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Chair: Mr. Vardzelashvili (Rapporteur)

Contents

Consideration of reports submitted by States parties under article 40 of the Covenant
(*continued*)

Fourth periodic report of Azerbaijan

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In the absence of Mr. Salvioli (Chair), Mr. Vardzelashvili (Rapporteur) took the Chair.

The meeting was called to order at 3:05p.m.

Consideration of reports submitted by States parties under article 40 of the Covenant
(continued)

Fourth periodic report of Azerbaijan (CCPR/C/AZE/4, CCPR/C/AZE/Q/4 and Add.1)

1. *At the invitation of the Chair, the delegation of Azerbaijan took places at the Committee table.*
2. **Mr. Khalafov** (Azerbaijan) said that he wished to congratulate the Committee on the fiftieth anniversary of the adoption of the Covenant by the General Assembly. He expressed his Government's commitment to the principles of universality and interdependence of human rights and fundamental freedoms and its readiness to continue to cooperate with the Committee.
3. Introducing his country's fourth periodic report, he said that it had been prepared by a working group of representatives of relevant government ministries and agencies, the Ombudsman and non-governmental organizations. The high-ranking delegation accompanying him was a further demonstration of the importance his Government attached to its dialogue with the Committee.
4. National legislation was regularly amended to bring it into line with international standards, including in the field of civil and political rights. The referendum held on 26 September 2016 had approved amendments to the Constitution which guaranteed, inter alia, respect for human dignity and the right to be treated with dignity by public officials; respect for human rights; civil responsibility of the State and State actors for human rights violations; impartial settlement of disputes by the administration or the courts; right to appeal to the courts in cases involving complaints against government bodies, political parties and legal entities. Those and other amendments made the State administration more accountable and ensured the effectiveness of economic reforms.
5. The Law on public participation had been adopted on 22 November 2013 with a view to encouraging public participation in and oversight of State structures and increasing transparency. The second National Action Plan for the Promotion of Open Government 2016-2018, approved in April 2016, promoted the use of information and communication technologies by the public authorities as a mechanism to prevent corruption, strengthen civil society institutions and facilitate public oversight. The Law on citizens' appeals of 12 November 2013 strengthened the right of citizens to be heard by the public authorities and to file complaints of violations of their rights. A single Internet portal and an electronic court (e-court) procedure allowed citizens to communicate with the courts and receive information about legal issues and trials.
6. During the reporting period the Shamakhi and Bilesuvar District Courts and the Court of Appeal had referenced various articles of the Covenant, including articles 9, 12, 14 and 25 more than a hundred times in their decisions. Following citizen complaints about judges, over the previous three years 41 disciplinary hearings had been held by the Judicial-Legal Council, as a result of which 3 judges had been removed from office, 9 had been transferred and 15 had been reprimanded. In the first six months of 2016 criminal investigations had been carried out against 143 officials by the Directorate-General for the Fight against Corruption of the General Prosecutor's Office.
7. Bearing in mind appeals made by human rights organizations, the Commissioner for Human Rights, prison inmates and their families, and after review of the situation and behaviour of each detainee, pursuant to a Presidential Decree of 17 March 2016 and an Act

of Parliament adopted on 20 May 2016, approximately 10,000 persons had been amnestied and/or pardoned.

8. In order to combat violence against women and domestic violence, the State Committee on the Family, Women and Children had compiled a databank of information from State and civil society sources relating to domestic violence, including rehabilitation information, legal assistance provided and the names of perpetrators. Some 2,248 criminal acts against women and girls had been reported in 2015, leading to the prosecution of 2,935 persons. Special monitoring groups to prevent violence against women and girls, made up of representatives from State bodies, had been established and support centres for victims of domestic violence had been opened. In addition, seven non-governmental organizations had been accredited to provide services to victims.

9. In the context of the Third National Action Plan against Human Trafficking 2014-2018, in the first quarter of 2016 some 28 victims had been identified and 13 persons charged with human trafficking. National legislation relating to migration had been improved. The Migration Code set out State policy relating to migrants, foreigners and stateless persons in the national territory. According to the State Migration Service, 181 stateless persons had been granted citizenship and another 73 had been granted temporary residence permits; a further 103 persons had been granted permanent resident status. As at 31 December 2015, 47 persons, or 63 including family members, had received refugee status. In an effort to improve the living conditions of refugees and internally displaced persons and increase employment opportunities, 94 settlements for refugees and internally displaced persons had been constructed over the previous 12 years; 5.4 billion manats had been allocated to social protection for those groups in the same period. As a result of his Government's efforts the level of poverty among internally displaced persons had fallen from 75 to 12 per cent.

