

Azerbaijan

Mid-term

Implementation

Assessment

(third version)



UPR-INFO.ORG
PROMOTING AND STRENGTHENING THE UNIVERSAL PERIODIC REVIEW

Introduction

1. Purpose of the follow-up programme

The second and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the development of the human rights situation in the State under review.

A/HRC/RES/16/21, 12 April 2011 (Annex I C § 6)

The Universal Periodic Review (UPR) process takes place every four years; however, some recommendations can be implemented immediately. In order to reduce this interval, we have created an update process to evaluate the human rights situation two years after the examination at the UPR.

Broadly speaking, *UPR Info* seeks to ensure the respect of commitments made in the UPR, but also more specifically to give stakeholders the opportunity to share their opinion on the commitments. To this end, about two years after the review, *UPR Info* invites States, NGOs and National Institutions for Human Rights (NHRI) to share their comments on the implementation (or lack thereof) of recommendations adopted at the Human Rights Council (HRC).

For this purpose, *UPR Info* publishes a Mid-term Implementation Assessment (MIA) including responses from each stakeholder. The MIA is meant to show how all stakeholders are willing to follow and implement their commitments: civil society should monitor the implementation of the recommendations that States should implement.

While the follow-up's importance has been highlighted by the HRC, no precise directives regarding the follow-up procedure have been set until now. Therefore, *UPR Info* is willing to share good practices as soon as possible and to strengthen the collaboration pattern between States and stakeholders. Unless the UPR's follow-up is seriously considered, the UPR mechanism as a whole could be affected.

The methodology used by UPR Info to collect data and to calculate index is described at the end of this document.

Geneva, 3 April 2012

Follow-up Outcomes

1. Sources and results

All data are available at the following address:

<http://followup.upr-info.org/index/country/azerbaijan>

We invite the reader to consult that webpage since all recommendations, all stakeholders reports and the unedited comments as well can be found at that very internet address.

9 NGOs were contacted. Both the Permanent Mission to the UN in Geneva and the State were contacted. The domestic NHRI was contacted as well.

3 NGOs responded to our enquiry. The State under Review provided a mid-term report, which led *UPR Info* to publish a new version of the MIA. The domestic NHRI did not respond to our enquiry.

IRI: 18 recommendations are not implemented, 12 recommendations are partially implemented, and 6 recommendations are fully implemented. No answer was received for 54 out of 91 recommendations.

2. Index

Hereby the issues which the MIA deals with:

rec. n°	Issue	page	IRI
1	Women's rights, Rights of the Child,	page 5	partially impl.
2	Women's rights	page 6	not impl.
4	Poverty	page 7	-
6	Women's rights, Human rights education and training,	page 7	fully impl.
7	Rights of the Child	page 8	partially impl.
9	Rights of the Child	page 9	fully impl.
10	Rights of the Child	page 9	partially impl.
11	Rights of the Child	page 11	partially impl.
13	Women's rights	page 11	fully impl.
17	Torture and other CID treatment, Rights of the Child,	page 10	not impl.

rec. n°	Issue	page	IRI
18	General	page 13	partially impl.
20	International instruments, Freedom of association and peaceful assembly,	page 17	not impl.
22	Women's rights, Rights of the Child,	page 18	not impl.
26	Women's rights	page 18	partially impl.
27	Human rights education and training	page 20	partially impl.
32	Technical assistance	page 21	not impl.
33	General	page 21	not impl.
37	Freedom of association and peaceful assembly	page 21	not impl.
40	Freedom of religion and belief	page 22	not impl.
41	Freedom of religion and belief, Freedom of movement,	page 22	not impl.
42	Rights of the Child	page 23	not impl.
44	Women's rights, Rights of the Child,	page 23	partially impl.
46	Justice, Human rights education and training,	page 25	fully impl.
47	Freedom of the press, Freedom of opinion and expression,	page 28	not impl.
52	Special procedures, Freedom of religion and belief,	page 29	not impl.
56	Women's rights, Rights of the Child,	page 29	not impl.
59	Women's rights, Human rights education and training,	page 29	partially impl.
60	Women's rights	page 30	partially impl.
61	Women's rights, Rights of the Child,	page 32	partially impl.
65	Women's rights, International instruments,	page 32	not impl.
66	UPR process, Civil society,	page 33	fully impl.
69	Human rights defenders, Freedom of association and peaceful assembly, Civil society,	page 34	not impl.
76	Corruption	page 35	fully impl.
78	Freedom of religion and belief	page 38	not impl.
79	Freedom of opinion and expression	page 38	partially impl.
85	Freedom of association and peaceful assembly	page 39	not impl.
91	Freedom of the press	page 39	not impl.

3. Feedbacks on recommendations

Recommendation n°1: *Continue efforts in the direction of the positive improvements in women and children's rights, especially measures taken to combat domestic violence* (Recommended by Afghanistan)

IRI: *partially implemented*

Women and Modern World Center (WMWC) response:

Azerbaijan joined 230 International Conventions on human rights and 9 documents have been signed. 46 articles of 158 Constitution articles include the protection of human rights.

The situation of Azerbaijan was not so heart-warming early when it joined to the campaign against domestic violence. There is the need to do some series of work. About 60 countries, including Georgia and Turkey, passed a law for fighting against domestic violence. There must be such kind of law in Azerbaijan as well. It should be a serious approach to this problem. According to our point of view there is no legal problem on passing this law but some of deputies are against this. Unfortunately, in our families domestic relationships have got stronger form. Some people protest against such laws. However, thoughts of people have changed over time and we have to realize that there are also legal and individual laws. It was noted in 34 articles of Constitution that the family and marriage are under the control of the state. There is the need to pass a special law for this purpose. There is a great need to pass this law for preventing crime.

State of Azerbaijan response:

Protection of woman and child rights has always been the focus of attention of the Government of the Republic of Azerbaijan. A special body – The State Committee for Family, Women, and Children Affairs was established within the Government of Azerbaijan in order to solve those issues. The year 2009 was declared as the year of Child in the Republic of Azerbaijan by the Presidential Order of the Republic of Azerbaijan.

Children with physical disabilities that do not hinder them from being engaged in any kind of art enjoy equal rights at the music and art schools for children acting within the system of the Ministry of Culture and Tourism of the Republic of Azerbaijan.

A specialized school with musical education – full-course (11-year school) Music School № 38 for children with eye-sight disabilities functions in Baku. This school was opened in 1980. During this 30-year period nearly one thousand pupils finished that school. Presently, nearly 200 pupils of 1st and 2nd disability groups study at the piano, tar, kamancha, garmon, naghara and singing classes. The pupils take an active part in the reviews, competitions and festivals organized by the Ministry of Culture and Tourism and Baku City Culture and Tourism department, they also regularly make concert programs at all events of the republic boarding-school for

children with eye-sight disabilities, military units, Azerbaijan Association of the Blind Persons.

Textbooks were published in Braille system in Azerbaijani for the first time, “sound tales” were made for children with eyesight disabilities with the financial and organizational support of the Ministry of Culture and Tourism of the Republic of Azerbaijan.

On May 17-21, 2010, the 2nd republic competition on stringed instruments and in December 2010, the 2nd republic contest of folk musical instruments among the pupils of children’s music and art schools was held in Baku by the Ministry of Culture and Tourism in order to improve musical education on stringed instruments, reveal talented children, support them and enhance their creative potential.

A number of events were organized by the subordinate bodies of the Ministry of Culture and Tourism of the Republic of Azerbaijan within the “Child Rights Month” held under the motto “Let’s listen to the children and ensure their participation” from October 20 until November 20 concerning the 50th anniversary of the UN Declaration of the rights of the child, the 20th anniversary of the adoption of the Convention of the Rights of the Child and the declaration of 2009 as the Year of the Child.

Main goal of these events is to ensure “The right of every person to participate in cultural life, benefit from the cultural entities and cultural resources” in compliance with Article 40 of the Constitution of the Republic of Azerbaijan (Right of Culture), as well as to determine young talents, to provide state care for the development of child creativity and strengthen international cultural relations.

A film festival titled “The Azerbaijan family - 2011” was organized with support of the project “Combating violence against women in the 21st century” by the State Committee for Family, Women and Children Affairs, the Heydar Aliyev Foundation and the UN Population Fund.

Furthermore, lectures were organized for parents of underage IDP and refugee children by the State Committee for Family, Women and Children Affairs, the parents were informed about urgent topics like preservation of national-moral values, family culture, inter-generation relations parent-child relations, establishment of mutual relationship between teachers and parents, family problems and the ways of their solution.

Recommendation n°2: Devote increasing attention to the struggle against violence against women, especially through the implementation of social measures in this field (Recommended by Algeria)

IRI: not implemented

WMWC response:

Violence against women is evidence of violation of their rights roughly. Physical aggression, psychological / emotional violence, sexual violence against women in most cases occur in the family and in such cases, the majority of women and their children subjected to violence by family members escape from home in order to save

their lives, and be provided with protection and security. There is almost no any activity to prevent violence against women and directly realized activities to take respond measures in the regions. The majority of women living in domestic violence consider it "normal" and don't need to appeal for help in this situation. Public humiliation, shame, fear, and economic dependence on her husband or his family, sharply restrict the possibilities of women to give information about their situation.

Recommendation n°4: Continue its efforts in the reduction of poverty and to envisage the sharing of best practices with interested countries (Recommended by Algeria)

IRI: -

WMWC response:

45% of labor force working in non-agricultural field is women. However, the majority of business women are more inclined to work in the desirable health and education sectors that the wage in these fields is traditionally lower than the national average monthly wage. Moreover, in many cases women earn 45% less than men for the same performance. It is strange that in spite of her educational level or profits that she gain for her family, after marriage woman faces increasing pressure by her husband or family of husband. In this case they are usually forced to leave the work. They occupy only 17% in parliament and 2% in government ministries.

Recommendation n°6: Implement active policies and awareness campaigns in order to overcome the situation of discrimination against women (Recommended by Argentina)

IRI: *fully implemented*

State of Azerbaijan response:

The Republic of Azerbaijan does not consider cases of discrimination towards women as characteristic for the country.

