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

**List of issues in relation to the fourth periodic report of
Azerbaijan**

Addendum

Replies of Azerbaijan to the list of issues*

[Date received: 14 July 2016]

* The present document is being issued without formal editing.

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Reply to the issues raised in paragraph 1 of the list of issues (CCPR/C/AZE/Q/4)

1. The courts of the Republic of Azerbaijan while administering justice apply the provisions of the various international instruments in the field of human rights, including the International Covenant on Civil and Political Rights. As an example, the relevant decisions of the Baku and Sheki appellate courts may be mentioned, in which references were made to the articles 9, 12, 14, 25 of the Covenant. As far as the enforcement of the Committee's conclusion № 1972 / 2010 is concerned, it should be noted that information on this issue was requested from the Supreme Court. As it is noted, in accordance with the procedure defined by the Optional Protocol to the International Covenant on Civil and Political Rights the UN Committee on Human Rights received Quliyev's complaint and examined it in 2014. The state concerned participated in the communication procedure.
2. In paragraph 9.4 of the abovementioned conclusion it is mentioned that the Committee cannot conclude that the State party, by substituting life imprisonment for capital punishment has violated the applicant's rights under article 15, paragraph 1 of the Covenant.
3. According to paragraph 10 of the conclusion the Committee is of the view that Quliyev's rights under the Articles 10.1 (persons deprived of their liberty shall be treated with humanely and with respect for the inherent dignity of the human) and Article 14.1 (persons shall be equal before the courts and tribunals) of the Covenant have been violated. In accordance with Article 2, paragraph 3 (a) of the Covenant, the State party is under an obligation to provide Quliyev with an effective remedy.
4. In this regard it should be noted that new "Internal regulations of the penitentiary establishments" were approved in 2010, which were elaborated in accordance with "The European Prison Rules". This document defines a mechanism for the implementation and enforcement of the rules of serving punishment of persons sentenced to imprisonment for a certain term and life imprisonment. In accordance with the amendments to the legislation made in recent years, the legal status and conditions of the detention of persons sentenced to life imprisonment have been significantly improved. The number of short-term and long-term visits, parcels and packages, phone calls, as well as the amount of money to buy basic necessities and foodstuffs were increased, the censorship of their correspondence and the ban on professional training, and etc. were abolished. The measures are continuing to be undertaken to this end.
5. It should be noted that the Quliyev's rights are ensured in the penitentiary establishment according to the national legislation.
6. It is stated in the Conclusion of the UN Human Rights Committee that the principle of equality was violated in case of Quliyev (Neither the applicant nor his lawyer participated at the hearing of the Plenum of the Supreme Court held on 24 October 2005).
7. It should be mentioned that the Plenum of the Supreme Court by considering the motion of the Chairman of the Supreme Court in respect of the applicant on 24 October 2005, changed the decision of the judicial board on criminal cases and cases on administrative offenses of the Supreme Court of September 20, 2005. The final decision replaced the death penalty of Quliyev to life imprisonment.
8. In October 2005, Quliyev appealed to the Garadag District Court of Baku to bring his sentence dated November 12, 1991 in accordance with the requirements of current legislation and to replace life imprisonment to the deprivation of liberty for a term of 15 years.
9. On 24 October 2005, the same day when a hearing of the Plenum of the Supreme Court was being held, Garadag District Court partially satisfied the applicant appeal,

qualified the criminal acts committed by him under the relevant Articles of the current Criminal Code and upheld the penalty of life imprisonment.

10. The applicant's lawyer participated at the hearing of the Garadag District Court on 24 October 2005. For this reason, it was impossible to ensure the participation of lawyer at the hearing of the Plenum.

11. It should be noted that the grounds and procedures for re-examination of the applicant's criminal case in the Plenum of the Supreme Court are not provided by the legislation.

12. Thus, articles 455.0.1-455.0.3 of the Code of Criminal Procedure define the following grounds for re-examination of the case by the Supreme Court on the same matter:

- 455.0.1. If the Constitutional Court decides that the decisions of the Supreme Court or judicial acts violating the right to appeal to the court are inconsistent with the Constitution and laws of the Republic of Azerbaijan
- 455.0.2 If the European Court of Human Rights finds violations of the provisions of the "Convention for the protection of human rights and fundamental freedoms" by the courts of Republic Azerbaijan during proceedings on criminal cases, simplified pre-trial proceedings materials or complaints in the form of private charges
- 455.0.3 If the Constitutional Court decides that the normative act applied by the court is inconsistent with the Constitution, laws of the Republic of Azerbaijan and normative-legal acts adopted by the relevant executive authorities

13. In accordance with the Article 456.1 of the Code of Criminal Procedure, the Plenum of the Supreme Court has the right to review court decisions under the new circumstances related to the violation of rights and freedoms.

14. According to the Article 456.2 of the Code of Criminal Procedure if there are grounds stipulated in articles 455.0.1 and 455.0.2 of this Code, the Plenum of the Supreme Court in connection with the execution of judgments of the Constitutional Court and the European Court of Human Rights examines the cases only on legal issues. Thus, the re-examination of Quliyev's case in connection with the elimination of shortcomings defined in the Committee's conclusion is impossible.

Reply to the issues raised in paragraph 2 of the list of issues

15. The Office of the Commissioner for Human Rights (Ombudsman) was established under the Constitutional Law of the Republic of Azerbaijan "On Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan" (hereinafter Constitutional Law) adopted by the Milli Majlis (Parliament) of the Republic of Azerbaijan on 28 December 2001. In compliance with the Decree of the President of the Republic of Azerbaijan on implementation of this Law dated 5 March 2002, the certain activities have been taken.

16. The Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan (hereinafter Commissioner) was elected in 2002 for 7 years and re-elected in 2010 for the same term. According to the Constitutional Law on the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan, the mandate of the Commissioner is to restore the human rights and freedoms violated by governmental and municipal bodies and officials of the Republic of Azerbaijan, as well as to prevent violation of human rights in cases envisaged in the Constitutional Law. These functions were extended in 2010, by empowering the institution with the function as a National Preventive Mechanism (NPM) under the "Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment".

17. Ombudsman Institute was accredited with “A” status in 2006 by the Subcommittee on Accreditation (SCA) of the International Coordinating Committee on National Human Rights Institutions (ICC) and registered as a National Human Rights Institution in the United Nations (UN) system.

18. After the special review by the SCA it was re-accredited with “A” status in 2012. With this accreditation, Ombudsman Institute once again proved that the Constitutional Law and the activities of the Commissioner are in full conformity with Paris Principles.

19. Ombudsman for human rights for the Autonomous Republic of Nakhchivan was established by the Law on “Commissioner (Ombudsman) for Human Rights in Autonomous Republic of Nakhchivan” in 2006. The institution was established in order to prevent violation of human rights by governmental and municipal bodies and officials. The Commissioner also acts as a National Preventive Mechanism for “Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment”.

Reply to the issues raised in paragraph 3 of the list of issues

20. In order to restore the violation of the citizens’ rights, the Ministry of Labour and Social Protection of Population takes necessary measures in order to provide the right to appeal both in verbal and written (including in electronic) form, in line with the Law on “Citizens’ appeals” of the Republic of Azerbaijan. The verbal appeals are registered and transfer to the relevant bodies through the 142 Call Centre of the above-mentioned Ministry.

Reply to the issues raised in paragraph 4 of the list of issues

21. The equality is guaranteed and any restrictions of the rights and freedoms of citizens are not allowed in the Republic of Azerbaijan. Taking into account that the international treaties to which Azerbaijan is a party are the integral part of the national legislation, the provisions of the UN Convention “On the Elimination of All Forms of Racial Discrimination” directly apply.

22. National legislation prohibits racial discrimination and guarantees equality before the law regardless of race, nationality, religion, language, sex, origin, conscience, political or social affiliation. The Code of Administrative Offences, which entered into force on 1 March 2016, prohibits imprisonment or release of any person on the above-mentioned grounds.

23. Meantime, the Criminal Code of the Republic of Azerbaijan provides liability for the acts aimed to the incitement of national, racial or religious hatred, humiliation of national dignity, as well as any restrictions or privileges for national, racial or religious background.

24. The crime facts on the grounds of racial discrimination are sporadic in Azerbaijan. For instance, only one person was convicted for the acts aimed at the incitement of the national, racial, social or religious hatred and hostility in 2015.

