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**NATIONAL REPORT SUBMITTED IN ACCORDANCE WITH PARAGRAPH 15 (A)
OF THE ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1***

Azerbaijan

* The present document was not edited before being sent to the United Nations translation services.

I. METHODOLOGY AND CONSULTATION PROCESS

1. The national report of the Republic of Azerbaijan for this review was prepared in accordance with the general guidelines for the preparation of information under the universal periodic review set out in document A/HRC/6/L.24.
2. A working group including relevant government ministries and departments was established by a presidential order to prepare the report. The Azerbaijani Commissioner for Human Rights (Ombudsman) and representatives of human rights NGOs were also involved in the effort.
3. Prior to the completion of the national report, the Deputy Minister for Foreign Affairs briefed NGO representatives and other civil society actors on its substance and content, the procedure for its consideration by the Working Group on the Universal Periodic Review and the role played by NGOs in preparing it.

II. COUNTRY BACKGROUND

A. System of government

4. Under article 7 of the Constitution, “the Azerbaijani State is a democratic, law-based, secular and unitary republic”. The State is divided into 61 geographically-based administrative districts. Azerbaijan has a republican presidential system of government. Governmental authority is based on the principle of the separation of powers: legislative power is vested in the Milli Meclis (parliament); executive power in the President; and judicial power in the courts. Under the Constitution, the legislative, executive and judicial branches cooperate with and act independently of one another within the scope of their powers.

B. Constitutional structure

5. The Constitution proclaims the protection of human and civil rights and freedoms as the supreme goal of the State (art. 12). Every effort is being made to take full advantage of the State’s political, legal and economic potential to achieve this goal and develop the relevant legal frameworks. Pursuant to article 12, paragraph II, of the Constitution, the human and civil rights and freedoms enumerated in the Constitution must be implemented in accordance with the international treaties to which Azerbaijan is a party.
6. Under article 148 of the Constitution, the international agreements to which Azerbaijan is a party are an integral part of its legislative system and prevail over national regulations and laws (with the exception of the Constitution and laws adopted by referendum) in the event of a conflict (art. 151).
7. The Constitution proclaims the inviolability, sanctity and inalienability of the rights and freedoms of every person from birth (art. 24).
8. Section II of the Constitution covers the basic human and civil rights and freedoms set out in international instruments such as the right to life, liberty, equality, property, personal inviolability, health care, protection of honour and dignity, and freedom of thought, speech, conscience and assembly.
9. The Referendum Act amending the Constitution of the Republic of Azerbaijan was adopted by a national referendum held on 24 August 2002, pursuant to a presidential decree of 22 June 2002, with a view to amending the Constitution. It should be noted that the amendments

introduced, inter alia, gave all persons the right to challenge directly in the Constitutional Court statutory instruments issued by the legislative and executive authorities and enactments of municipalities and the courts that encroach on their rights and freedoms. In accordance with the Act, courts may apply to the Constitutional Court, in the manner prescribed by law, for an interpretation of provisions of the Constitution and laws of Azerbaijan relating to human rights and freedoms. Furthermore, in accordance with the amendments, the Commissioner for Human Rights is entitled to refer to the Constitutional Court, in the manner prescribed by law, statutory instruments issued by the legislative and executive authorities and enactments of municipalities and the courts that encroach on human rights and freedoms.

C. National human rights legislation

10. Azerbaijan has adopted a range of laws governing various areas of human rights. They include the constitutional acts on the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan and on the regulation of the exercise of human rights and freedoms in the Republic of Azerbaijan, and the Political Parties Act, Freedom of Religion Act, Aliens and Stateless Persons (Legal Status) Act, Courts and Judges Act, Citizens' Applications Review Procedure Act, Public Health Protection Act, Rights of the Child Act, Citizenship Act, Freedom of Assembly Act, Parties to Criminal Proceedings (State Protection) Act, Immigration Act, Refugees and Internally Displaced Persons (Status) Act, Decisions and Actions (Omissions) that Violate the Rights and Freedoms of Citizens (Court Appeals) Act, Youth Policy Act, Constitutional Court Act, Suppression of Human Trafficking Act, Receipt of Information Act, Ad Hoc Social Assistance Act and Gender Equality Act. In addition, the Civil Code, Code of Civil Procedure, Criminal Code, Code of Criminal Procedure, Penal Enforcement Code and others have entered into force since 2000. These laws were drafted in accordance with democratic principles and international legal standards and are highly regarded by international experts.

11. The Milli Meclis adopted a law amending and supplementing the Penal Enforcement Code and Code of Criminal Procedure on 24 June 2008 to make the rules on serving and enforcement of sentences more humane. The law envisages the expansion of the rights of prisoners to receive an education, the provision of mental health services in prisons, a ban on censorship of correspondence, a decrease in deductions from prisoners' wages, the granting of material assistance by the State, an increase in the level of funding and the number of visits and telephone calls granted, and the introduction of additional benefits for prisoners.

D. Human rights policy

12. The presidential decree of 22 February 1998 on measures to uphold human and civil rights and freedoms paved the way for more rapid democratization and integration of the country, in the international community. It laid out a conceptual framework and basic principles, set priorities for achieving consistent human rights protection and provided for a comprehensive, nationwide approach to the consideration of these issues.

13. A national human rights protection programme was approved by a presidential order of 18 June 1998.

14. A Human Rights Research Institute has been established at the Azerbaijani Academy of Sciences to carry out research into issues connected with human rights and freedoms and to increase awareness of the law.

15. An important human rights measure has been the establishment of the institution of ombudsman (www.ombudsman.gov.az).

16. A national plan of action for human rights protection in the Republic of Azerbaijan was approved by a presidential order of 28 December 2006 to fully harmonize Azerbaijani regulations and laws with international human rights standards, devise and carry out a new strategy for cooperation with international organizations, improve efforts by State bodies to safeguard human rights, encourage scholarly research, enhance legal education and develop relations between the State and civil society.

17. A working group was established by an order of the head of the Executive Office of the President of 25 May 2007 to coordinate efforts to implement the national plan of action. The independent Office of the Ombudsman spearheads the activities of this group. Five subgroups were established within the working group to be responsible for improving legislation, cooperating with international organizations on human rights, enhancing the protection of the rights of various segments of the population, improving the efforts of State bodies, and organizing education, outreach and scholarly research on human rights, in line with the national plan of action. Representatives of NGOs cooperate closely with State bodies in the work of the subgroups, and public hearings are held in every region of the country.

18. A Presidential Pardons Commission was established following the President's initiative to reinstitute pardons in May 1995. The President has signed 45 decrees pardoning 4,858 prisoners since 1995. The majority of them were released from serving the remainder of their sentence; the unexpired portion of the sentence of one group of prisoners was halved; and the punishment of some prisoners sentenced to life in prison was commuted to a shorter term. At the same time, amnesty was granted on eight occasions between 1997 and 2007 to more than 80,000 convicted prisoners and suspects, most of whom were released and exonerated.

E. Legal procedure and judicial reform

19. Under the Constitution, judicial power in Azerbaijan is vested solely in the courts, including the Constitutional Court, the Supreme Court, courts of appeal, and ordinary and specialized courts. Since September 2000, there have been three stages of legal proceedings: first instance, appeal and cassation. The Procurator's Office and the defence take part in all legal proceedings, except constitutional proceedings.

