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Summary record of the 36th meeting

Held at the Palais des Nations, Geneva, on Friday, 1 October 2021, at 10 a.m.

Chair: Mr. Abdel-Moneim

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The meeting was called to order at 10.10 a.m.

Consideration of reports *(continued)*

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant *(continued)*

Fourth periodic report of Azerbaijan (continued) (E/C.12/AZE/4; E/C.12/AZE/Q/4; E/C.12/AZE/RQ/4)

1. *At the invitation of the Chair, the delegation of Azerbaijan joined the meeting via video link.*
2. **The Chair** invited the delegation to reply to the questions raised by Committee members at the previous meeting.
3. **Mr. Khalafov** (Azerbaijan) said that the recent hostilities between his country and Armenia had been triggered by an attempt by Armenia to occupy territory belonging to Azerbaijan, in response to which the latter had exercised its right to self-defence. The resulting war had had disastrous consequences for hundreds of thousands of people living in the territory in question. In other words, owing to an act of war by its neighbouring State, his country had found itself in a position where it had become extremely difficult to safeguard the human rights of its population.
4. **Mr. Sattar-Zada** (Azerbaijan) said that the effects of climate change were becoming increasingly apparent in his country. The occurrence of weather phenomena such as high temperatures, strong winds and extended dry periods had become more frequent in recent years. In order to reduce the country's vulnerability to extreme weather conditions, the Government had adopted a framework programme aimed at setting up a comprehensive early warning system by 2030. It had already purchased several state-of-the-art weather radar systems and established 25 new meteorological monitoring stations. With respect to progress on its commitments in relation to the Paris Agreement on climate change, statistics published for the previous reporting year had shown a reduction of approximately 31 per cent in greenhouse gas emissions compared with 1990. The country had reiterated its commitment to the principles of the Paris Agreement and the Government was in the process of defining a new set of even more ambitious environmental targets.
5. Unfortunately, owing to the consequences of climate change and population growth, water resources in Azerbaijan had become scarce. The country was a signatory to the Convention on the Protection and Use of Transboundary Watercourses and International Lakes, and the Government was currently working with the secretariat of that Convention to draft a cooperation agreement with Georgia to help to alleviate the pressure on its water resources. Regarding the impact of fossil fuels extraction on the health of the population, all extraction projects were developed in compliance with international environmental standards on management systems, monitoring and inspections, in order to minimize any adverse impact that they might have on human health.
6. **Mr. Mursaliyev** (Azerbaijan) said that the Government had adopted a series of national action plans to fight against corruption. As a result of the activities carried out under the most recent plan, adopted in February 2020, and thanks to the work of the State Agency for Services and Social Innovations, more public services had been made available online. The use of technology in the provision of services had helped to eradicate corruption entirely from many public service agencies.
7. With regard to awareness-raising activities on corruption, regular seminars and training sessions were organized by the Commission on Combating Corruption and the Anti-corruption Directorate under the Office of the Prosecutor General. One of the aims of those activities was to foster a culture of reporting corruption. Political will in the fight to eradicate corruption had been demonstrated by the investigation of a number of high-ranking public officials, including heads of local authorities, ministers and ambassadors, for corruption or related offences in the previous two years. According to the Office of the Prosecutor General, 205 criminal cases of corruption or related offences had been brought in the year 2020; 82 of those had involved activities in the public sector. A total of 180 cases had been referred to

the courts, which had already issued rulings in connection with 70 cases, and the equivalent of nearly €25 million in assets had been recovered.

8. All employees and investigators working for the Anti-corruption Directorate acted with full independence and were protected from undue influence and external pressure under national law. Similarly, parties to criminal proceedings and whistle-blowers received protection under legislation governing the State's protection of persons participating in criminal proceedings. Earlier in the year, the Office of the Prosecutor General had published a guide on the protection of whistle-blowers to encourage people who became aware of wrongdoing in the public and private sectors to speak up. Its authors had examined the experiences of 14 other countries, as well as recommendations from international organizations, including Transparency International. The guide had been disseminated to stakeholders and made publicly available on the website of the Office of the Prosecutor General.