25. At the same time, the Law on “Gender Equality” was adopted on 10 October 2006. It aims at eliminating the all forms of sexual discrimination and creating equal opportunities for men and women in the political, economic, social, cultural and other spheres of public life.

26. “National Action Program on Protection of Rights of Persons with Disabilities for the period of 2016-2021” and the law on “Rights of Persons with disabilities” were drafted. The persons with disabilities were provided with 172 apartments in 2014, 199 apartments and 82 individual houses in 2015. 1,533 such persons were provided with a vehicle in 2014 and 400 persons – in 2015.

27. The Law “On education of persons with limitations of health opportunities (special education)” was adopted on June 5, 2001, which provides special conditions for the joint education of persons with limitations of health opportunities with ordinary persons.

28. Decree of the President of the Republic of Azerbaijan “On improvement of the assessment system of disability and limited health opportunities”, was adopted on September 14, 2015, which provides creation of opportunities for citizens to apply by means of an electronic form for the assessment of disability and limited health opportunities.

Reply to the issues raised in paragraph 5 of the list of issues

29. According to the Constitution of the Republic of Azerbaijan all people are equal before the law and the court. The state guarantees equality of rights and freedoms of everyone, irrespective of race, nationality, religion, language, sex, origin, financial position, occupation, political convictions, membership in political parties, trade unions and other public organizations.

Reply to the issues raised in paragraph 6 of the list of issues

30. In order to prevent the sex selective abortions, the Government of the Republic of Azerbaijan is expected to apply several new regulations. A draft Law of the Republic of Azerbaijan “On Protection of Reproductive Health and Family Planning” presented to the National Assembly (Milli Majlis) for discussion. The draft Law provides prohibition of a check-up for identification of the sex of a child and break-up of pregnancy for a sexual origin (selective abortions), except for cases of high probability of heritable diseases associated with sex.

31. The representation of women in the National Assembly has increased in 11% (14 deputies out of 125) following the 2005 elections, in 16% (20 women out of 125 deputies) after 2010 elections and in 17% (21 women out of 125) as result of last election in 2015.

32. The awareness raising campaign that held in the regions of the country in the eve of the municipal elections, demonstrated positive example. Thus, the representation of women at municipal level has increased in 4% following the municipal elections of 2004, in 26.5% after the 2009 elections and in 35% as a result of 2014 elections.

33. The number of woman deputy head of executive powers is increased from 35 to 78 and one woman has been appointed as a head of executive power in the recent years.

34. A new project on “Enabling civil society to play a greater role in advancing gender equality and women’s rights” was launched in 2016 in collaboration with United Nations Development Programme, the State Committee for Family, Women and Children Affairs, Women’s Association for Rational Development and European Union. This two years project aims to increase the role of the civil society in advancing women’s rights and promote economic and social participation of women living in rural places. The project’s targeted group will be women living in rural areas, youth, local communities, and NGOs in charge of women’s rights.

Reply to the issues raised in paragraph 7 of the list of issues

35. The Government of the Republic of Azerbaijan is fully committed to ensure prevention of all forms of violence against women and children. Working mechanisms of legal, social and preventive measures to prevent domestic violence were put in place by the adoption of Law on “Combating domestic violence” in 2010. In order to ensure implementation of aforementioned Law, relevant normative legal acts were accordingly amended.

36. According to 2015 data, the number of complaints (directly to the State Committee for Family, Women and Children Affairs) filed regarding domestic violence against women and girls was 41 and the number of complaints to 11 Regional Family and Children Support Centers under the Committee was 168.

37. In 2015, the State Committee for Family, Women and Children Affairs has set up a special data bank, where information is collected on the online format from various state organs and institutions, rehabilitation centres (NGOs) concerning the victims of domestic violence and measures intended for their rehabilitation, integration and administration of legal assistance as well as data on individuals committed such violence. Within the realization of concept of development programme named “Azerbaijan 2020: Look into the future”, projects of Azerbaijani Family Strategy and Child Code, National Plan of Action on gender equality were elaborated.

38. NGOs passed the accreditation and received the right to create the special centers (shelters) for victims of domestic violence. Centers were established in cities of Baku, Sumgait and Ganja. Coordination Councils on prevention of domestic violence were also created within the local executive bodies.

39. In addition to the legislative enactment, rehabilitation measures are realized for the integration of children being subject to the violence into society and their rehabilitation. Children subjected to the violence are determined by the police and sent to the relevant institutions. These institutions are financed by the Government in accordance with the Law on “Social service”.

40. “Regional Social Rehabilitation Center for children and youth being subject to domestic violence” was established in 2014 with support of the Ministry of Labor and Social Protection of the People in Ujar district of the Republic of Azerbaijan in order to provide social, psychological and judicial rehabilitation of children, who are victims of violence in the regions. This center serves for the provision of social, psychological and judicial services for the children, who are victims of sexual, psychological and emotional violence, as well as for the neglected children, children and youth pushed and forced to activities such as labor exploitation, prostitution and pornography, children being subject to rude humiliating treatment, forced displacement, children with psychological trauma caused by the parental lost or loss of one of the family members.

41. The sexual relations or other actions of sexual nature with the person who has not reached the age of 16 and depraving actions, carried out without application of force against the person who has not reached the age of 14 are determined as crimes under the Criminal Code of the Republic of Azerbaijan. According to the articles 149.2.3 and 144 -1.2.3 of the Criminal Code, rape committed against the person, who is known as a minor and their exploitation (including sexual exploitation) are considered as special aggravating circumstance.

Reply to the issues raised in paragraph 8 of the list of issues

42. According to the Law of the Republic of Azerbaijan dated 15 November 2011 “On amendments to the Family Code”, minimum marriage year for women was extended from 17 to 18 years.

43. According to the Law of the Republic of Azerbaijan dated 15 November 2011 “On amendments to the Criminal Code of the Republic of Azerbaijan”, the Article 176-1 was inserted in order to prohibit early and forced marriages. Sanctions are increased for the offences with regard to the person under the age of marriage. According to the amendments to the Criminal Code made in 2011, the persons, who forces girls into marriage are penalized from 2000 AZN to 3000 AZN and 2 years of imprisonment. Penalty from 3,000

AZN up to 4,000 AZN and 4 years of imprisonment are applied with regard to those persons, who forces girls under the determined age into a marriage.

44. The State Committee for Family, Women and Children Affairs regularly holds awareness raising events to prevent early marriages including in all regions of the country and conducts a number of country level projects, such as “Healthy Family is a Guarantee of Healthy Future”, “Let’s Benefit from Experience of Older Generation”, “Healthy Family, Healthy Society, Strong State”, “Say No to Early Marriages and Protect Your Health”, “Our Unity is in Our Strength”. During 2014-2015 Children and Family Support centers of the State Committee for Family Women and Children’s Affairs acting in 11 regions (Aghdam, Goranboy, Saatli, Sabirabad, Hajigabul, Gabala, Ismayilli, Zagatala, Shuvalan, and Zardab) disclosed 20 cases of early marriages and 17 of them were prevented.

45. In February 2015, within the framework of the project, “Support for Strengthening the Social well-being of Citizens”, the State Committee for Family, Women and Children Affairs, and Regional Executive Powers organized awareness-raising campaigns at schools on topics related to early marriages, girls’ evasion from education, reproductive health.

46. Akhunds (religious man) of Caucasus Muslim Board are prohibited to conduct religious marriages (Kabin) without formal marriage registration. Religious marriage certificates require the formal marriages certificate. Akhunds regularly passes through an attestation and control process of the Caucasus Muslim Board in order to prevent unregistered marriages.

Reply to the issues raised in paragraph 9 of the list of issues

47. According to the Article 293 of the Criminal Code, the cruel inhuman or degrading treatment or punishment committed against the person by officials of the state body relating to the fulfillment of their duties or by other person acting in this capacity, either with his/her instigation or consent, or by other persons acting under his/her awareness, as well as torture committed by official of the state body relating to the fulfillment of their duties or by other person acting in this capacity, either with his/her instigation or consent, or by other persons acting under his/her awareness constitute offences under the Criminal Law.

48. In accordance with the aforementioned and other articles of the Criminal Code “torture” means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he/she or a third person has committed or is suspected of having committed, or intimidating or coercing him/her or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.