10. In order to strengthen civil society a blueprint for State support to non-governmental organizations had been developed and a Council of State Support to Non-Governmental Organizations, responsible to the President, had been established. The personal electronic window system facilitated exchange of information between State bodies and non-governmental organizations. The Special Rapporteur on the situation of human rights defenders had visited Azerbaijan in September 2016 and would be followed, at the invitation of his Government, by the Special Rapporteur on the right to freedom of opinion and expression and the Special Rapporteur on the rights to freedom of peaceful assembly and association in 2017.

11. He stressed that allegations of pressure and violence against journalists and human rights organizations were unfounded. In accordance with the principle of equality before the law, persons suspected of a crime must answer for that act, whatever their position or occupation. His Government continued to promote the rule of law and respect for human rights and sustainable development. The National Coordination Council on Sustainable Development had been created by presidential decree on 6 October 2016.

12. His Government continued to promote multiculturalism and strengthen interreligious and intercultural dialogue. To that end 2016 had been declared the Year of Multiculturalism by presidential decree. In addition, the seventh Global Forum of the United Nations Alliance of Civilizations and the International Humanitarian Forum had been held in Baku on 25-27 April and 29-30 September 2016, respectively.

13. The unresolved Nagorno-Karabakh conflict between Armenia and Azerbaijan remained the main obstacle to peace and sustainable development. Armenia continued to occupy Azerbaijani territory, in particular the Nagorno-Karabakh region and seven surrounding districts, in violation of international law and United Nations Security Council resolutions. That occupation and a policy of ethnic cleansing had turned more than one

million Azerbaijanis into refugees and internally displaced persons deprived of their basic human rights and freedoms. Azerbaijan was therefore unable to fully meet its international human rights obligations in those occupied territories. The armed aggression by Armenia had led to grave violations of international humanitarian and human rights law, including extrajudicial executions, mass killings, torture and other cruel, inhuman and degrading treatment of the civilian population. Those were war crimes, as was the Khojaly genocide. His Government would do its utmost to achieve a peaceful resolution of the conflict within the framework of the sovereignty, territorial integrity and inviolability of the internationally recognized borders of the Republic of Azerbaijan.

14. **Mr. Ben Achour**, referring to question 1 of the list of issues (CCPR/C/AZE/Q/1), said that he was somewhat perplexed by the State party's reply relating to implementation of the Covenant and, more specifically, compliance with the Committee's Views in the case of *Quliyev v. Azerbaijan* (communication No. 1972/2010). With regard to the former, he asked for detailed information on the decisions of the Baku and Sheki appellate courts, including the issues at hand, the parties, the facts and the legal arguments. With regard to the latter, he took note of the explanation provided that pursuant to the Code of Criminal Procedure the Supreme Court, in its review of the *Quliyev* case, was limited to reviewing the legal issues, which was why neither the defendant nor his legal counsel had been present, and that given that fact it was impossible to re-examine the case with a view to eliminating the shortcomings highlighted by the Committee, for example with regard to the principle of equality of arms. He suggested that a number of measures could be adopted that would allow for such a re-examination, for example amendment of the Code of Criminal Procedure to bring it into line with the Covenant. Furthermore, the Committee had found that the State party had an obligation to provide Mr. *Quliyev* with "an effective remedy, including adequate compensation". He wondered whether there had been any follow-up in that regard.

15. With regard to question 2 of the list of issues on the Commissioner for Human Rights (Ombudsman) and the ombudsman for human rights for the Autonomous Republic of Nakhchivan, he enquired about the financial resources allocated to the Commissioner; adequate funding was essential if that office was to be effective. He also asked how many offices the Commissioner had across the country. According to information received by the Committee, the Commissioner was not always fully independent in dealing with politically sensitive matters. Would the delegation like to comment? He would also like more information on the responsibilities and resources of the Ombudsman for Nakhchivan and asked whether that institution had been reviewed and accredited by the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions.