9. **Mr. Pashayev** (Azerbaijan) said that the rights of business entities were guaranteed under various provisions of national legislation. Furthermore, pursuant to a presidential decree issued in 2017, a dedicated agency had been established to support the development of small and medium-sized enterprises. The agency provided a number of services to entrepreneurs, including by conducting surveys to identify their needs and the problems they frequently encountered. Additional mechanisms that had been set up to strengthen the rights of entrepreneurs in Azerbaijan included dedicated boards of appeal, which considered complaints lodged by entrepreneurs against the decisions and actions of local executive authorities. In 2019, commercial courts had been introduced to the country's judicial hierarchy and given jurisdiction to consider disputes of a commercial nature. Such disputes could also be settled out of court under the law on mediation, which had also been adopted in 2019.

10. **Mr. Karimov** (Azerbaijan) said that the number of persons with disabilities in Azerbaijan had stood at approximately 633,000 in 2020. Roughly 60 per cent of those people were capable of working and 12 per cent of them had been in work the previous year. The Government was actively working with international organizations to develop new ways to increase the employment of persons with disabilities. For example, it had implemented a project specifically for women with disabilities in partnership with the United Nations Development Programme. As a result of the Government's efforts, 758 persons with disabilities had been placed in work in the first half of 2021 and 1,045 persons with disabilities had enrolled in a professional training course. A set of norms laying down specific requirements for employers who recruited persons with disabilities had recently been adopted and soon all employees with disabilities would be able to interact with their employers and register requests and complaints using an electronic portal.

11. In response to the Committee's request for further statistical information on the labour market, approximately one quarter of employees in Azerbaijan were aged between 18 and 25. In the first half of the year, over 10,600 young people had been recruited to new jobs and 1,702 had participated in self-employment programmes for people under the age of 25. Roughly 46 per cent of the working population was female and 44 per cent of labour contracts were concluded with women. Of those contracts, around 30 per cent concerned jobs in the private sector. With respect to the concerns that had been raised about the reliability of the data that had been provided on informal employment, the Government had a unified approach to the gathering of statistical information: all official statistics were provided by the State Statistics Committee, which employed an internationally recognized methodology of data collection and analysis. The Government took the issue of informal employment very seriously. In 2017, an action plan on the prevention of informal employment had been adopted. Since then, there had been a 29 per cent increase in the number of official labour contracts signed, around 85,000 more people had become eligible for social insurance and the amount of people formally in self-employment had significantly increased. Earlier in the year, more important changes aimed at tackling informal employment had been introduced to the Labour Code. Thanks to new rules governing the registration of labour contracts, under which those documents had to be uploaded to an electronic database operated by the Ministry of Labour and Social Protection of Population, checks for violations could now be carried out online. Furthermore, as a result of a recent joint project, the International Finance

Corporation had presented the Government with a new methodology to check for informal employment, which the Government intended to implement the following year.

12. The Government used a central database, in which all labour contracts were registered, to carry out checks to ensure that employers respected the right of their employees to rest, leisure and holidays. No complaints concerning the violation of that right had recently been voiced by employees' unions and any companies found to have committed a violation of that nature could be fined the equivalent of \$1,200.

13. **Ms. Gahramanova** (Azerbaijan) said that a bill containing proposed amendments to the Gender Equality Act was before the Milli Mejlis, the parliament of Azerbaijan. Specifically, the bill provided for special measures to be put in place to combat gender stereotypes and for an analysis to be conducted of the portrayal of men and women in advertisements. A national action plan was being drafted with the aim of enhancing gender equality, combating gender-based violence and boosting entrepreneurship among women. A bill intended to criminalize domestic violence was being drafted. Under an agreement between the Bar Association and the State Committee on the Family, Women and Children, victims of domestic violence were now entitled to free legal assistance. The domestic violence helpline had received 304 calls since its launch in December 2020. The recent conflict involving Azerbaijan had had an adverse impact on women's empowerment. Nevertheless, women held a number of high-profile positions, including in the executive, legislative and judicial branches of government.