49. Causing strong physical pains or mental sufferings by regular causing battery or other violent actions was determined as crime of torture and Article 133 establishes responsibility for this action. Article 133.2.6 was inscribed into the Code under Law dated June 29, 2012, according which, the procreating of torture by causing strong physical pains or mental sufferings by regular causing battery or other violent actions was determined as a case aggravated the action.

50. According to the Article 27 of the Law of the Republic of Azerbaijan “On the rights and freedoms of individuals kept in detention facilities”, the detained or arrested individuals cannot be subject to torture and other form of inhuman or degrading treatment or punishment. They cannot be kept in detention facilities in degrading conditions.

51. Over a period of several years conditions have been created for unimpeded monitoring visits of observers from international, governmental and non-governmental

organizations including representatives of the National Preventive Mechanism groups, U.N. Subcommittee on Prevention of Torture, International Committee of the Red Cross, Ombudsman and Azerbaijan Committee against Torture to the police detention facilities.

52. All temporary detention facilities are fitted with video surveillance systems to prevent any facts of violation of the rule of law. Notices with phone numbers of the hot line services under the Ombudsman and the Azerbaijan Committee against Torture are posted in corridors of all detention facilities to provide reporting of torture and other facts.

53. Claims about widespread occurrence of unpunished cases of torture are not consistent with the reality. In the result of consistent efforts made for strengthening of rule of law in the internal affairs bodies, no facts of torture or abusive, inhuman or degrading treatment and punishment were registered in 2015 and three months of the current year. And the facts not related to torture such as unfounded detention or arrest and maltreatment detected by the intra-departmental control were comprehensively and impartially investigated within the limits of legislation, and legal decisions were passed in respect of each of such facts. As a result, stringent reproach measures were applied to 151 associates for maltreatment, 26 associates for unfounded detention, 314 associates for 49 facts of bringing to the police station without grounds. In addition, 62 persons were removed from the service and 37 persons were discharged from their posts.

54. According to Article 125 of the Code of Criminal Procedure of the Republic of Azerbaijan, information, documents and other items obtained by using violence, intimidation, fraud, torture and other abusive, inhuman or degrading treatment cannot be used as criminal evidence.

55. In this context, the legislation of criminal procedure provides for carrying out appropriate investigation on any facts detected in the process of investigation as well as on complaints and appeals filed by the accused or suspected person or his/her attorney and legal representative and applying appropriate penalties based on results of such investigation.

56. The "102" hot line of the Ministry of Internal Affairs receives complaints on citizen's undergoing torture and against the police officers and ensures operative response along with the information on the crimes and events. Furthermore, the board of details and phone numbers of prosecutors' offices, judicial authorities, Azerbaijan Committee against Torture, Human Rights Commissioner (Ombudsman) are placed in the administrative buildings of police.

57. No fact of revenge in respect to making complaints for undergoing torture was encountered and the legislation provided for commencing criminal case and conducting investigation for such cases. In order to protect the person from revenge, the Law of the Republic of Azerbaijan "On state protection of the persons taking part in the criminal process" defined the safety measures for the injured person, as well as personal protection, protection of property, supply individual protection means, placing in safe places, protection of the confidentiality of the information, changing the work place or place of education, relocation to the other dwelling space, changing the documents and external appearance, closed sitting of the court and etc.

Reply to the issues raised in paragraph 10 of the list of issues

58. No Information was received by the Office of the Military Prosecutor of the Republic of Azerbaijan on such cases as violence and sexual exploitation, including violence and ill treatment called "dedovshchina" claimed that procreated in the Armed Forces of the Republic of Azerbaijan and in other armed combinations established according to the legislation.

59. At the same time, starting of criminal case by the Office of Military prosecutor related to each death procreated in the Armed Forces of the Republic of Azerbaijan and in other armed combinations established according to the legislation, also self-murder (suicide), as well as violence cases resulted in violation of charter rules among military servants and exposure of the accused persons, drawing into criminal responsibility was provided, also payment of compensations in the form determined under legislation by proper public authorities for families of military servants who died was realized.

Reply to the issues raised in paragraph 11 of the list of issues

60. Comprehensive measures have been carried out in the prisons of Azerbaijan in recent years in order to bring the conditions of detention of prisoners in accordance with the international standards. Works on repair and reconstruction of dormitories have been carried out, heating and ventilation systems were installed for prisoners. Three new penitentiary complexes corresponding international standards put into operation (Nakhchivan AR – in 2008, Baku investigative isolator – in 2009, Sheki – in 2013). Constructions of new six penitentiary facilities in different regions of the country are continued (in the settlements Zabrat and Umbaki of Baku, as well as in Ganja, Lankaran and Kurdamir).

61. In order to improve the infrastructure and modernization of the penal institutions, two state programs were adopted and successfully implemented. Over the period of 2000-2015 the financial resources allocated to the Penitentiary Service have been increased in 10.2 times.

62. In order to improve the nutrition of prisoners kitchen and dining rooms were renovated, which are equipped with modern inventory, new high calorie norms of nutrition were approved, financial contributions from wages and other income of prisoners for clothes and food were eliminated.

63. Rights for arrested persons are provided in the law “On ensuring the rights and freedoms of persons held in places of detention” adopted in 2012 (immediate notification of relatives and other persons about admission to places of detention, personal security, visits, phone calls, unlimited correspondence, watching TV, sports, work, receive psychological assistance, appeal decisions made by the leadership regarding them, performance of religious rites, storage and use of religious accessories and literature, subscriptions to newspapers and magazines at their own expense, enter into or terminate marriage, participation in family legal relations, etc.)

64. Restrictions on number and duration of visits of convicted and arrested persons with the lawyers, the Commissioner for Human Rights, members of its National Preventive Group, as well as other persons having right to render legal aid, have not been determined. All necessary conditions for such visits in terms of confidentiality are created in penitentiary facilities.

65. In order to inform about corruption cases, plates with phone numbers of “hotline” were posted in the entrances and in the territory of penal institutions. If such information is received investigations are carried out. If violations are found out, collected materials are sent to the prosecutor’s office. Investigations regarding 36 applications received on 25 cases of corruption offenses were carried out in 2015. As a result of them materials collected on 5 applications were sent to the prosecutor’s office in order to give a legal assessment.

66. It should be noted that according to the Article 10.4 of the Code on execution of punishments prisoners cannot be subjected to medical or other experiments that endanger their lives and health.

Reply to the issues raised in paragraph 12 of the list of issues

67. According to existing legislation a person may be admitted to a psychiatric hospital in the absence of his/her consent either in case of compulsory treatment or in case of involuntary hospitalization. Compulsory treatment is intended for crime offenders who have been recognized by court decision as irresponsible due to mental illness (mental incompetence).

68. Involuntary hospitalization is applied in exceptional cases towards people with mental disorders in the following cases:

- Serious immediate danger of a person with mental disorder for himself/herself or others
- Helplessness i.e. inability to meet essential life needs due to mental illness
- If a person whose mental illness is severe and likely to lead to a serious deterioration in his or her condition and will prevent the giving of appropriate treatment that can only be given by admission to a mental health facility

69. In all other cases a patient has a right to refuse from suggested inpatient care or to stop it at any moment.

70. The patients appointed to compulsory treatment may be discharged from hospital only by court decision. As for involuntary hospitalization, patient may be discharged at any time if his/her condition does not meet criteria for involuntary treatment any more. In this case there is no need for court decision. If 30 days after hospitalization a patient's condition remains valid reasons for involuntary treatment, hospital administration should apply to a district court to make decision on continuation of inpatient treatment or discharge from the psychiatric medical facility.

71. In case of physical or verbal ill-treatment, or unsatisfactory living condition in the psychiatric hospital a patient or his/her legal representative may call on the hotline of the Ministry of Health (phone: 9103(0)) or may write a complaint at the Ministerial website www.e-health.gov.az. In addition patients and their representatives are eligible to apply to court, law enforcement agencies, and the Commissioner for Human Rights (Office of Ombudsman).

72. Admission of patients to Psychiatric clinics of the Nakhchivan Autonomous Republic is carried out in accordance of "Law of the Republic of Azerbaijan on Psychiatry" that based on voluntary will of patients and any breach of aforementioned law is not noted. Moreover, admission of patients as well as hospital conditions is periodically controlled and documented by the Ombudsman Apparatus of Nakhchivan Autonomous Republic.

73. Activities related to the prevention of abandonment of newborns or children with limitation of health (with disabilities) are carried out on continuous basis by the Ministry of Health and Ministry of Labour and Social Protection in cooperation with other government agencies, including Ministry of Education, State Committee for Family, Women and Children's Problems and local executive powers.