20. The judicial and legal system, the main function of which is to protect human rights and freedoms, has been radically reformed. A range of important new laws has been adopted, including the Constitutional Court Act, the Courts and Judges Act, the Procurator's Office Act, the Police Act, the Operational and Investigative Activities Act, the Bar and Advocacy Act, the Civil Code, the Code of Civil Procedure, the Criminal Code, the Code of Criminal Procedure, the Penal Enforcement Code and others.

21. Azerbaijan has taken comprehensive measures in cooperation with the Council of Europe to ensure more effective administration of justice, safeguard judicial independence and improve the selection procedures for judges. It established a joint working group with the Council to draft a plan of action for that purpose. The parliament drafted several bills, which were reviewed by the Council, passed the ad hoc Judicial and Legal Council Act and made significant amendments to the Courts and Judges Act, in accordance with the plan. The Judicial and Legal Council was granted a special status, and its powers and membership were expanded under these laws. Furthermore, for

the purpose of selecting candidates for judicial posts, a new body, the Judicial Selection Committee, was established, a special multi-stage procedure for selecting candidates was envisaged and specialized training courses were developed for them in keeping with international practice.

22. The Ministry of Justice and the World Bank adopted a decision to launch a joint project to improve the justice sector, which included an agreement to extend a \$21.6 million loan to Azerbaijan and non-repayable financial assistance from the Japanese Government totalling \$3 million, with an additional \$11 million to be allocated by the Azerbaijani Government for the purpose. The project provides for the construction of 17 new court houses and major repairs and technical renovations to many others, the furnishing of the Constitutional and Supreme Court with the latest equipment and the financing of many other undertakings.

23. Everyone is guaranteed judicial protection of his or her rights and freedoms under the Constitution. Everyone is entitled to appeal in a court of law against the decisions and actions (omissions) of State bodies, political parties, trade unions and other voluntary associations, and officials. The country's Constitution also gives every convicted person the right to appeal to a higher court, in the manner prescribed by law, to have a sentence reviewed, an offence pardoned or a penalty reduced.

24. The ad hoc presidential decree on modernization of the judicial system and the law amending and supplementing several legislative acts of the Republic of Azerbaijan of 19 January 2006 have played an important role in meeting the population's requirements for legal institutions and legal assistance, ensuring more effective administration of justice and increasing citizens' trust in the courts. New courts, including regional appeals courts and local economic courts, have been established under the decree.

25. To ensure more effective administration of justice, expand the judiciary and facilitate the operation of new courts, the number of judges was increased by 156 (approximately 50 per cent), pursuant to presidential decrees of 17 August 2006, on increasing the number of court judges and determining the territorial jurisdiction of the courts of the Republic of Azerbaijan, and 2 November 2006, on the development of legal institutions in the Autonomous Republic of Naxçivan. In addition, the orders of the Cabinet of Ministers of 30 December 2006 and 26 September 2007 increased the number of court staff members by 434. The post of assistant judge was also established under the Courts and Judges (Reform) Act.

F. Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan

26. As early as 1998, a State human rights programme approved by a presidential order of 18 June of that year gave fresh impetus to the legal and institutional reforms and led to the establishment of the first-ever Office of the Ombudsman in the country. Concerted efforts have been made in this respect in cooperation with civil society and international organizations, a specific strategy has been worked out through a scholarly review of the work of the Ombudsman in Azerbaijan, and the Commissioner for Human Rights in the Republic of Azerbaijan Constitutional Act was adopted on 28 December 2001.

27. Under the law on the Ombudsman, the post of Commissioner was established to redress violations of human rights and freedoms by State bodies, local government bodies and officials. The activities of the Commissioner must not encroach on or duplicate the functions of other State

authorities entrusted with protecting human rights and redressing violations of human rights and freedoms. Under the law, the Commissioner reviews complaints of human rights violations from citizens of Azerbaijan, aliens, stateless persons and legal persons.

28. The International Coordination Committee of National Institutions for the Promotion and Protection of Human Rights granted the Ombudsman A status on 27 October 2006, which allowed the Ombudsman, as a body in compliance with the Paris Principles, to actively participate in the work of the Human Rights Council, give recommendations, make statements, comment on reports submitted to United Nations treaty bodies and the Human Rights Council, and present alternative reports.

G. International human rights obligations

29. Azerbaijan is a party to more than 50 international human rights protection instruments and has been highly successful in meeting its international obligations in this area. The Government regularly submits reports to the United Nations treaty bodies on the implementation of these instruments for consideration by the relevant committees.

30. Azerbaijan has acceded to the International Covenant on Economic, Social and Cultural Rights, the 1966 International Covenant on Civil and Political Rights, the 1989 Convention on the Rights of the Child, the 1979 Convention on the Elimination of All Forms of Discrimination against Women, the 1949 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the 1965 International Convention on the Elimination of All Forms of Racial Discrimination, the 1990 International Convention on the Rights of All Migrant Workers and Members of Their Families, the 2000 Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, the 2000 Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, the 1966 Optional Protocol to the International Covenant on Civil and Political Rights concerning communications from individuals, the 1989 Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, the 1999 Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women concerning individual complaints and investigation procedures, the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, the 1926 Slavery Convention, the 1953 Protocol amending the Slavery Convention, the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, the 1954 Convention relating to the Status of Stateless Persons, the 1957 Convention on the Nationality of Married Women, the 1952 Convention on the Political Rights of Women, the 1987 European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and its 1993 Protocols (Nos. 1 and 2), the 1995 Framework Convention on the Protection of National Minorities, the 1996 European Social Charter (revised), the 1975 European Convention on the Legal Status of Children Born out of Wedlock, the 1983 European Convention on Compensation of Victims of Violent Crimes, the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms, its Protocols and other instruments.

31. Azerbaijan signed the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment concerning regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty on 15 September 2005 and expects to ratify it soon. It signed the International Convention for the Protection of All Persons from Enforced Disappearance on 6 February 2007 and the Convention on the Rights of Persons with Disabilities and its Optional Protocol on 9 January 2008.

III. PROMOTION AND PROTECTION OF HUMAN RIGHTS

A. European Court of Human Rights

32. A member of the Council of Europe, Azerbaijan recognized the jurisdiction of the European Court of Human Rights, having ratified the European Convention for the Protection of Human Rights and Fundamental Freedoms on 15 April 2002. To date, the European Court has handed down 48 judgements and decisions concerning applications regarding Azerbaijan, including 13 decisions finding violations of the Convention.

33. Azerbaijan is taking the necessary measures to comply with the decisions of the European Court, in accordance with its obligations under the European Convention for the Protection of Human Rights and Fundamental Freedoms.

34. The presidential decree on modernization of the judicial system has recommended that the Supreme Court and other judicial bodies make arrangements to study the judicial practice of the European Court of Human Rights. The plenum of the Supreme Court adopted an order on 30 March 2006 on the application of the European Convention for the Protection of Human Rights and Fundamental Freedoms and the decisions of the European Court of Human Rights in the administration of justice and decided to create a unit within the Supreme Court to translate the foregoing decisions and familiarize judges with them. Furthermore, a special bulletin of the decisions of the European Court of Human Rights concerning Azerbaijan and other States and relevant statistical data are also published.

