

## ***I. Extra-custodial use of force***

Relevant investigations are carried out and certain actions are undertaken by both the Ministry of Internal Affairs and the relevant bodies of the Prosecutor General's Office in connection with the complaints received on the facts of violation of human rights and freedoms by the employees of the internal affairs bodies.

When the elements of the crime are identified by the internal affairs bodies in practice, the collected materials are sent to the relevant Prosecutor General's Office for a decision in accordance with the law.

Relevant investigations are also carried out by the courts and the Commissioner for Human Rights (Ombudsman) within their authority under the law.

Conditions have been created for unrestricted monitoring of police detention facilities by observers from governmental and non-governmental organizations, including representatives of the UN Subcommittee on Prevention of Torture, the Azerbaijan Committee against Torture, and the National Preventive Mechanism Group under the Commissioner for Human Rights (Ombudsman).

## ***II. Reaffirming and strengthening the prohibition of the torture and other cruel, inhuman or degrading treatment or punishment***

According to the Article 46 of the Constitution of the Republic of Azerbaijan no one can be tortured or tormented. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 13 of the Code of Criminal Procedure stipulates that in the course of criminal proceedings, decisions or actions which degrade or insult a person's honor and dignity, as well as endanger the life and health of persons involved in criminal proceedings, are prohibited. In the course of criminal prosecution, no one may be subjected to degrading treatment or punishment, detained in degrading conditions, or forced to participate in degrading proceedings.

Azerbaijan is a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol. In this regard, by the Decree of the President of the Republic of Azerbaijan No. 112 dated January 13, 2009, the Ombudsman of the Republic of Azerbaijan was appointed as an institution performing the functions of a national preventive mechanism in accordance with the Optional Protocol.

According to provisions of the Law of the Republic of Azerbaijan "On Ensuring the Rights and Freedoms of Detainees", the Ombudsman and members of the National Preventive Group can enter the temporary detention facilities of the Ministry of Internal Affairs at any time, without hindrance and without prior notice to meet a detainee in person or in the presence of a specialist, an interpreter, to talk, to get acquainted with

all documents confirming the legality of the detainees' detention, as well as their treatment and conditions of detention, or to obtain copies, draw up a report, to record the course and results of the measures undertaken, to be accepted without delay by the administration of the place of detention, etc.

Complaints of torture and inhuman or degrading treatment, as well as written reports of bodily injuries allegedly committed as a result of a medical examination, are forwarded immediately to the prosecutor in charge of the procedural supervision of the investigation.

Detailed and substantiated responses have been provided to the interested parties, including the authors of the appeal, by sending copies of the decisions on the results of the complete and comprehensive investigation conducted on the materials and information of the same category sent to the prosecutor performing procedural supervision over investigation.

In addition, prosecutors conducted ad-hoc inspections of temporary detention facilities at least once a day (several times on the same days) and took the necessary measures by recording the results.

#### ***IV. Corruption-related torture and ill-treatment***

Azerbaijan has acceded to a number of progressive international initiatives, including the UN Convention against Corruption, the International Covenant on Civil and Political Rights, and the Council of Europe's Criminal and Civil Law Conventions on Corruption. Within the framework of the measures taken in connection with the implementation of the obligations provided for in these progressive international documents, the Law of the Republic of Azerbaijan "On Combating Corruption" was adopted on January 13, 2004 which serves as a solid legal platform for strengthening public confidence in the state, encouraging the recruitment of professionals, as well as increasing transparency and efficiency in the activities of officials.

In accordance with its anti-corruption strategy, the Azerbaijani government has regularly adopted state programs and national action plans, and achieved their successful implementation (including, National Action Plan for the Promotion of Open Government for 2016-2018, National Action Plan for the Promotion of Open Government for 2020-2022).

In the course of the implementation of the National Action Plan for the Promotion of Open Government for 2016-2018, a number of relevant legal acts have been adopted, the number of e-services has been increased to 494 with the establishment of the e-Services Development Center, the Open Government Partnership Government-Civil Society Dialogue Platform has been established, and other progressive measures have been undertaken.

At present, the implementation of the "National Action Plan for the Promotion of Open Government for 2020-2022", approved by the Presidential Decree dated February 27, 2020, is being successfully continued with the active participation of civil society members. The Action Plan envisages the implementation of various measures that include the development of a methodology for identifying, analyzing and preventing corruption risks taking into account international best practices, as well as the establishment of a single hotline for appeals to the Commissioner for Human Rights (Ombudsman) in order to expand citizen access and increase the efficiency of appeals.

General Directorate with the Prosecutor General of the Republic of Azerbaijan, a specialized anti-corruption prosecution body, was established by the Presidential Order of 3 March 2004 in accordance with the principle of unity of preventive and punitive measures in the fight against corruption. The scope of its activity and structure are constantly improved. During the period of its activity investigations were conducted on bribery, bribery, misappropriation of official powers, forgery, misappropriation or embezzlement, and other relevant offences committed by officials from different spheres, and the violated rights of the victims were restored.

#### ***V. Relevance of the prohibition of torture and ill-treatment to the context of domestic violence***

Azerbaijan's accession to the UN Conventions on the Elimination of All Forms of Discrimination against Women and on the Rights of the Child, as well as the formation of state policy in the field of women's and children's rights, adoption of the Laws of the Republic of Azerbaijan "On Prevention of Domestic Violence" and "On the Guarantees of Gender Equality" and institutional reforms are important improvement in this direction.

To ensure the implementation of the Order of the President of the Republic of Azerbaijan dated November 27, 2020 "On approval of the National Action Plan to Combat Domestic Violence in the Republic of Azerbaijan for 2020-2023", the State Committee for Family, Women and Children Affairs created working groups, which include the Prosecutor General's Office of Azerbaijan, as well as a number of state bodies and institutions. The Prosecutor General's Office effectively participates in the Working Groups on Improving Legislation and Institutional Mechanisms and on Prevention of Domestic Violence and Protection of Victims. It should be noted that several amendments to legislative acts on this subject are expected in the near future.

Moreover, Prosecutor General's Office of Azerbaijan has started a campaign in its social accounts and website with a hashtag ***#dontbesilenttoviolenaceagainstwomen***, which aims at combatting the cases of psychological and physical violence against women through increasing awareness in this field.