74. According to the Decree dated 23 April, 2014 of Cabinet of Ministers of the Republic of Azerbaijan, the Ministry of Health conducts annual mandatory health check-ups of all newborns and children under the 18 years of age, including newborns and children with disabilities or limitation of health. These check-ups are conducted at homes, polyclinics, kindergartens and schools, including the boarding schools or orphanages for children with special needs or disabilities. This enables the early detection of disability or health problems and subsequent specialized medical and rehabilitative treatment of these children, including ambulatory, in-patient and treatment in special health improvement sanatoriums.

75. In addition to that, it is important to mention that children or newborns with limitation of health cannot be held in medical institutions against the will of their parents or legal guardians with the exception that is described below. According to the Constitution and Article 18 of “Law on protection of public health”, per request from parents or legal guardians the children with limitation of health can be held in institutions of social protection system. At the same time, according to Article 27 of the mentioned law, in order to protect the health of a child whose parents are knowingly preventing the necessary medical care, the healthcare institutions can appeal to the court.

Reply to the issues raised in paragraph 13 of the list of issues

76. According to the Law of the Republic of Azerbaijan “On combating trafficking in human beings”, the trafficking in human beings means involvement, seizure, storage, hiding, transportation, assigning or acceptance of people with the purpose of exploitation of the people with the threat of applying force, or by applying force, by threatening or other obligatory means, kidnapping, fraud, provision of material or other means privileges and discounts for getting the approval of the person controlling the other person (involvement, possession, storage, hiding, transportation, provision or acceptance of a child with the purpose of exploitation is also considered trafficking in human beings).

77. By the operative – prophylactic measures taken in 2015, 108 facts of trafficking in human beings, 8 facts of forced labor, as well as 11 facts of illegal actions with documents with the purpose of trafficking in human beings were detected. For these actions, 38 persons (33 women, 5 men) were brought to the criminal responsibility, 13 criminal groups and 1 organized group were neutralized. 24 persons were recognized responsible for relevant crimes, 17 of them were imprisoned for the period from 5 years to 10 years. 9 of the persons announced for international search were detained by being identified through local Interpol line and search of 22 persons is currently continued. 38 of the identified 63 victims (57 women, 6 men) were taken to the Republic of Turkey, 8 of them to the United Arab Emirates, 3 of them to the Russian Federation, 14 persons, as well as 7 foreigners undergone to exploitation within the country.

78. More than 13 thousand application received by the “Hot line” telephone service in respect to the issues and problems arising out from trafficking in human beings, maintenance of brothels, employment in foreign countries, education, marriage with foreigners have been investigated and the relevant measures have been taken in accordance with the legislation.

79. 68 crimes of trafficking in human beings and 6 facts on illegal actions with the purpose of trafficking in human beings were detected in 3 months of 2016. 13 persons, who have committed those crimes (12 women, 1 man) were brought to criminal responsibility. 23 of the identified 28 victims of trafficking in human beings were exploited in the Republic of Turkey, 3 of them in United Arab Emirates and 2 in Malaysia.

80. In 2015, 51 victims of trafficking in human beings were placed in temporary asylum, necessary assistance was provided to each of them and their security was ensured. In total, 63 victims were given one-time benefits, 42 of them were provided with financial assistance by the Assistance Fund, 22 of them were employed, 31 of them were sent to the professional courses. 31 victims were returned to their families, 51 victims were directed to non-governmental organizations for being covered by social service.

81. The Assistance Center for the victims of Trafficking in human beings under the Ministry of Labor and Social Protection of Population provided legal and psychological assistance to 56 victims. The 16 victims were provided with medical services from the Ministry of Health, 13 victims out of them received the ID cards. 29 underage children of the victims were involved to various educational programs. 2 children received the

assistance to identify fatherhood and provide them with alimony, 11 children were assisted in obtaining the birth certificate and 7 ones were placed in temporary asylum. 165,000 manats were allocated from the budget of the Ministry of Internal Affairs and used for social rehabilitation of victims to keep them in the asylum and provide them with one-time benefits.

82. 27 victims of trafficking in human beings were paid one-time benefit in the amount of 400 manats within the 3 months of this year and they were placed in temporary asylum. 20 of the victims were sent to the professional courses, 7 of them were employed, 4 of them were assisted in getting ID cards, 1 victim was provided with assistance in getting surgery operation. The families of 19 victims of trafficking in human beings were returned to their families following necessary negotiations.

83. According to the Article 17.8 of the Law of the Republic of Azerbaijan on "Combating trafficking in human beings", the protection and assistance to the foreigners who were the victims of trafficking in human beings and the stateless persons are provided in equal manner along with the citizens of the Republic of Azerbaijan. According to Article 20 of the aforementioned Law, when the foreigner or the stateless person suffered from trafficking in human beings, administrative deportation is not applied within the year. When the above-stated period is over but the foreigner or the stateless person provides assistance to the criminal prosecution authorities on the criminal cases connected with trafficking in human beings, that person is not deported from the territories of the Republic of Azerbaijan in administrative manner until the end of the criminal prosecution.

84. If the victim of the trafficking in human beings wishes to leave the territory of the Republic of Azerbaijan, he/she is assisted in obtaining the relevant documents, indemnifying the transport and other necessary costs, providing necessary recommendations and if it is possible, the contact details of the law enforcement authorities, non-governmental organizations, law defenders and social welfare authorities in the country where he/she will be accepted.

Reply to the issues raised in paragraph 14 of the list of issues

a)

85. Improvement of living conditions of more than 700,000 IDPs in our country, who got displaced as a result of the aggression of Armenia against Azerbaijan, is carried out according to the appropriate legislative acts and State Programs approved by the relevant Orders of the President of the Republic of Azerbaijan.

86. In recent years 94 modern residential complexes having all necessary social and technical infrastructures have been built and the living conditions of 49,000 families or 243,000 refugees and IDPs have been improved.

87. IDPs are under a full state provision and a number of privileges are applied to them according to the requirements of current legislation. Monthly food allowance is given to every IDP and the amount of the allowance was increased by 4 times in the last 12 years. Free public utilities are provided for IDPs and the amount of funds for these services were increased by 4,5 times in the last 12 years.

88. In order to improve infrastructure in the facilities densely and temporarily settled by IDPs, 586 micro-projects at the cost of 35 million AZN benefitting 348,000 people were implemented within the frame of the Loan Agreement concluded between the World Bank and the Government of the Republic of Azerbaijan. Micro-credits in the amount of 7,7 million AZN were given to 11,000 IDPs in order to increase their employment.

89. Through the National Fund for Entrepreneurship Support, 44 million AZN as preferential loans were granted to more than 2,000 internally displaced entrepreneurs.

90. In general, 5.4 billion AZN has been spent for addressing social problems of the people forcibly displaced from their lands in the last 23 years. 2.5 billion AZN out of them are the funds of the state budget, 1.9 billion AZN are the funds of the State Oil Fund and 1 billion AZN are the funds of international financial agencies and international humanitarian organizations operating in the country.

91. As a result of the measures implemented, the poverty level among IDPs has declined from 75% to 12% in the last 12 years.

92. Measures on the improvement of living conditions of IDPs continue systematically. IDPs are not faced with any kind of discrimination and make use of all the rights stated in the Constitution of the Republic of Azerbaijan as the citizen of the country.

b)

93. Since IDPs were forcibly displaced from their lands, they have been temporarily settled in the dormitories, unfinished buildings and other social facilities for a long period of time and have huge needs. These needs include the improvement of housing conditions, provision with permanent jobs in compliance with their professional backgrounds, etc.

94. The government do not allow for any inequality in covering the needs of IDPs as well as in implementing other social protection measures. The approach to all the IDPs is the same as enshrined in the legislation of the country.

95. At the same time, the analysis of households is carried out on a yearly basis together with the State Statistical Committee in order to assess the social state of IDPs; the issues and areas which are in a serious need are determined and taken into account during the implementation of social projects.

c)

96. 52% of 700,000 IDPs in the country are women and 200 thousand are children under 16 years of age.

97. Like all IDPs, women and children displaced from their lands also use all privileges prescribed by the Law. Out of 175,000 able-bodied internally displaced women 55,000 were provided with the relevant jobs in various fields, including 5,000 in the newly built settlements.