14. **Mr. Mammadzada** (Azerbaijan), noting that the majority of victims of gender-based violence and sexual violence did not file a complaint with law enforcement agencies, said that the authorities engaged in outreach activities to encourage the reporting of such incidents. The Criminal Code stipulated that sexual intercourse without consent constituted rape and was a criminal offence irrespective of whether the perpetrator was a stranger or an intimate partner. Rape carried a prison sentence of between 4 and 15 years. In the first six months of 2021, 17 cases of rape had been registered, and the perpetrators had been identified and brought to account in all but one of those cases. There had been one case of forced marriage in 2020 and no cases in the first six months of 2021. With respect to the kidnapping of minors for the purpose of marriage, there had been two cases in 2020 and four in the first six months of 2021. Only five hate crimes against persons belonging to sexual minorities had been registered in the past five years. All of the perpetrators had belonged to the same sexual minority as their victim. The Government and law enforcement agencies were guided by the Constitution, which afforded all persons the right to access to justice.

15. **Mr. Aliyev** (Azerbaijan) said that, following a decision of the Ministry of Justice on 29 July 2020, all prisoners were provided with free psychological assistance. Such assistance was withdrawn only at the request of the prisoner. All detainees underwent a physical and psychological assessment upon arrival at detention facilities.

16. **Mr. Gasimov** (Azerbaijan) said that an action plan was in place to bring maternal and neonatal health care into line with international standards. A mobile intensive care unit was to be created to serve rural areas. Under a government programme, seven centres had been set up to provide perinatal care, five of which were in rural locations. Following an audit in 2016, protocols had been established to standardize obstetric and neonatal care; as a result, maternal mortality had dropped appreciably. A bill on reproductive health, intended in part to help reduce maternal mortality further, was currently before the Milli Mejlis. Internally displaced persons, refugees and persons with disabilities had the right to free health care.

17. Under domestic legislation, persons with psychosocial disabilities were not permitted to marry or have children. Persons with other forms of disability were permitted to marry but not to adopt children.

18. While it was true that health-care services were disproportionately concentrated in urban areas, a new salary scheme for medical personnel had been set up that would benefit those working in rural areas in particular.

19. The coronavirus disease (COVID-19) pandemic had brought about social and economic difficulties in addition to the health crisis. Azerbaijan had reinforced its medical services, with more diagnostic apparatus now available, and had improved the training of

health-care professionals. In the country's post-conflict and post-pandemic era, wide-ranging reforms and long-term strategies were needed to ensure economic development. One of the President's main priorities was to develop human capital and ensure a good standard of health for all citizens by 2030.

20. **Mr. Pashayev** (Azerbaijan) said that, in 2020, the Government had allocated 3.8 billion manats to defence and security, representing 14 per cent of the State budget. In 2021, that amount would increase to 4.6 billion manats, representing 16 per cent of the budget.

21. Since 2015, 100 per cent of the country's population had been above the international poverty line. The number of people living below the national poverty line had decreased between 2010 and 2020 as a result of, inter alia, the State Programme on Poverty Reduction and Sustainable Development. In 2020, the monthly subsistence minimum had been set at 196 manats, more than double the 2011 level of 95 manats. The value of the consumer basket, the composition of which was determined by the Cabinet of Ministers in consultation with non-governmental organizations (NGOs), had increased by 76 per cent, from 102 manats in 2011 to 180 manats, in the most recent period for which figures were available.

22. A range of State support measures were in place for small-scale agricultural producers, who were exempt from all taxes other than land tax. Mineral fertilizers, pesticides and equipment for keeping bees and poultry were exempt from value added tax. The State also provided soft loans for agriculture with annual interest rates of between 5 and 7 per cent. The Ministry of Economy provided support to small and medium-sized enterprises, including through the organization of 21 trade fairs that had benefited more than 200 such enterprises. An agreement would soon be in place to enable farmers to market their produce in supermarket chains. The schemes implemented by the State had led to an increase of 50 per cent in agricultural production between 2011 and 2020, and the proportion of gross domestic product generated by the agricultural sector had risen to 6.9 per cent by 2020. Levels of self-sufficiency in the production of fruit, vegetables and meat had reached 100 per cent or more.