B. The Republic of Azerbaijan and the United Nations Human Rights Council

35. A member of the former Commission on Human Rights, Azerbaijan has been actively involved in the work of the Human Rights Council (hereinafter "the Council") and has succeeded in fulfilling the obligations voluntarily undertaken when it joined the Council. It is preparing to put forward its candidacy for membership of the Council for a further period (2010-2012).

36. Azerbaijan works closely with the treaty bodies and provides all the required periodic reports. Furthermore, it recognizes the competence of the United Nations treaty bodies to receive and consider communications by individuals or groups claiming to be victims of a violation of their rights. The Azerbaijani Government cooperates closely with the Council's special procedures mandate holders and affords them every opportunity to visit the country; it expresses its readiness to work with them in the future.

37. Azerbaijan has made a significant contribution to the work of the Council through its active involvement in it. It is currently a member of the Bureau of the Council. The Permanent Representative of Azerbaijan in Geneva was elected Vice-President and Rapporteur of the Council for 2008-2009. An Azerbaijani human rights expert has been elected to the Council Advisory Committee. Azerbaijan was appointed by the Group of Eastern European States as one of the five members of the Working Group on Situations. In addition, Azerbaijan served as coordinator of the Eastern European Group for human rights issues from the time of the Commission on Human Rights to the third session of the Council.

38. It supported the work of the Working Group on an optional protocol to the International Covenant on Economic, Social and Cultural Rights and continues to support the Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action, actively participating in discussions on that topic.

39. From the time of the Commission on Human Rights, Azerbaijan has traditionally sponsored a resolution on missing persons, which continues to be adopted by the Council by consensus. Since becoming a member of the Council, it has also sponsored the resolution on the protection of cultural rights and property in situations of armed conflict, which was also adopted by consensus. Moreover, as the main sponsor of the resolution on missing persons, it organized a panel on the topic at the ninth session of the Council.

40. Azerbaijan supported the adoption by the Council of a draft legally binding normative instrument for the protection of all persons from enforced disappearance and supports the adoption of the draft United Nations Declaration on the Rights of Indigenous Peoples.

C. Social and economic issues

1. The situation of women

41. The Azerbaijani Constitution enshrines the equal rights and freedoms of men and women, and the Government guarantees equal rights and freedoms regardless of gender.

42. The Constitution has established the legal framework for the active participation of women in the process of democratic State-building.

43. Women who participate in the country's public and political life include 14 (11 per cent) of the 125 deputies and 1 of the 3 deputy speakers in the Milli Meclis, the Chairperson of the State Committee on the Family, Women and Children, 3 deputy ministers, 27 district deputy chief executives, 44 heads of department, the Commissioner for Human Rights, the Deputy Prime Minister and Commissioner for Human Rights of the Autonomous Republic of Naxçıvan, the Vice-President of the Constitutional Court and 14 per cent of the country's judges.

44. Azerbaijan has 89 NGOs whose work focuses on the protection of women's rights, the provision of practical assistance in developing women's enterprise in a market economy, job creation for women, protection of the family, women's and children's health, and the involvement of women in public and political life.

45. In March 2000, the President signed a decree on implementing State policy for women in the Republic of Azerbaijan, which laid down guidelines for enhancing the role of women in State and public administration. The Cabinet of Ministers adopted a decision on a national plan of action on women's issues on 6 March 2000. The plan of action has a special section covering the prevention of all forms and manifestations of violence against women, trafficking in women and exploitation through prostitution and providing for the implementation of appropriate measures, including prosecution, in accordance with the procedure established by law, of persons guilty of violating women's rights.

46. The Gender Equality Act of 10 October 2006 plays an important role in ensuring the rights of women and expands the definition of gender discrimination to include any gender-based distinction or advantage that restricts or encroaches on the equal exercise of rights (art. 2.0.4). The purpose of this Act is to achieve gender equality by combating stereotyping of women and eliminating all forms of gender discrimination.

47. The State Committee on the Family, Women and Children, which, under its statute, is the main executive body responsible for applying State policy relating to the family, women and children, was established by a presidential decree of 6 February 2006. It is required to guarantee the exercise and prevent the violation of human and civil rights and freedoms, in particular the rights of

children and women, within its scope in accordance with article 8.1 of its statute. It is also required, by article 8.18 of the statute, to handle complaints and petitions from citizens on matters within its scope and to take measures in accordance with the law.

48. In 2007, the Cabinet of Ministers adopted the comprehensive programme to combat domestic violence in a democratic society, which covers drafting of strategic plans, protection of women from violence, organization of further training to reduce unemployment among women, integration of refugee women and children in society, development of educational programmes to combat violence against women and promote equality in institutions of higher education, definition of criteria for violence against women and other matters.

49. The State Committee on the Family, Women and Children and the United Nations Development Programme (UNDP) prepared a 2007 human development report with a focus on gender relations to identify accomplishments, problems and ways forward in promoting gender equality. It presents the findings of extensive surveys conducted in Azerbaijan.

Existing problems

50. Eliminating all forms of violence against women and bringing all perpetrators to justice is a priority for Azerbaijan. This is a complex social problem leading to poverty, poor health, isolation from society and death. Azerbaijan is as concerned about violence against women, including domestic violence, as any other country. It has been involved in the Council of Europe Campaign to Combat Violence against Women, including Domestic Violence (2006-2008), launched in November 2006.

51. The project to combat violence against women in the twenty-first century sponsored by the State Committee on the Family, Women and Children, the Heydar Aliyev Foundation and the United Nations Population Fund (UNFPA) is aimed at creating fresh opportunities for women to enjoy their rights, preventing violence and early marriage and reducing their effect on children, and protecting women and children from domestic violence. Provision has been made to carry out the following activities within the framework of the project: studying international experience, including the involvement of international experts; launching outreach campaigns and regional workshops and publishing relevant material on human rights and gender equality; raising awareness about human trafficking and early marriage in schools; preparing radio and television documentaries; developing strategies to provide services for victims of gender-based violence; and improving the mechanism for cooperation between gender focal points in State organizations.

2. The situation of children

52. The State continues to focus its attention on safeguarding the rights of the child on an equal footing with other rights. The Rights of the Child Act plays a significant role in that regard, setting out the rights and freedoms of children in the country, the basic principles of public policy on children, and the objectives of State bodies and other entities or persons with respect to child protection in accordance with the Constitution, the Convention on the Rights of the Child and other international legal standards. It provides that public policy on children is designed to ensure the growth and development of each child under appropriate material and domestic circumstances, the provision of education in keeping with progressive requirements and the raising of children as worthy citizens.

53. Azerbaijan has passed a law ratifying the regulations governing the juvenile affairs commissions and commissions for the protection of the rights of minors, the Homelessness and Juvenile Offences (Prevention) Act and the Suppression of Human Trafficking Act.

