide awareness raising campaigns were held involving also NGOs, special websites were created, TV programmes were telecasted, special social researches were held to learn the problems causing these crimes and to prevent perpetration of such crimes.

It is worth to emphasize that for continuation of measures in the field of struggle against human trafficking, improvement of normative legal basis the second National Plan of Action (for 2009-2013 years) was accepted by the Decree of the President of the Republic of Azerbaijan dated in February 6, 2009.

Besides, would like to note that there was held a Conference of Heads of Law Enforcement bodies of States members of Organization of Islamic Conference on 21-22 April 2009 in Baku by the initiative of the Republic of Azerbaijan.

The Conference was dedicated to issues of struggle with transnational organized crime, international terrorism, extremism, aggressive separatism, illegal trafficking of drugs, trafficking in human beings, illegal migration, legalization of financial means or property obtained by criminal way, by financing terrorism and prevention of corruption.

The Republic of Azerbaijan also accepts some recommendations regarding to effective realization of rights of foreigners and stateless persons in accordance with recommendations of treaty bodies of UN.

In this regard we would like to note that forms of statistic data in the sphere of labor migration were improved, guidelines on grant of immigrant status to foreigners were defined, guidelines on grant of individual permission for labor

activity in the Republic of Azerbaijan were improved, type of documents for those with status of immigrant were determined, and registration system of foreigners was improved within the framework of State Program of the Republic of Azerbaijan on Migration for 2006-2008 years.

With a view of improving the legislation in this field amendments were made to legislative acts in the sphere of migration, which define the period of temporary residence in the country for foreign citizens and stateless persons, and develop a mechanism, entitling them for temporary and permanent residence in Azerbaijan. Currently a draft of Migration Code is being prepared.

Furthermore, on 4 March 2009 the President of the Republic of Azerbaijan has signed a Decree on "Application of principle on "single window" in administration of migratory processes", with a view of simplification of procedures granting permission to foreigners and stateless persons for residence and employment.

According to the decree, implementation of this mechanism is assigned to State Migration Service. Online submission of applications from foreigners and stateless persons is being organized.

One of innovations is that since application of principle of "single window", visa requirement to foreigners and stateless persons, who have permission for temporary and permanent residence is abolished. So these individuals may leave and return to Azerbaijan with passports and relevant certificates issued by State Migration Service.

Furthermore, Azerbaijan accepts recommendations on further promotion of religious tolerance in the country and is ready to share the existing practice in this field.

Throughout all of its history Azerbaijan is notable for high level of tolerance and respect for various ethnic groups and religions. Principal provisions of national policy are laid in the Constitution, which ensures the equality of all citizens regardless of their ethnic, religious or racial origin.

During many centuries, no facts of intolerance and discrimination in relation to members of other nationalities were observed due to historical, economical and cultural characteristics of Azerbaijan.

Equall conditions are created for functioning of members of all religious minorities in Azerbaijan. There were registered 336 Islamic and 28 other religious directions. 20 of them represent Christian, 7 Jewish and one krishnaistic direction.

It should also be noted that the promotion of cross-cultural and interreligious dialogue is one of the priorities of the foreign policy of Azerbaijan.

The Republic of Azerbaijan accepts recommendations in respect of the further improvement the living conditions in prisons, the solving issues of the overcrowding of prisons and insufficient health care.

It should be noted, that together with international organizations in the field of bringing penitentiary system in line with international standards reforms are undertaken for modernization of infrastructure of the penitentiary system of the Republic of Azerbaijan. Measures on improving detention conditions of prisoners are also envisaged in "State Program on Progress of Azerbaijani Justice System for 2009-2013 years", which was adopted by the President of the Republic of Azerbaijan in February 6, 2009.

In May 29, 2009 the new building of the Baku Detention Centre of the Penitentiary Service of the Ministry of Justice meeting international standards and equipped with modern equipment was opened for use.

At the same time, it should be noted, that according to the amnesty act dated March 17 2009, 9000 condemned were released.

At the same time, the draft "Law on guaranteeing rights and freedoms of detained persons" currently is under consideration of the Parliament. In accordance with provisions of this draft Law, medical examination of detained persons and prisoners can be conducted by state or private medical institutions by their own or their lawyer's application.

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.

The Republic of Azerbaijan does not agree with the opinion about alleged pressure, physical violence against representatives of the mass media and national human rights defending organizations.

It should be noted, that all of the said are result of misinformation, partiality reflects the real situation in respect of certain persons who committed certain crimes and condemned to the difference period in accordance with court decision. These decisions disengaged their journalist activity and in all cases the principle of right to equality of each person before the law is considered as basic, independent from professional occupation and work status.

On the basis of the recent act of amnesty, four representatives of the mass media were released.

At the same time, 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 in April 3, 2009 and 1,625 million dollars were designated from State fund for this purpose.

Regarding the claims by the NGOs about the alleged impediment to the activities of human rights groups, it should be noted that as a result of measures taken in recent years situation of NGOs and human rights defenders have essentially improved. Totally more than 140 NGOs occupied with human rights issues have been registered in the Republic of Azerbaijan.

In respect of recommendations regarding permission of the broadcasting of the foreign radio, first of all we note 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 and development of national mass media. Thus, it is difficult to agree with recommendation on this issue.

We can not accept the recommendation regarding accession to the Rome Statute of the International Criminal Court, since some of the basic provisions, such as definition of aggression of that Statute is still open.

Mr. Chairman,

The Republic of Azerbaijan adopts a whole series of recommendation on further improvement of living conditions for internally displaced persons.

Thereupon, it is necessary to point out, that the Government is carried out the consistent policy in this field. Nowadays, the last tent villages in Azerbaijan were abandoned and more than 70 000 of internally displaced persons were provided with favourable housing. In last 5 years 72647 refugee and internally displaced persons were provided with employment. As a result of activity of the Government of the Republic of Azerbaijan poverty rate among internally displaced persons and refugees was decreased from 74% to 30%.

At the same time, for the same period, 1, 250 million dollars were designated by the Government on social protection of the refugees and internally displaced persons.

With regard to reduction of root causes of poverty and solving of social issues, it is necessary to point out, that the Republic of Azerbaijan accepts this recommendation and states its readiness to share its practice in this field.

In order to ensure realization of the social and economical rights, the Government adopted States programmes, among them, on reduction of poverty and sustainable development for 2008-2015 years, on Employment strategy for 2006-2015, on implementation of employment strategy for 2007-2010, on social-economic progress of regions for 2009-2013 years.

As a result of taken measures and successful macroeconomic policy, pursued in the light of a considerable increase in GDP for the last 5 years 766 000 new workplaces have been created in the country. The poverty rate decreased in 2008 13,2 percent in 2008 against 46,7 percent in 2002, the level of unemployment is 6,2 percent in 2008 against 10,7 percent in 2003. In 2008 expenses allocated from the state budget increased for social maintenance 40.0 percent.

It is worthy to note that in condition of the world economic crises growth of GDP is 4,1 percent. Currently the infrastructure and social projects are being implemented.

At the same time, it is necessary to point out, that the World Bank declared Azerbaijan as the most active reformer country for 2008.

Mr. Chairman,

In conclusion, we would like to express once again the readiness of the Republic of Azerbaijan to submit periodically information on implementation of the recommendations, aimed at further promotion and protection of the human rights and freedoms in Azerbaijan.

Thank you for attention.