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GENERAL INFORMATION ABOUT THE REPORTING STATE

A. Demographic, economic, social and cultural characteristics

1. The Republic of Azerbaijan lies at the crossroads of Europe and Asia. Situated in the south-eastern part of the southern Caucasus, it borders the Russian Federation to the north, the Islamic Republic of Iran to the south, Turkey, Georgia and Armenia to the west, and Kazakhstan and Turkmenistan across the Caspian Sea to the east. The Autonomous Republic of Naxçivan is a part of the Republic of Azerbaijan.

Official name: The Republic of Azerbaijan (Azərbaycan Respublikası).

Form of government: A democratic, secular, unitary republic based on the rule of law, with a 125-member unicameral parliament (Milli Meclis).

Head of State: President.

Capital: Baku (Bakı).

Religion: Religion is separate from the State, and all religions are equal before the law. Currently, 336 Islamic and 28 non-Islamic religious communities have been registered; of the latter, 20 are Christian, 7 are Jewish, and 1 is a Krishna confession. Baku has one functioning Roman Catholic church, three synagogues, three Russian Orthodox churches and an Armenian church. There is a Russian Orthodox church in both Gəncə and Xaçmaz, and Oğuz and Quba each have working synagogues.

Unit of currency: manat.

Area: 86,600 square kilometres.

2. In 1901, the first girls' school in the Caucasus opened in Azerbaijan, in Baku; this was a major step forward in ensuring equal rights for women.

3. After the revolutionary events of 1917, the tendency to break away from Russia grew and conditions were ripe for the formation, in outlying ethnic regions of the former Russian Empire, of independent States. On 28 May 1918, the Azerbaijani Democratic Republic was proclaimed in the eastern part of the southern Caucasus - the first parliamentary democracy in the Islamic east. This was to play a historic role in the renaissance and formation of the sense of ethnic identity and statehood of the Azerbaijani nation.

4. The development of the Azerbaijani Democratic Republic as a nation and a State was based on the doctrine of "Azerbaijanism", which hinged on the principles of modernism, Islamism and Turkicness, symbolizing the Azerbaijani people's aspiration for progress based on continued adherence to Islamic civilization and Turkic culture and on their distinct ethnic identity.

5. During less than two years of independence, the multiparty Azerbaijani parliament and the coalition Government managed to take a number of important steps towards nation-building and the development of statehood, and in such areas as education, the formation of an army and the

development of independent financial and economic systems, securing international recognition for the Republic as a member of the international community of nations. On 11 January 1920, the Paris Peace Conference, with the Treaty of Versailles, accorded de facto recognition of the independence of the Azerbaijani Democratic Republic. The diplomatic corps in the capital - Baku - included representatives of 20 countries.

6. In late 1919 and early 1920, however, the political situation of the Republic, both at home and abroad, worsened considerably. The country found itself in the midst of a ferocious struggle between the countries of the Entente, Turkey, Russia and Persia, each pursuing its own geopolitical goals in this strategically important oil-rich area. The political decision by the Government of the Bolshevik Russian Soviet Federative Socialist Republic (RSFSR) not to recognize the Azerbaijani Democratic Republic, the dispatch of the Eleventh Red Army to the frontiers of the Azerbaijani Republic in the spring of 1920, the aggression waged by Dashnak-ruled Armenia against Azerbaijan in Karabakh and Zangezur, terrorist strikes by the Dashnak party against the peaceable Azerbaijani population inside Azerbaijan and the social and economic crisis gripping the country - all these factors ultimately weakened the Republic and led to the occupation of its capital by the Eleventh Red Army on 27-28 April 1920. As stated in a telegram dated 1 May 1920, from the general staff of the Caucasian front to the Eleventh Army command, RSFSR troops had been instructed to "take possession of all the territory of Azerbaijan lying within the confines of the former Russian Empire, on no account crossing the Persian border".

7. The 70 years during which the country formed part of the Union of Soviet Socialist Republics (USSR) marked a new, important stage in the development of Azerbaijani statehood, during which the Azerbaijan Soviet Socialist Republic forged ahead with social, economic and cultural development. At the same time, the Soviet period also saw many undesirable trends emerge in Azerbaijan, as elsewhere throughout the USSR.

8. At the economic level, the country became a supplier of fuel, raw materials and agricultural produce for the Soviet economy. At the cultural level, the substitution of the Cyrillic for the Latin alphabet severed the country's ties with the fountainhead of Azerbaijani literature and culture. The Soviet regime was at pains to suppress any attempts by the Azerbaijani intelligentsia to manifest a separate ethnic identity or to study the true history of their country.

9. During the Soviet period, the territories of Zangezur and Gekchay, parts of Naxçivan and other districts were separated from Azerbaijan and attached to neighbouring Armenia. As a result the country, which in 1920, during the period of the Azerbaijani Democratic Republic, had measured 114,000 square kilometres, was reduced over the period 1920-1921 to 86,600 square kilometres. In addition, on 7 July 1923, at the urging of the Moscow leadership of the Bolshevik party, the so-called Nagorny Karabakh autonomous region, with a predominantly Armenian population, was artificially carved out of a part of historical Karabakh, the majority of whose population had been Azerbaijanis. That decision marked the first step in a deliberate political campaign to separate Nagorny Karabakh from the rest of Azerbaijan.

10. During the years 1988-1990, the national democratic movement in Azerbaijan campaigned vigorously for restoration of the country's independence. With a view to suppressing this movement, Soviet army units were dispatched to Baku on 20 January 1990, with the approval of the Soviet leadership under Mikhail Gorbachev. Punitive operations conducted with uncommon

savagery left hundreds of innocent Azerbaijani citizens dead and wounded. A state of emergency was declared, and remained in force until mid-1991. Still, the persistent struggle for independence by the patriotic forces of the Azerbaijani people culminated in the adoption on 31 August 1991, by the Supreme Council of the Republic of Azerbaijan, of a declaration restoring the State independence of the Republic of Azerbaijan.

11. The Constitutional Act on the State independence of the Republic of Azerbaijan was adopted on 18 October 1991; it set out the foundations for the State, political and economic structure of an independent Azerbaijan. With that Act, the Republic of Azerbaijan once again became an independent subject of international law after a 71-year hiatus.

12. The most difficult problem facing Azerbaijan would remain the conflict between Armenians and Azerbaijanis in Nagorny Karabakh. Mass expulsions of Azerbaijanis living in Armenia began in 1988. Full-scale military operations began in late 1991-early 1992. Armenian units carried out military operations in Nagorny Karabakh using the most modern weaponry, culminating in the Xocali genocide: on 26 February 1992 Armenian military units committed genocide in Xocali, a town of 7,000. When the military units attacked there were just some 3,000 people in the town, as it had been blockaded for more than four months and most of the population had been forced to leave. The Xocali genocide killed 613 people; 1,000 peaceful inhabitants of various ages were crippled by gunshot wounds. Among the dead were 106 women, 63 young children and 70 elderly people; 8 families were completely wiped out, 25 children lost both parents and 130 children lost 1 parent. On the night of the tragedy, 1,275 peaceful inhabitants were taken prisoner; the fate of 150 of them is still unknown. The Republic of Armenia thus violated international conventions, including the Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948, and laws prohibiting acts of genocide such as the Xocali tragedy. Şuşa district and town were occupied in May 1992. The entire Azerbaijani population was driven from Nagorny Karabakh in the military operations carried out by Armenian armed forces, and the occupation of Nagorny Karabakh was complete. With the seizure of Laçın in May 1992, the territory of Nagorny Karabakh was joined to Armenia.