98. At the same time, 665 health facilities were organized in the regions in order to protect health of the IDPs, and 700 secondary schools were organized in order to involve IDPs in the general education. 150 of the same educational centers and 58 of the healthcare facilities directly operate in the newly built residential complexes.

99. Internally displaced pupils studying in the secondary schools are provided with the textbooks free of charge. There are also no restrictions whatsoever for the education of internally displaced children in the local schools.

100. IDPs are provided on a free basis with the medical preparations mentioned in the list approved by the Ministry of Health of the Republic of Azerbaijan, free medical examination and treatment.

101. IDPs with disabilities and elderly persons are covered with all the social protection measures and health services as the other population of the country. There are no restrictions for their unimpeded access to these services.

102. The relevant projects are implemented on the social protection and health protection of internally displaced women and children by the UN High Commissioner for Refugees (UNHCR), the UN Population Fund (UNFPA), UNICEF and other international humanitarian organizations operating in our country together with related state agencies. The Government of the Republic of Azerbaijan created the conditions required for the completely free, transparent activity of these organizations.

d)

103. A gender equality and an equal participation of both male and female IDP-representatives is observed in the adoption of decisions related to IDPs as well as the implementation of relevant measures.

e)

104. By the Constitution of the Republic of Azerbaijan, the rights of all the citizens, including the IDPs, to freely choose the place of residence and live in the territory of the Republic of Azerbaijan were identified.

105. Along with being registered in the residential areas in the regions where the IDPs were forced to flee from as a result of the military aggression of Armenian armed forces, they should be temporarily registered in the regional (city) executive authority in the territory of the Republic of Azerbaijan where they are temporarily settled for the issuance of IDP-status according to the requirements of the Law of the Republic of Azerbaijan "On the status of the refugees and IDPs (of the persons displaced within the country). There are no limitations on their migration within the country and IDPs use the concessions and privileges, assistance intended in the legislation for them not just in temporary registration addresses but also in their actual places of residence. This excludes them from staying out of the social rights and guarantees.

f)

106. IDPs living near the line of contact of troops make use of all the privileges established by law. Homestead and arable land areas were also allocated for their use for the purpose of self-reliance. IDPs primarily engage in production of agricultural products and cattle-breeding. Subsidies and preferential loans are allocated to the IDPs in this regard.

107. The systematic violation of the ceasefire by Armenian armed forces and firing the civilians from the offensive weapons of destructive nature poses a serious threat to the resumption of war and aims to create a new wave of displaced persons, in addition to about 1 million refugees and displaced persons existing in the country as a result of Armenian aggression. Starting from 2 April, 2016, and during four days, the positions of the Armed Forces of the Republic of Azerbaijan and civil population living in areas adjacent to the Line of Contact exposed to intensive artillery fire. A large number of military servicemen and civilian population were killed and wounded, buildings, schools and other social facilities were destroyed as a result of intensive artillery firing. Namely, 6 IDPs were killed, 40 people were injured and more than 230 houses and 2 schools became unusable. Currently, the proper measures are being implemented on the restoration of the houses of IDPs, assessment and elimination of damages caused to their properties.

108. These criminal acts of Armenia undermines the basis of the International Humanitarian Law and creates a new wave of social and humanitarian crisis and aims at violation of the rhythm of the life of peaceful civilians living in areas adjacent to the Line of Contact.

109. The main goal of Armenia by consistently pursuing a provocation and stirring up tension is to consolidate the occupied territories of Azerbaijan and to preserve existing status quo that is unacceptable for the international community.

Reply to the issues raised in paragraph 15 of the list of issues

110. Persons applying for refugee status are not sent to the country where threat to their life or liberty is expected, as well as expulsion from the territory of the Republic of Azerbaijan is not applied regarding foreigners and stateless persons granted refugee status.

111. Thus, according to Article 5 of the Law of the Republic of Azerbaijan “On status of refugees and internally displaced (persons displaced within the country) persons” dated May 21, 1999, a person who owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it, and because of these reasons arrived in the Republic of Azerbaijan illegally and applied to the relevant governmental body as soon as possible shall stay exempt from the responsibility, provided by the legislation of the Republic of Azerbaijan based on the grounded reason of that body. Refugee can no way be sent or forcibly expelled to the country, where there is a threat for his/her life and freedom.

112. According to Article 15 of the aforementioned Law, the person who has filed an application to obtain refugee status cannot be sent, given or compulsorily returned to other country until his/her case is processed by the relevant executive authority (State Migration Service of the Republic of Azerbaijan). Deprivation of refugee status, sending, handing over or compulsorily returning the refugee, as well as the person willing to obtain refugee status to other country can be possible only upon decision of the court. Decision on expulsion from the territory of the Republic of Azerbaijan is not made regarding foreigners and stateless persons granted refugee status.

113. In case of a decision on refusal is taken those persons are enabled to appeal in administrative and (or) judicial order from this decision and they are sent written notification about it within 5 days. Submission of a compliant to the Court shall postpone the activity regarding expulsion of the persons out of the territory of the Republic of Azerbaijan.

114. Provisions regarding subsidiary protection are envisaged by the draft of “The law on amendments to the Law of the Republic of Azerbaijan “On status of refugees and internally displaced (persons displaced within the country) persons”.

115. The Migration Code does not limit foreigners and stateless persons’ right to family reunification. Family members of foreigners and stateless persons temporarily and permanently residing in the Republic of Azerbaijan are granted with temporary residence permit for the period of the validity of their residence permit.

116. Measures are continued by State Migration Service for prevention and reduction of statelessness in the Republic of Azerbaijan, including documentation of stateless persons, as well as improvement of legislation in this sphere. Wide-range public awareness events have been organized by State Migration Service in the regions of the Republic of Azerbaijan. Furthermore, a number of meetings with the public have been held together with local executive authorities and relevant activities have been accelerated for documentation of the persons residing without documents.

117. The “Rules for establishment of the citizenship of the Republic of Azerbaijan” was approved with Decision of Cabinet of Ministers dated March 18, 2015. Affiliation of the person to citizenship of the Republic of Azerbaijan is established taking into account the Convention “On eradication of statelessness” dated August 30, 1961, in accordance with the Law “On citizenship of the Republic of Azerbaijan”.

118. While processing received applications State Migration Service has taken necessary measures for establishment of legal status and reduction of statelessness of numerous persons who has been residing in the territory of the Republic of Azerbaijan and do not possess documents confirming affiliation to citizenship of any state.

119. In 2014 and 2015 186 and 181 stateless persons accordingly were admitted to citizenship of the Republic of Azerbaijan with the relevant Orders of the President of the Republic of Azerbaijan.

120. In 2014, 91 stateless persons were issued temporary residence permit, 52 stateless persons were issued permanent residence permit, as well as 1 person was issued work permit for carrying our labour activity in the Republic of Azerbaijan.

121. In 2015, 73 stateless persons were issued permit for temporary residence, 103 stateless persons were issued permit for permanent residence in the Republic of Azerbaijan.

122. According to the articles 3.2.2 and 3.2.3 of the Law “On transfer of persons committed a crime (Extradition)” if there are enough grounds to assume that in the result of extradition requested person will be subjected in the requesting state to torture or cruel, inhuman treatment or punishment, or treatment or punishment degrading dignity, prosecution in connection with race, nationality, language, religion, citizenship, political views or sex or if there are enough grounds to assume that his/her right to fair trial will be grossly violated, extradition may be refused.

Reply to the issues raised in paragraph 16 of the list of issues

123. According to the legislation, convicted and arrested persons have the right to meet with their family members, or persons who are of interest to them, as well as make phone calls.

124. Convicted and arrested persons after their arrival at penitentiary establishments get familiar with their rights and obligations, the relevant legislative acts, including internal regulations.

125. Arrested or detained persons from the moment of detention or announcement of the decision on selection in respect of them a preventive measure in the form of arrest are entitled to have confidential meetings and communications with lawyers and legal representatives without limitation of number and duration.

126. Besides, members of the Public Committee under Minister of Justice delivered legal aid to more than 1,700 prisoners in penitentiary establishments.

127. Regarding established by the Ministry regional centers of legal advice it should be noted that over the past period these centers delivered free legal aid to more than 6,000 citizens.

128. Legal Clinic of Academy of Justice operates as well. This Clinic was created in cooperation with the European Union. Free legal aid in the form of consultations are delivered to low-income groups – pensioners, disabled peoples, refugees, internally displaced persons and other persons in the Clinic.