The bodies of internal affairs of the Republic of Azerbaijan carry out preventive measures against the cases of discrimination towards women and violence against them according to the principles of equal rights of the citizens and gender in compliance with the Constitution of the Republic of Azerbaijan, the Law on "The Police" and international norms.

Continuous reforms have been implemented in the system of the Ministry of Internal Affairs in accordance with the experience of developed countries and in general, international practice, special plan of action, orders, new recommendations, regulations and instructions of the Ministry of Internal Affairs on women problems, human rights, fight against everyday violence in the democratic society were prepared and submitted for implementation

Special attention was attached to the projects dedicated to elimination of discrimination towards women at the competitions for financial aid of the Council of State Support to NGOs under the President of the Republic of Azerbaijan.

6 projects in 2009 and 5 projects in 2010 on equal rights of men and women, early marriages of underage girls and especially elimination of all kinds of discrimination against women were supported by the above mentioned Council.

These projects, taking the function of awareness-raising over, were mainly realized in various regions of the Republic of Azerbaijan.

On June 22, 2010, a Law on the “Prevention of domestic violence” was adopted by the Milli Majlis (the Parliament) of the Republic of Azerbaijan. The Law determines and regulates the implemented measures aimed at the prevention of the violence committed by abuse of ties of relationship, cohabitation or previous cohabitation, its negative legal, medical and social consequences, the social protection of the persons suffered from domestic violence, their provision with legal assistance, as well as the elimination of cases causing domestic violence.

This Law envisages the organization of the state aid centers rendering free services for the suffered persons. These aid centers have different directions of activity for the people suffered from domestic violence, such as: rendering legal and/or medical assistance, helping them with the employment and acquirement of new professions etc. The capacity of the aid centers to provide temporary shelter for the people suffering from domestic violence when necessary has also been taken into consideration.

According to the Presidential Decree of the Republic of Azerbaijan of 1 October 2010, “Rules of considering the complaints with no criminal elements in complaints about domestic violence”, “Rules of prophylactic registration of the people committed domestic violence and execution of educative-preventive work with those individuals”, “Rules of establishment and operation of the database concerning the domestic violence”, “Rules of activity of the aid centers for people suffered from domestic violence” and “Rules of accreditation of non-state aid centers for people suffered from domestic violence” were drafted and submitted to the Cabinet of Ministers of the Republic of Azerbaijan.

According to the Family Code, only the marriages registered by the state bodies are recognized and religious marriages have no legal value.

The Constitution of the Republic of Azerbaijan guarantees the protection of rights and freedoms of every person in the court, the legislation in force envisages the possibilities for legal and judicial protection of victims of domestic violence.

The Council of State Support to NGOs under the President of the Republic of Azerbaijan financed 2 projects in 2009-2010 submitted by the local NGOs each year, in order to eliminate the violence against women, strengthen measures in this field and draw the public attention to these issues.

Recommendation n°7: 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 (Recommended by Argentina)

IRI: partially implemented

WMWC response:

As a result of difficult socio-economical conditions many families couldn't provide their school age children with corresponding books, stationeries, clothes and shoes. On these grounds children are deprived from attending schools. The most difficult situation is among those children who are either parentless or single parent. Many of them have to work from the early age of 8 in order to solve their minimal needs and the needs of their family members. The employers misuse their working time and pay children very low salaries, they are obliged to work because they don't have alternative and the work is very necessary for them because they have to solve the minimal needs of their families. These children are deprived of their rights for education and receive basic education. The suggested project will solve the problem of receiving basic education of those children. Orphan, homeless and uncared-for children are basically teenagers of 13-18 years, who do not get education at high schools; they are compelled to work in streets of the capital being engaged in various kinds of work (washing cars, distributing newspapers, magazines and advertising, physical work, loading goods, to work as a conductor at public transports and many other things).

As they do not have certain education or any specialization their work is paid very low and as a result of this fact they are exploited by people who are interested in such kind of situation. In some cases the work carried out by them is dangerous for teenagers' health and safety conditions of work are not available at all.

State of Azerbaijan response:

See response to recommendation n° 6.

Recommendation n°9: 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 (Recommended by Austria)

IRI: fully implemented

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Recommendation n°10: 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 (Recommended by Austria)

IRI: partially implemented

State of Azerbaijan response:

See response to recommendation n° 6.

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In accordance with the "National Action Plan of the Republic of Azerbaijan against trafficking in human beings" approved under Presidential Order № 208 of 6 May 2004 of the Republic of Azerbaijan, necessary measures were implemented; a number of normative-legal acts were confirmed by the Cabinet of Ministers regarding the implementation of the National Action Plan covering 2009-2013 years.

Thus, “National Directive Mechanism Rules regarding victims of human trafficking” has been prepared to establish an effective system that will provide the protection of rights of victims and their surrender to related bodies, their security, repatriation and social rehabilitation and form the rules in this field and was confirmed by the decision of the Cabinet of Ministers. Taking into account that the identification of victims of human trafficking is one of the most important elements of the measures taken by the government in this field, also is one of the main factors for their reintegration into society, returning them back to normal life and reducing their risk of becoming victims of human trafficking again, “Rules (indicators) of identification of victims of human trafficking” were approved by the decision of the Cabinet of Ministers and submitted for implementation. The aim of the rules is to easily reveal victims, take urgent measures on protection of their rights, as well as provide the staff of relevant bodies with necessary information.

Human trafficking victims in need of help are accommodated in the shelters and most of them are reintegrated into society, all the victims are rendered legal, medical and psychological assistance. According to the relevant decision of the Cabinet of Ministers, the persons suffered from human trafficking are granted lump-sum allowance during their reintegration period and aid from the Fund to Aid for Victims of Human Trafficking.

A Memorandum of Understanding on cooperation was signed between the Ministry of Internal Affairs and the Anti-human Trafficking Coalition of non-governmental organizations incorporating 45 NGOs for the purpose of establishing and developing mutual relations with NGOs and other public associations acting in the Republic of Azerbaijan and a special work program on joint implementation of awareness-raising measure, which is one of the priority directions of the National Plan of Actions was developed and submitted for implementation.

A number of workshops, conferences and round tables were held within the last 3 years jointly with the rights-protection institutes of the UN and OSCE acting in the country, including “Symmetry” Gender Association, “Pure world”, “Solidarity among women” and other organizations dealing with material-moral and domestic problems of women, for the purpose of learning from international practice and applying it in everyday activity.

On December 15-16, 2010 and February 2011 with co-organization of the Council of Europe and Ministry of Internal Affairs and with the participation of the Ministry of Foreign Affairs a seminar on the topic of “The fight against human trafficking in Azerbaijan and its prevention” was held in Baku.

About 20 conferences and deliberations were held in the regions with the participation of representatives of relevant ministries, state committees and local bodies of the Ombudman’s Office on violence problems during the last 3 years.

Recommendation n°17: *Take necessary measures aimed at prohibiting all forms of corporal punishment against children* (Recommended by Brazil)

IRI: not implemented

WMWC response:

This year, 6 years old Sevinj Hasanova was beaten and killed by her stepmother Rabiyya Osmanova and the father Shahlar Hasanov. There were found deep wounds and fractures on her ribs during the medical examination. The blows were caused her death. Shahlar and Rabiyya were involved in to the investigation by law-enforcement agencies.

60% of the domestic crimes were committed in front of children and adolescents. It is caused negative effect on physical and mental development of children. It should be noted that the violence crime analysis of family shows that 68.5% of offenders grows in violent families. 30 domestic conflicts were committed by the relatives of women (father, brother and other relatives). The majority of such incidents that is 60% of incidents are resulted in death.

Recommendation n°11: 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 (Recommended by Austria)

IRI: partially implemented

State of Azerbaijan response:

See response to recommendation n° 1.

Recommendation n°13: Address the challenge of gender mainstreaming in a purposeful manner. (Recommended by Bangladesh)

IRI: fully implemented

State of Azerbaijan response:

The Republic of Azerbaijan does not consider cases of discrimination towards women as characteristic for the country.

The bodies of internal affairs of the Republic of Azerbaijan carry out preventive measures against the cases of discrimination towards women and violence against them according to the principles of equal rights of the citizens and gender in compliance with the Constitution of the Republic of Azerbaijan, the Law on "The Police" and international norms.

Continuous reforms have been implemented in the system of the Ministry of Internal Affairs in accordance with the experience of developed countries and in general, international practice, special plan of action, orders, new recommendations, regulations and instructions of the Ministry of Internal Affairs on women problems, human rights, fight against everyday violence in the democratic society were prepared and submitted for implementation

Special attention was attached to the projects dedicated to elimination of discrimination towards women at the competitions for financial aid of the Council of State Support to NGOs under the President of the Republic of Azerbaijan.

6 projects in 2009 and 5 projects in 2010 on equal rights of men and women, early marriages of underage girls and especially elimination of all kinds of discrimination against women were supported by the above mentioned Council.

These projects, taking the function of awareness-raising over, were mainly realized in various regions of the Republic of Azerbaijan.

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A number of workshops, conferences and round tables were held within the last 3 years jointly with the rights-protection institutes of the UN and OSCE acting in the country, including “Symmetry” Gender Association, “Pure world”, “Solidarity among women” and other organizations dealing with material-moral and domestic problems of women, for the purpose of learning from international practice and applying it in everyday activity.

On December 15-16, 2010 and February 2011 with co-organization of the Council of Europe and Ministry of Internal Affairs and with the participation of the Ministry of

Foreign Affairs a seminar on the topic of “The fight against human trafficking in Azerbaijan and its prevention” was held in Baku.

About 20 conferences and deliberations were held in the regions with the participation of representatives of relevant ministries, state committees and local bodies of the Ombudman’s Office on violence problems during the last 3 years.