16. With regard to forced evictions, unlawful expropriations and demolitions (question 3 of the list of issues), a concern raised by the Committee on Economic, Social and Cultural Rights in 2013, and in the light of the decision of the European Court of Human Rights in its *Akhverdiyev v. Azerbaijan* decision, although he welcomed the State party's reply that citizens could submit complaints of violations of their rights in both verbal and written (including electronic) form to the Ministry of Labour and Social Protection, which would transmit them to the relevant bodies, he expressed concern that those practices continued to be commonplace. He could cite hundreds of incidents and wondered what was being done by the public authorities to respond to those human rights violations; for example, had there been any investigations or dialogue with and/or compensation for the victims?

17. **Mr. Shany** said that it was not clear whether the State party had adopted comprehensive anti-discrimination legislation that included sexual orientation and gender identity as grounds of discrimination or whether lesbian, gay, bisexual and transgender (LGBT) persons were, in practice, covered by article 25 of the Constitution. Noting reports of police brutality, hostility online and even extortion, he asked what measures were

planned in law and in practice to strengthen the protection afforded to members of the LGBT community.

18. He would appreciate information on existing or planned legislation that included disability as a prohibited ground of discrimination. In that connection, the delegation should comment on reports that existing legislation was not properly enforced, that children with disabilities were widely perceived as ill and often institutionalized or homeschooled, and that most public buildings were not accessible to persons with disabilities. It should also indicate whether the bill on the rights of persons with disabilities that was mentioned in paragraph 26 of the replies to the list of issues (CCPR/C/AZE/Q/4/Add.1) had been adopted.

19. He wished to know what was being done to address the causes of the very low number of complaints of racial discrimination and whether those causes included a lack of awareness among law enforcement officers and society in general. It would also be interesting to hear the reaction of the delegation to a 2013 report of the Advisory Committee on the Framework Convention for the Protection of National Minorities, in which it was stated that Armenians in Azerbaijan faced discrimination and considerable hostility. The delegation should explain whether the Government was aware of the situation and, if so, what steps it was taking to rectify it.

20. It was surprising that, in the replies to the list of issues, the State party essentially denied having any knowledge of cases of hazing in the military, particularly given that the issue had been raised in the past by the Ombudsman for Human Rights and the Committee against Torture. Unless the Government acknowledged that hazing was a problem and took appropriate preventive measures, it would be unable to eliminate the practice once and for all.

21. **Mr. Rodríguez Rescia** said that he was surprised at the formality of the State party's reply to the issues raised in paragraph 5 of the list of issues. Noting reports that LGBT persons continued to be subjected to discrimination, persecution and physical abuse, including by law enforcement officers, he asked what was being done to protect them and to prevent any restriction of their rights to, inter alia, the freedoms of assembly and expression. He wished to know what criminal and disciplinary sanctions were imposed on public officials found guilty of discrimination on account of sexual orientation and gender identity, and what laws, other than the Constitution, were in place to uphold the rights of LGBT persons. He invited the delegation to comment on claims that no investigations had been launched into cases of cyberbullying in which members of the LGBT community had committed suicide or died in unexplained circumstances.

22. He would welcome information on the measures taken by the Government to eradicate patriarchal attitudes and deep-rooted stereotypes regarding the roles, responsibilities and identity of women, men, girls and boys, including the severe restrictions faced by women and girls to preserve so-called "family honour". The delegation should state whether sexual intercourse with a person under 16 years of age was prohibited and describe the measures taken to prevent early and forced marriages. It should also provide details of the administrative, judicial and normative frameworks in place to combat violence against women and of the indicators that had been developed to gauge the impact of those frameworks.

23. Noting that women remained underrepresented in decision-making positions and that the delegation itself was not gender-balanced, he asked whether it was true that, on average, women in the public sector earned only 67.2 per cent as much as men and, if so, why. The delegation should also describe what was being done to prevent sex-selective abortions pending the adoption of the bill to prohibit the practice.

24. He wished to know the capacity of the new prison facilities mentioned in paragraph 60 of the replies to the list of issues and what impact they were expected to have on the rate

of prison overcrowding. Information on the use of alternatives to pretrial detention would also be welcome.

25. He would be grateful for information on the regulations in place to ensure transparency in the management of prison visits, including conjugal visits. The delegation should explain whether it was true that 36 complaints of bribery and corruption had been filed in relation to the granting of visits, but only 5 had been investigated. It should also clarify whether medical or other experiments on prisoners were permitted and, if so, how such experiments were regulated, how the dangers that they posed to life and health were evaluated and whether free, prior and informed consent was obtained in all cases.