129. Application of security measures to convicted and arrested persons is regulated by the relevant legislation. Article 43 of the Law “On ensuring the rights and freedoms of persons held in places of detention” determines conditions and possible limits of use of physical force, special means and firearms. First of all conditions of application of these means are determined and it is mentioned that these measures can be applied in exceptional cases when other means have not given necessary result. These measures must be adequate to the threat (violation). Before application of them the warning is made, and immediately after application medical care is provided to the person. Each of such application is documented, and inquiry is carried out regarding their legality.

130. Articles 44-46 of the abovementioned Law regulate in detail specific situations of use of physical force, special means and firearms. In case of non-compliance with the requirements of law by staff, they bear responsibility under legislation.

Reply to the issues raised in paragraph 17 of the list of issues

131. Allegations about politically motivated judicial proceedings are not valid. It should be noted that in Azerbaijan only persons suspected in committing a concrete crime are brought to liability and principle of equality of all before the law is always observed irrespective of an origin, property and official status, beliefs, belonging to political parties, labor unions and other public associations, as well as other circumstances.

132. According to the legislation judicial proceedings in Azerbaijan are carried out on the basis of principles of competitiveness and presumption of innocence. These principles are steadily observed in practice.

133. Allegations about violation by judges of the principle of equality between prosecutors and lawyers, defiance by representatives of legislative, executive and judicial authorities of the right to the presumption of innocence are reflected in the List of Issues of the UN Human Rights Committee, but any concrete data have not been presented on this matter. This in turn makes impossible to clarify and comment this issue.

Reply to the issues raised in paragraph 18 of the list of issues

134. Judicial-Legal Council is the body, which, within its competence, ensures organization of the court system and independence of judges in the Republic of Azerbaijan; arranges selection of candidates who are not judges to the vacant judicial posts; evaluates the activity of judges; decides on the issues of transfer of judges to different judicial post, their promotion, calling judges to disciplinary liability, as well as, other issues related to courts and judges, and implements self-governance functions of the judiciary.

135. Judicial-Legal Council has been functioning since 2005 and has 15 members. The term of their activities is five years. Judicial-Legal Council is mainly composed of judges, representatives of executive and legislative bodies, prosecutor’s office, as well as, bar association.

136. Head of the relevant executive body of the Republic of Azerbaijan (Ministry of Justice) and the President of the Supreme Court of the Republic of Azerbaijan are ex officio members of the Judicial-Legal Council.

137. The persons appointed to the Judicial-Legal Council by the President, Milli Majlis, Ministry of Justice and the General Prosecutor’s Office of the Republic of Azerbaijan shall have higher education in law on and more than five years work experience.

138. 9 of 15 members of the Judicial-Legal Council are judges, representing all court instances. Representatives of the President, Milli Majlis, Ministry of Justice, General Prosecutor’s Office, and Bar Association are also presented in the Council. This factor ensures comprehensiveness of the work of the Council and its decisions.

139. While passing decision within the framework of disciplinary proceedings, except the President of the Supreme Court of the Republic of Azerbaijan and judge-rapporteur, only judge members may vote.

140. Only the judge members of the Judicial-Legal Council participate in voting on endorsing or dismissing the motion of the Prosecutor General of the Republic of Azerbaijan regarding criminal prosecution of a judge.

141. Regarding procedures of selection of judges it should be noted that judges shall be citizens of Azerbaijan Republic not younger than 30, having voting right, higher juridical education and at least 5 year working experience in the sphere of law.

142. Persons having double citizenship, those having obligations to other states, religious men, persons whose incapacity or limited capacity have been confirmed by law court, persons who are unable to perform the powers of a judge due to physical and mental disabilities confirmed by a medical report, those condemned for crime in the past, dismissed from judge post for the actions incompatible with the title of judge may not be a judge.

143. Within the measures taken in Azerbaijan to increase efficiency of the judiciary new rules on selection of candidates to a position of judges were developed together with the experts of the Council of Europe. Selection of candidates is carried out in conditions of total transparency on the basis of test, written and oral examinations, as well as long-term courses and practice. This process is regulated by "Regulations on Committee on selection of judges" and "Regulations of selection of candidates who are not judges to the vacant judicial posts" which were adopted in 2005 and passed international expertise.

144. Positive results achieved in this sphere have drawn attention of the international organizations. The European Commission for the Efficiency of Justice (CEPEJ) had specially created authoritative expert group which visited Azerbaijan and directly observed selection process. The European experts highly evaluated multi-stage procedure of selection.

145. All candidates pass the exam in a single audience, local and international observers, representatives of mass media observe it. Selection of questions is carried out from the test bank by a computer program in the exam hall in the presence of candidates and observers on the basis of the principle of randomness (100 questions from more than 1,000). Announcement of the results takes place in the same auditorium in the presence of candidates. In order to ensure the maximum transparency for the first time in the history of selection of staff the live broadcast of all examination stages on the Internet was organized.

146. On the results of the visit a comprehensive report was prepared by the experts. In this report experts emphasized the established institutional structures in Azerbaijan in this field and the selection of judges meet the modern European standards and the process was notable for its transparency and objectivity. Azerbaijani positive experience was recognized as an example of a best practice.

147. On June 9, 2016 the next test examination was organized, according to its results 359 lawyers have been admitted to the following stage. It should be noted that in connection with the fact that according to the legislation judges shall be citizens of the Republic of Azerbaijan not younger than 30, documents only of such persons were accepted in past.

148. However, the practice of last years showed that selection process lasted for two years after which candidates became judges. In connection with these persons reached the age of 28 and met other requirements stipulated by the legislation for holding judicial posts have been admitted to the last exams.

Reply to the issues raised in paragraph 19 of the list of issues

149. According to the item 3 of the article 28 of the Constitution of the Republic of Azerbaijan, each person legally appearing in the territory of the Republic of Azerbaijan may move freely, may select the place of residence for himself/herself and may leave the territory of the Republic of Azerbaijan.

150. According to Article 1 of the Law of the Republic of Azerbaijan on “Registration in the place of residence and place of registration” the purpose of registration of the place of residence and place of registration is to register the persons living in the Republic of Azerbaijan, to execute their duties before other persons, state and the society, and to create necessary conditions for implementation of human and citizen rights and freedoms (social protection, pension provision, call to the military service, execution of court decisions and etc.).

151. In this regard, the citizens of the country are registered by submitting one of the documents providing grounds for registration on the place of residence reflected in Article 5 of the Law and they receive the ID cards.

Reply to the issues raised in paragraph 20 of the list of issues

152. According to the Law on the Freedom of Religious Belief of the Republic of Azerbaijan, religious communities in the Republic of Azerbaijan are registered at the State Committee on Religious Associations of the Republic of Azerbaijan.

153. The registration procedure is quite simple. The applicant is required to present a few documents that are determined under the legislation and they are easy to collect. Religious communities are denied of registration only on legal grounds. Occurrence of any problem regarding the state registration is usually related with the religious organizations themselves, not with the SCRA. The registration is realized in required period without delay if the religious communities submit the required documents for the registration properly to the SCRA. There is no discrimination in registration process. Former certificates of religious communities which passed registration previously and due to various reasons didn't pass the new registration, remain their force and they haven't lost their legal person status.

154. With regard to the mandate of the State Committee on Religious Associations (SCRA) it should be noted that the SCRA is the central executive power in the Republic of Azerbaijan which provides the implementation of state policy in the sphere of religious activity, observation of the legal provisions relating religious communities, and coordination of the activities of the relevant executive authorities with the religious communities. The State Committee on Religious Associations of the Republic of Azerbaijan was established by the Decree of the President of the Republic of Azerbaijan dated 21 June 2001, No. 512.

155. With regard to the claim about cancellation of the requirement to obtain permission from Caucasus Muslims Board prior to the registration request of Islamic religious communities the attention should be brought to the fact that according to the Law on the Freedom of Religious Belief of the Republic of Azerbaijan, Islamic religious communities are subordinated to the Caucasus Muslims Board in organizational matters.

156. With regard to the claim relating various prohibitions which religious minorities face, we inform that while establishing the legislation base with regard to the regulation of state-religion relations and citizens' freedom of conscience, as well as preparing the draft amendments to the current legislation in the country, special attention were paid to the issues such as freedom of conscience and tolerance of multinational and multi-religious ethnic groups living and operating in the country. The main goal here was to strengthen the

traditions of religious and national tolerance, the biggest achievement of the peoples living in harmony and brotherhood together with Azerbaijanis for long periods of time, and protect them from external influences.