Recommendation n°18: *Continue its efforts to further strengthen institutional and policy frameworks in the area of promotion and protection of human rights* (Recommended by *Brazil*)

IRI: *partially implemented*

Forum18 response:

Azerbaijan continues to almost every year increase “legal” restrictions on exercising fundamental human rights, including freedom of religion or belief. An example of this was the November 2011 government proposed draft laws introducing prison terms of up to five years or maximum fines of nearly nine years' official minimum wage for groups of people who produce or distribute religious literature without going through Azerbaijan's compulsory prior state censorship. New punishments for those who lead Muslim worship if they have gained their religious education abroad were also introduced.

WMWC response:

Every year, 100 women between 17-43 become invalid or pass away. The 73% of women are killed by their husbands or men of illegal marriage. Every year about 4 thousand women are beaten at home, and nearly 1000 women are exposed to stroke. The 6 cases noted related to the violence that occurred between parents and their children during this year. Most of the conflicts occurred under jealousy conditions. Unfortunately, the end of these conflicts often resulted in death.

The official statistics on the facts of violence against women, including accounting are not carried out at the level of law enforcement agencies. Therefore, there is a need to get an experience from the other countries.

State of Azerbaijan response:

The issues of promotion of human rights among the society, strengthening of institutional and political frameworks in this area were indicated in the “National Action Plan on protection of human rights”. In accordance with the plan, the NGOs and international organizations are involved in implementation of the National Action Plan, as well as preparation of reports submitted to the UN specialized agencies, their cooperation with the state bodies is developed.

During the past period, a number of measures were carried out in the field of promotion and protection of human rights within the framework of the Eastern Partnership with the European Union by the Ministry of Justice of the Republic of Azerbaijan, as well as the State Committee for European Integration, EU-Azerbaijan Cooperation Committee, Sub-Committee on justice, freedom, human rights and democratization, EU-Azerbaijan Action Plan, Working Group on the issues of human rights and democratization, as well as the Association Agreement to regulate the

cooperative relations between the EU and Azerbaijan and the concept document of Comprehensive Institutional Building Program.

Promotion of joint projects with the EU has been continued, and in order to start the implementation of “The Program of Support to reforms in the field of justice” jointly with the European Commission aimed at improvement of the penitentiary service, Justice Academy and regional justice offices, the relevant Financing Agreement and Action Plan were approved by the Cabinet of Ministers in 2010, besides the complex annual plans of action adopted by relevant agencies of the Ministry of Justice to carry out the terms and conditions envisaged in the agreement were sent for submission to the European Commission.

The Justice Academy was established by relevant decrees of the President of the Republic of Azerbaijan within the Ministry of Justice and its Charter was confirmed. In the Academy training and professional development, as well as legal teaching are provided to justice employees, to newly-recruited justice and prosecution candidates, to the judges, candidates for judge, to the court employees, to lawyers and candidates for lawyer, to special notaries, and within the framework of the Academy’s main aims and duties to listeners from other categories. The Academy’s teaching program contains topics on urgent international documents regulating the protection of human rights, besides the UN and CoE Conventions, the precedents of the European Court of Human Rights, as well as innovations in the national legislation.

New courts - regional courts on grave crimes were created in four regions of the country on the basis of the Court on grave crimes to facilitate the possibilities for the population to apply to the courts; administrative-economic courts were also created in seven regions to ensure the strict observation of human rights by the state bodies; the military judicial system was improved.

On June 18, 2010, a Law was adopted on appropriate amendments and supplements to the legislation on implementation of court decisions in the legislative initiative of the President and its application started by Presidential Decree of 15 July 2010.

614 new municipalities were created as a result of merging 1651 municipalities paying a special attention to the improvement of the activity of municipalities in our country, increasing the efficiency of the use of their economic resources and their role in the solution of issues of local importance.

The establishment of 16 regional centers for legal advice services in the regions was ensured by the Ministry of Justice within the framework of the “State Program on Poverty Reduction and Sustainable Development” (2008-2015) to provide free legal assistance to the population, in particular the vulnerable groups and raise their awareness.

Moreover, measures defined in “The National Strategy on Increasing Transparency and Anti-Corruption” adopted in 2007 in respect of all the activities are carried out by the state bodies and public control mechanisms are applied. The provision of

transparency at the justice agencies was always the focus of attention, the composition of Competition Commission on medical service recruitment has been considered in the board of the ministry and expanded, related international and local NGOs have been involved in this work.

Relevant monitoring groups were formed within the measures on increasing transparency and anti-corruption, controls were made at subordinate agencies, and the revealed shortcomings were removed in place, and immediate consideration of complaints related to the corruption received by the Ministry, in particular through the hot-lines and operative implementation of necessary measures were provided. In this regard, the implementation of additional efficient measures is being continued. At the same time, an appropriate section has been created on the internet site of the ministry to comprehensively inform the population about the state dues for services provided to the citizens at the justice agencies.

The Decree of the President of the Republic of Azerbaijan on “Strengthening the fight against offences in relation to the corruption in state management and municipal properties and resources” was adopted on June 22, 2009. Relevant instructions were given to the Ministry of Justice and bodies of prosecutor’s office in the Decree on strengthening the fight against law violations in the usage of municipal resources, the ownership, use and disposal of municipal property to completely eliminate the corruption,

Furthermore, in order to increase the transparency in the activities of state bodies and eliminate the cases creating conditions for corruption the President of the Republic of Azerbaijan on May 23, 2011, signed a Decree on “Certain measures in organization of provision of electronic services of state bodies”.

The total number of the Prosecutor’s office staff of anti-corruption department under the Prosecutor-General of the Republic of Azerbaijan was increased from 60 to 100 according to Presidential Decree of 11 March 2011. On March 18, 2011, the Parliament (Milli Majlis) of the Republic of Azerbaijan by amending the Laws “On Operational-investigative activity” and “On Prosecutor’s Office” authorized the Anti-Corruption Department under the Prosecutor-General of the Republic of Azerbaijan to carry out operative-search activities.

Regulation of controls conducted for the purpose of protecting the rights of consumers according to modern standards, prevention of the cases of abusing authorities during controls, provision of transparency and effective protection of the rights of consumers according to the results arrived during those controls were indicated in the Presidential Decree of 13 April 2010 on “Certain measures on regulation of controls in the field of entrepreneurship and protection of the rights of consumers”. The Regulations on single register of controls in the field of entrepreneurship was approved under Decree of 15 April 2011 and its conduct was entrusted to the Ministry of Justice of the Republic of Azerbaijan. The register in question has started to operate since May 1, 2011.

At the same time, the draft of Azerbaijan Corporative Management Standards has been drawn up on the basis of existing legislation and principles of corporative

management of the Organization of Economic Cooperation and Development and was affirmed under Order F-09 of 28 January 2011 by the Minister of Economic Development of the Republic of Azerbaijan.

Children and Family Support Centres have been operating in 11 regions of the republic attached to the State Committee for Family, Women and Children Affairs since 2007. Children and Family Support Centres promote the well-being and protection of children; present modern mechanisms and methods of individual approach to define and satisfy their needs in the areas they operate. During 2011, the mentioned Centres held several trainings aimed at encouragement of the rights of children in need of special care, refugees and IDPs in the communities they operate, implemented measures jointly with local state bodies directed at provision of their rights.

“Training courses on promotion of the Convention on the Rights of the Child” through the method of “from child to child” have been held since 2009 by the State Committee for Family, Women and Children Affairs for pupils of all secondary schools of Baku from different nationalities getting education in different languages, study materials related to the children’s rights and the Convention of the Rights of the Child have been distributed among the pupils. The campaign continued in 2011 with holding trainings by the persons educated accordingly in the field of human rights in the previous years for other peers.

Methodical textbook “Recommendations on children development” was prepared by the State Committee for Family, Women and Children Affairs for parents and experts within relevant period of time and its distribution among the communities was provided. The main objective in preparation of such textbook is to help raising the awareness of every person working with the children about childhood, stages of child development and indicators of usual development.

On December 22, 2010 a Working Group was established by Order 118 of the Head of Presidential Administration of the Republic of Azerbaijan regarding the implementation of recommendations in the final opinion of the Working Group of the UN Human Rights Council on the Universal Periodic Review on the first report of the Republic of Azerbaijan.

The Commissioner for Human Rights (Ombudsman) exerts control over the implementation of the recommendations on the UPR as an independent monitoring mechanism. The Ombudsman continued fruitful cooperative relations with NGOs, the public and civil society to implement the recommendations.

The participation of the civil society institutions, local NGOs and communities in public hearings held in all the cities and regions of our country was provided to monitor the situation of promotion and application of the National Action Plan, as well as raise the awareness of the population about the suffrage.

Guided by paragraph 5 of the Order on the adoption of the National Action Plan, the Ombudsperson actively involved the NGOs in the events organized at the Office of

the Ombudsman at different times, to discuss the state of implementation of the National Action Plan.

Recommendation n°20: *Improve respect for the right to freedom of assembly in line with its domestic legislation and its obligations under article 21 of the ICCPR* (Recommended by Canada)

IRI: *not implemented*

Forum 18 response:

Azerbaijan routinely violates the right of people to assemble together with raids on those following non-state approved faiths who meet for worship. Such raids often violate published laws, as was the case with the state religious affairs official who led a police raid in June 2011 on a Baptist congregation in Sumgait during Sunday morning worship explained away the lack of a warrant. "I'm the permission and the warrant," local Baptists quoted him as telling them. Also raided the same day was a Jehovah's Witness meeting in Gyanja, fellow Jehovah's Witnesses told Forum 18 News Service. Both were raided because they do not have the compulsory state registration. An official of the State Committee for Work with Religious Organisations defended its officials' participation in the raids, claiming they were "in accordance with the law".

Citizens Labor Rights Protection League (CLRPL) response:

"The law on the freedom of assembly" was adopted on November 13, 1998. It had been seriously criticized by international organizations as the majority of provisions of the law are contradicting the Article 21 of the International Covenant on Civil and Political Rights and Article 11 of the European Convention on Human Rights and Fundamental Freedoms. Later the government had to make amendments and changes to the law.

Amendments made on the basis of recommendations of Venice Commission of the Council of Europe, OSCE and national NGOs to the law of "Freedom of Assembly" came into force on 30th of May 2008. Amendments guarantee the right to an effective remedy. In case of prohibition or any impediment of carrying out the right of freedom of assembly the judicial power should review the case and make a decision till date of assembly.