23. **Mr. Karimov** (Azerbaijan) said that a new plan of action to prevent domestic violence made provision for victim support and the creation of new infrastructure. In August 2021, a new shelter for victims had opened; 12 of the 30 places available were currently occupied. Under an agreement with the Government, NGOs also ran a number of other shelters where victims could live for six months and receive legal assistance and psychological support. They were subsequently provided with permanent accommodation elsewhere.

24. **Mr. Khalafov** (Azerbaijan) said that the transfer to Azerbaijan of Ramil Safarov, an army officer who had committed an offence in Hungary, had been conducted in accordance with the requirements of the Convention on the Transfer of Sentenced Persons, domestic legislation and the Constitution. Mr. Safarov had spent more than 8 years in prison in Hungary and, upon his return to Azerbaijan, had been pardoned by the President. The matter had been politicized owing to Armenian animosity towards Azerbaijan.

25. Azerbaijan was not a party to the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention). The Government was currently undertaking a public consultation process with a view to deciding whether to accede to it.

26. In the territories that had been liberated by the Armed Forces of Azerbaijan, Armenia had conducted ethnic cleansing operations. The Government intended to undertake a reconstruction programme and allow refugees and internally displaced persons to return to the area. It was hoped that the international community would contribute to the reconstruction effort in order to strengthen peace and stability in the region.

27. **Ms. Shin** asked whether the retirement age was the same for men and women. If it was not, would the State party consider amending its regulations in that regard?

28. **Mr. Uprimny** said that the Human Rights Committee, in its concluding observations on the fourth periodic report of Azerbaijan (CCPR/C/AZE/CO/4), had recommended that the State party should uphold the independence of the judiciary and ensure the independence and safety of lawyers; moreover, the European Court of Human Rights had, in its judgment on *Bagirov v. Azerbaijan*, a case relating to the disbarment of a lawyer who had criticized the Government and judicial system, also raised the issue of the safety of lawyers. He would,

therefore, be interested to hear what measures were being taken to strengthen judicial independence, protect the role of lawyers and human rights defenders and implement the recommendations of the Human Rights Committee and the European Court of Human Rights.

29. Drawing the delegation's attention to two decisions of the European Court of Human Rights issued in May 2021, involving claims by 25 NGOs that they had been unable to register with the Government because of obstacles posed by the Ministry of Justice, he said that he wished to hear to what extent the various pieces of legislation mentioned during the dialogue genuinely facilitated the work of NGOs and human rights defenders.

30. While he was glad that the State party had, in its replies to the list of issues (E/C.12/AZE/RQ/4), expressed its support for harm-reduction drug treatments and its willingness to continue them, it had been reported that access to such treatments was limited. He wondered whether the Government planned to increase funding for such treatments and introduce their use in prisons.

31. **Mr. Windfuhr** said that, since the national human rights institution had been accredited with only category B status, he was curious to hear what steps the State party planned to take to restore and safeguard its independence. He also wondered whether the legislation that had been mentioned on civil society organizations did anything to address such organizations' complaints about the requirement to register, complaints that had been echoed by the Organisation for Economic Co-operation and Development.

32. **Mr. Hennebel** (Country Task Force) said that he would like clarification as to whether the State party in fact planned to ratify the Istanbul Convention and what, if any, obstacles stood in the way of ratification.

33. Given that numerous credible reports painted a picture of practically systematic discriminatory treatment of the lesbian, gay, bisexual, transgender and intersex community in the State party, he would appreciate detailed information on any measures taken to ensure legal recognition of sex changes; to eliminate discrimination based on sexual orientation, gender identity and gender expression; to ensure that members of the lesbian, gay, bisexual, transgender and intersex community could access medical care and psychosocial and legal services; and to combat violence against members of that community. Finally, he would welcome statistics on reports to the police of violence or discrimination by members of the community and on the outcome of such reports.

34. **Mr. Amarti** said that he would welcome a precise description of the rights of asylum seekers and refugees as guaranteed in the numerous pieces of legislation mentioned in the periodic report. With reference to the Social Development Fund of Internally Displaced Persons, the Committee hoped that the delegation could shed some light on the progress made in improving the socioeconomic conditions of refugees and internally displaced persons and on the difficulties the State party faced in upholding refugees' rights under the Covenant.