13. Efforts to mediate a settlement to the Armenian-Azerbaijani conflict were launched in February 1992 in the framework of the Conference on Security and Co-operation in Europe (CSCE). At a meeting in Helsinki on 24 March 1992, the CSCE Council of Ministers decided to convene a conference on Nagorny Karabakh in Minsk, under the auspices of CSCE as the standing body for negotiations, for the purpose of resolving the conflict peacefully on the basis of the Conference's principles, obligations and provisions.

14. In response to Armenia's occupation of sovereign Azerbaijani territory, in 1993 the Security Council of the United Nations unanimously adopted four resolutions: resolutions 822 (1993), 853 (1993), 874 (1993) and 884 (1993). These confirmed that the Nagorny Karabakh region was an integral part of Azerbaijan, called for respect for the territorial integrity and sovereignty of Azerbaijan and its internationally recognized borders, and stressed the inadmissibility of the use of force for the acquisition of territory. They demanded the immediate, complete and unconditional withdrawal of all occupying forces from the occupied areas of Azerbaijan and the creation of conditions that would enable displaced persons to return to their homes in safety. The Security Council's reaffirmation, in its four resolutions on the

Nagorny Karabakh conflict, of respect for Azerbaijan's sovereignty and territorial integrity once again attests to the absence of a basis under international law for Armenia's claim to the Nagorny Karabakh region of Azerbaijan.

15. A ceasefire has been in effect since May 1994. At the CSCE Budapest Summit on 5 and 6 December 1994, it was decided that the heads of State and Government of the countries members of CSCE would launch a process under the co-Chairmen of the Minsk Conference to coordinate all mediation efforts within the CSCE framework. The Budapest Summit set the Chairman-in-Office of CSCE the task of conducting negotiations with the aim of reaching a political agreement on the cessation of the armed conflict that would set aside the outcome of the conflict and permit the Minsk Conference to be convened. The Summit also resolved to deploy a multinational CSCE peacekeeping force, following agreement among the parties on cessation of the armed conflict, and to convene a high-level planning group to prepare for the peacekeeping operation.

16. At the Lisbon Summit of the Organization for Security and Co-operation in Europe (OSCE), on 3 December 1996, the following principles were worked out for settling the armed conflict, recommended by the co-Chairmen of the OSCE Minsk Group and supported by all the OSCE member States, except Armenia:

- (a) Territorial integrity of the Republic of Armenia and the Republic of Azerbaijan;
- (b) Legal status of Nagorny Karabakh defined in an agreement based on self-determination which confers on Nagorny Karabakh the highest degree of self-rule within Azerbaijan;
- (c) Guaranteed security for Nagorny Karabakh and its whole population, including mutual obligations to ensure compliance by all the parties with the provisions of the settlement.

17. In 1999, direct talks were instituted between the Presidents of Armenia and Azerbaijan, but they did not settle the conflict because of the obstructive position taken by the Armenian side. Azerbaijan's efforts to achieve a rapid, peaceful settlement of the conflict, liberate the occupied territories and facilitate the return of 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 annexed to Armenia.

18. In 2008, at its sixty-second plenary session, the United Nations General Assembly adopted resolution 62/243, which once again reaffirmed the territorial integrity of Azerbaijan and called for the immediate withdrawal of the Armenian armed forces.

19. Notwithstanding the unequivocal demands of the United Nations Security Council and other international organizations, which Armenia has ignored, Nagorny Karabakh and seven other adjacent regions, representing 20 per cent of the territory of Azerbaijan, remain under Armenian occupation. As a result of ethnic cleansing by Armenia, over a million Azerbaijanis have become refugees and have been forcibly displaced.

20. Information about the main demographic and ethnic characteristics of the country (see annex I).

21. Information about the standards of living of different segments of the population; social, economic and cultural indicators (see annex II).

B. Constitutional, political and legal structure

22. The new Constitution of the Republic of Azerbaijan was adopted by referendum on 12 November 1995 and entered into force on 5 December 1995. It was drawn up in line with the fundamental principles and norms of international law. It gives full expression to the basic provisions of the Universal Declaration of Human Rights relating to human and civil rights.

23. Article 1 of the Constitution states that “in the Republic of Azerbaijan, the Azerbaijani people shall be the sole source of State power”.

24. Article 2 states that the people of Azerbaijan shall exercise their sovereign right directly through nationwide voting (referendums) and through representatives elected on the basis of universal, equal and direct suffrage by free, secret, personal ballot.

25. Article 7 stipulates that the Azerbaijani State shall be a democratic, secular, unitary republic subject to the rule of law. The State is divided into 61 administrative and territorial districts. It has a republican presidential system of government. The power of the State is restricted in domestic matters only by the law of the land and, in foreign affairs, only by the provisions of international treaties to which the Republic of Azerbaijan is a party. State power in the Republic of Azerbaijan is based on the principle of the division of powers:

- (a) Legislative power is exercised by the Milli Meclis (parliament);
- (b) Executive power rests with the President of the Republic;
- (c) Judicial power is exercised by the courts.

Pursuant to the Constitution, the legislature, executive and judiciary interact with one another but are independent within the limits of their authority.

26. The Constitution proclaims as a main function of the State the protection of human rights and freedoms. The responsibilities of the legislative, executive and judicial branches have been defined accordingly.

27. The Milli Meclis, a unicameral, standing parliament, consists of 125 members elected by a majority voting system and through general, direct elections based on equality. The term of office is five years. Besides exercising its legislative powers, it confirms the President’s nominations for the following posts: Prime Minister, judges of the Constitutional, Supreme and Appeals Courts, the Procurator-General and the members of the board of the National Bank. The Milli Meclis also hears impeachment proceedings against the President brought by the Constitutional Court, can entrust matters to the Cabinet of Ministers, can call for referendums and establishes the Audit and Accounts Chamber.

28. Article 8 of the Constitution establishes that the President of the Republic is the head of State. The President is elected for a five-year term through general, direct, one-person-one-vote elections. No one may be elected President more than twice. In accordance with the Constitution,

the President represents the State domestically and in external relations, and is the guarantor of the country's independence and territorial integrity and of its observance of international treaties. When establishing rules of a general nature, the President issues decrees; for other matters, orders.

29. To exercise the powers of the executive branch, the President appoints a Cabinet of Ministers, the supreme executive body of the Presidency, which is subordinate to and reports to the Head of State. The Cabinet includes the Prime Minister, the Prime Minister's deputies, Government ministers and the heads of other central executive bodies. When establishing rules of a general nature, the Cabinet of Ministers issues decrees; for other matters, orders.

30. As stipulated by article 125 of the Constitution, "judicial power in Azerbaijan is exercised by the courts alone through the administration of justice". The courts comprise the Constitutional Court, the Supreme Court, the Appeals Court, general (district and municipal) courts and specialized courts (local economic courts, military courts and the court for serious criminal cases). Judicial proceedings take place at three levels: in courts of first instance, courts of appeal and cassation proceedings. With the exception of proceedings on matters of constitutionality, they are attended by a procurator and counsel for the defence.

31. One of the most important constitutional human and civil rights is the right to vote. Article 56 of the Constitution of Azerbaijan states that citizens have the right to vote and be elected to State bodies, and to participate in referendums. The exercise of this right is guaranteed directly by the State. Article 25 of the Constitution prohibits any discrimination in human and civil rights on the basis of race, ethnic background, religion, language, sex, origin, property, employment status, beliefs or membership of political parties, trade unions or other voluntary associations.