Some imperative norms on law were lightened. For example the time scheduled for the implementation of the assembly are appointed not on the law requirement but basing on consideration of local executive power. Rights of children of being an organizer of assembly were provided. Considerations on contrary meetings were added and etc.

But according to Law the local authorities are again the ones who appoint the place of assemblies. Local authorities use this consideration (appointment of appropriate places for assemblies) as rights given to them and even after the amendments the places appointed for the assemblies are again useless for carrying them out.

On the eve during the important governmental events any kind of mass events in these administrative areas (cities) are prohibited. This contradicts Constitution and International Norms supported by government.

No change has been made in legislation after the 4th Session which had been organized on February 2009 by the UN Human Rights Council and no activities conducted regarding the recommendation given during the council by the Government of Canada.

Recommendation n°22: *Increase the protection mechanisms for women and children as well as measures to disseminate and make their implementation more effective* (Recommended by *Chile*)

IRI: *not implemented*

WMWC response:

Even the conception of domestic violence is accepted as traditional norm by large parts of population as a rule, but it is not fully understood or widely discussed among them. As a result of the evaluation report, it has been known that the restriction in growth and employment in the position, start the young families, forced to sexual intercourse, and generally, common lack of understanding of human rights is widespread among women. In particular, the programs against Sexual Violence that are planned by national non-governmental organizations NGOs that compete for funding, were not accepted for not being comprehensive and associated.

Recommendation n°26: *Continue with national programmes already undertaken to reduce any form of discrimination against women until it is totally eliminated* (Recommended by *Cuba*)

IRI: *partially implemented*

WMWC response:

In relation to the rights prescribed by law, 63% of women think that men and women have equal rights. Married/previously married women (67%) believed it more (52%) than the women who have never been married yet. No wonder that the level of education has an impact on women's point of view about sex. Women graduated from secondary or the low degree schools prefer men's standpoint on family decisions (37%) and thought that they were unsuccessful in financial issues (26%). It is interesting to note that the opinion of high educational women did not define the point of view of general women to come to public decision about men's standpoint on domestic decisions.

State of Azerbaijan response:

The Republic of Azerbaijan does not consider cases of discrimination towards women as characteristic for the country.

The bodies of internal affairs of the Republic of Azerbaijan carry out preventive measures against the cases of discrimination towards women and violence against them according to the principles of equal rights of the citizens and gender in compliance with the Constitution of the Republic of Azerbaijan, the Law on "The Police" and international norms.

Continuous reforms have been implemented in the system of the Ministry of Internal Affairs in accordance with the experience of developed countries and in general, international practice, special plan of action, orders, new recommendations, regulations and instructions of the Ministry of Internal Affairs on women problems, human rights, fight against everyday violence in the democratic society were prepared and submitted for implementation

Special attention was attached to the projects dedicated to elimination of discrimination towards women at the competitions for financial aid of the Council of State Support to NGOs under the President of the Republic of Azerbaijan.

6 projects in 2009 and 5 projects in 2010 on equal rights of men and women, early marriages of underage girls and especially elimination of all kinds of discrimination against women were supported by the above mentioned Council.

These projects, taking the function of awareness-raising over, were mainly realized in various regions of the Republic of Azerbaijan.

On June 22, 2010, a Law on the “Prevention of domestic violence” was adopted by the Milli Majlis (the Parliament) of the Republic of Azerbaijan. The Law determines and regulates the implemented measures aimed at the prevention of the violence committed by abuse of ties of relationship, cohabitation or previous cohabitation, its negative legal, medical and social consequences, the social protection of the persons suffered from domestic violence, their provision with legal assistance, as well as the elimination of cases causing domestic violence.

This Law envisages the organization of the state aid centers rendering free services for the suffered persons. These aid centers have different directions of activity for the people suffered from domestic violence, such as: rendering legal and/or medical assistance, helping them with the employment and acquirement of new professions etc. The capacity of the aid centers to provide temporary shelter for the people suffering from domestic violence when necessary has also been taken into consideration.

According to the Presidential Decree of the Republic of Azerbaijan of 1 October 2010, “Rules of considering the complaints with no criminal elements in complaints about domestic violence”, “Rules of prophylactic registration of the people committed domestic violence and execution of educative-preventive work with those individuals”, “Rules of establishment and operation of the database concerning the domestic violence”, “Rules of activity of the aid centers for people suffered from domestic violence” and “Rules of accreditation of non-state aid centers for people suffered from domestic violence” were drafted and submitted to the Cabinet of Ministers of the Republic of Azerbaijan.

According to the Family Code, only the marriages registered by the state bodies are recognized and religious marriages have no legal value.

The Constitution of the Republic of Azerbaijan guarantees the protection of rights and freedoms of every person in the court, the legislation in force envisages the possibilities for legal and judicial protection of victims of domestic violence.

The Council of State Support to NGOs under the President of the Republic of Azerbaijan financed 2 projects in 2009-2010 submitted by the local NGOs each year, in order to eliminate the violence against women, strengthen measures in this field and draw the public attention to these issues.

Recommendation n°27: 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 (Recommended by Czech Republic)

IRI: *partially implemented*

State of Azerbaijan response:

The Republic of Azerbaijan states that large scale activities are carried out in this direction.

Seminars were organized for judges, prosecutors and lawyers on the Convention of the Elimination of all Forms of Discrimination against Women and other main UN agreements on human rights by the Ministry of Justice of the Republic of Azerbaijan and the office of the UN High Commissioner for Human Rights.

In general, special attention was paid to the provisions of the Convention on the Elimination of all Forms of Discrimination against Women and the notion of gender equality at all trainings and seminars organized for the legal-judicial system in the Republic of Azerbaijan.

Close and mutual relations of cooperation have been established with the committees of the Council of Europe on “Protection of Human Rights” and “Against Torture”, as well as with other international organizations, and as a logical conclusion of the works carried out jointly, a special education program on protection of human rights and freedoms has been developed and at present lectures are given at the Police Academy and preparation system of the staff on the basis of the mentioned program.

Moreover, assistance is rendered to the persons in need of protection and applying to the “Legal Clinic” established attached to the “State and Law Theory” faculty of the Academy in drawing up the documents for the purpose of providing professional legal assistance.

Press conferences, briefings are held on the mentioned topics at the Ministry of Internal Affairs on a regular basis, relevant articles are published on the newspaper of the Ministry “Mübariz keşikdə” (“On guard”) in each of its edition. Informative interviews of the heads of structural bodies of the Ministry on protection of human rights and freedoms are provided on the web sites of various information agencies.

Central database of the Ministry of Internal Affairs has been improved to generalize the offences and law violations related to violence, exert operative control over the

current situation in places, and official statistic data on crimes and the classification of crime victims have been included in the database.

Cooperation with international organizations, NGOs and other interested public institutes was expanded to establish reliable and stable “police-society” and “police-citizen” relations in prevention of the crimes of that type, a number of projects were realized.

Trainings were held approximately with 2000 field inspectors who are in close contact with the public and inspectors on work with the juvenile within the project “The role of police in protection of women’s rights in domestic violence” with the participation of the OSCE Baku office and 150 police officers were specially trained.

Recommendation n°32: *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* (Recommended by Egypt)

IRI: not implemented

Forum18 response:

To ignore the solemn international obligations it has chosen to commit itself to, such as the ICCPR, for example in the area of freedom of religion or belief. Examples of this include a ban on exercise of this right that does not have state permission, and the June 2011 introduction of compulsory re-registration for all religious communities that do have state permission to exist.

Recommendation n°33: *Continue its efforts to ensure that national laws are consistent with international obligations, and to further their implementation on the ground* (Recommended by Egypt)

IRI: not implemented

Forum18 response:

No effort is made to ensure that national laws match international human rights standards, for example in the repeated refusal to send draft laws restricting freedom of religion or belief for review by the Council of Europe’s Venice Commission or the OSCE Advisory Council of Experts on Freedom of Religion or Belief.

Recommendation n°37: *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.* (Recommended by Germany)

IRI: not implemented

Forum18 response:

Freedom of assembly is not respected by either police officers, judges, or officials of the State Commission for Work with Azerbaijan, who routinely raid meetings of people following non-state approved faiths. For example, after a police raid in June in Sumgait, a judge gave the leader of a Baptist church, Pavel Byakov, a verbal warning not to meet for worship without state permission. The judge also warned that for a second “offence” Byakov will be fined.

CLRP response:

No activities have been conducted during the time passed after the session in a way of improvement of practice of application of the law. "De facto" restriction on organization of massive activities is carried on during this period. The attempts in a way of organization of any kind of massive activity are facing serious pressure. Standard answers are given to the warning letter of various political parties related to organization of a meeting and they are offered to organize meeting in a suburb of the city (20 – 25 km away from the city center) abandoned and unusable place, far from the residential areas, where no public transportation is reaching.

When the organizers are making attempts to organize the meeting in the central parts of the city such meetings are broken up through applying non adequate force and administrative and criminal persecutions are launched against the participants. The criminal cases have been launched along with administrative arrests and criminal persecution against the persons detained during the attempt of political parties to organize a meeting on the April 2, 2011. 14 persons were sentenced to deprivation of liberty. 2 of them were sentenced for 2,5 years, 2 persons for 1,5 years, 4 persons for 3 years, 6 persons for 2 years. No meetings had been succeeded to be organized up to date since the time when the session had been conducted.

Recommendation n°40: *In order to foster a further dialogue between religions, to develop an educational and awareness program focusing on the different religions in the country* (Recommended by the Holy See)

IRI: not implemented

Forum18 response:

Azerbaijan often claims to be interested in an alleged "dialogue" or "tolerance", yet these claims are in practice denied by its routine violations of the right to freedom of religion or belief and other fundamental human rights. For example, at a government-initiated World Forum on Intercultural Dialogue in April 2011, President Ilham Aliyev, claimed that "it is already a fact that there is a high level of ethnic and religious tolerance in Azerbaijan, and it is the source of our strength". "Freedom of religion, freedom of conscience have been fully established in Azerbaijan," he also declared, according to the text of the speech published on the presidential website. "Independently of ethnic or religious affiliation, any individual living in Azerbaijan is our valued citizen." Yet as the President spoke Sunni Muslims and Protestant Christians in Gyanja were banned from meeting, riot police being deployed against one congregation to enforce this ban.