35. **Mr. Caunhye** (Country Rapporteur) said that placing stringent requirements on NGOs could create a perception of undue State control over those organizations. He wondered whether there was any real need to retain those requirements.

36. He would appreciate more detailed information about the measures being taken to reduce the 5.1 per cent of the population living below the poverty line.

37. Regarding climate change, it would be useful to hear about any measures being taken by the State party to afford protection to those marginalized and disadvantaged groups that would suffer most from the shortage of water and from fossil fuels extraction, including farmers and low-income families.

38. **Ms. Ravenberg** (Country Task Force) said that she wished to know what measures were being taken or planned to restore access to education in areas affected by hostilities. The Committee would welcome details of any measures being taken or planned to rebuild damaged or destroyed schools and other education infrastructure, and to restore historical, cultural and religious buildings and monuments damaged during the war. It would be interesting to hear about any steps being taken to consult ethnic and religious minorities in the restoration efforts, in particular on the historic Ghazanchetsots Cathedral, in Şuşa, which had been shelled and damaged by military forces.

39. In the light of the disproportionate impact of the COVID-19 pandemic on access to education and cultural rights for children living in poor and marginalized households, children with disabilities and children living in rural areas, it would be interesting to know how the Government would help disadvantaged children to make up lost learning. Since it had been reported that only 72 per cent of children had Internet access, she wondered what measures were being taken to provide access.

40. While noting that some positive measures had been taken in relation to the education system, she said that she would appreciate more information on the steps taken by the State party to expand modern innovative programmes in education. It was not clear whether education programmes were organized according to actual market requirements. It would be interesting to hear whether tuition fees were means tested. She would like to know more about how the Government tackled the difficulties in gaining access to primary and secondary education faced by migrant, asylum-seeking, refugee and internally displaced children; children living in poor and marginalized households; children with disabilities; and children living in rural areas.

41. Referring to the Fourth Opinion on Azerbaijan of the Advisory Committee on the Framework Convention for the Protection of National Minorities, she said that there was no comprehensive legislation or consultative mechanism to protect the rights of minorities, members of which were unaware of their rights and experienced difficulties in exercising them. She wondered what the Government was doing to tackle those problems.

42. **Mr. Khalafov** (Azerbaijan) said that many of the members' comments appeared to be based on information that did not correspond to the reality on the ground.

The meeting was suspended at 12.05 p.m. and resumed at 12.20 p.m.

43. **Mr. Karimov** (Azerbaijan) said that it had been decided, in 2017, that both men and women should retire upon reaching 65 years of age. The previous arrangement had been for women to retire when they reached 55 years of age and for men to retire upon reaching 60 years of age; the two different retirement ages were being gradually increased and would be the same by 2027.

44. **Mr. Aliyev** (Azerbaijan) said that, in response to the question on the independence of the judiciary, the salaries of judges in all levels of court had been increased, which constituted a guarantee of their independence. The independence of lawyers and the judicial system was protected by legislation. In relation to *Bagirov v. Azerbaijan*, Mr. Bagirov was a lawyer; it was not unheard of for lawyers to be disbarred.

45. **Mr. Gasimov** (Azerbaijan) said that non-traditional sexual minorities were not persecuted under Azerbaijani legislation and enjoyed the same rights as all other citizens. Specific data on that group were therefore not collected. Nevertheless, there was a range of NGO-led programmes targeting them, in particular to prevent the spread of AIDS. There had been a rapid increase in the number of persons granted access to methadone therapy for drug addiction, and the network of centres providing that service was being expanded.

46. **Mr. Khalafov** (Azerbaijan) said that the Office of the Commissioner for Human Rights (Ombudsman) worked with NGOs and the Government and had carried out its work effectively in recent years, based on the Paris Principles and all other relevant international standards. Its recent downgrading to B status did not reflect the situation on the ground in Azerbaijan, and the authorities were addressing the situation by working with international ombudsman organizations. He hoped that Azerbaijan would ratify the Istanbul Convention in the near future; it was already fully implemented in the country, both in law and in practice, and its goals and principles aligned with those of the State.