26. **Ms. Seibert-Fohr**, while welcoming the adoption, in 2010, of a law to combat domestic violence, said that, according to alternative sources, cases of violence against women in the private sphere were underreported and widely tolerated. She asked whether it was true that the 2010 law did not fully criminalize domestic violence. If it did not, the delegation should explain what kinds of act did not give rise to criminal liability. It should also indicate whether there was a specific law to address sexual harassment and whether cases of domestic violence against women were effectively investigated and tried, irrespective of any reconciliation that might occur. Was it true that the authorities systematically resorted to mediation and reconciliation in cases of domestic violence committed by first-time offenders?

27. Noting reports that the 2010 law was not properly implemented, she requested statistics on the numbers of prosecutions and convictions in cases of marital rape in recent years. She asked whether a hotline or other mechanism was in place to facilitate the reporting of domestic violence, whether the authorities were obliged to inform victims of their rights, how many shelters for victims were run or funded by the State and what role the Government played in offering protection.

28. She asked whether it was true that child marriages were still accepted in some mountain regions and, if so, whether official figures on the number of such marriages were available. The delegation should indicate the number of prosecutions for child marriage and describe the measures in place to ensure that no religious marriages were held unless the ages of both spouses had been confirmed. It should also supply statistics on the number of temporary marriages and state whether, in practice, women had an equal right to initiate divorce proceedings.

29. Noting reports of shortcomings in the implementation of the law to combat human trafficking, she requested statistics on trafficking for the purpose of labour exploitation and asked whether it was true that law enforcement officers and labour inspectors tended to treat potential cases of trafficking as labour disputes. She wished to know what steps were taken to protect trafficking victims and whether it was true that the granting of support and temporary residence permits was contingent on cooperation with the prosecuting authorities. Lastly, the delegation should clarify whether State officials were required to conduct risk assessments prior to the repatriation of victims.

30. **Mr. de Frouville** asked how paragraph 53 of the replies to the list of issues, in which the State party denied that there was widespread impunity for torture and indicated that there had been no recorded cases of torture or cruel, inhuman or degrading treatment in 2015, could be reconciled with the existence of credible witness reports and of cases brought before the European Court of Human Rights. In that regard, he invited the delegation to comment on the cases of Sabuhi Duniyaliyev, Bahruz Hajiyeve, Ilgar Mammadov and Leyla Yunus.

31. Noting that the Special Rapporteur on the situation of human rights defenders had stated after a visit to Azerbaijan in September 2016 that his preliminary observations

pointed to large-scale persecution of domestic and international NGOs since 2014, he asked whether torture was used as a means of intimidation.

32. In reference to paragraphs 22 and 23 of the concluding observations of the Committee against Torture on the fourth periodic report of Azerbaijan (CAT/C/AZE/CO/4), he said that the State party should enhance the effectiveness of its national preventive mechanism and, in the meantime, ensure that representatives of independent national and international human rights and humanitarian organizations were able to carry out independent, unannounced monitoring of all places of deprivation of liberty.

33. He invited the delegation to elaborate on the measures taken to provide children with particular protection from torture and to expedite the adoption of the bill on juvenile justice. An update on the status of the bill would be appreciated.

34. With regard to displacement, he would be grateful for confirmation that victims of natural disasters were not granted displaced person status and were thus unable to benefit from the provisions made for such persons under the Status of Refugees and Forcibly (Internally) Displaced Persons Act of 21 May 1999. Furthermore, information on the difficulties faced by displaced persons in terms of housing, education and violence against women would be welcome. Was it true that such persons could not be elected or vote in the regions to which they had been displaced? It should be noted that, although some displaced persons were forced from one region to another to find employment, the aid to which they were entitled was conditional on their residence in only one region. In addition, more information on the situation of internally displaced persons living near the line of contact would be welcome. On the subject of displaced person status, he would be grateful for clarification of the distinction made between the children of a displaced father and those of a displaced mother. Were outdated gender stereotypes not reinforced by the denial of displaced person status to the children of a displaced mother on the ground that her husband should provide for them?