Recommendation n°41: *Come to a more streamlined and transparent registration process and visa issuing for clergy and religious personnel in general* (Recommended by the Holy See)

IRI: not implemented

Forum 18 response:

Unregistered religious activity is banned, in defiance of international human rights standards, a severely restricted right to exercise the right to freedom of religion or belief being allowed only to followers of religious groups with state registration. The registration process is in no meaningful sense streamlined or transparent, with at

least 300 communities are waiting for renewed legal status. Typically over 15 separate documents are required, and many complain that State Committee for Work with Religious Organisations officials arbitrarily and repeatedly question information supplied, the grammar of applications, and the completeness of documentation. Yusif Askerov of the State Committee told Forum 18 that "we're trying to help religious communities with the re-registration process". But communities state that complaints about slowness and hostility in processing applications are dismissed with comments such as "If you're not happy you can take us to court". Many communities are afraid to speak out publicly, for fear of official reprisals. Some foreign members of state-disfavoured Protestant or Jehovah's Witness communities legally present in Azerbaijan have been expelled from the country without due legal process, in some cases separating them from their families and children.

Recommendation n°42: *Take adequate measures to further defend children's rights* (Recommended by Hungary)

IRI: *not implemented*

Forum18 response:

In the northern region of Zakatala, there have been occasional but repeated cases of children being denied a birth certificate because the parents have chosen a Christian name. An example was Esteri Shabanova born on 25 December 2009. Without a birth certificate, it is impossible for children to go to kindergarten or to school, get treatment in a hospital, or travel abroad. During police raids the rights of children are often not respected, for example in a raid on a summer camp in 2009. Deputy Police Chief Elman Mamedov denied to Forum 18 that violence was used in breaking up a Baptist children's summer camp near Kusar: "No-one was beaten, no-one was insulted, nothing was confiscated. Do you think we're bandits?" One Baptist told Forum 18: "He's completely lying."

WMWC response:

There are need to do more work in the direction of the protection of children's rights. The protection of children's rights is not ideal. It should be noted that the protection of children's rights in our country is not summed up with adoption of relevant legislative acts, but realized by the implementation of concrete measures. For this purpose, country's government firstly has taken important steps aimed at social protection of children. The social protection of children, their education and the implementation of their rights in health sector were reflected in the "Reduction of Poverty Reduction and Economic Development Strategy (2003-2005)" program, and at the beginning of the program it has been done significant works in the direction of provision of free textbooks, improvement of educational programs, that is the construction of new schools, improving the quality of health care services for the 1st and 2nd class pupils and at the end of the program for the 10th class pupils. It is intended to continue the work within the framework of "State Program on Reduction of Poverty and Social Development (2006-2015)" program.

Recommendation n°44: *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
(Recommended by *Indonesia*)

IRI: *partially implemented*

WMWC response:

The average educational level of women is higher than 69.7%, and it is related to the standards of future professional activities and mainly the service sectors. However, the education level of women is less than 47.1%, but men is 53%.

The gender disbalance in the preparation of highly qualified scientific staff is clearly noticeable. Female post-graduates are 27.4%, and [doctoral students] are 22.1%. The [decline] of the number of women in science on the one hand is related to the lack of financial resources that are necessary for the preparation of dissertations, on the other hand, the force of the severity of traditional domestic problems, as well as the lack of women management positions in science and as a result, the of interest in scientific work.

The women is not represented in the schools providing general education as a leader, for example, the women in director position is 12.7%, and women in deputy director position is 28.5%. The distribution of the positions and professions in the higher education system is as follows: there are 27 state and 15 commercial high schools in Azerbaijan, and just 2 of them [are] governed by women.

State of Azerbaijan response:

Protection of woman and child rights has always been the focus of attention of the Government of the Republic of Azerbaijan. A special body – The State Committee for Family, Women, and Children Affairs was established within the Government of Azerbaijan in order to solve those issues. The year 2009 was declared as the year of Child in the Republic of Azerbaijan by the Presidential Order of the Republic of Azerbaijan.

Children with physical disabilities that do not hinder them from being engaged in any kind of art enjoy equal rights at the music and art schools for children acting within the system of the Ministry of Culture and Tourism of the Republic of Azerbaijan.

A specialized school with musical education – full-course (11-year school) Music School № 38 for children with eye-sight disabilities functions in Baku. This school was opened in 1980. During this 30-year period nearly one thousand pupils finished that school. Presently, nearly 200 pupils of 1st and 2nd disability groups study at the piano, tar, kamancha, garmon, naghara and singing classes. The pupils take an active part in the reviews, competitions and festivals organized by the Ministry of Culture and Tourism and Baku City Culture and Tourism department, they also regularly make concert programs at all events of the republic boarding-school for children with eye-sight disabilities, military units, Azerbaijan Association of the Blind Persons.

Textbooks were published in Braille system in Azerbaijani for the first time, “sound tales” were made for children with eyesight disabilities with the financial and organizational support of the Ministry of Culture and Tourism of the Republic of Azerbaijan.

On May 17-21, 2010, the 2nd republic competition on stringed instruments and in December 2010, the 2nd republic contest of folk musical instruments among the pupils of children's music and art schools was held in Baku by the Ministry of Culture and Tourism in order to improve musical education on stringed instruments, reveal talented children, support them and enhance their creative potential.

A number of events were organized by the subordinate bodies of the Ministry of Culture and Tourism of the Republic of Azerbaijan within the "Child Rights Month" held under the motto "Let's listen to the children and ensure their participation" from October 20 until November 20 concerning the 50th anniversary of the UN Declaration of the rights of the child, the 20th anniversary of the adoption of the Convention of the Rights of the Child and the declaration of 2009 as the Year of the Child.

Main goal of these events is to ensure "The right of every person to participate in cultural life, benefit from the cultural entities and cultural resources" in compliance with Article 40 of the Constitution of the Republic of Azerbaijan (Right of Culture), as well as to determine young talents, to provide state care for the development of child creativity and strengthen international cultural relations.

A film festival titled "The Azerbaijan family - 2011" was organized with support of the project "Combating violence against women in the 21st century" by the State Committee for Family, Women and Children Affairs, the Heydar Aliyev Foundation and the UN Population Fund.

Furthermore, lectures were organized for parents of underage IDP and refugee children by the State Committee for Family, Women and Children Affairs, the parents were informed about urgent topics like preservation of national-moral values, family culture, inter-generation relations parent-child relations, establishment of mutual relationship between teachers and parents, family problems and the ways of their solution.

Recommendation n°46: *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* (Recommended by *Indonesia*)

IRI: *fully implemented*

State of Azerbaijan response:

Issues indicated in the recommendation are one of the main duties of the Government of the Republic of Azerbaijan and is always being carried out. Protection of human rights and freedoms was defined as the highest goal of the State in the Constitution of the Republic of Azerbaijan.

In order to ensure the sustainability of the "Baku process of intercultural dialogue" initiated during the conference of the CoE Ministers of Culture held in Baku on December 2-3, 2008 the VI Conference of the Ministers of Culture of the OIC Member States was held in Baku on October 13-15, 2009. The first day of the conference, a round table on the topic "Baku process: a new call for a dialogue

among civilizations” was arranged between a number of European states and the OIC member states by mediation of ISESCO and the Council of Europe, by the initiative of the Government of the Republic of Azerbaijan.

The participants of the round table adopted a final communiqué at the end. The issues of cooperation at bilateral, regional and international levels, exchange of experience, development of intercultural dialogue between the Islamic world and Europe, implementation of projects and programs in this field, as well as joint measures regarding the protection of cultural heritage in conflict regions were indicated in the communiqué.

The World Intercultural Dialogue Forum was held on April 7-9, 2011 in Baku under the leadership of the President of the Republic of Azerbaijan, Mr. Ilham Aliyev. The Forum showed that intercultural dialogue is one of the urgent duties in the world we live manifesting itself protuberantly at the global level.

The Republic of Azerbaijan has acceded to “The Convention on protection and promotion of the diversity of cultural expressions” of UNESCO by the Law of 26 November 2009.

A specific plan of measures is being prepared according to the abovementioned UNESCO Convention. The implementation of the project “Cultural diversity is our cultural unity” is planned within the framework of the plan of measures. It is planned to hold workshops on the topic of national cultural solidarity in the regions where national minorities and local nations live densely on the country territory, organize trainings for cultural workers, persons possessing talent and self-expression in the regions for the purpose of integrating into cultural life of the country, prepare research work on the state of intercultural dialogue and publish booklets and brochures reflecting cultural diversity of the country, hold exhibitions, concerts, competitions and other events within the framework of the project.

The Programme on “The People’s Creativity Capitals for 2010-2014” was approved by the Republic of Azerbaijan. The announcement of Ganja “Legends Capital of Azerbaijan”, Sheki “Mastery Capital of Azerbaijan”, Qazakh “Folklore Capital of Azerbaijan” for 2010, Shabran “Legends Capital of Azerbaijan”, Lankaran “Folklore Capital of Azerbaijan” and Ismayilli “Mastery Capital of Azerbaijan” for 2011 according to this programme created conditions to develop creative potential of cultural workers helped the improvement of socio-economic life in those regions.

Every two years, the Art Festival of National Minorities is held under the motto “Azerbaijan –native land”. Conditions are created for all national minorities living in our country as a part of the culture of Azerbaijan to present the samples of their national cultural expression.

On June 14-18, 2011 the next art festival of national minorities living in Azerbaijan was held under the motto “Azerbaijan- native land” with the support of the Haydar Aliyev Foundation organized by the Ministry of Culture and Tourism.