157. The policy of the Republic of Azerbaijan pursued in the field of religions is based on the freedom of thought, speech and conscience, bearing in mind the existence of religion in variety forms in the society. Furthermore, the policy of the government in the field of religions and beliefs is based upon the principles and norms of the international law, international agreements that Republic of Azerbaijan is a party, Constitution of the Republic of Azerbaijan and other normative legal documents.

158. According to the Law on the Freedom of Religious Belief of the Republic of Azerbaijan, all religions and religious communities are equal before the law. Establishing any superiority or limitations for one religion in comparison to another is not allowed.

159. Representatives of all religions and religious sects in the country are free to establish their communities at any region. In the country, where adherents of Abrahamic religions (Judaism, Christianity, Islam) dominate, religious movements which do not have many member and are new to the Azerbaijani environment (Baptists, Seventh-day Adventists, Jehovah's Witnesses, etc.) operate freely and are officially registered without facing any obstacles.

160. Despite the fact that there are small number of catholics in Azerbaijan, the Catholic community has been registered. Moreover, the "New Life" Christian religious community, which has 120-150 members and the "Word of Life" Christian religious community with 1,500 members were also registered. In 2009, Albanian-Udi Christian religious community of the Republic of Azerbaijan and Albanian-Udi Christian religious community of Oghuz city were re-registered with the SCRA. In 2009, 3 Molokan religious communities (Baku, Sumgait and the Hilmilli village of Gobustan) were re-registered, Molokan religious community at Ivanovka village of Ismayilli region was registered in 2015 for the first time.

161. The number of the active members that belong to "Jehovah's Witnesses" is 1,351 people. The total number of the members of this sect is 2,674 people. The religious community of "Jehovah's Witnesses" in Baku was registered in 2002.

Reply to the issues raised in paragraph 21 of the list of issues

162. According to the legislation of the Republic of Azerbaijan, if the beliefs of the citizens are contrary to the military service, the alternative service is an option provided by the law.

163. In accordance with the provisions of the Article 2 of the 2nd part of the Law of the Republic of Azerbaijan on the "Status of the military servants" dated December 25, 1991, military servant status is not applied to those who performed alternative service (labour service) at labour groups, humanitarian oriented and communal sections.

164. In accordance with the provisions of the Article 2 of the third part of the Law on "The basis of military conscription in Azerbaijan" dated June 10, 1992, the citizens of the Republic of Azerbaijan who could not be taken to military service for their beliefs and other grounds have to pass alternative service (labour service) within the period of 24 months.

Reply to the issues raised in paragraph 22 of the list of issues

165. In the framework of the Action Plan for Azerbaijan 2014-2016, the joint initiative of the Council of Europe and the Republic of Azerbaijan, measures are taken to guarantee the freedom of expression and media freedom. In this context, drafting of Law on defamation is being carried out. Moreover, on 31 May 2016 in Baku, discussions were held on the topic of

defamation within the framework of project named “freedom of expression and media” conducted by Council of Europe and European Union.

166. With regard to the claims that journalists have been arrested on trumped-up charges and sentenced to long prison terms without a fair trial is most likely to be the result of distorted information; it presents a biased view of the actual situation, where certain persons have committed punishable acts and been sentenced to various terms of deprivation of liberty by the court decisions. Those decisions have nothing to do with the journalistic work of the individuals concerned, and the principle that everyone is equal before the law, regardless of position and occupation, applies to all cases.

Reply to the issues raised in paragraph 23 of the list of issues

167. The issues of limits of implementation of freedom of free assembly are reviewed within the context of constitutional norms regulating the fundamental human rights and freedoms in whole. In order to take necessary measures on the article 5 of the Law of the Republic of Azerbaijan “On freedom of free assembly”, the local executive power authority is notified in writing for agreement of the time and place of holding the assembly and the route of the street match. Besides, in terms of the provisions of Article 24, 71, 72 and 155 of the Constitution of Azerbaijan Republic, Article 3 of the Constitutional Law “On regulation of implementation of human rights and freedoms in the Republic of Azerbaijan” and Article 11 of the Convention “On protection of human rights and fundamental freedoms”, the restrictions may be imposed on the right of freedom of free assembly provided for in the Article 49 of the Constitution that is necessary in the democratic society.

168. The facts of intervention by the state to the meetings organized and held as defined in the Law “On freedom of free assembly” were not recorded. Some organizers attempted to hold the meetings without prior notice. The law enforcement authorities have intervened such meetings by directing the principle of expediency and proportionality defined by the law. The administrative reproaches and other responsibility measures applied about the separate persons for the actions conducted illegally are implemented within the framework of the legislation of the Republic of Azerbaijan and the requirements and recommendations on international documents on human rights and freedoms. The Ministry of Internal Affairs assesses in the internal supervision manner the proportionality of the measures taken and makes serious steps in case of violations are identified. The analogical inspections are implemented by the Office of the General Prosecutor within the framework of procedural legislation.

Reply to the issues raised in paragraph 24 of the list of issues

169. It should be noted that in order to eliminate gaps in the legislation regulating the activities of NGOs and improve transparency in the use of funds received from foreign sources on October 17, 2014 changes were made to the law “On non-governmental organizations (public associations and foundations)” and “On Grants”. In connection with the application of these laws a number of new legislative acts have been approved. Temporary issues occurred in the field of registration of grant contracts were related with the preparation of these documents.

170. Regarding the limitations created by these changes it should be noted that according to the previous version of the Law “On Grants” the donors could be only legal entities having under their statute the main purpose of their activities charity or collecting funds for implementation of projects and programs, which are subject of a grant, not pursuing the goal of profit. This restriction was eliminated by changes.

171. Regarding the suspension of the activities of some NGOs it should be mentioned that according to the Tax Code the taxpayer has the right to temporarily suspend taxable

transactions in the taxation year. According to the Law “On Non-governmental Organizations (Public Associations and Foundations)” non-governmental organizations and branches or representative offices of non-governmental organizations of foreign countries may apply to the Ministry of Justice in connection with the temporary suspension of their activities.

172. After the entry into force of the abovementioned changes, the decisions to suspend the activities of these organizations were related with the exemption from the obligation to submit tax returns for the period of suspension of the activities of organizations, but not with the changes.

173. It should be mentioned that there are no obstacles in registration and activities of NGOs. In Azerbaijan NGO can freely function also without state registration.

174. The application for the state registration and annexed documents are accepted by the relevant organ of the executive authority of the Republic of Azerbaijan for consideration, and within 30 days their compliance with the legislation is checked. Refusal in the state registration of organizations for reasons of inexpediency of their creation is not allowed. If the response about refusal will not be sent in time defined by the legislation these organizations are considered to be registered. Cases of unreasonable refusals are excluded due to the fact that the list of documents for registration and reasons for refusal in registration are accurately determined in the legislation.

175. According to the legislation state registration of branches and representative offices of nongovernmental organizations of foreign states in Azerbaijan Republic is carried out on the basis of the agreements concluded with these organizations. This issue is regulated by the relevant Regulations approved by the Cabinet of Ministers on March 16, 2011.

176. Agreements have been concluded between Ministry of Justice and 6 NGOs of foreign countries. Thus, branches and representative offices of these organizations have been registered.

Reply to the issues raised in paragraph 25 of the list of issues

177. The State Committee for Family, Women and Children Affairs determines the prevention of the exploitation of child labor and protection of the rights of neglected children as one of its activity directions.

178. Several facts of children`s evasion from school and involvement to the labor were revealed and returned to the education as a result of monitoring held in 6 regions, 23 secondary schools, 11 internet clubs and 4 restaurants of the country in 2012-2013.

179. The State Committee for Family, Women and Children Affairs together with executive powers has conducted monitoring on the examining situation of child labor in public catering establishments, family farms during 2015. Information on the family status, education of employed children was collected, the facts of child involvement to the labor under age of 15 years were eliminated immediately, relevant organizations were advised to adjust employment of children over age of 15 years with legislation.