35. The delegation should comment on the extreme difficulties faced by asylum seekers of Chechen origin. Stateless persons seemed to face similar difficulties. Furthermore, more information on post-extradition monitoring and a response to the Committee's questions on family reunification would both be welcome. Lastly, he would be grateful for more information on the recent constitutional amendment providing for powers of deprivation of citizenship.

36. **Ms. Pazartzis** said that, in its concluding observations on the fourth periodic report of Azerbaijan (CAT/C/AZE/CO/4), the Committee against Torture had expressed concerns regarding reports of forced confinement in psychiatric institutions or confinement not based on informed consent. The Working Group on Arbitrary Detention had raised similar concerns upon the conclusion of its visit to Azerbaijan in May 2016. In that connection, an explanation of the conditions under which a person could be confined to a psychiatric institution would be welcome, since the information provided in paragraph 68 of the State party's replies to the list of issues (CCPR/C/AZE/Q/4/Add.1) was rather vague in that regard. Furthermore, she wished to know whether persons confined to such institutions had access to procedures allowing them to appeal their placement effectively or have their living conditions assessed and whether such institutions had effective oversight mechanisms. Were the oversight mechanisms mentioned in paragraph 72 of the State party's replies to the list of issues sufficient? Lastly, it seemed that existing legislation permitted confinement on the basis of disability and provided for the involuntary hospitalization and forced institutionalization of adults and children with disabilities. Could the delegation comment on the matter?

The meeting was suspended at 4.35 p.m. and resumed at 4.55 p.m.

37. **Mr. Asgarov** (Azerbaijan) said that a constitutional referendum had been held on 26 September 2016. In advance of the referendum, the Constitutional Court had examined the proposed constitutional amendments to ensure that they complied with broader constitutional principles and would promote the development of human rights. The majority of the proposed constitutional amendments had concerned human rights, including the rights of ethnic minorities and persons with disabilities, and they had all been approved in the referendum. Persons with disabilities now enjoyed the same rights as persons without disabilities, and the Government's duty to protect human rights had been enshrined in the Constitution. The approved amendment to article 53 of the Constitution had established certain conditions under which, with due regard to the provisions of the 1961 Convention on the Reduction of Statelessness, a person could be deprived of Azerbaijani citizenship.

38. International observers, who had included representatives from the Parliamentary Assembly of the Council of Europe, had given a high assessment of the conduct of the referendum. Before the referendum, the European Commission for Democracy through Law had expressed concerns regarding the proposed constitutional amendments, and those concerns would be taken into account in the preparation of the implementing legislation over the following six months.

39. In line with the Constitutional Law on the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan, the Constitution regulated the functioning of the Commissioner for Human Rights (Ombudsman), and the Constitution of the Autonomous Republic of Nakhchivan regulated the functioning of a separate body for that Autonomous Republic. He was unable to provide precise information on the budget made available to the Office of the Commissioner for Human Rights, but he could say that no complaints had been received regarding any shortfalls in that regard. In general, the Commissioner for Human Rights submitted a budget proposal, and that proposal was subsequently approved and adopted by the Milli Mejlis or parliament. The Office of the Commissioner for Human Rights operated three regional offices, in Quba, Gäncä and Länkäran.

40. In its judgment in the *Akhverdiyev v. Azerbaijan* case, the European Court of Human Rights had established that the applicant's property rights had been violated during his eviction. Compensation was currently being negotiated with the applicant. The European Court of Human Rights had recently pronounced a number of judgments concerning violations of Protocol 1 to the Convention for the Protection of Human Rights and Fundamental Freedoms (the European Convention on Human Rights). The Government had since made efforts to improve the process by which evictions were conducted. The Cabinet of Ministers had issued a decision stipulating the legal framework governing the eviction programme currently under way in the Old City of Baku and the compensation to which any affected residents were entitled.

41. In Azerbaijan, as in many countries of the former Soviet Union, a distinction was made between administrative and criminal offences. The former were dealt with under the Code of Administrative Offences and were generally less serious in character. Administrative detention, which was in line with the case law of the European Court of Human Rights, was not a form of pretrial detention, since it was subject to a court judgment. Various alternatives to administrative detention were available, including house arrest.

42. The Government had provided the Committee of Ministers of the Council of Europe with comprehensive information on the case of Ilgar Mammadov, who had allegedly been beaten in detention. If he had filed a complaint with the authorities, it would have been possible to investigate his allegations in line with established procedures. The European Court of Human Rights had examined the case of Leyla Yunus, who had allegedly suffered ill-treatment in detention. Video footage of her detention, which had been made available to the Court as evidence, showed that she had provoked the law enforcement officials on duty.