On April 14, 2011, the State Committee for Family, Women and Children Affairs of the Republic of Azerbaijan conducted study workshops on the topic “Combating violence against children” in Baku European lyceum. Reports were made on the topic of “Combating violence against children”, and presentation of the Law of the Republic of Azerbaijan on “Prevention of domestic violence” was held within that event. Then, the students of the Baku European lyceum presented a “Theatre - Forum” performance. By means of this performance children showed their attitude towards the violence against children committed by parents, teachers and children of the same age, as well as the impact of violence on them. Children addressed their mates among the audience and learned their attitude towards the violence. This range of activity is conducted constantly and is planned to be held in various regions of the country on a regular basis.

A project “Development of common sense and principles of humanism among the young generation” was implemented in regions of the Republic (Salyan, Bilesuvar, Neftchala, Shirvan, Hadjigabul and Guba regions) during April-May 2011. Reports were made on human rights, self-esteem, healthy way of living, combating drug addiction, gender culture, tolerance within the framework of the programme; the responses were made to the questions of participants regarding those problems.

The State Committee for Family, Women and Children Affairs has been implementing the project “Early marriage - social contacts and relationship” since last year jointly with the United Nations Children’s Fund to learn the attitude of population towards the problem of early marriages and shape the strategy in this direction. As the next phase of the project, a number of meetings were held in various villages of Lankaran, as well as Masalli and Lerik regions of the Republic in the first half of 2011 to plan the measures regarding the problem of early marriages. A strategy plan has been elaborated to eliminate the problem of early marriage on the basis of proposals made as a result of the meetings.

Particular attention was attached on support to the projects dedicated to promotion and protection of human rights, as well as the conduct of various researches and monitoring in this sphere within the financial aid competitions held in 2009 and 2010 by the State Support Council to NGO’s under the Prezident of the Republic of Azerbaijan. Thus, 21 projects in 2009 and 24 projects in 2010 were financed by the Council in this field.

The above-mentioned projects covered not only Baku, but also most of the regions of the country. The projects were mainly dedicated to the organization of trainings and seminars, meetings and conferences with the society, preparation of new publications, conduct of monitoring and researches, provision of legal advice, and arrangement of awareness-raising actions and exhibitions.

Main target groups of these projects included children and women, refugees and IDPs, the disabled and elderly people, students and the youth.

Public hearings were held in 58 towns and regions of our country by the Commissioner for Human Rights of the Republic of Azerbaijan (Ombudsman) in July-

September of 2010 with the participation of representatives of state bodies, the city and region executive authorities, municipalities, bodies of internal affairs and prosecutor's office, courts, as well as non-governmental organizations and the mass media for the purpose of promoting the "National Action Plan on protection of human rights in the Republic of Azerbaijan" approved by the Presidential Order of 28 December 2006 and monitoring the situation of its application, assessment of achievements obtained in the process of implementation of this document- being a new stage in protection and provision of human rights in our country, taking appropriate measures aimed at removing the difficulties and shortcomings through analysis.

"The National Action Programme in the field of increasing the effectiveness of the protection of human rights and freedoms in the Republic of Azerbaijan" was approved by the Order of the President of the Republic of Azerbaijan in 27 December 2011.

By improving the concept of state activities in the field of protection of human rights, the mechanism of the conducting, implementing, coordinating, monitoring and assessment of a number of measures in different directions and the main purposes were defined in National Action Programme.

The specific measures are planned in the fields of development of the human rights and freedoms, the improvement of legislative basis, and the effective protection of human rights of the different groups of population.

Thus, the Programme includes the ideas of guiding the human rights criteria while adopting legislative acts, the continuation of the acceding process of the Republic of Azerbaijan to the international treaties in the human rights sphere, adoption of new legislative acts, strengthening the fight against corruption, increasing the transparency, and continuation of the close cooperation with the civil society in the field of improvement of electron service to the population.

Moreover, in accordance with the Programme it is planned to continue the educational, scientific-analytical activities in the human rights sphere, as well as to realize the joint cooperation programmes with the international organizations, including the UN agencies specialized in the human rights sphere, High Commissioner for Refugees, UNESCO, UNICEF, World Bank, Council of Europe, European Union, OSCE and with other regional organizations as well.

The cooperation programmes realized with different international organizations, the reform process of legislation of different fields, the Guidebook of the UN High Commissioner for Human Rights on the preparation of National Action Plans, as well as the case law of the European Court of Human Rights were taken into account in the course of preparatory process for National Action Programme.

Recommendation n°47: Put in place further measures to ensure respect for freedom of expression and of the media (Recommended by Ireland)

IRI: not implemented

Forum18 response:

Freedom of expression is severely restricted. In the field of freedom of religion or belief this is most obvious in the case of the compulsory state censorship of all religious literature, religious objects or other information material produced or imported into the country – even though this violates the country's Constitution. For example, all such literature – including examples sent by post – has to gain specific approval from the State Committee for Work with Religious Organisations on each individual occasion. The State Committee also specifies the number of copies of each named work that may be printed or imported, checks the contents of bookshops, and has a list of banned literature which it will not make public.

Recommendation n°52: 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 (Recommended by Italy)

IRI: *not implemented*

Forum18 response:

Freedom of religion or belief is not respected in Azerbaijan. Police raids, repeated introductions of highly restrictive laws placing obstacles in the way of people exercising freedom of religion or belief, officials ignoring published laws in their actions, denials of the right to any freedom of religion or belief to followers of religious groups that do not have state permission to exist, compulsory censorship, attacks on the rights of children are among the routine violations of freedom of religion or belief and linked rights such as freedom of expression.

Recommendation n°56: Continue its effective work in the area of defending the rights of the family women and children (Recommended by Kazakhstan)

IRI: *not implemented*

WMWC response:

Women's rights are violated more than men's. There is no work mechanism, although various laws are accepted. The women are often subjected to violence by the other family members that there is no legal basis to prevent it. The men deputies of Azerbaijan National Assembly commit an obstacle in the adoption of such law. Therefore, there is a need of strong awareness-raising activities conducted for the protection of the women rights in Azerbaijan families, at the same time the consent should be required by Azerbaijan government for the adoption of the law.

Recommendation n°59: Carry out public awareness campaigns about equal opportunities of women and men. (Recommended by Lithuania)

IRI: *partially implemented*

WMWC response:

We consider that it should be conducting public awareness activities among women and men in the condition of protecting gender equality. The opportunity for getting information is often limited. They could not get this information, or information inputs are limited. Sometimes the awareness campaigns carried out in one-way; young girls are involved in these campaigns more often, but men often remain outside of such arrangements. The practices of Azerbaijan show that, Azerbaijan men could not accept the involvement in such campaigns. They did not approach to this in right

position. In addition, such companies are occasionally held among the region population. In general, the information inputs of rural population are limited. They are able to get information only on TV. We consider that there is a need an urgent action in this field and create the equal opportunities for population to get more information.

State of Azerbaijan response:

The Republic of Azerbaijan does not consider cases of discrimination towards women as characteristic for the country.

The bodies of internal affairs of the Republic of Azerbaijan carry out preventive measures against the cases of discrimination towards women and violence against them according to the principles of equal rights of the citizens and gender in compliance with the Constitution of the Republic of Azerbaijan, the Law on "The Police" and international norms.

Continuous reforms have been implemented in the system of the Ministry of Internal Affairs in accordance with the experience of developed countries and in general, international practice, special plan of action, orders, new recommendations, regulations and instructions of the Ministry of Internal Affairs on women problems, human rights, fight against everyday violence in the democratic society were prepared and submitted for implementation

Special attention was attached to the projects dedicated to elimination of discrimination towards women at the competitions for financial aid of the Council of State Support to NGOs under the President of the Republic of Azerbaijan.

6 projects in 2009 and 5 projects in 2010 on equal rights of men and women, early marriages of underage girls and especially elimination of all kinds of discrimination against women were supported by the above mentioned Council.

These projects, taking the function of awareness-raising over, were mainly realized in various regions of the Republic of Azerbaijan.

Recommendation n°60: *Further develop measures against domestic violence against women* (Recommended by *Lithuania*)

IRI: *partially implemented*

WMWC response:

Gulnara Shamil Namazova who was born in 1979 and lived with her mother in the apartment that was located in Khirdalan district of Absheron region, was found dead in their apartment. Gulnara's relatives said that she was beaten and killed by her husband Rovshan Rustamov.

It should be noted that Gulnara got married to the son of her uncle in 1997, and moved to Ali-Bayramli village of Shamkir region as a bride. Her relatives said that there were rows between the couple during these years. On April 16, 2011 Gulnara Namazova moved to Khirdalan district to her mother's apartment with her 10 year-old daughter Gulcan and died after 5 days.

State of Azerbaijan response:

Protection of woman and child rights has always been the focus of attention of the Government of the Republic of Azerbaijan. A special body – The State Committee for Family, Women, and Children Affairs was established within the Government of Azerbaijan in order to solve those issues. The year 2009 was declared as the year of Child in the Republic of Azerbaijan by the Presidential Order of the Republic of Azerbaijan.

Children with physical disabilities that do not hinder them from being engaged in any kind of art enjoy equal rights at the music and art schools for children acting within the system of the Ministry of Culture and Tourism of the Republic of Azerbaijan.

A specialized school with musical education – full-course (11-year school) Music School № 38 for children with eye-sight disabilities functions in Baku. This school was opened in 1980. During this 30-year period nearly one thousand pupils finished that school. Presently, nearly 200 pupils of 1st and 2nd disability groups study at the piano, tar, kamancha, garmon, naghara and singing classes. The pupils take an active part in the reviews, competitions and festivals organized by the Ministry of Culture and Tourism and Baku City Culture and Tourism department, they also regularly make concert programs at all events of the republic boarding-school for children with eye-sight disabilities, military units, Azerbaijan Association of the Blind Persons.

Textbooks were published in Braille system in Azerbaijani for the first time, “sound tales” were made for children with eyesight disabilities with the financial and organizational support of the Ministry of Culture and Tourism of the Republic of Azerbaijan.

