**Azərbaycan Respublikası**

**Xarici İşlər nazirinin müavini**

**cənab Mahmud Məmməd-Quliyevə**

**Hörmətli Mahmud müəllim,**

Sizin 26.09.2013-cü il tarixli 4/33-237/02/13 saylı məktubunuza müvafiq olaraq BMT-nın İnsan Hüquqları Şurasının Məsləhətçi Komitəsinin “Korrupsiyanın insan hüquqlarının həyata keçirilməsinə mənfi təsiri” üzrə sorğu vərəqəsi cavablandırılaraq Sizə göndərilir.

Həmçinin bildirirəm ki, müvafiq məlumatlar Məsləhətçi Komitənin elektron poçt ünvanına da göndərilmişdir.

Qoşma: 03 vərəqə.

**Hörmətlə,**

**Azərbaycan Respublikası Baş**

**prokuroru yanında Korrupsiyaya**

**qarşı Mübarizə İdarəsinin rəisi Kamran Əliyev**

**The negative impact of corruption on the enjoyment of human rights**

**Answers to the QUESTIONAIRE**

1. **How do you deal with Corruption in your country? Do you have a policy to combat corruption (specific fields and specific categories)?**

* Azerbaijan deals with corruption through combination of administrative and preventive measures. These measures are performed in the frame of Anti-corruption Act of Azerbaijan Republic (2004) and State Anti-corruption Strategies, such as State Program on Combating Corruption 2004-2006, National Strategy on Increasing of Transparency and Fight Against Corruption 2007-2011 and National Action Plan on Combating Corruption 2012-2015. In December 27, 2011 was adopted National Program for Action to Raise Effectiveness of the Protection of Human Rights and Freedoms in the Republic of Azerbaijan. This document contains specific measures on combating corruption within the State policy on protection of human rights, such as raising transparency in activities of state bodies through the increasing of use of electronic and online services, providing related training for the officials and etc.

We built effective anticorruption legislation in line with the international standards. Azerbaijan ratified and implemented the Criminal Law Convention on Corruption and Civil Law Convention on Corruption of Council of Europe as well as UN Convention against Corruption.

1. **A) Is there an anti-corruption agency in your country? If so, does it address the negative impacts of corruption on human rights in its work? Can you cite some examples to this effect?**

* In accordance with Anti-corruption Act of Azerbaijan Republic two anticorruption bodies were established: 1) Commission on Combating Corruption and 2) Anti-corruption Department with the Prosecutor General of Azerbaijan Republic.

The main duties of Commission is formation of general state policy on combating corruption, coordination of activity of several state organs in this field, providing the necessary connection among them, analysis of current state of corruption and effectiveness of anticorruption measures, generalization of information in this field and preparation of recommendations to the several state organs for decreasing corruption offences.

The main duties of Anti-corruption Department with the Prosecutor General of Azerbaijan Republic are Performing Investigation of Corruption Offences, Detective-Search Activity (Special Investigation Means) and supervision of SIMs as well as implementation of preventative measures.

**B) Are there national human rights institutions in your country? If so, are they mandated to deal with corruption?**

- In Azerbaijan are functioning two national human rights institutions 1) Scientific-Research Institute of Human Rights and 2) the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan.

None of this institutions is mandated to deal with corruption.

**C) Do your anti-corruption agency and national human rights institutions cooperate in tackling corruption? If so, what mechanisms exist to promote cooperation between the respective institutions?**

- Our anti-corruption agencies and national human rights institutions cooperate closely with each other through organizing the common trainings and conferences as well as exchanging necessary information during execution of their daily activities.

1. **Which measures have been adopted in your country that take into account the negative impact of corruption on the enjoyment of human rights? What are the best practices and best challenges in this respect?**

- In accordance with article 221 of Code of Criminal Procedure of Azerbaijan Republic, during the investigation, the investigator shall determine the circumstances (reasons and conditions) which facilitated the commission of the offence. On determining these circumstances the investigator shall, if necessary, send a recommendation to the legal entity or official concerned to take steps to eliminate the circumstances which engendered conditions conducive to the commission of the offence as well as to take measures to restoration of violated rights and freedoms.

It is obligatory to examine the investigator’s recommendation in order to take steps to eliminate the circumstances which engendered conditions conducive to the commission of the offence and to restoration of violated rights and freedoms. The investigator shall be informed about the outcome of consideration of his recommendation within one month.

1. **In your country, which are the human rights that are most affected by corruption? What specific negative impact can corruption have on the enjoyment of human rights by vulnerable groups such as women, children, elderly, persons with disabilities, indigenous people and others?**

* Such researches have never been conducted.

1. **What measures can be taken by the Human Rights Council and its subsidiary bodies or by States to combat corruption with specific consideration regarding the negative impact of corruption on the enjoyment of human rights?**

* To conduct a thorough research about the negative impact of corruption on the enjoyment of human rights using Special Procedure Mechanisms of UN Human Rights Council and on the basis of the results to form the effective recommendations for implementation.

Another measure is organizing the system of stimulation of private legal firms to provide free services for protection of human rights affected by corruption (for example via grants and etc.).

1. **How can the United Nations Human rights mechanisms be utilized for anti-corruption efforts? What other institutional mechanisms could be used to integrate a human rights based approach in combating corruption or vice-versa at both, the international and national level?**

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| |  | | --- | | * United Nations Human rights mechanisms and especially [Human Rights Council Advisory Committee](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13639&LangID=E) could be utilized for anti-corruption efforts in way of publication of written instructions and recommendations for detectives, investigators and prosecutors as well as organizing appropriate trainings on combating corruption using human rights based approach.   Also it would make a sense to organize related workshops and conferences for the representatives of civil society and NGO. | |

1. **Are there any other observations or suggestions you wish to provide regarding the topic?**

* There are no other observations or suggestions.