54. Furthermore, Azerbaijan has acceded to a number of international instruments concerning the rights of the child. The Convention on the Rights of the Child has been translated into Azeri and included in school curricula. Legal experts, judges, lawyers, staff at children's institutions, teachers and health and social workers have all been involved in this initiative.

55. The Committee on the Rights of the Child considered the second periodic report of Azerbaijan on 19 January 2006 at its forty-first session. It commended the measures taken by the Government to protect and provide for the rights of children.

56. The national plan of action for human rights protection envisages measures on the part of the relevant State bodies to meet fully their obligations under the Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention, and measures to ensure the observance of the terms of those instrument. It also envisages close cooperation with international organizations and NGOs in the social rehabilitation of and prevention of homelessness among minors.

57. The 2006-2015 State programme for the placement of children living in State institutions in families (deinstitutionalization) and alternative care was approved by a presidential order of 29 March 2006. The programme reflects the principle enshrined in the Convention on the Rights of the Child that in order for children to develop into mature and well-balanced individuals, they must grow up in a happy, loving and accepting family environment. It helps to place children living in State institutions in families, and establishes and organizes mechanisms for alternative care, which are used on a selective basis. In addition, under a project sponsored by the Austrian organization SOS-Kinderdorf International, surrogate families (consisting of three children, a mother and an aunt, the mother's sister) have been created for homeless and orphaned children in Baku and Gäncä and provided with financial assistance.

58. Workshops on juvenile justice have been held for judges, candidates for the post of judge, public prosecutors and lawyers, with the participation of local and international experts, under a project for strengthening capacity and infrastructure for human rights protection and promotion, carried out by the Azerbaijani Ministry of Justice and the Office of the United Nations High Commissioner for Human Rights (OHCHR) since 1998.

59. The United Nations Children's Fund (UNICEF), Ministry of Internal Affairs and Ministry of Justice signed a tripartite plan of action for juvenile justice reform in 2006. Under the plan, studies were carried out into the situation of juvenile offenders, appropriate training was organized for them, a number of workshops and conferences were held on the prospects for the development of juvenile justice in the country, and visits were made by officials from the relevant State bodies to European countries to acquaint themselves with the juvenile justice systems in place there. A corresponding plan of action for juvenile justice reform continued to be implemented in 2008.

60. A total of 305 minors were convicted in 2007, accounting for 2.1 per cent of all convictions. They included 83 minors sentenced to deprivation of liberty for a specific term and 222 to penalties not involving deprivation of liberty (50 were fined, 16 were sentenced to unpaid labour and 21 to community service, and 135 received suspended sentences).

61. Pursuant to article 29 of the Rights of the Child Act, the State is required to furnish children with social support in the form of monthly benefits, one-time payments and ad hoc assistance. As at 1 July 2008, 55,500 children (persons under 18 years of age) with disabilities, 23,900 children of persons who perished while defending the territorial integrity of Azerbaijan, war invalids or persons disabled by the accident at the Chernobyl nuclear power station and 8,600 children under the age of 1 received monthly benefits. One-time childbirth allowances for 47,200 children were received.

Existing problems

62. Despite the measures for the protection of the rights of the child introduced by the Government, Azerbaijan is still facing problems in this area caused by Armenia's aggression against it.

63. State bodies are taking urgent action to mitigate the impact of the war on the lives of Azerbaijan's people, especially its children. Arrangements are in place for the education of refugee children. A total of 89,985 refugee children from Armenia and internally displaced children from the occupied territory of Azerbaijan are being educated in 695 general education schools for such children.

64. Pursuant to article 39 of the Rights of the Child Act, refugee children and internally displaced children have the right to the status corresponding to their situation. The State is introducing emergency measures to provide the necessary protection and humanitarian assistance for such children; it is organizing searches for children taken prisoner or held hostage, cooperating for this purpose with international agencies, and is furnishing the necessary support for the work of NGOs. Under article 30 of the Act, the State runs special programmes to protect children living in areas affected by military activities, epidemics, and natural and environmental disasters and children suffering the effects of such phenomena, as well as orphans and children from one-parent and needy families.

3. Situation of refugees and internally displaced persons

65. The presence of refugees and internally displaced persons is one of the main problems facing Azerbaijan today.

66. More than 1 million refugees and internally displaced persons have settled in various parts of Azerbaijan because of Armenia's occupation of 20 per cent of Azerbaijan's territory. The State Committee on Refugees and Internally Displaced Persons was established in 1993 to protect and promote their political, economic and social rights.

67. This Committee now adopts and implements the necessary measures to realize the political, economic and social rights of refugees and internally displaced persons. The Committee is the principal executive authority carrying out State policy concerning the resettlement, sheltering, repatriation and social welfare of refugees and displaced persons and providing them with decent living conditions.

68. Azerbaijan is a party to the Convention relating to the Status of Refugees and its Protocol and has established a legislative framework in line with international legal standards and adopted a number of laws.

69. The Refugees and Internally Displaced Persons (Status) Act of 21 May 1999 makes provision for humanitarian assistance for refugees and internally displaced persons. The issue of naturalization of refugees and internally displaced persons was resolved in the Citizenship Act of

October 1998, which provides that refugees who settled in Azerbaijan between January 1988 and January 1992 are Azerbaijani citizens and enjoy all the rights of Azerbaijani citizens. The Internally Displaced Persons and Persons of Similar Status (Social Security) Act of 21 May 1999 was adopted with a view to resettling and providing social protection for refugees and internally displaced persons and setting out the obligations of State bodies in this respect.

70. In addition, a State programme approved by a presidential order of 1 July 2004 has been set up to improve the living conditions and increase employment of refugees and internally displaced persons (settled in tent camps, railway freight cars and other places unsuitable for living) and to address other social problems pending the liberation of the Azerbaijani lands under occupation and the return of those persons to their homes. Forty-seven settlements have been constructed in various areas of the country for refugee and internally displaced families. More than 100 schools and dozens of hospitals have been constructed and relevant infrastructure established in these settlements.

71. The national plan of action for human rights protection, which envisages stepping up measures in response to the gross human rights violations faced by refugees and internally displaced persons resulting from Armenia's military aggression against Azerbaijan, plays a particularly important role in addressing their problems.

72. Azerbaijan closed down its last tent camps, located in the country's Sabirabad and Saatli districts, in December 2007.

4. Poverty alleviation

73. Azerbaijan is an emerging economy. It has the fastest economic growth rate in Eastern Europe and, indeed, the world. Over the past five years, Azerbaijan's gross domestic product (GDP) has increased by a factor of 2.6, and its per capita income in 2007 reached \$3,692.40. Although rising oil and gas production is the main reason for such swift growth in GDP, the non-oil sector has also developed successfully. Growth of the non-oil sector of the economy over the past eight years averaged 11.5 per cent per year.

74. Raising living standards and providing social security for Azerbaijan's citizens are crucial objectives of its social and economic policy. The well-being of the population is increasing as the economy develops. Over the past five years, the income of the population has grown by a factor of 2.9, reaching \$1,970 per capita.