47. **Mr. Huseynov** (Azerbaijan) said that there were over 1 million refugees and internally displaced persons in Azerbaijan as a result of the ethnic cleansing committed by the Government of Armenia. A new law had been adopted that addressed refugees and internally displaced persons, and legislation granted Azerbaijani citizenship to all refugees from Armenia. The country's law on the status of refugees and internally displaced persons and its legislation on social protection for them predated the United Nations Guiding Principles on Internal Displacement, and his country's actions in the area of refugees and

internally displaced persons had been praised by international organizations and repeatedly cited as an example for other countries.

48. **Mr. Jafarli** (Azerbaijan) said that the Armenian occupation had devastated the enjoyment of cultural rights by Azerbaijani citizens and internally displaced persons. In 2020 the Ministry of Culture and Tourism had begun to monitor all cultural and historical monuments and institutions, classifying them according to the degree of damage that they had suffered. More than 700 monuments, including several of global importance, and hundreds of cultural institutions had been destroyed during the occupation. Restoration efforts included the monitoring and registering of all monuments and the coordination of the different bodies responsible for infrastructure and urban planning. Şuşa had endured missile attacks, which had resulted in severe damage to important monuments. The city, which would be included in the Government's restoration programme, had been designated the country's cultural capital.

49. **Mr. Sattar-Zada** (Azerbaijan) said that a commission had been established to identify the territories and groups most vulnerable to climate change. Emergency water supplies were available in areas where supplies ran low, and residents of those areas could receive the necessary machinery free of charge. Farmers received subsidized water supplies, and work was under way to construct 10 new reservoirs and a number of artesian wells. Alternative water sources were promoted, and communities benefited from training and webinars.

50. **Mr. Pashayev** (Azerbaijan) said that measures to reduce the number of persons in the country who remained below the national poverty line included a targeted State social assistance programme and the prioritization of building a dynamic and inclusive society based on social justice.

51. **Mr. Ahmadov** (Azerbaijan) said that, within two days of the closure of schools at the beginning of the COVID-19 pandemic, the education authorities had begun to broadcast educational television programmes to all children in the country. They had also launched an online platform that had seen 1 million school children register in one month. Telecommunications companies had provided free Internet access to educators and learners, and the Government had harnessed a range of resources to provide Internet access to children. The pandemic had not been the only source of disruption to the education system; 2,500 schools had been closed owing to the conflict with Armenia, and 10 schoolchildren had been killed, with another 16 injured. The 60 schools that had been destroyed during the conflict had since been rebuilt. A two-week enrichment programme had taken place in June 2021 to address the gaps in learning caused by the pandemic and the conflict.

52. A digital skills project had been launched in 100 schools, along with a programme to promote education in science, technology, engineering, the arts and mathematics across the country. There had been significant investment in preschool education since 2016, and 90 per cent of 5-year-old children attended a free one-year programme that ensured a smooth transition to school. Although there were more than 300 specialist schools for children with disabilities, work was being done with international partners to expand inclusive education to a target of 1,000 children by providing the necessary training and infrastructure.

53. A non-profit foundation had been established to provide student loans, thereby improving access to higher education, and a decree had been issued the previous day that would allow Azerbaijani citizens to attend undergraduate and graduate courses abroad.

54. **Mr. Caunhye**, expressing his gratitude to the delegation for the wealth of information provided, said that information would provide a strong basis for the Committee's recommendations, which he hoped would contribute to the further consolidation of economic, social and cultural rights in Azerbaijan.

55. **Mr. Khalafov** (Azerbaijan), thanking the Committee for engaging in a constructive dialogue with his delegation, said that Azerbaijan had made significant progress in the area of economic, social and cultural rights and attached great importance to cooperation with international human rights bodies. The Committee's recommendations would constitute a plan of action for the further development of human rights and fundamental freedoms in Azerbaijan. His Government would continue to develop its mechanism for the preparation of

reports to international institutions and to work towards ratification of the Optional Protocol to the Covenant. It supported all the principles of the Safe Schools Declaration and envisaged endorsing it, particularly in the light of the cessation of the conflict with Armenia, with which it was working to normalize relations so as to strengthen sustainable development in the region.

The meeting rose at 1.05 p.m.