Even though she had not filed a complaint, the case had been investigated in response to media reports. The European Court of Human Rights had examined a number of cases of alleged violations of Article 3 of the European Convention on Human Rights. In the majority of those cases, the Court had found that the violations had been procedural rather than material.

43. The Special Rapporteur on the situation of human rights defenders had not mentioned ill-treatment of NGO activists or representatives of civil society organizations in his report. He had merely referred to allegations that political pressure had been brought to bear on certain activists. He (Mr. Asgarov) had discussed the findings with the Special Rapporteur and expressed dissatisfaction with the unreasonable omission of numerous cases in which dialogue between civil society and the Government had yielded positive and effective outcomes.

44. The fields of competence of the national preventive mechanism, namely the Commissioner for Human Rights (Ombudsman), had been specified in the Constitutional Law of the Republic of Azerbaijan. The Ombudsman was free to enter any penitentiary or other institution where persons' liberty was restricted, and the Ombudsman's Office submitted an annual report to the President and parliament that contained sound analyses and described measures taken to address the problems encountered. It was a highly independent institution.

45. With regard to the 565 Chechens who had applied for refugee status to the Baku Office of UNHCR in 2016, he had been informed that some 95 per cent of the applicants had not been granted such status. As refugee status could also be granted under domestic law, applicants usually contacted the State Migration Service in addition to UNHCR.

46. **Mr. Mammadli** (Azerbaijan) said that Azerbaijan had historically been one of the most tolerant and harmonious countries in the world with virtually no cases of racial discrimination. Most of the population were Muslims, with a majority belonging to the Shia community. A Jewish community, comprising European Jews and so-called Caucasian Mountain Jews, had lived in the country for more than 2,000 years and no case of anti-Semitism had ever been recorded. Budgetary funds were allocated to such communities each year to support tolerance, although Azerbaijan was a secular country with strict separation of State and religion. Budgetary funds were also allocated to ethnic minorities.

47. As noted in the report, there had been a considerable improvement in the number of women represented in parliament, governmental bodies and the municipalities.

48. The State Committee on the Family, Women and Children had opened seven women's shelters in the regions and two in the capital city. Early marriage was a matter of concern for both the Government and civil society organizations. The State Committee had launched special training and awareness-raising programmes in the regions because the issue was particularly prevalent in remote and rural areas. The Government sought to engage civil society organizations in the process of enlightenment and two key State bodies, the Youth Foundation and the Council of State Support to Non-Governmental Organizations, provided funds for that purpose and for the fight against gender discrimination.

49. **Mr. Aliyev** (Azerbaijan) said that the State Committee on the Family, Women and Children had implemented a joint project with the United States Agency for International Development (USAID) to promote women's leadership and encourage women to participate more actively in social, political and economic affairs. Women's role in local authorities was also being promoted with the assistance of the German Agency for International Cooperation in the South Caucasus region. He drew attention to the figures provided in paragraphs 31 and 32 of the replies to the list of issues concerning the increase in women's representation in the parliament (Milli Mejlis) and at the municipal level.

50. A two-year project launched in 2016 was being implemented with the United Nations Development Programme (UNDP), the European Union and the Women's Association for Rational Development to promote the participation of rural women in economic and social activities. It targeted women living in rural areas, youth, local communities and NGOs involved in promoting women's rights.

51. The measures taken to prevent sex-selective abortions included the submission to parliament of a bill on Protection of Reproductive Health and Family Planning. The State Committee on the Family, Women and Children had implemented a project in cooperation with the United Nations Population Fund (UNFPA) in 2013 to reduce sex-selective abortions. Action had also been taken to improve the reproductive health of young people in the Caucasus area, and training courses had been organized for teachers, doctors, psychologists, family representatives, regional organizations, refugee families and internally displaced persons. Reproductive health centres for young people had been established as part of the project.

52. With a view to preventing violence against women and children, diverse measures had been taken to implement the Law on Combating Domestic Violence enacted in 2010. The State Committee on the Family, Women and Children had adopted new rules to address acts of violence, and NGOs had been authorized to create shelters for the rehabilitation of victims. Acts of sexual, domestic and other forms of violence could be reported via a telephone hotline to the Ministry of Internal Affairs.