75. Azerbaijan's employment strategy for 2006-2015, approved by a presidential decree of 26 October 2005, seeks to take a comprehensive approach to the issue of employment in the Republic, make optimal use of human resources and create jobs for the population. The State programme to implement the employment strategy for 2007-2010 was confirmed by a presidential decree of 15 May 2007 as part of the first stage of carrying out this strategy. It provides for enhancing national legislation and taking further steps to bring it into line with international legal standards in the area of employment, creating a favourable economic environment that facilitates employment policy implementation, developing regional labour markets, creating new jobs, increasing the skills and labour market competitiveness of the workforce, and taking steps to strengthen social protection for job seekers and the unemployed.

76. The total economically active population in Azerbaijan in 2007 was 4,295,200, including 4,014,100 employed persons and 281,100 unemployed. About 38.7 per cent of employed persons worked in agriculture and 61.3 per cent in non-agricultural occupations, mostly in industry,

trade, construction, services and transport. The share of employment in the private sector in 2007 increased by 3.7 per cent compared with 2000 and amounted to 69.2 per cent of the overall workforce.

77. Azerbaijan's labour market has expanded greatly and unemployment levels have consequently declined owing to its successful macroeconomic policies and considerable growth in GDP in recent years. Over the past five years, more than 671,000 jobs have been created, including some 480,000 permanent posts. Some 81.4 per cent of the new posts created are in the regions and 85.6 per cent in the private sector. The unemployment rate, determined in accordance with International Labour Organization (ILO) methodology, fell from 7.62 per cent of the economically active population in 2005 to 6.83 per cent in 2006 and 6.54 per cent in 2007.

78. The minimum wage increased during the campaign to raise wages, from 9 manats in 2003 to 75 in September 2008, in accordance with the Minimum Wage Increase Act.

79. In the light of wide spread poverty in the world, the General Assembly identified halving the poverty level by 2015 as one of the main targets of the Millennium Development Goals it adopted. Azerbaijan has joined this initiative and is taking the necessary steps to ensure that the basic needs of the population are more fully met. The Head of State thus signed an order in 2005 on preparing a State programme on poverty alleviation and sustainable development in Azerbaijan for 2006-2015.

80. The 2004-2008 State programme for regional social and economic development is also playing an important role in lowering the poverty level in the country. The programme identifies factors for economic development in specific districts and the major related areas of State policy and State support for the 2004-2008 period.

81. According to statistics, the poverty level has decreased in recent years, from 46.7 per cent in 2002 to 44.7 per cent in 2003, 40.2 per cent in 2004, 29.3 per cent in 2005, 20.8 per cent in 2006 and 15 per cent in 2007.

82. Azerbaijan cooperates actively with international organizations, including ILO, in applying progressive international labour, employment, job protection and safety, and social security standards. It has ratified 55 ILO Conventions, including all 8 core conventions (Nos. 29, 87, 98, 100, 105, 111, 138 and 182) and 4 priority conventions (Nos. 81, 122, 129 and 144). It regularly prepares national reports on the implementation of the relevant ILO conventions in Azerbaijan and submits them to ILO headquarters. It ratified the European Social Charter (revised) of the Council of Europe in 2004 and thereby assumed specific obligations under a number of articles, including articles 1, 4, 5, 6, 7, 8, 9, 11, 14, 16, 20, 21, 22, 24, 26, 27, 28 and 29. The initial national report on implementation of articles 1, 9, 20 and 24 was submitted to the Council in 2007. The next report on articles 11 and 14 will be submitted in late 2008. The observations and proposals of all States bodies, NGOs and social partners concerned are taken into account in preparing the reports.

D. Prison system reform

83. Azerbaijan is taking comprehensive measures to improve the operation of the prison system and make it more effective.

84. Places of detention were officially opened up to human rights organizations as a result of the reforms carried out. In 2000, the Government signed an agreement with the International Committee of the Red Cross (ICRC), which has been renewed several times, permitting ICRC officials to visit convicted persons in places of detention without interference.

85. In addition to the Convention against Torture, Azerbaijan has acceded to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, which entered into force in Azerbaijan on 1 August 2002, allowing the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment to visit the relevant State institutions and detention facilities without interference. Following up on the recommendations of the Committee, the Ministry of Justice requested its assistance in studying how prison facilities in the leading European countries in this field are organized and operate, including arranging for officials from the Ministry to visit prison facilities selected by the Committee, with a view to emulating the practices they saw there in comparable facilities in Azerbaijan. A delegation thus visited Finland in April 2007 to observe the organization of the prison facilities and the penal system of the country as a whole. It visited seven different kinds of prison facility and looked into the arrangements for the placement and distribution of convicted prisoners.

86. The process of bringing the prison system into line with international standards and promoting the rights of convicted persons has gone hand in hand with substantial efforts in correctional facilities to provide amenities for and improve the living conditions and diet of convicted persons. Azerbaijan attaches great importance to cooperation with the Council of Europe and European Commission in this area. It launched a joint prison reform programme with those organizations in 2006, with a budget amounting to 1.4 million euros. Proposals were made under the programme to further improve legislation and prison administration, and training and rehabilitation were organized for convicted persons. At its initiative, the European Commission has been in close consultation with Azerbaijan since 2008 on implementation of the judicial reform assistance programme. One of the objectives of the programme is to update Azerbaijan's prison system.

87. Azerbaijan attaches great importance to qualified medical care in places of detention. It has thus made arrangements for preventive care, hygiene and disease-control measures, which are carried out in prisons in accordance with the Penal Enforcement Code. The costs of medical care and medicines for convicted persons are borne by the State. In order to provide prisoners with medical care that meets modern standards and ensure the independence of medical specialists, medical services have been separated from the prison service and reorganized under a central medical authority set up and operating within the Ministry of Justice. As part of the programme for the provision of technical assistance to the countries of the Commonwealth of Independent States (TACIS), a new treatment block has been erected in the specialized treatment facility for convicted persons with tuberculosis. The Ministry of Justice works with ICRC to provide care for prisoners with tuberculosis.

E. Law enforcement agencies and human rights

88. Importance is given in democratic societies to providing effective safeguards and oversight mechanisms for the work of law enforcement agencies. Azerbaijan devotes particular attention to protecting human and civil rights and freedoms in this respect.

89. In accordance with a special plan of action, the Ministry of Internal Affairs periodically takes ad hoc measures to harmonize police-community relations in terms of legal and ethical standards. There has been increased monitoring and accountability with respect to compliance with the law and protection of the human and civil rights and freedoms of detainees during their arrest, holding in police custody and administrative prosecution. Efforts have been stepped up to increase and enhance cooperation with the Ombudsman. The Ministry has an effective hotline service to increase oversight of police activities and identify and prevent cases of abuse of authority and other wrongdoing. Fundamental steps are taken against Internal Affairs officials who commit unlawful

acts, including dismissal and criminal prosecution. There were 58 instances of breaches of the law in the first half of 2008, including mistreatment of citizens, unlawful arrest, unlawful custody and violations of the rights of drivers. Strict disciplinary action and other measures provided for under procedural law were taken against 85 police officers. Three of them were tried before a criminal court, three were dismissed from the relevant Internal Affairs body and five were relieved of their duties.