32. Elections and referendums in Azerbaijan are held on the basis of unified electoral legislation, namely the Electoral Code of Azerbaijan, approved on 27 May 2003. The Code is the regulatory basis for the refinement and development of the electoral system and its conformity to international standards. The President of Azerbaijan has issued important orders to refine the electoral system, and the corresponding reforms have been carried out in consequence.

33. Azerbaijan is a multi-ethnic State. Its electoral legislation guarantees the electoral rights of persons of all peoples and ethnic groups who are citizens of Azerbaijan. Article 3 of the Electoral Code establishes that citizens have the right to vote and to be elected and to take part in referendums irrespective of such factors as race, ethnic background, religion, language, sex, origin, property, employment status, beliefs or membership of political parties, trade unions or other voluntary associations.

34. With certain reservations, foreign citizens in Azerbaijan also have the right to take part in municipal elections. The conditions for their doing so are: that they have reached the age of 18, that they have lived in the municipality concerned for at least five years, and that the State of which they are citizens allows foreign citizens to participate in municipal elections.

35. In accordance with electoral legislation, all citizens with the right to vote must be listed in the electoral rolls. Every individual who has been resident in an electoral district for at least 6 of the 12 months preceding the day on which elections are announced (this is established by the

bodies that register citizens by domicile or place of temporary residence) is added to the electoral rolls for the electoral district concerned. All citizens may consult these rolls on a special Central Electoral Commission Internet site and receive answers to all questions of interest to them.

36. Azerbaijan has a unified electoral system. According to electoral legislation, all elections and referendums held in Azerbaijan are organized by the district and area electoral commissions that form part of this system, and their activities are administered and monitored by the Central Electoral Commission.

37. According to article 23, paragraph 1, of the Electoral Code, electoral commissions operate for a period of five years. The membership of the commissions is renewed every five years. At present, 125 area and roughly 5,000 district electoral commissions are in operation. Electoral legislation provides that area commissions consist of nine members, and district commissions of six. The ethnic composition of all commissions shows that representatives of other ethnic groups (Russians, Ukrainians, Georgians, Lezgins and others) participate in addition to Azerbaijanis. The Central Electoral Commission's monitoring of subordinate electoral commissions has shown that they work on the principle of collegiality: every member has an opportunity to express his or her position on all subjects under discussion, and the opinions of all members of a commission are taken into account when decisions are taken.

38. Electoral legislation guarantees every citizen, regardless of ethnic background or race, the right to stand for election. In recent elections to the Milli Meclis and municipal authorities, dozens of persons of other ethnic backgrounds have stood as candidates and campaigned; most of them have been elected. This demonstrates, once again, that electoral commissions offer all candidates the same equal opportunities.

39. During the pre-election marathon, campaigns play an enormous role. Article 75, paragraph 2, of the Electoral Code provides that pre-election campaigning shall begin 60 days before election day and end 24 hours before voting begins. During this period, the electoral commissions provide every candidate with equal opportunities to broadcast campaign messages in the media, organize and conduct pre-election meetings with voters, hold discussions and round tables and disseminate similar printed material; in other words, to conduct all pre-election activities that are permitted by law.

40. One important area of activity of the Central Electoral Commission and all other subordinate electoral commissions is voter education and the spread of legal knowledge. Such activities are carried out in a legally established framework. Meetings, training courses, seminars and other similar events, organized by the Central Electoral Commission for members of subordinate commissions during presidential elections and elections to the Milli Meclis and municipal authorities, also pursue this objective. Talks on television and the radio, which are organized from time to time, and statements in the printed media by members of the Central Electoral Commission help to raise voters' awareness of the law and increase their participation in elections. These awareness-raising activities are carried out both in the State language and in the languages of the ethnic minorities.

41. In order to eliminate shortcomings that have come to light during election campaigns and to improve the transparency of the electoral process, the Electoral Code was amended in June 2008. The amendments strengthen the ban on interference in the electoral process by State

and municipal officials and by legal and physical persons. They flesh out the obligations towards other States that may arise when people live abroad, and reduce the overall length of the election campaign. They also require organizations carrying out exit polls to be accredited by the Central Electoral Commission. Henceforth, voting in military units where service is performed under a special regime will no longer be organized by the Ministry of Defence but by the Central Electoral Commission. A procedure has been established for the transmission of information on detainees undergoing pretrial investigation or held under administrative procedures, so that they can be entered on the electoral rolls. The amendments to the Code set out procedures for electoral campaigning on television and for the ink marking of voters' fingers, and establish a new procedure for considering complaints of voting rights violations. Election results will now be announced in the media immediately upon completion of the procedural formalities; such information had previously been sent out only after two days. Other changes of a technical nature, aimed at removing existing shortcomings, have also been made to the Code.

42. In recent years, the State registration of legal entities has been regulated with the adoption of the Companies (State Registration and State Register) Act of 12 December 2003 and the Non-Governmental Organizations (Voluntary Associations and Funds) Act of 13 June 2000. Existing legislation has been amended to simplify the registration procedure.

43. Non-profit legal entities are registered by the national Ministry of Justice at its district- and municipal-level registration services, and by the Ministry of Justice of the Autonomous Republic of Naxçivan. Religious organizations are registered by the State Committee on Work with Religious Structures.

44. The national Ministry of Justice also registers specialized secondary and higher institutions of learning, political parties, funds, voluntary organizations, occupational, industry-specific and regional trade union organizations and the offices or branches of foreign non-profit legal entities.

45. To simplify the registration of commercial entities, a presidential decree issued on 30 April 2007 on measures to develop entrepreneurship ordered the creation of a "one-stop" procedure, whereby all the required documents can be submitted at a single State agency that quickly does all the processing necessary. Commercial entities are registered by the national Ministry of Taxation. The introduction of a system of this importance has not only fostered the development of entrepreneurship domestically; it has also improved the country's international image. A week after the system was introduced, 572 companies had been registered. The President signed decree No. 696, on 28 December 2007, setting up the "one-stop" system on the basis of a number of bills drawn up by the Ministry of Justice, and Act No. 543 III QD was adopted in February 2008.

46. The law does not make registration of NGOs mandatory, but NGOs are granted the status of legal entities only after they have registered with the State.

47. Non-profit legal entities must apply to the national Ministry of Justice or one of its district- or municipal-level registration services, or to the Ministry of Justice of the Autonomous Republic of Naxçivan for State registration. The application must be signed by the founder(s) or their lawful representatives and duly notarized. The following must be indicated in the application:

- (a) If the founder(s) is an individual, his/her/their first name(s), last name(s), patronymic(s), residence(s) and number(s) and date(s) of issue of identity papers;
- (b) If the founder(s) is a legal entity, its/their name(s), legal address(es) and registration number(s);
- (c) If the application is signed by a proxy, also the proxy's first name, last name, patronymic, residence, number and date of issue of the proxy's identity paper and details of the power of attorney.

The following documents must be included in the application:

- (a) The charter of the organization seeking to obtain the status of a legal entity, certified by the founder(s) or his/her/their authorized representatives;
- (b) The decision to establish a legal entity and approve the charter, signed by the founder(s);
- (c) Confirmation of the payment of State duties;
- (d) If the founder is a legal entity, notarized copies of the certificate of State registration (issued by the State registry) and the charter;
- (e) A copy of the identity papers of a legal representative;
- (f) Documentary confirmation of the legal address of the organization wishing to be granted the status of a legal entity.