Reply to the issues raised in paragraph 26 of the list of issues

180. Alongside with international legal standards, all the existing procedures and certain law-based grounds implied in the Election Code are also applied to ensure transparency in every stage of the elections held in the Republic of Azerbaijan. The activity of election commissions is always focused to be open for voters and other election stakeholders in compliance with the Election Code. The persons with observer status are fully entitled to observe the sessions of election commissions, vote counting, dealing with all election

documents including ballot papers and voting results protocols at Constituency and Precinct Election Commissions, thereby to attend the sessions of election commissions.

181. The elections held in Azerbaijan are characterized by the observation of thousands local and international observers, domestic and foreign media representatives. Observers are entitled to monitor all the election process freely upon the accreditation at the Central Election Commission (CEC) for international observers or at Constituency Election Commissions for local observers. Only wearing such a badge facilitates international observers to function during the preparation and conduct of elections. International media outlets that are a component part of observers apply to CEC upon the relevant accreditation at the Ministry of Foreign Affairs of the Republic of Azerbaijan and they are provided with appropriate badges. It is worth noting that within the framework of the educational program of CEC "Guide for Observers" are prepared and distributed to local and international observers alongside with other election stakeholders, also posted on the CEC official website. CEC has not received a considerably serious appeal on the foregoing issue. Minor irregularities that occurred during the election process rarely were responded by lower election commissions timely. The leader of REAL was imprisoned for a criminal action by the legally enforced court decision. The issue does not relate to elections in any way.

182. In elections held on October 9, 2013, a number of necessary steps were put for the guarantee of equal opportunities for candidates in the period of pre-election campaign, thereby ensuring the conduct of pre-election campaign on equal basis. CEC focused on abiding by the legal requirements for pre-election campaign in elections. Candidates to presidency were enabled to deliver their pre-election platforms to voters upon using free airtime in TV and radio (6 hours weekly) and free space in press ("Azerbaijan", "Khalg gazetii" and Bakinski rabochi" newspapers). Furthermore, pursuant to the Election Code, candidates were facilitated to use other media means upon the paid basis and equal terms. The price list offered to candidates by 51 media outlets (27 newspapers and magazines, 21 agencies, 3 TV and radio), which had offered paid airtime and reported to CEC on that was submitted to the Commission and the information was posted on the official website for candidates' familiarization. The guarantee of equal conditions for all candidates by media was always focused on by the Commission. Generally, more than 10,000 billboards (2 in every election precinct) were set up to locate campaign materials. Candidates conducted their pre-election campaign under equal conditions freely and independently upon benefiting the above-mentioned opportunities.

183. It is worth to note that pre-election campaign shall start 23 days prior to the voting day and end 24 hours prior to the commencement of the voting as implied in the Election Code. It shall be prohibited to conduct pre-election campaign in any form on the voting day and the preceding day. Pre-election campaign materials shall be removed inside and outside the voting rooms in the precincts on the voting day in the manner defined by the law.

184. Basing on the election practice of many European and other countries, it could be stated that this timeline considered in the legislation does not impose restrictions for candidates to participate in elections and conduct pre-election campaign on equal terms and conditions.

185. The guarantee of free and independent participation of voters with disabilities in elections is regulated by the election legislation of the Republic of Azerbaijan. Pursuant to the Article 17.6.19 of the Election Code, the formation of all the opportunities for voters with disabilities who require special voting conditions to participate in elections is one of the priority issues in the activity of election bodies.

186. Since 2003, CEC has carried out wide-scale projects for voters with disabilities to exercise their voting rights freely, independently and without any obstacle, they targeted the active integration of those voters into society and acquiring equal opportunities with the

other society groups. After CEC adopted a relevant decision on ensuring the voting of visually impaired persons in 2003, stencils – Braille voting aids are used in the elections of Azerbaijan to guarantee such voters' rights to vote in secrecy. Following that period, the fully or partly visually impaired persons can vote for the candidate they want upon using stencils in Braille alphabet.

187. The stencils are in the same size with the ballot papers and contain the information on all candidates included in ballot paper in Braille alphabet for the visually impaired voters. On Election Day, a visually impaired voter is provided a stencil together with a ballot paper when they enter the polling station. The stencil is placed above the ballot paper in such a way that the lines of the stencil in Braille alphabet could coincide with the lines of the candidates included in the ballot paper, the cut squares overlap with the squares in the ballot paper and the voter returns the stencil to the commission member upon the free voting for a candidate they want.

188. CEC applied a new practice in 2013 for the voters with mobility impairments to come to the polling station and vote freely. Thus, mobile ramps were installed in more than thousand polling stations settled by the voters with mobility impairments after the monitoring had been held in the election precincts within the republic. As to the experience, the ramps installed in the polling stations became an effective means for the voters with mobility impairments to express their will freely.

189. It should also be emphasized that the voters who are not able to come to the voting room due to the health and other valid reasons vote by mobile ballot box on Election Day pursuant to the Election Code. To this end, one mobile ballot box is available in every polling station.

190. The rights of the citizens of the Republic of Azerbaijan who had to leave their native lands have been guaranteed in all the elections and referendum conducted in the country so far despite organizational challenges. Election constituencies which cover the regions of IDPs are established to ensure the exercise of their voting rights in the elections and referendum except the Municipal elections. The polling stations of these election constituencies are spread out different areas of the republic. Notwithstanding all the physical and technical difficulties in the organization of elections, the election bodies ensure free and independent voting of IDPs in the polling stations within their election constituencies.

Reply to the issues raised in paragraph 27 of the list of issues

191. At present, in the Republic of Azerbaijan more than 15 newspapers and journals are published for national minorities in their language, regular radio programs are held that financed from state budget in the languages of kurd, lezgi, talysh, georgian, russian and armenian, 5 local TV Channels operate in regions where national minorities live compactly. "Samur", "Gusar" (in azerbaijani and lezgi language) newspapers, "Chirag and "Alam" journals in lezgi language, "Soz" (in azerbaijani and talysh language), "Tolishi sado", "Tolishon sado" in talysh language, "Khinalig" newspaper (Guba) in khinalig language, a page in georgian language in "Shalala" (Gakh) newspaper, Red Village (Guba), Jewish community's "Birlik" "Yedinstvo" newspaper and "Gudyal" journal are published. "Dange kurd" newspaper is "Ronayi" Kurdish Cultural Centre's, "Vestnik", "Oko" newspapers are Azerbaijan Russia Community's, "Sodrujestvo" is "Sodrujestvo" Society's, "Akkord" is "Assistance to the development of friendship of Azerbaijan-Bulgaria" Public Unity's, "Visnik is Ukrainians in Azerbaijan Community's" and etc. regular press body. By the Decree of the President of the Republic of Azerbaijan on 15 may 2014, Baku International Multicultural Centre was created.

192. The Centre provides the protection of tolerance and cultural, religious, linguistic variety explores and promotes existing multicultural models. Regular meetings and debates are organized with the national minorities' public-cultural organizations and representatives of national minorities in the Centre. In order to guarantee ethnic-cultural rights of national minorities' many-branched programs and projects are considered to be implemented by means of the Centre. The works is being done in order to create Consultation Council under the Centre by the representation of organizations of national minorities that operate in the country.

193. State policy is carried out in the field of protection of national minorities and guaranteeing of their rights and freedoms in line with international norms. Many-branched programs and projects are done aiming at integration of them to the society, improving of their social-economic conditions and their language. The legal protection of minorities in national legislation is provided on the basis of principles of international law. In current atmosphere there is not an urgency to adopt a separate Law on national minorities.

194. Meantime, as a result of the consideration of the combined seventh to ninth periodic reports of the Republic of Azerbaijan for the "International Convention on the Elimination of All Forms of Racial Discrimination" the UN Committee on the Elimination of Racial Discrimination, among others welcomed legislative, institutional and other measures taken by the Republic of Azerbaijan, in particular the adoption of the Law on citizens' appeals, initiatives aimed to promote multiculturalism such as the establishment of the Baku International Center for Multiculturalism in 2014 and the designation of 2016 as the year of multiculturalism, the hosting of international events such as the biennial Forum on Intercultural Dialogue and the 7th United Nations Forum on the Alliance of Global Civilizations, held from 25 to 27 April 2016.

Reply to the issues raised in paragraph 28 of the list of issues

195. For the preparation of the fourth periodic report the Working Group composed of representatives of the relevant ministries and agencies had been established by Decree of the President of the Republic of Azerbaijan. Ombudsman of the Republic of Azerbaijan and representatives of non-governmental organizations (NGOs) acting in the field of human rights protection had also been involved in the work on the report.