90. A penal enforcement inspectorate established under the Minister of Justice is now in full operation. It handles complaints relating to human rights violations in prisons and the justice system as a whole in a swift, independent and comprehensive manner and takes the appropriate steps, ensuring that they are transparent. It has been given the authority to conduct direct and unimpeded visits to prisons, meet individually with prisoners, examine prison conditions, and request and study relevant documentation. A Public Affairs Committee has been set up under the Minister of Justice, made up of representatives of prominent human rights NGOs that enjoy the trust of the community, as great importance is attached to public involvement in and oversight of prisoner rehabilitation. Its establishment is one of the specific, positive measures taken to bolster dialogue and transparency between governmental bodies and members of civil society. Its members submit reports on their visits to prisons and make proposals and recommendations on how to improve prisoners' living conditions, provide employment opportunities in the facilities, modernize the working conditions for prison officers and other issues. In keeping with the prominent place accorded human rights protection, a Human Rights and Public Relations Office has been established within the Ministry of Justice to safeguard and protect the rights and freedoms of convicted and remand prisoners, maintain close cooperation with human rights NGOs in this area, enhance legal education and public information, and strengthen community relations.

91. If a person is suspected or accused of an offence with consequences that fall within the scope of the Ministry of National Security that person is subject to temporary deprivation of liberty under the procedure for the period and prescribed by law and detained in a holding facility of the Ministry. Such holding facilities are run in accordance with domestic law and the provisions of the Convention against Torture, the 1955 Standard Minimum Rules for the Treatment of Prisoners, the 1979 Code of Conduct for Law Enforcement Officials, the 1982 Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the standards of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT/Inf/E (2002) 1). An independent body with the power to receive complaints from persons under arrest and take steps accordingly if necessary, the Ombudsman is fully entitled to enter the holding facilities of the Ministry of National Security and visit detainees without interference and without advance notice. The Ombudsman's annual report on the situation of human rights and freedoms in Azerbaijan for 2005-2006 referred to the positive developments concerning the holding facilities of the Ministry. Furthermore, representatives of ICRC, the Organization for Security and Co-operation in Europe (OSCE) Office for Democratic Institutions and Human Rights, specialized agencies and international NGOs, and members of the European Committee who made an official visit to Azerbaijan examined and commended the operation of the holding facility (CPT/Inf (2004) 36 of 25 July 2003, para. 63).

F. Ethnic minorities

92. The multi-ethnic and multid denominational composition of the population is an important feature of contemporary Azerbaijan. The basic provisions of Azerbaijan's ethnic policy are contained in the Constitution, which guarantees the equality of all citizens, irrespective of ethnicity, religion or race. Under the Constitution, "the State guarantees equality of rights and freedoms of all

citizens, irrespective of race, ethnicity, religion, language, sex, origin, property status, occupation, beliefs or membership of political parties, trade unions or other voluntary associations. Human and civil rights and freedoms may not be restricted on the grounds of race, ethnicity, religion, language, sex, origin, beliefs or political or social affiliation”.

93. In addition to Azeris, who constitute the majority population in Azerbaijan, there are Lezgins, Russians, Armenians, Talysh, Avar, Turks, Tatars, Ukrainians, Tsakhurs, Georgians, Kurds, Tats, Jews, Udis and other ethnic groups.

94. The Government is taking the necessary steps to pave the way for the strict observance of individual rights and freedoms and equality of rights of all citizens and soliciting the active participation of minorities, on an equal footing, in all spheres of activity in the country. On 16 September 1992, the President signed a decree on protection of the rights and freedoms and State support for the languages and cultures of ethnic minorities, indigenous peoples and ethnic groups living in Azerbaijan, which was aimed at improving and raising the level of ethnic relations in the country in keeping with the imperatives of the rule of law.

95. Religious and racial discrimination are combated in accordance with the international conventions to which Azerbaijan is a party and domestic law. The Government has focused consistently on implementing the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination and the Framework Convention for the Protection of National Minorities.

96. The various ethnic minorities are well represented in the country's official State institutions, Government and Milli Meclis. In areas where there is a concentration of ethnic minorities, representatives of the local population hold senior posts in the State bodies, which attests clearly to the implementation of human rights and personal freedoms and equality of all citizens regardless of race, ethnicity and religion, as proclaimed in the country.

97. There are about 50 NGOs dealing with ethnic minority issues.

98. Under the Constitution, everyone has the right to use his or her native language and also to receive an education and engage in creative activity in his or her native language. Instruction in Azerbaijan is provided in three languages - Azeri, Russian and Georgian - for grades 1 to 11. Ethnic minority children are offered classes in Lezgi, Talysh, Hebrew, Avar, Udi, Tat, Tsakhur, Khinalugh and Kurdish in Azerbaijani local elementary schools. Their native language is taught at the elementary level (grades 1 to 4). More than 15 newspapers and magazines are published in the languages of the ethnic minority communities living in Azerbaijan, and there are local television stations in areas with a high concentration of ethnic minorities.

99. Azerbaijan's ethnic minorities are guaranteed equal cultural rights and have the same access to the country's cultural heritage as others. The Azerbaijani Ministry of Culture and Tourism, in conjunction with the United Nations Educational, Scientific and Cultural Organization (UNESCO), organized a cultural diversity project, a round table on the problems of protecting the cultural heritage of ethnic minorities in Azerbaijan and the Azerbaijan Homeland Festival, devoted to ethnic minority art, in December 2006 and October 2008 (these events are held every two years).

100. Under article 1 of the Freedom of Religion Act, everyone is free to determine his or her attitude to faith, has the right to profess any religion individually or with others, and to express and disseminate his or her religious convictions. Equal conditions have been created for the activities of members of all religious minorities in Azerbaijan. Today, members of religious minorities live in

mutual understanding and tolerance as a result of measures that are being carried out. At present in Azerbaijan, Russian Orthodox, Albano-Udi, Jewish and other non-Islamic religious communities function freely alongside Islamic communities.

101. Under article 48 of the Constitution, every citizen has the right to freedom of conscience and the right freely to determine his or her attitude to religion, express and disseminate his or her religious convictions and perform religious ceremonies. In Azerbaijan, 336 Islamic and 28 non-Islamic religious tendencies have been registered. Of the latter, 20 are Christian, 7 are Jewish and 1 is Krishnaite. There are now a Roman Catholic church, three synagogues and three Russian Orthodox churches in Baku. The towns of Gəncə and Xaçmaz each have a Russian Orthodox church, and the towns of Oğuz and Quba each have a synagogue. Every opportunity has been afforded for citizens to worship in the 1,400 active mosques, churches, synagogues and temples throughout Azerbaijan, and every step has been taken to provide for their safety.

IV. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS

A. Protection of the right to freedom of assembly and freedom of association

102. Azerbaijan has created an environment that allows political parties to operate freely. Their activities are governed by the Constitution and the Political Parties Act, which has simplified State registration requirements for them.