48. The documents to be submitted for the registration of offices or branches of foreign non-profit legal entities are the same as for the registration of offices or branches of foreign commercial legal entities. In the latter case, authorization from the Cabinet of Ministers of Azerbaijan is also required.

49. Azerbaijan has made great efforts and adopted legislation during its democratic reforms to foster freedom of thought and the right to freedom of assembly.

50. Consequently, there has been major progress in Azerbaijan in recent years and significant advances in the growth of NGOs, which are an important feature of democratic society and are playing an increasing role in social and political life.

51. One significant development in this area is a master plan governing State support for Azerbaijani NGOs, confirmed by a presidential order of 27 July 2007. This sets out State policy on NGOs and the forms and principles of State support. State support for NGOs is aimed at reshaping relations in Azerbaijani society, modernizing the institutions of civil society, increasing civic initiatives, promoting efforts by NGOs to defend national interests, involving them in resolving social problems, and financing programmes and projects of relevance to the development of the State and society. Implementation of the plan has allowed the network of

NGOs in Azerbaijan to be expanded and let NGOs spread into the country's districts, and this is helping to bring to fruition work affecting various segments of society, creating new opportunities for them to participate in various kinds of State-building.

52. A review of the work of NGOs shows that solid groups of civil society institutions have established themselves in various areas.

53. There are more than 2,500 NGOs that have undergone State registration by the Ministry of Justice, some 1,500 of which have been registered since 2003. Among them 106 deal with issues concerning refugees, internally displaced persons, persons with disabilities and veterans, 143 with human rights, 89 with gender issues, 233 with issues involving children and young persons, 94 with health issues, 84 with environmental issues, 229 with economic issues, 68 with entrepreneurship, 202 with educational, scientific and technological development issues, 49 with issues involving journalists and 142 with issues concerning culture and the arts.

54. District (municipal) registration departments based on the Ministry of Justice's district divisions for State registration of legal entities and public registry offices have been established in accordance with a presidential decree of 17 August 2006 so as to make it easier for people to establish a non-governmental organization, to modernize public administration in this area, to satisfy popular demand for legal institutions and assistance, and to permit founders to be registered directly according to their places of residence. In addition to registering NGOs, these departments provide the necessary legal assistance to people wishing to establish a non-governmental organization and help with preparing the documents required by law.

55. Several legal restrictions on the scope of NGO activities have also been removed. One example is the 28 October 2005 repeal of the provision under article 2.4 of the Non-Governmental Organizations (Voluntary Associations and Funds) Act, which prohibited NGOs from acting as observers in presidential, Milli Meclis and municipal elections in Azerbaijan if more than 30 per cent of their authorized capital came from foreign legal entities, if part of their authorized capital came from foreign individuals or legal entities receiving grants from Azerbaijani legal entities, or if they received funding from other sources.

56. A presidential council on State support for NGOs was established and its rules of procedure approved by a presidential decree of 13 December 2007. The council's main objective is to strengthen and promote the steady development of civil society, enhance the role of NGOs in resolving social issues, and act as a specialized body in advocating cooperation between State bodies and NGOs and State support for NGOs. Eleven members - eight representatives of NGOs and three representatives of State bodies - were appointed to the council by a presidential order of 16 April 2008. A representative of the Ministry of Justice has also been appointed to the council. In the short period it has been in operation, the council has accomplished much, providing grants of more than 1 million manats to 191 organizations.

57. Justice in Azerbaijan is administered by courts of first instance, courts of appeal and courts of cassation. The justice system includes the Supreme Court, the appellate courts and the courts of first instance, which can be divided into courts of general jurisdiction (district and municipal courts) and special-purpose courts (local economic courts, military courts and the court for serious criminal cases).

58. The justice system, which is chiefly responsible for defending human rights and freedoms, has undergone radical reform in recent years. For example, in March 2004, in the course of reforms to improve the work of the courts and bring them into line with international standards, a joint Azerbaijan-Council of Europe working party, comprising representatives of the Azerbaijani executive and judiciary and experts from the Council of Europe, was set up to deal with matters relating to the independence, selection, appointment and evaluation of judges. The working party prepared a bill to amend the Azerbaijani Courts and Judges Act - setting out a new, multi-stage procedure for the selection of judges, stiffening the penalties incurred by judges committing or condoning improprieties in their work, and ensuring transparency in the work of the courts - and a bill to establish a judicial and legal council. The bills were passed and entered into force in early 2005. The same year saw the adoption of the statute of the judges' selection committee and rules to govern the selection of aspirant judges for vacant judgeships, both of them drafted by the working party. Under the new legislation, the Judicial and Legal Council was set up in February 2005, and the Judges Selection Committee in March of the same year, at the same time as improvements were made to the statutes of judges' voluntary associations. In turn, in 2005, special commissions set up by the Judicial and Legal Council drafted regulatory documents needed for the conduct of judicial activities. These included rules for evaluating the performance of judges and rules on the disciplining of judges.

59. In accordance with the new rules, for the first time in Azerbaijan a formal selection of judges for vacant posts was conducted in 2005. All stages of the selection process (comprising multiple-choice tests and written and oral exams) were held in the presence of observers from more than 30 international and local NGO and representatives of the media, who confirmed that it was both transparent and objective. Thereafter, the 56 selected candidates took long (five-month) introductory courses conducted by leading international and local experts. The 55 candidates who passed the examination at the conclusion of the training programme were called for final interview and appointed to appropriate judicial posts by a presidential order of 28 July 2007.

60. In the light of the need to further enlarge the judiciary, in 2006, the Judges Selection Committee announced another selection exercise, for which more than 700 people applied. Given the fact that the candidates for the previous examinations showed so many gaps in their knowledge, the Judicial and Legal Council arranged a pre-examination preparatory course. The multiple-choice test and written and oral examinations given in late 2006 yielded 102 candidates who qualified for the longer-term (six-month) basic training course. Every stage of the selection process was conducted in the presence of observers from a great many international and local NGOs and media representatives, who found it transparent and objective.

61. In October 2004, with a view to further improvements in the initial and further training of judges and would-be judges, a joint Azerbaijan-Council of Europe expert commission on training was set up, comprising judges from various Azerbaijani courts and European countries, together with other officials and experts in the field. The commission systematically conducts meetings and seminars, drafts new instruments and makes recommendations on their implementation, thus ensuring an efficient exchange of experience and information in this area.

62. In 2005, the joint Azerbaijan-Council of Europe working party on the independence, selection, appointment and evaluation of judges, working together with the expert commission on training and with the support of GTZ, the German technical cooperation agency, and drawing

on the experience of France's *École nationale de la magistrature* - the national legal service training college - and comparable schools in other countries, drew up an initial syllabus for a comprehensive, long-term basic training course for would-be judges; the course was first given in early 2006. It included modules in forensics, basic economics, accounting and international and European law, including the European Convention for the Protection of Human Rights and Fundamental Freedoms, the international conventions against torture and other cruel, inhuman or degrading treatment or punishment, the European Charter on the Statute for Judges and international standards on juvenile justice. In addition to lectures, provision was made for the conduct of mock trials and the consideration of fictitious cases. Upon completing the course, candidates served internships in the corresponding courts of first instance.