On May 17-21, 2010, the 2nd republic competition on stringed instruments and in December 2010, the 2nd republic contest of folk musical instruments among the pupils of children’s music and art schools was held in Baku by the Ministry of Culture and Tourism in order to improve musical education on stringed instruments, reveal talented children, support them and enhance their creative potential.

A number of events were organized by the subordinate bodies of the Ministry of Culture and Tourism of the Republic of Azerbaijan within the “Child Rights Month” held under the motto “Let’s listen to the children and ensure their participation” from October 20 until November 20 concerning the 50th anniversary of the UN Declaration of the rights of the child, the 20th anniversary of the adoption of the Convention of the Rights of the Child and the declaration of 2009 as the Year of the Child.

Main goal of these events is to ensure “The right of every person to participate in cultural life, benefit from the cultural entities and cultural resources” in compliance with Article 40 of the Constitution of the Republic of Azerbaijan (Right of Culture), as well as to determine young talents, to provide state care for the development of child creativity and strengthen international cultural relations.

A film festival titled “The Azerbaijan family - 2011” was organized with support of the project “Combating violence against women in the 21st century” by the State

Committee for Family, Women and Children Affairs, the Heydar Aliyev Foundation and the UN Population Fund.

Furthermore, lectures were organized for parents of underage IDP and refugee children by the State Committee for Family, Women and Children Affairs, the parents were informed about urgent topics like preservation of national-moral values, family culture, inter-generation relations parent-child relations, establishment of mutual relationship between teachers and parents, family problems and the ways of their solution.

Recommendation n°61: Victims of domestic violence should have possibility to use appropriate means of redress and access to shelters (Recommended by Lithuania)

IRI: *partially implemented*

WMWC response:

The majority of women who address to our NGO are beaten ones. During the conversation among the women we observe that most of them and their children are subjected to violence by their husbands. These cases especially have happened when their children want to protect their mothers. But the mothers don't want to reveal the facts about the violence, and they found the way to escape from home with their children. They thought that they will get rid of the problems after being divorced.

The Criminal Code allows charging against the parents who beats their children: "The other parent or guardian of child is responsible to charge against the parent who beats the child under the 132 article of the Criminal Code". The law is applied such kind of punishment according to the fact of beat.

State of Azerbaijan response:

See response to recommendation n° 60.

Recommendation n°65: 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 (Recommended by Mexico)

IRI: *not implemented*

State of Azerbaijan response:

The Republic of Azerbaijan does not consider cases of discrimination towards women as characteristic for the country.

The bodies of internal affairs of the Republic of Azerbaijan carry out preventive measures against the cases of discrimination towards women and violence against them according to the principles of equal rights of the citizens and gender in compliance with the Constitution of the Republic of Azerbaijan, the Law on "The Police" and international norms.

Continuous reforms have been implemented in the system of the Ministry of Internal Affairs in accordance with the experience of developed countries and in general, international practice, special plan of action, orders, new recommendations, regulations and instructions of the Ministry of Internal Affairs on women problems,

human rights, fight against everyday violence in the democratic society were prepared and submitted for implementation

Special attention was attached to the projects dedicated to elimination of discrimination towards women at the competitions for financial aid of the Council of State Support to NGOs under the President of the Republic of Azerbaijan.

6 projects in 2009 and 5 projects in 2010 on equal rights of men and women, early marriages of underage girls and especially elimination of all kinds of discrimination against women were supported by the above mentioned Council.

These projects, taking the function of awareness-raising over, were mainly realized in various regions of the Republic of Azerbaijan.

Recommendation n°66: 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 (Recommended by Mexico)

IRI: *fully implemented*

State of Azerbaijan response:

The issues of promotion of human rights among the society, strengthening of institutional and political frameworks in this area were indicated in the “National Action Plan on protection of human rights”. In accordance with the plan, the NGOs and international organizations are involved in implementation of the National Action Plan, as well as preparation of reports submitted to the UN specialized agencies, their cooperation with the state bodies is developed.

During the past period, a number of measures were carried out in the field of promotion and protection of human rights within the framework of the Eastern Partnership with the European Union by the Ministry of Justice of the Republic of Azerbaijan, as well as the State Committee for European Integration, EU-Azerbaijan Cooperation Committee, Sub-Committee on justice, freedom, human rights and democratization, EU-Azerbaijan Action Plan, Working Group on the issues of human rights and democratization, as well as the Association Agreement to regulate the cooperative relations between the EU and Azerbaijan and the concept document of Comprehensive Institutional Building Program.

Promotion of joint projects with the EU has been continued, and in order to start the implementation of “The Program of Support to reforms in the field of justice” jointly with the European Commission aimed at improvement of the penitentiary service, Justice Academy and regional justice offices, the relevant Financing Agreement and Action Plan were approved by the Cabinet of Ministers in 2010, besides the complex annual plans of action adopted by relevant agencies of the Ministry of Justice to carry out the terms and conditions envisaged in the agreement were sent for submission to the European Commission.

[...]

On December 22, 2010 a Working Group was established by Order 118 of the Head of Presidential Administration of the Republic of Azerbaijan regarding the implementation of recommendations in the final opinion of the Working Group of the UN Human Rights Council on the Universal Periodic Review on the first report of the Republic of Azerbaijan.

The Commissioner for Human Rights (Ombudsman) exerts control over the implementation of the recommendations on the UPR as an independent monitoring mechanism. The Ombudsman continued fruitful cooperative relations with NGOs, the public and civil society to implement the recommendations.

The participation of the civil society institutions, local NGOs and communities in public hearings held in all the cities and regions of our country was provided to monitor the situation of promotion and application of the National Action Plan, as well as raise the awareness of the population about the suffrage.

Guided by paragraph 5 of the Order on the adoption of the National Action Plan, the Ombudsperson actively involved the NGOs in the events organized at the Office of the Ombudsman at different times, to discuss the state of implementation of the National Action Plan.

Recommendation n°69: 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 (Recommended by The Netherlands)

IRI: not implemented

Forum18 response:

Freedom of assembly and association, with interlinked rights such as freedom of religion or belief, are routinely attacked by such activities as police raids in conjunction with the State Committee for Work with Religious Organisations. Particularly targeted have been state-disfavoured groups of Muslims, Protestants, and Jehovah's Witnesses. A regular manifestation of this "temporary" nationwide ban imposed in August 2008 on Muslims gathering to pray outside of mosques on Fridays.

CLRPL response:

Everyone in the country has the right to establish political party, trade union or public union in consolidation with others. Public unions can conduct activities through getting state registration or without getting this registration. Getting registration is not a commitment but it's a right. No sanction is considered against any public union which is not registered. However the official registration procedures require long time and are extremely complicated. There was established the State NGO Support Council under the President for providing different supports to NGOs. 8 members of the Council are representing civil society and 3 members are from the government. The council provided financial support to the NGOs of the country in amount of 10 million US Dollars during the recent 3 years. It is mentioned on the report of the US State Department on conditions of human rights in countries of the world for 2010 that "State grants in Azerbaijan are awarded to the pro governmental NGOs as well

as to independent NGOs". There are cases of preparation of claims to the European Court or alternative reports to the UN treaty bodies with support of the Council.

The organizations working in the field of protection of human rights have an opportunity to conduct monitoring activities at the penitentiaries. No obstacles are created for human rights defenders and mass media representatives during the attempts of organization of public meetings.

Recommendation n°76: Continue to take the necessary measures to increase transparency in local and national institutions and to optimize the potential of the country (Recommended by Palestine)

IRI: *fully implemented*

State of Azerbaijan response:

The issues of promotion of human rights among the society, strengthening of institutional and political frameworks in this area were indicated in the "National Action Plan on protection of human rights". In accordance with the plan, the NGOs and international organizations are involved in implementation of the National Action Plan, as well as preparation of reports submitted to the UN specialized agencies, their cooperation with the state bodies is developed.

[...]

Promotion of joint projects with the EU has been continued, and in order to start the implementation of "The Program of Support to reforms in the field of justice" jointly with the European Commission aimed at improvement of the penitentiary service, Justice Academy and regional justice offices, the relevant Financing Agreement and Action Plan were approved by the Cabinet of Ministers in 2010, besides the complex annual plans of action adopted by relevant agencies of the Ministry of Justice to carry out the terms and conditions envisaged in the agreement were sent for submission to the European Commission.

The Justice Academy was established by relevant decrees of the President of the Republic of Azerbaijan within the Ministry of Justice and its Charter was confirmed. In the Academy training and professional development, as well as legal teaching are provided to justice employees, to newly-recruited justice and prosecution candidates, to the judges, candidates for judge, to the court employees, to lawyers and candidates for lawyer, to special notaries, and within the framework of the Academy's main aims and duties to listeners from other categories. The Academy's teaching program contains topics on urgent international documents regulating the protection of human rights, besides the UN and CoE Conventions, the precedents of the European Court of Human Rights, as well as innovations in the national legislation.

New courts - regional courts on grave crimes were created in four regions of the country on the basis of the Court on grave crimes to facilitate the possibilities for the population to apply to the courts; administrative-economic courts were also created in seven regions to ensure the strict observation of human rights by the state bodies; the military judicial system was improved.

On June 18, 2010, a Law was adopted on appropriate amendments and supplements to the legislation on implementation of court decisions in the legislative initiative of the President and its application started by Presidential Decree of 15 July 2010.

614 new municipalities were created as a result of merging 1651 municipalities paying a special attention to the improvement of the activity of municipalities in our country, increasing the efficiency of the use of their economic resources and their role in the solution of issues of local importance.

The establishment of 16 regional centers for legal advice services in the regions was ensured by the Ministry of Justice within the framework of the “State Program on Poverty Reduction and Sustainable Development” (2008-2015) to provide free legal assistance to the population, in particular the vulnerable groups and raise their awareness.

Moreover, measures defined in “The National Strategy on Increasing Transparency and Anti-Corruption” adopted in 2007 in respect of all the activities are carried out by the state bodies and public control mechanisms are applied. The provision of transparency at the justice agencies was always the focus of attention, the composition of Competition Commission on medical service recruitment has been considered in the board of the ministry and expanded, related international and local NGOs have been involved in this work.