103. There has been significant progress in Azerbaijan in recent years in the development of NGOs, which are an important feature of democratic society, and an increase in the role they play in social and political life and the law-making process. The standing committees of the Milli Meclis have thus established ad hoc working groups to cooperate with NGOs on drafting bills. An NGO or a group of NGOs may at any time submit its proposals on legislation to the parliament and participate in their discussion and adoption. Azerbaijan has also established the necessary legal framework for NGOs to operate freely and without interference. Azerbaijan has adopted the 1998 Grants Act, the 2000 Non-Governmental Organizations (Voluntary Associations and Funds) Act and the 2003 State Registration and State Register (Legal Entities) Act. There has been a dynamic increase in State registration of NGOs in recent years as a result of those efforts. Thus, there were 361 NGOs registered in 2007 (seven times more than in 2002). The number of NGOs registered in the first half of 2008 (55) was greater than the number registered in 2002 (50). Overall, around 2,500 NGOs are registered in Azerbaijan.

104. Meanwhile, since 1 January 2008 there has been a single window system to register traders, whereby all necessary documents are submitted to one State agency that quickly handles the necessary procedures. The introduction of this mechanism showed tangible results from the very first weeks of implementation, and 572 traders were registered.

105. A presidential order approving a strategic framework for State support of Azerbaijani NGOs was adopted on 27 July 2007 to create a stable and effective system of partnership between State bodies and NGOs, involve NGOs in addressing issues of significance for the development of the State and society, and further the development of civil society. A presidential council for State support of NGOs was also established by a presidential decree of 13 December 2007.

106. Freedom of assembly is regulated by a corresponding law, adopted in 1998 following consultations with the OSCE Office for Democratic Institutions and Human Rights. The law reinforces the positive obligation of the State concerning freedom of assembly. Thus, the State must

not only avoid encroaching on this right but also take every necessary step to promote it in accordance with the law. Furthermore, in the light of the country's economic progress and the accompanying transition to a new stage of social and political development, it became necessary to bring the provisions of this law into full compliance with the requirements of the European Convention on Human Rights and the jurisprudence of the European Court of Human Rights. A working group to amend and supplement the Freedom of Assembly Act was established after the Government of Azerbaijan addressed the Council of Europe Venice Commission. As a result of the work done by the Group, a bill was drafted and submitted to the Milli Meclis for consideration.

B. Protection of the right to information

107. The right to information is enshrined in the Constitution. Everyone is free to seek, receive, transmit, compile and disseminate information by lawful means. Aside from the Constitution, the right to information is protected under the Freedom of Information Act of 19 June 1998 and the Access to Information Act of 30 September 2005, which was prepared in conjunction with OSCE experts. This right means that any government body or voluntary association must make information of interest available if that information is not a State secret under the law. Every person has the right to transmit and disseminate information, i.e. to make it available to the public, by any lawful means. The right to information also pertains to legal persons (such as political parties and trade unions). In accordance with the Act, public relations services have been established in State bodies to ensure that information may be obtained.

108. Azerbaijan also attaches great importance to guaranteeing the right to freedom of information, which is enshrined in national legislation. Article 50, paragraph II, of the Constitution, states: "Freedom of public information shall be guaranteed, and State censorship of the media, including the press, shall be prohibited." Censorship was fully abolished in the country as far back as 1998 by a presidential decree on additional measures to guarantee freedom of speech, opinion and information in Azerbaijan. The Government is taking the necessary measures for media outlets to be established, operate and develop freely.

109. The required steps have been taken for the proper functioning and development of the country's existing news media. The 30 newspapers and news agencies were each provided with 2,000 manats (1 manat \cong 0.9 euros) in financial support under a presidential order of 21 July 2005 on providing financial assistance to the news media. Another presidential decree of 31 July 2008 approved the strategic framework for State support of the development of the news media, for the purpose of promoting effective cooperation between State bodies and the news media, increasing the media's economic independence and professionalism of journalists, and enhancing the news media's role in building a civil society. Furthermore, 38 media outlets were granted lump sums of 5,000 manats in accordance with a presidential order of 31 July 2008 on one-off payments to the news media of Azerbaijan.

110. Freedom of speech and the press, and the right of citizens to express their views and convictions in the news media and to receive and disseminate information are also reflected in the News Media Act of 7 December 1999. In accordance with this Act, authorization by the State is not required for the establishment of a printed publication.

111. The news media are entitled to obtain information from State organizations and voluntary associations and officials. The refusal by a State body or official to provide the information requested may be challenged by members of the news media before a superior body or official and then in court.

112. In order to simplify matters and enhance the opportunities for natural and legal persons to register publications, the application forms annexed to the rules governing the processing and recording of applications to establish publications, which were confirmed by a decree of the Minister of Justice of 27 July 2007, were posted on the Ministry of Justice website.

113. Overall, the register comprises some 3,800 publications, including 255 registered in 2002, 499 in 2003, 420 in 2004, 484 in 2005, 424 in 2006, 412 in 2007 and 210 during the first 10 months of 2008.

C. Human rights education

114. To increase public awareness of human rights, Azerbaijan is cooperating closely with such international organizations as the United Nations (OHCHR), the European Union, the Council of Europe (Human Rights Education for Legal Professionals (HELP) programme), the European Network for the Exchange of Information between Persons and Entities responsible for the Training of Judges and Public Prosecutors (Lisbon Network), the German Agency for Technical Cooperation (GTZ), the American Association of Jurists and the European Public Law Centre.

115. The Government and OHCHR have been conducting a project entitled strengthening capacities and infrastructure for human rights protection and promotion since 1998. This project has been extended several times because of its special importance, and measures have been taken to increase its effectiveness. A number of outreach activities have been carried out under the project, including workshops on submitting periodic reports to United Nations treaty bodies, training for judges, procurators and other judicial officers, and the translation into Azeri, publication and distribution of international documents. The project is being carried out in close cooperation with the United Nations office in Azerbaijan. As part of the project, representatives of OHCHR have visited Azerbaijan, holding meetings with senior officials of the Ministry of Justice to discuss the prospects for further cooperation. The project is still under way.

116. Azeri translations of international human rights instruments and scientific articles on various aspects of international human rights law are regularly published in the journals *Vozrozhdenie - XXI vek* (Renaissance - Twenty-first Century) and *Mezhdunarodnoe pravo* (International Law), issued by the Institute for Nation Building and International Affairs and the Association for International Law and International Relations. Under the national plan of action for human rights protection, a human rights digest, incorporating the plan itself and laws relating to it, and a number of international treaties have been published.

117. In order to ensure that convicted and remand prisoners are able to submit complaints to the relevant bodies and organizations, these individuals and their relatives are kept informed of their rights. Libraries for convicted prisoners contain copies of legislative acts and each convicted prisoner is issued a "prisoner's handbook", printed in Azeri, Russian and English. The recently published Information Manual for Convicted Prisoners reproduces all the laws and regulations governing the rights of convicted prisoners, together with a collection of international human rights treaties. It also includes, in particular, information about the procedure for appealing to the European Court of Human Rights.

Training of judicial officers

118. A judicial academy was founded under the auspices of the Legal Studies Centre, in accordance with the presidential decree on the development of judicial bodies. This academic institution was set up to provide both initial and further training for judges (with separate courses for new judges, judges with at least five years' experience and presiding judges), judicial officers, procurators and other persons with higher legal education.