63. As the next step towards modernizing the judicial system so as to meet popular demand for legal institutions and judicial assistance appropriate to social and economic development in the regions, put a stop to impropriety, excessive red tape and other shortcomings that spark public anger, administered justice more efficiently, boost public confidence in the courts and make recourse to the courts easier, a presidential decree issued on 19 January 2006 announced the modernization of the judicial system. This and the Act of 17 April 2007 amending several Azerbaijani laws made provision for the establishment of a number of new courts, including appellate courts in the cities of Baku, Gəncə, Sumqayıt, Əli Bayramlı and Şəki, and new local economic courts in Baku, Şəki and Sumqayıt. Pursuant to the decree, the Serious Crimes Court of the Autonomous Republic of Naxçıvan was created in the city of Naxçıvan. In addition, the Ministry of Justice was instructed and the Judicial and Legal Council encouraged to establish a judicial academy, and provision for this was subsequently made within the restructured Ministry. The academy has designed training schemes for officers of the court and for judicial and procuratorial officials (excluding public prosecutors) and other people with a university law degree. The Judicial and Legal Council has established a career development branch for judges and public prosecutors, which it is planned to turn into a school at a later date.

64. By order of the Cabinet of Ministers dated 30 December 2006, 296 new posts were added to the staff of the courts system. The Act of 17 April 2007 amending several Azerbaijani laws added the post of assistant judge to the staff of both the High Court and the appeals courts.

65. The Azerbaijan-Council of Europe joint working group on judicial ethics and deontology was set up in June 2006, the third such group to be established. Its efforts resulted in a draft code of ethics for judges, which was approved by a decision of the Judicial and Legal Council on 22 June 2007. The first meeting of a fourth Azerbaijan-Council of Europe working group, this time on disciplinary issues, was held in June 2007 to draft disciplinary rules for judges.

66. The judicial and legal reforms under way in Azerbaijan are also being backed by international financial organizations. For example, a five-year judicial modernization project was launched in October 2006, financed through an agreement to provide Azerbaijan with \$21.6 million in credit and \$3 million in grant assistance from the Government of Japan, with an additional \$11 million allocation from the Government of Azerbaijan. The project aims, among other things, to improve infrastructure, to identify and renovate existing buildings and construct new ones, to equip the courts better and ensure that they use the most advanced information technology. As one component of the project, there are plans to raise public awareness of what the country's law enforcement bodies do and to improve the quality of services provided to the most vulnerable segments of society (refugees, women, children and others). At the same time,

the bench was augmented by 156 judges (50 per cent) thanks to two presidential decrees - one of 17 August 2006, increasing the number of court judges and determining the territorial jurisdiction of the courts of Azerbaijan, and one of 2 November 2006, on the development of legal institutions in the Autonomous Republic of Naxçıvan - in the interests of more effective administration of justice, swelling the ranks of judges, defining the territorial jurisdiction of the courts and bringing new courts into operation.

67. Crime statistics in Azerbaijan are annexed hereto (see annex 3).

GENERAL FRAMEWORK FOR THE PROTECTION AND PROMOTION OF HUMAN RIGHTS

C. Acceptance of international human rights norms

68. The Republic of Azerbaijan is a party to all the major multilateral human rights treaties and regularly submits reports on its implementation of those treaties to the appropriate treaty bodies.

69. Under the Azerbaijani legal system, the provisions of international treaties may be cited in the courts and in other administrative bodies.

70. Article 12, paragraph 2, of the Azerbaijani Constitution states: "The human and civil rights and freedoms enumerated in the Constitution shall be exercised in accordance with the international treaties to which the Republic of Azerbaijan is a party."

71. Article 148, paragraph 2, of the Constitution states: "International treaties to which the Republic of Azerbaijan is a party form an integral part of the legislative system of the Republic of Azerbaijan."

72. Article 151 of the Constitution stipulates: "In the event of conflict between laws and regulations forming part of Azerbaijani law (except for the Constitution and statutes adopted by referendum) and the provisions of international treaties to which the Republic of Azerbaijan is a party, the international treaties shall prevail."

73. The main international human rights conventions and related protocols are as follows:

(a) International Covenant on Economic, Social and Cultural Rights, 1966. Azerbaijan acceded to the Covenant by decision No. 226 of the Milli Meclis dated 21 July 1992;

(b) International Covenant on Civil and Political Rights, 1966. Azerbaijan acceded to the Covenant by decision No. 227 of the Milli Meclis dated 21 July 1992;

(c) International Convention on the Elimination of All Forms of Racial Discrimination, 1965. Azerbaijan acceded to the Convention by Act 95-IQ of the Milli Meclis dated 31 May 1996;

(d) Convention on the Elimination of All Forms of Discrimination against Women, 1979. Azerbaijan acceded to the Convention by decision No. 1074 of the Milli Meclis dated 30 June 1995;

(e) Azerbaijan adopted the amendment to article 20, paragraph 1, of the Convention by Act 570-IIIQ of 1 April 2008;

(f) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984. Azerbaijan acceded to the Convention by Act 103-IQ of the Milli Meclis dated 31 May 1996;

(g) Convention on the Rights of the Child, 1989. Azerbaijan acceded to the Convention by decision No. 236 of the Milli Meclis dated 21 July 1992;

(h) International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990. Azerbaijan acceded to the Convention by Act 581-IQ of the Milli Meclis dated 11 December 1998;

(i) Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, 2000. Azerbaijan acceded to the Optional Protocol by Act 286-IIQ of the Milli Meclis dated 2 April 2002, adding the following statement: "With respect to article 3 of the Protocol, Azerbaijan states that, in accordance with the Military Service Act of the Republic of Azerbaijan of 3 November 1992, Azerbaijani citizens and other persons qualifying for military service may volunteer and be accepted for active military service or a cadet military academy at age 17. Azerbaijani law guarantees that such service cannot be compelled or undertaken under duress, that it will take place with the consent of the parents or legal guardians of the individuals concerned; that the individuals concerned will be fully informed of the duties involved in military service, and that documentary proof of age will be required before being allowed to serve in the ranks of the national army.";

(j) Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution, and child pornography, 2000. Azerbaijan acceded to the Optional Protocol by Act 285-IIQ of the Milli Meclis dated 2 April 2002;

(k) Optional Protocol to the International Covenant on Civil and Political Rights, concerning communications from individuals, 1966. Azerbaijan acceded to the Optional Protocol by Act 162-IIQ of the Milli Meclis dated 29 July 2001;

(l) Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, 1989. Azerbaijan acceded to the Optional Protocol by Act 582-IQ of the Milli Meclis dated 11 December 1998, with the following reservation:

"The Republic of Azerbaijan, in applying the 1989 Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, may in exceptional cases, through the adoption of special legislation, apply the death penalty for grave crimes committed in wartime in the event of the threat of war."

By Act of 5 October 1999 the foregoing reservation and paragraph 6 of the Act of 11 December 1998 on accession to the Optional Protocol were amended and restated as follows: "In wartime, the death penalty may be applied to persons accused of committing especially serious crimes of a military nature in wartime."

Notwithstanding the fact that the law allows for the possibility of applying the death penalty in the case mentioned above, the “death penalty” is not mentioned as a type of punishment in article 42 of the Criminal Code of Azerbaijan (which lists all forms of punishment), nor is the application of this type of punishment reflected in any article of the Code.

The Armenia-Azerbaijani conflict over Nagorny Karabakh has resulted in Armenia’s occupation of Nagorny Karabakh and seven adjacent districts, together comprising 20 per cent of the territory of Azerbaijan; in the circumstances, Azerbaijan considered the reservation to be necessary.