53. A database had been established to register acts of violence against women. In 2015 a total of 5,726 cases of crimes against women had been reported, which represented an increase of almost 3 per cent compared with 2014. The figure for 2015 included 2,248 crimes involving violence against women, which represented an increase of about 6 per cent compared with 2014, and 867 reports of domestic violence, which represented an increase of about 10 per cent.

54. Funding was provided for rehabilitation projects on behalf of minor victims of violence or labour exploitation, and minors forced to engage in prostitution or pornography. They were provided with social support and psychological assistance. In 2014 a Regional Social Rehabilitation Centre for minor victims of domestic violence and sexual abuse had been established in Ujar district. Its services were also available to children living in the street, children of internally displaced persons and refugees, and children suffering from trauma due to the loss of their parents or other family members.

55. The Family Code had been amended in 2011 to increase the marriageable age for women from 17 to 18. Article 176 (1) prohibited forced and early marriage and imposed harsh penalties on offenders. The State Committee on the Family, Women and Children had undertaken a comprehensive analysis of the situation in cooperation with the United Nations Children's Fund (UNICEF). Measures were taken under a joint programme in southern Azerbaijan to prevent girls from being taken out of school for early marriage. The Government and media had implemented awareness-raising campaigns to alert children and parents to the issue. He highlighted the projects known as "Healthy Family, Healthy Society, Strong State" and "Say No to Early Marriage and Protect Your Health". In 2014-2015 child and family support centres had prevented 17 out of 20 reported cases of early marriage. The Caucasus Muslim Board had also prohibited early marriage and *sighe* (temporary marriage).

56. **Mr. Usubov** (Azerbaijan) drew attention to paragraphs 47 and 48 of the replies to the list of issues concerning the provisions of the Criminal Code that defined torture and ill-treatment. Offenders were fined between 3,000 and 4,000 manats or sentenced to a term of imprisonment of between 4 and 8 years. They were also prohibited from occupying certain posts or engaging in certain activities. The Law on Ensuring Rights and Freedoms of

Detained Persons had been enacted in July 2012. It reflected the provisions of many United Nations and Council of Europe instruments ratified by Azerbaijan. Facilities had long been provided for unimpeded oversight visits to detention facilities by national and international governmental and non-governmental organizations, including the Subcommittee on Prevention of Torture, the International Committee of the Red Cross, the Ombudsman and the Azerbaijan Committee against Torture. In 2015 and the first three months of 2016 a total of 333 such visits had been conducted and no violations of the rights and freedoms of detainees had been identified. Assertions of widespread torture and impunity for such acts were therefore unfounded. The authorities had, however, undertaken comprehensive investigations into alleged cases of ill-treatment. During the aforementioned period they had been informed of 115 cases of ill-treatment and 26 cases of unwarranted detention. Disciplinary proceedings had been conducted against 214 officers, of whom 62 had been dismissed and 32 demoted.

57. Targeted preventive measures had helped to minimize the number of cases of death among persons held in detention facilities run by the Ministry of Internal Affairs. One person charged under the Criminal Code with the illegal sale of narcotics and one person charged with theft and robbery had hung themselves in district police stations. Another person accused of drug possession had died of a liver problem. An investigation into allegations of improper conduct by the Ministry of Internal Affairs in June 2015 had led to the dismissal of four police officers, the demotion of one officer and the launching of disciplinary proceedings against four others. A criminal investigation into a death in police custody had been launched by the General Prosecutor's Office in August 2015. One police officer had been arrested and was undergoing criminal proceedings and six officers had been disciplined.

58. With regard to the alleged beating and torture of Leyla Yunus, criminal proceedings had been instituted against her for serious crimes, including illegal business practices and tax evasion. In 2015 she and her husband, Arif Yunus, had been sentenced to prison terms of eight and a half years and seven years respectively. After several appeals, the Supreme Court had suspended the prison sentences and the couple had left Azerbaijan. While in detention in 2014, Leyla Yunus had written several statements containing allegations of torture and ill-treatment by her women cellmates and the warden Major Yagubov. The allegations had been comprehensively investigated. None of her cellmates had confirmed the allegations of torture and beatings, and a medical forensic examination had found no traces of torture or beatings on her body. As a result, no criminal proceedings had been instituted.

The meeting rose at 6.05 p.m.