119. The Ministry of Justice is actively involved in efforts to increase awareness about human rights issues among judicial officers by organizing relevant events and making use of its website and publications such as *Ganunchulug* (Legality) and *Adliyya* (Justice). The Ministry of Justice and the European Public Law Centre are carrying out a joint project to train jurists on the rule of law and support legal reforms, under which many workshops, meetings, study visits by human rights experts and other events have been held.

120. Law enforcement bodies are taking special measures to train and prepare prison staff, particularly with respect to preventing torture and ill-treatment. Special courses for the study of human rights (70 hours) and international instruments on the treatment of offenders (28 hours) have been included in the curricula of the prison service's Study Centre for the training and further training of prison and remand centre personnel. Under a joint European Commission-Council of Europe prison system reform programme, Azerbaijan has also translated into Azeri and published 4,000 copies of the new version of the European Prison Rules adopted by the Council of Europe Committee of Ministers on 11 January 2006. They were distributed to prisons, relevant State agencies, courts, law enforcement bodies and NGOs. Professional training for prison officers and rehabilitation measures for prisoners were carried out and study visits to prisons in a number of European countries organized under the programme.

121. In addition, prison and remand centre medical staff attend extensive further training courses under a special programme with the participation of experienced specialists, including from the Ministry of Health and ICRC and other international organizations. These courses focus in particular on issues relating to the detection by medical experts of the use of torture and cruel treatment and the documentation of such cases.

D. Human rights protection in occupied territories

122. The Armenian-Azerbaijani conflict in Nagorny Karabakh remains the most difficult problem facing Azerbaijan. The Nagorny Karabakh region and seven surrounding districts occupied by the Republic of Armenia make up 20 per cent of the territory of Azerbaijan. More than 1 million Azerbaijanis have become refugees or displaced persons as a result of the policy of ethnic cleansing carried out by Armenia.

123. During Armenia's aggression against Azerbaijan, gross violations of international humanitarian law have been recorded, including numerous instances of extrajudicial executions and mass shootings, torture and other cruel and inhuman treatment and punishment of Azerbaijani civilians, hostages and prisoners of war.

124. Unfortunately, it must be said that Azerbaijan is not in a position to fully carry out the international human rights obligations it has undertaken at the national level in the territories occupied by Armenia. Azerbaijan's efforts to achieve a rapid and peaceful settlement of the conflict, liberate the occupied territories and facilitate the return of refugees and displaced persons have been thwarted by the unconstructive position of Armenia, which is demanding that the

Nagorny Karabakh region of Azerbaijan be granted independence or that this part of Azerbaijani territory be annexed to Armenia. The Armenian-Azerbaijani conflict is the sole obstacle preventing Azerbaijan from carrying out in full the obligations it has undertaken under international agreements in the area of human rights. Azerbaijan has thus been compelled to make a special statement on acceding to a number of international agreements that it could not guarantee the implementation of the provisions in its territories occupied by Armenia until they were completely liberated.

E. Counter-terrorism

125. Today, terrorism may be regarded as a global problem that recognizes no borders and one with which Azerbaijan is waging an uncompromising struggle. In December 1999, Azerbaijan adopted the Counter-Terrorism Act, which not only addressed issues relating to combating terrorism but also devoted particular attention to international cooperation in this area. Azerbaijan has acceded to more than 10 conventions in the area of combating international terrorism.

126. Azerbaijan has been subjected to territorial claims by neighbouring Armenia for many years now and suffers from State-sponsored terrorism by Armenia. Terrorist acts against the Azerbaijani people are carried out in trains, buses, ships and the metro. The Nagorny Karabakh region and seven surrounding districts occupied by Armenia are now beyond any control. Armenian officials have created camps for training terrorists from various countries in these territories. The territory of the Nagorny Karabakh region of Azerbaijan is used to transport drugs, and the huge proceeds from the production and transport of drugs are used for terrorist purposes.

127. The majority of the terrorist organizations and the crimes against humanity committed by them are directly related to or derive from the unlawful territorial claims or, in other words, separatism. International agreements regard terrorism and separatism as equal threats to sovereignty, the constitutional order, territorial integrity, the inviolability of State borders, stability and peace.

128. Azerbaijan supports broad and determined efforts to combat terrorism and calls on the international community to reject the policy of double standards concerning terrorism, extremism and separatism. States cannot combat such phenomena in one territory and fail to react to similar processes in other States.

129. It is very important in combating terrorism that every country undertake to investigate, detect and punish (or hand over) offenders regardless of their place of origin. Measures must be taken to prevent and suppress opportunities to use the territory of a State for terrorist purposes against another. Effective results in combating terrorism can be achieved by following these principles.

F. Combating corruption

130. The Azerbaijani State is taking the necessary measures to combat corruption.

131. Azerbaijan has acceded to the Council of Europe Criminal Law Convention on Corruption and Civil Law Convention on Corruption and is a member of the Group of States against Corruption and International Association of Anti-Corruption Authorities.

132. A number of regulations and laws governing anti-corruption issues have been adopted in recent years. The Anti-Corruption Act adopted in 2004, the State programme to combat corruption (2004-2006), approved by an order of the President of 3 September 2004, and the Act of 24 June 2005 confirming the rules for submitting financial information by officials play a significant role in combating corruption.

133. A national strategy to increase transparency and combat corruption was confirmed by a presidential order along with a corresponding plan of action for 2007-2011 (<http://www.commission-anticorruption.gov.az/eng/>) to improve the regulatory and legal framework and institutional mechanisms, increase transparency in State and local government body activities and implement State policy in this area.

134. With respect to its international obligations (Azerbaijan has acceded to the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime, the International Convention for the Suppression of the Financing of Terrorism and the United Nations Convention against Transnational Organized Crime), the Milli Meclis is considering a bill on combating the laundering of money and other proceeds from crime and the financing of terrorism.

V. NATIONAL PRIORITIES, INITIATIVES AND OBLIGATIONS

135. Azerbaijan will remain fully resolved to promote and protect human and civil rights and freedoms at the highest level, fulfil its obligations under the international agreements to which it is a party, cooperate closely with international human rights organizations and contribute to expanding the dialogue among civilizations, cultures and religions.

136. Azerbaijan will continue to submit its periodic governmental reports to United Nations treaty bodies and the relevant Council of Europe committees in a timely manner, carry out its national plan of action to protect human rights in Azerbaijan and implement the State programme to improve living conditions and increase employment among refugees and displaced persons. The Government intends to maintain close cooperation with OHCHR in order to strengthen national capacity and address shortcomings in the area of human rights protection and promotion, including the rule of law and adequate protection of vulnerable segments of the population, and with the Office of the United Nations High Commissioner for Refugees, the United Nations Office for the Coordination of Humanitarian Affairs and the International Organization for Migration. It will pursue constructive dialogue and cooperation with all the special procedures of the Human Rights Council. The country's active participation in the Council will enable it to work productively towards rationalizing and strengthening the special procedures system and take part in discussions concerning the reforms in the United Nations treaty bodies.

137. The Government intends to continue to provide financial support to the relevant United Nations specialized agencies, including those responsible for the protection of children, gender equality and the protection of vulnerable segments of the population, and to endeavour to promote better and more effective coordination among United Nations human rights bodies.