(m) Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, concerning individual complaints and inquiry procedures, 1999. Azerbaijan acceded to the Optional Protocol by Act 77-IIQ of the Milli Meclis dated 16 February 2001;

(n) Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, concerning regular visits by national and international institutions to places of detention, 2002. Azerbaijan signed the Optional Protocol on 15 September 2005. It is currently completing the domestic procedures for ratification;

(o) International Convention for the Protection of All Persons from Enforced Disappearance, 2006. Azerbaijan signed the Convention on 6 February 2007. It is currently completing the domestic procedures for ratification;

(p) The Convention on the Rights of Persons with Disabilities and related Optional Protocol, 2006. Azerbaijan signed the Convention on 9 January 2008. It is currently completing the domestic procedures for ratification.

74. Other United Nations human rights treaties and related agreements:

(a) Convention on the Prevention and Punishment of the Crime of Genocide, 1948. Azerbaijan acceded to this Convention by Act No. 97-IQ of the Milli Meclis dated 31 May 1996;

(b) Slavery Convention, 1926. Azerbaijan acceded to this Convention by Act No. 99-IQ of the Milli Meclis dated 31 May 1996;

(c) Protocol amending the Slavery Convention, 1955. Azerbaijan acceded to this Convention by Act No. 100-IQ of the Milli Meclis dated 31 May 1996;

(d) Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 1949. Azerbaijan acceded to this Convention by Act No. 102-IQ of the Milli Meclis dated 31 May 1996;

(e) Convention relating to the Status of Refugees, 1951, and its 1967 Protocol. Azerbaijan acceded to these instruments by decree No. 402 of the Milli Meclis dated 18 November 1992;

(f) Convention relating to the Status of Stateless Persons, 1954. Azerbaijan acceded to this Convention by Act No. 106-IQ of the Milli Meclis dated 31 May 1996;

(g) Convention on the Reduction of Statelessness, 1961. Azerbaijan acceded to this Convention by Act No. 101-IQ of the Milli Meclis dated 31 May 1996;

(h) Rome Statute of the International Criminal Court, 1998. Azerbaijan is not party to this Statute;

(i) United Nations Convention against Transnational Organized Crime, 2000, the related Protocol against the Smuggling of Migrants by Land, Sea and Air, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. Azerbaijan acceded to these instruments by Act No. 435-IQ of the Milli Meclis dated 13 May 2003;

(j) World Declaration on the Survival, Protection and Development of Children, adopted at the United Nations World Summit for Children, 1990. Azerbaijan acceded to this Declaration by decree No. 595 of the Milli Meclis dated 5 May 1993;

(k) United Nations Standard Minimum Rules for the Administration of Juvenile Justice, 1985. Azerbaijan acceded to this document by decree No. 652 of the Milli Meclis dated 28 July 1993;

(l) United Nations Convention on the Nationality of Married Women, 1957. Azerbaijan acceded to this Convention by Act No. 104-IQ of the Milli Meclis dated 31 May 1996;

(m) United Nations Convention on the Political Rights of Women, 1952. Azerbaijan acceded to this Convention by decree No. 255 of the Milli Meclis dated 4 August 1992.

75. By decree No. 637 of the Milli Meclis dated 3 July 1993, the Republic of Azerbaijan acceded to the Conventions of the International Labour Organization (ILO) listed below:

Minimum Age (Agriculture) Convention, 1921 (No. 10)

Right of Association (Agriculture) Convention, 1921 (No. 11)

Weekly Rest (Industry) Convention, 1921 (No. 14)

(Shelved) Minimum Age (Trimmers and Stokers) Convention, 1921 (No. 15)

Medical Examination of Young Persons (Sea) Convention, 1921 (No. 16)

Repatriation of Seamen Convention, 1926 (No. 23)

Marking of Weight (Packages Transported by Vessels) Convention, 1929 (No. 27)

Forced Labour Convention, 1930 (No. 29)

Protection against Accidents (Dockers) Convention (Revised), 1932 (No. 32)

Underground Work (Women) Convention, 1935 (No. 45)

Forty-Hour Week Convention, 1935 (No. 47)

Holidays with Pay Convention, 1936 (No. 52)

Minimum Age (Sea) Convention (Revised), 1936 (No. 58)
Minimum Age (Industry) Convention (Revised), 1937 (No. 59)
(Shelved) Minimum Age (Non-Industrial Employment) Convention (Revised), 1937
(No. 60)
Certification of Ships' Cooks Convention 1946 (No. 69)
Medical Examination (Seafarers) Convention, 1946 (No. 73)
Medical Examination of Young Persons (Industry) Convention, 1946 (No. 77)
Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946
(No. 78)
Night Work of Young Persons (Non-Industrial Occupations) Convention, 1946 (No. 79)
Freedom of Association and Protection of the Right to Organize Convention, 1948
(No. 87)
Night Work of Young Persons (Industry) Convention (Revised), 1948 (No. 90)
Accommodation of Crews Convention (Revised), 1949 (No. 92)
Protection of Wages Convention, 1949 (No. 95)
Right to Organise and Collective Bargaining Convention, 1949 (No. 98)
Equal Remuneration Convention, 1951 (No. 100)
Maternity Protection Convention (Revised), 1952 (No. 103)
Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106)
Seafarers' Identity Documents Convention, 1958 (No. 108)
Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
Minimum Age (Fishermen) Convention, 1959 (No. 112)
Medical Examination (Fishermen) Convention, 1959 (No. 113)
Radiation Protection Convention, 1960 (No. 115)
Final Articles Revision Convention, 1961 (No. 116)
Guarding of Machinery Convention, 1963 (No. 119)
Hygiene (Commerce and Offices) Convention, 1964 (No. 120)
Employment Policy Convention, 1964 (No. 122)
Minimum Age (Underground Work) Convention, 1965 (No. 123)
Medical Examination of Young Persons (Underground Work) Convention, 1965 (No. 124)
Accommodation of Crews (Fishermen) Convention, 1966 (No. 126)
Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. 133)
Prevention of Accidents (Seafarers) Convention, 1970 (No. 134)
Minimum Age Convention, 1973 (No. 138)

Human Resources Development Convention, 1975 (No. 142)

Working Environment (Air Pollution, Noise and Vibration) Convention, 1977 (No. 148)

Nursing Personnel Convention, 1977 (No. 149)

Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159)

Labour Statistics Convention, 1985 (No. 160)

By decree No. 467 of the Milli Meclis dated 27 January 1993, the Republic of Azerbaijan acceded to the Paid Educational Leave Convention, 1974 (No. 140) of the International Labour Organization.

By decree No. 468 of the Milli Meclis dated 27 January 1993, the Republic of Azerbaijan acceded to the Minimum Wage Fixing Convention, 1970 (No. 131) of the International Labour Organization.

By decree No. 469 of the Milli Meclis dated 27 January 1993, the Republic of Azerbaijan acceded to the Labour Relations (Public Service) Convention, 1978 (No. 151) of the International Labour Organization.

By decree No. 470 of the Milli Meclis dated 27 January 1993, the Republic of Azerbaijan acceded to the Employment Service Convention, 1948 (No. 88) of the International Labour Organization.

By decree No. 638 of the Milli Meclis dated 3 July 1993, the Republic of Azerbaijan acceded to the Workers' Representatives Convention, 1971 (No. 135) of the International Labour Organization.

By decree No. 639 of the Milli Meclis dated 3 July 1993, the Republic of Azerbaijan acceded to the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144) of the International Labour Organization.