Relevant monitoring groups were formed within the measures on increasing transparency and anti-corruption, controls were made at subordinate agencies, and the revealed shortcomings were removed in place, and immediate consideration of complaints related to the corruption received by the Ministry, in particular through the hot-lines and operative implementation of necessary measures were provided. In this regard, the implementation of additional efficient measures is being continued. At the same time, an appropriate section has been created on the internet site of the ministry to comprehensively inform the population about the state dues for services provided to the citizens at the justice agencies.

The Decree of the President of the Republic of Azerbaijan on “Strengthening the fight against offences in relation to the corruption in state management and municipal properties and resources” was adopted on June 22, 2009. Relevant instructions were given to the Ministry of Justice and bodies of prosecutor’s office in the Decree on strengthening the fight against law violations in the usage of municipal resources, the ownership, use and disposal of municipal property to completely eliminate the corruption,

Furthermore, in order to increase the transparency in the activities of state bodies and eliminate the cases creating conditions for corruption the President of the Republic of Azerbaijan on May 23, 2011, signed a Decree on “Certain measures in organization of provision of electronic services of state bodies”.

The total number of the Prosecutor’s office staff of anti-corruption department under the Prosecutor-General of the Republic of Azerbaijan was increased from 60 to 100

according to Presidential Decree of 11 March 2011. On March 18, 2011, the Parliament (Milli Majlis) of the Republic of Azerbaijan by amending the Laws “On Operational-investigative activity” and “On Prosecutor’s Office” authorized the Anti-Corruption Department under the Prosecutor-General of the Republic of Azerbaijan to carry out operative-search activities.

Regulation of controls conducted for the purpose of protecting the rights of consumers according to modern standards, prevention of the cases of abusing authorities during controls, provision of transparency and effective protection of the rights of consumers according to the results arrived during those controls were indicated in the Presidential Decree of 13 April 2010 on “Certain measures on regulation of controls in the field of entrepreneurship and protection of the rights of consumers”. The Regulations on single register of controls in the field of entrepreneurship was approved under Decree of 15 April 2011 and its conduct was entrusted to the Ministry of Justice of the Republic of Azerbaijan. The register in question has started to operate since May 1, 2011.

At the same time, the draft of Azerbaijan Corporative Management Standards has been drawn up on the basis of existing legislation and principles of corporative management of the Organization of Economic Cooperation and Development and was affirmed under Order F-09 of 28 January 2011 by the Minister of Economic Development of the Republic of Azerbaijan.

Children and Family Support Centres have been operating in 11 regions of the republic attached to the State Committee for Family, Women and Children Affairs since 2007. Children and Family Support Centres promote the well-being and protection of children; present modern mechanisms and methods of individual approach to define and satisfy their needs in the areas they operate. During 2011, the mentioned Centres held several trainings aimed at encouragement of the rights of children in need of special care, refugees and IDPs in the communities they operate, implemented measures jointly with local state bodies directed at provision of their rights.

[...]

On December 22, 2010 a Working Group was established by Order 118 of the Head of Presidential Administration of the Republic of Azerbaijan regarding the implementation of recommendations in the final opinion of the Working Group of the UN Human Rights Council on the Universal Periodic Review on the first report of the Republic of Azerbaijan.

The Commissioner for Human Rights (Ombudsman) exerts control over the implementation of the recommendations on the UPR as an independent monitoring mechanism. The Ombudsman continued fruitful cooperative relations with NGOs, the public and civil society to implement the recommendations.

The participation of the civil society institutions, local NGOs and communities in public hearings held in all the cities and regions of our country was provided to monitor the situation of promotion and application of the National Action Plan, as well as raise the awareness of the population about the suffrage.

Guided by paragraph 5 of the Order on the adoption of the National Action Plan, the Ombudsperson actively involved the NGOs in the events organized at the Office of the Ombudsman at different times, to discuss the state of implementation of the National Action Plan.

Recommendation n°78: *Share best practices in promoting religious tolerance and harmony in society* (Recommended by *Philippines*)

IRI: not implemented

Forum18 response:

Azerbaijan has undertaken to implement freedom of religion or belief as defined in the ICCPR, yet it continues to violate this solemn international obligation. The country could usefully follow international best practices, as outlined by among other bodies the Council of Europe's European Commission against Racism and Intolerance (ECRI). In 2011 ECRI published a highly-critical report noting that restrictions in the Religion Law on spreading one's faith and on religious literature are "incompatible with the case-law of the European Court of Human Rights". ECRI "strongly recommends that the Azerbaijani authorities bring the legislation in force in matters of freedom of religion into line with the requirements of the European Convention on Human Rights, taking account of the relevant case-law of the European Court of Human Rights." ECRI was also highly critical of the re-registration process, which was due to have been completed by the end of 2009 but which has left hundreds of religious communities languishing without any response to their applications. It particularly noted that this was the third time since independence in 1991 that such re-registration had been demanded. It complained that the "repetitive implementation of such procedures places a heavy administrative burden" on religious communities. "ECRI strongly recommends that the Azerbaijani authorities swiftly complete the procedure for the registration of religious communities currently under way, taking into account the case-law of the European Court of Human Rights," the report noted. It described it as "essential" to clarify the legal situation of communities still awaiting a final response from the State Committee or the courts, "particularly by clearly specifying that those already registered under the previous legislation must be able to continue to function normally during the transitional period". As ECRI indicated, genuinely respecting and implementing the right to freedom of religion or belief and related human rights such as freedom of expression is an essential part of promoting religious tolerance and harmony in society.

Recommendation n°79: *Take effective measures to ensure the full realisation of the right to freedom of expression* (Recommended by *Poland*)

IRI: partially implemented

WMWC response:

There is a low tolerance to a person who criticizes. The critics should be punished as a rule by government in politics, journalism, education, and even in social networks, and etc. in a case she/he speaks against the government. The arrestment of former deputy candidate and young active Bakhtiyar Hajiyev, were met negatively by population. Human Rights Commissioner of Azerbaijan Republic (Ombudsman) Elmira Suleymanova said that the factor of the protection of human rights is criticized by international organizations. We accept the spoken one, because it is a sign of democracy: "There is no doubt that the field of protection of human

rights is developing in recent years, but however there are violations. We hope that this is completely eliminated in the future. "

Recommendation n°85: *Uphold the respect of the right to peaceful assembly and ensure that the right is effectively implemented* (Recommended by Sweden)

IRI: *not implemented*

Forum18 response:

The right to peaceful assembly is not respected, as noted above. Another example of this followed the authorities' March 2011 closure of the Juma Mosque in Qobustan west of Baku – which officials denied had been closed – Muslims protested and held Friday prayers outside, often in the snow. Local Muslims told Forum 18 that police and Prosecutor's Office officials harassed those who protested against the mosque closure. Following continued protests, the authorities allowed the mosque to re-open.

CLRPL response:

There have not been happened positive changes neither in legislation nor in practice in a way of provision of freedom of assembly since the time passed after the session.

Recommendation n°91: *Reconsider its decision and permit broadcasting by non-Azeri outlets on FM frequencies* (Recommended by the United Kingdom)

IRI: *not implemented*

WMWC response:

Azerbaijan Government [...] banned the presentation of Voice of America, Radio Liberty and BBC in local radio stations and national television broadcasting. It limits the opportunity of public to get unbiased information without such international broadcasters. The observers of the OSCE Democracy and Human Rights office came to a conclusion that a large part of TV programs are devoted to government officials and their activity. The government official candidates take more time on TV during election campaign period, and take more advantage in comparison with its competitors.

Methodology

A. First contact

Although the methodology has to consider the specificities of each country, we applied the same procedure for data collection about all States:

1. We contacted both the delegate who represented the State at the UPR and the Permanent Mission to the UN in Geneva or New York;
2. We contacted all NGOs which took part in the process. Whenever NGOs were part of coalitions, each NGO was individually contacted;
3. The National Institution for Human Rights was contacted whenever one existed.

We posted our requests to the States and NHRI, and sent emails to NGOs.

The purpose of the UPR is to discuss issues and share concrete suggestions to improve human rights on the ground. Therefore, stakeholders whose objective is not to improve the human rights situation were not contacted, and those stakeholders' submissions were not taken into account.

However, since the UPR is meant to be a process which aims at sharing best practices among States and stakeholders, we consider positive feedbacks from the latter.

A. Processing the recommendations

The persons we contact are encouraged to use an Excel sheet we provide which includes all recommendations received by the State reviewed.

Each submission is processed, whether the stakeholder has or has not used the Excel sheet. In the latter case, communication is split up among recommendations we think it belongs to. Since such a task opens the way of misinterpretation, we strongly encourage using the Excel sheet.

If the stakeholder does not clearly mention neither the recommendation was “fully implemented” nor “not implemented”, UPR Info usually considers the recommendation as “partially implemented”, unless the implementation level is obvious.

While we do not mention recommendations which were not addressed, they can be accessed on the follow-up webpage.

i. Implementation Recommendation Index (IRI)

UPR Info developed an index showing the implementation level achieved by the State for the recommendations received at the UPR.

The **Implementation Recommendation Index** (IRI) is an individual recommendation index. Its purpose is to show both disputed and agreed recommendations.

The *IRI* is meant to take into account stakeholders disputing the implementation of a recommendation. Whenever a stakeholder claims nothing has been implemented at all, the index score is noted as 0. At the opposite, whenever a stakeholder claims a recommendation has been fully implemented, the *IRI* score is 1.

An average is calculated to fully reflect the many sources of information. If the State under Review says the recommendation has been fully implemented and a stakeholder says it has been partially implemented, score is 0.75.

Then the score is transformed into an implementation level, according to the table hereafter:

Percentage:	Implementation level:
0 – 0.32	Not implemented
0.33 – 0.65	Partially implemented
0.66 – 1	Fully implemented

Example: On one side, a stakeholder comments on a recommendation requesting the establishment of a National Human Rights Institute (NHRI). On the other side, the State under review claims having partially set up the NHRI. As a result of this, the recommendation will be given an *IRI* score of 0.25, and thus the recommendation is considered as “not implemented”.

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