By decree No. 856 of the Milli Meclis dated 19 July 1994, the Republic of Azerbaijan acceded to the Holidays with Pay Convention (Revised), 1970 (No. 132) of the International Labour Organization.

By Act No. 801-IQ of the Milli Meclis dated 8 February 2000, the Republic of Azerbaijan acceded to the Labour Inspection Convention, 1947 (No. 81) of the International Labour Organization and the related Protocol, and the Labour Inspection (Agriculture) Convention, 1969 (No. 129).

By Act No. 585-IIQ of the Milli Meclis dated 13 January 2004, the Republic of Azerbaijan acceded to the Worst Forms of Child Labour Convention, 1999 (No. 182) of the International Labour Organization.

By Act No. 146-IIQ of the Milli Meclis dated 2 October 2006, the Republic of Azerbaijan acceded to the Convention against Discrimination in Education, 1960.

76. Hague Conventions:

(a) By decree No. 574 of the of the Milli Meclis dated 21 April 1993, the Republic of Azerbaijan acceded to the Convention for the Protection of Cultural Property in the Event of Armed Conflict, 1954, and its First Protocol;

(b) By Act No. 41-IIQ of the Milli Meclis dated 12 December 2000, the Republic of Azerbaijan acceded to the Second Protocol to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict;

(c) By Act No. 611-IIQ of the Milli Meclis dated 30 March 2004, the Republic of Azerbaijan acceded to the Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption, 1993.

77. By decree No. 573 of the Milli Meclis dated 21 April 1993, the Republic of Azerbaijan acceded to:

(a) Geneva Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, 1949;

(b) Geneva Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, 1949;

(c) Geneva Convention (III) relative to the Treatment of Prisoners of War, 1949;

(d) Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War, 1949.

Accession to the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 1977, and the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 1977, is being considered by the relevant State authorities.

78. The Republic of Azerbaijan is party to the following regional human rights instruments:

(a) European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, 1987, and Protocols No. 1 and No. 2, 1993. The Republic of Azerbaijan acceded to these agreements by Act No. 238-IIQ of the Milli Meclis dated 25 December 2001;

(b) Framework Convention for the Protection of National Minorities, 1995. The Republic of Azerbaijan acceded to this Convention by Act No. 897-IQ of the Milli Meclis dated 16 June 2000;

(c) European Social Charter (revised), 1996. The Republic of Azerbaijan acceded to this Charter by Act No. 575-IIQ of the Milli Meclis dated 6 January 2004;

(d) European Convention on the Legal Status of Children Born out of Wedlock, 1975. The Republic of Azerbaijan acceded to this Convention by Act No. 832-IQ of the Milli Meclis dated 17 March 2000;

(e) European Convention for the Protection of Human Rights and Fundamental Freedoms, 1950, and Protocols 1 (1952), 4 (1963), 6 (1983) and 7 (1984). The Republic of Azerbaijan acceded to these instruments by Act No. 236-IIQ of the Milli Meclis dated 25 December 2001;

(f) Protocol 14 to the Convention for the Protection of Human Rights and Fundamental Freedoms, amending the control system of the Convention, 2004. The Republic of Azerbaijan acceded to this Protocol by Act No. 87-IIIQ of the Milli Meclis dated 4 April 2006;

(g) European Agreement concerning the provision of medical care to persons during temporary residence, 1980. The Republic of Azerbaijan acceded to this Agreement by Act No. 111-IQ of the Milli Meclis dated 31 May 1996;

(h) European Convention on the Compensation of Victims of Violent Crimes, 1983. The Republic of Azerbaijan acceded to this Convention by Act No. 836-IQ of the Milli Meclis dated 17 March 2000;

(i) UNESCO Regional Convention on the Recognition of Studies, Diplomas and Degrees in Higher Education in Asia and the Pacific, 1983. The Republic of Azerbaijan acceded to this Convention by Act No. 142-IQ of the Milli Meclis dated 16 July 1996.

D. Legal framework for the protection of human rights at the national level

79. The Constitution of independent Azerbaijan, adopted on 12 November 1995, is the foundation for the protection of human and civil rights and freedoms.

80. A special section of the Constitution covers all 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.

81. Under article 148 of the Constitution, 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 contradiction between them.

82. A national plan of action for the protection of human rights in Azerbaijan was approved by presidential order dated 28 December 2006. Under the plan, efforts will be made over the next few years to bring Azerbaijani laws and regulations fully into line with international human rights standards and to design and follow a new strategy of cooperation with international organizations.

83. At the time of the Republic's accession to the European Convention for the Protection of Human Rights and Fundamental Freedoms, the Council of Europe concluded an agreement with a group of independent Azerbaijani experts to produce a report on how well Azerbaijan

legislation and practice conformed to the Convention. The group of independent experts, whose work was coordinated by the Ministry of Justice of Azerbaijan, produced a report on the Convention in Russian and English and submitted it to the Council of Europe. The experts also conducted a number of events where the further incorporation of international agreements into domestic legislation was discussed.

84. On becoming a member of the Council of Europe, Azerbaijan recognized the jurisdiction of the European Court of Human Rights, ratifying the European Convention for the Protection of Human Rights and Fundamental Freedoms on 15 April 2002. To date, the European Court has handed down 39 judgements and decisions on applications regarding Azerbaijan: 13 decisions finding applications inadmissible; 10 finding applications partly admissible; 8 dismissals; 1 declaration of admissibility; and 7 decisions finding violations.

85. The presidential decree on modernization of the judicial system recommended that the Supreme Court and other judicial bodies should arrange to study European Court of Human Rights case law and take it into account in their judicial practice. Accordingly, on 30 March 2006 the plenum of the Supreme Court issued an order on the application of the European Convention for the Protection of Human Rights and Fundamental Freedoms and the case law of the European Court of Human Rights in the administration of justice, and decided to create a unit within the Supreme Court to translate and familiarize judges with the case law of the European Court.

86. The Government of Azerbaijan has demonstrated its commitment to defending human rights and democracy by signing an agreement with the International Committee of the Red Cross (ICRC) in 2000; the agreement has been repeatedly extended, most recently on 26 July 2007, with the signing of a protocol to that effect. Under the agreement, ICRC representatives may routinely and without restriction visit places of detention and hold private meetings with prisoners, and efforts are being made to arrange special medical treatment for prisoners with tuberculosis. Steps are being taken to follow up on the confidential reports on the visits submitted by ICRC representatives.

87. Among the many human rights instruments to which Azerbaijan has acceded is the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment has had unimpeded access to the relevant State institutions and detention facilities since the Convention's entry into force in Azerbaijan on 1 August 2002.

88. To date, the Committee has made two periodic and two ad hoc visits to the country, and Azerbaijan has submitted reports in response to its conclusions and reflecting its recommendations. The Committee's report on its first visit to Azerbaijan has been published on the Government's initiative.

89. On its second periodic visit, in November 2006, a delegation from the Committee had meetings with the relevant State bodies, visited places of detention, observed the conditions in which convicts and prisoners on remand were being detained and held private talks with them. Members of the delegation also met senior State officials and representatives of international organizations.

90. During these meetings, Committee members noted that while there were still unresolved issues, progress had been made in carrying out the recommendations made as a result of previous visits. After sharing their initial impressions of the second periodic visit, they particularly highlighted the positive changes in the Azerbaijani prison system.

91. Responding to the Committee's recommendations on the operation, construction and modernization of the country's penal institutions in accordance with current standards, the Ministry of Justice requested assistance from the Committee in studying the best practices and operations of penal institutions in Europe, including arranging visits and providing access for Ministry officials to institutions selected by the Committee for their progressiveness and suitability as models for Azerbaijan to follow. As recommended by the Committee in April 2007, Ministry representatives have visited six penal institutions in Finland, including the probation service, and learned about the conditions in which convicts and prisoners on remand are held.

92. A number of fresh legislative acts have been adopted at the President's urging to further regulate judicial work directly linked to the promotion and protection of human rights and freedoms.

93. The Ministry of Justice was instructed by a presidential decree on the development of judicial bodies dated 17 August 2006 to draft and submit proposals to the President on ways to improve human rights protection mechanisms. After reviewing foreign practice and legislation, and considering the successful outcomes of the reforms being carried out in society today, the integration of Azerbaijan into the international community and the application of international human rights protection mechanisms, it did put forward proposals, most of which were taken into account in the National Plan of Action for the Protection of Human Rights in Azerbaijan that was confirmed by presidential decree on 28 December 2006. The adoption of the Plan of Action afforded an opportunity to broaden the scope of human rights protection measures and improve the machinery for protecting human rights and freedoms in general.

94. The schedule for implementation by the judiciary of the Plan of Action was confirmed by an order of the Ministry of Justice. Under item 3 of the schedule, the Office for Human Rights and Public Relations has been assigned to collate, periodically, the action taken under the Plan. Information on implementation of the Plan by the relevant Ministry departments has been collated and submitted to top officials in the Ministry. Action pursuant to the schedule is still under way.

95. See also paragraphs 124, 125 and 126.

96. More than a million refugees and internally displaced persons have settled in various parts of Azerbaijan because of Armenia's occupation of 20 per cent of the country. The State Committee on Refugees and Internally Displaced Persons was established in 1993 to protect and promote their political, economic and social rights, replacing the earlier Azerbaijan Soviet Socialist Republic State Committee on Persons Forced to Leave Their Permanent Residences (a State body that began operating in 1989 following the outbreak of the Armenian-Azerbaijani Nagorny Karabakh conflict). This Committee now adopts and implements the necessary measures to give effect to the political, economic and social rights of refugees and internally displaced persons.

97. The State Committee on the Family, Women and Children was established by a presidential decree dated 6 February 2006 to further the public administration reforms. The statute of the Committee was confirmed by a presidential decree dated 9 August 2006. According to its statute, the Committee is the main executive body responsible for applying State policy on family, women and children; article 8.1 requires it to give effect, within the limits of its authority, to human and civil rights and freedoms, in particular the rights of children and women, and take steps to prevent violations of them. Article 8.18 requires it, to receive and take action on complaints and petitions from citizens on matters within its purview.

98. The 2006-2015 State programme for the placement and alternative care in families (deinstitutionalization) of children living in State institutions was approved by a presidential decree dated 29 March 2006. It seeks to help to create a propitious family environment, avoiding children being placed in boarding schools and other public institutions by returning them to their biological families or placing them in foster homes. Social support must be tailored to these families' needs. One of the main elements of the programme is the establishment of child placement mechanism procedures.

99. The State programme on demographic change and population size (2004) was confirmed by a presidential decree dated 11 November 2004. The programme seeks to establish an optimal birth rate, lower the mortality rate, increase average life expectancy, bolster protection for mothers and children, create social and economic conditions for the development of the family and control migration flows. It also regulates matters involving adolescent health care (improving awareness of hygiene and nutrition within the family), backing marriages and young families (improving housing conditions and material welfare, arranging for leave and free time), improving women's working conditions and status, improving public health and increasing life expectancy, caring for elderly persons, controlling migration flows and training personnel in population and demographic issues.

100. A State programme on the protection of child health and motherhood confirmed by the Cabinet of Ministers was adopted on 15 September 2006.

101. The Gender Equality Act was adopted on 10 October 2006. It governs the elimination of gender inequality, gender analysis, and sets broad policy guidelines for ensuring that men and women are equal and can receive an education, conduct a business, earn the same wages and choose a profession on equal terms. The State Committee on the Family, Women and Children is responsible for monitoring compliance with the Act.

102. The State Committee on the Family, Women and Children monitors the observance of equality between men and women, the provision of equal opportunities for all persons regardless of gender, and the exercise of children's rights. It is involved in decisions on international adoption.

103. The Rights of the Child Act was adopted in 1998. It governs issues relating to the exercise and protection of the rights of the child. In particular, it sets out guarantees for the protection of children's right to life and development, to protection of their lives and health, to equality, and to have a name and nationality. It also explores options for the development of public policy on children's rights.

104. The enjoyment of human rights is also governed by the Family Code, Civil Code, Code of Civil Procedure, Criminal Code, Labour Code and other Azerbaijani legislation. Article 1 of the Family Code proclaims: "1.2 The family is under the protection of the State in the Republic of Azerbaijan. Motherhood, fatherhood and childhood are protected by law."

105. A comprehensive violence-prevention programme confirmed by the Cabinet of Ministers was adopted on 25 January 2007.

106. The Young Families (Mortgage Loan) Act was adopted on 23 January 2007.

107. At the same time, the State Committee on the Family, Women and Children has drafted a bill on the prevention of domestic violence. It has also developed a national plan of action on the family and women and a national plan of action on the rights of children.

108. An Advisory Council consisting of leaders of the main religious denominations began operating under the authority of the chairman of the State Committee on Cooperation with Religious Organizations in 2007. The main goals of the Council are to make a thorough study of the religious situation in Azerbaijan, hold dialogues with representatives of diverse religious denominations and increase understanding and mutual respect among them, take action accordingly to ensure religious stability, work to eliminate radical and extremist tendencies among believers, including anti-religious acts and elements of fanaticism and superstition, take advantage of the influence of religious leaders to ensure the stability of the religious situation in society, and organize religious education.

109. Social security departments within the Ministry of Labour and Social Security provide home care to and are required by law to look after single people aged 70 or older and persons with group I and group II disabilities who require outside assistance and do not have children or parents living in the same city or district, in accordance with the Social Services (Older Persons) Act of 22 June 2001 and the regulations in force. Figures for the end of 2006 show 15,235 single older persons and persons with disabilities being given home care by social security departments. Of the total number of beneficiaries, 12,947 were older than 70 and 142 were invalids from the Great Patriotic War.

110. The State programme to enhance the social security of older persons was confirmed by a presidential order in 2006. Under the programme, the Ministry of Labour and Social Security had developed and approved a plan of action and is performing the necessary work.

111. Additional steps have been taken in recent years to improve medical services for older persons living in State-run boarding houses and retirement homes, including supplying the medical facilities with modern equipment. Such institutions have undergone major renovation to create pleasant conditions for the residents. There are currently 1,097 older people and persons with disabilities living on full State support in the 9 boarding houses and retirement homes run by the Ministry of Labour and Social Security.

112. With respect to the steps taken to care for and rehabilitate persons with disabilities, 131 such persons were treated abroad in 2006 and 52 during the first 8 months of 2007, in addition to the 40 treated in Azerbaijan.

113. Health care and rehabilitation services are routinely provided for persons with disabilities. Nine district rehabilitation centres and a sports and health centre for persons with disabilities have been built to improve rehabilitation services.

114. A network of rehabilitation centres has been established and continues to expand in order to decentralize rehabilitation services and bring them closer to persons with disabilities. These include a national rehabilitation centre for persons with disabilities, a children's rehabilitation centre, a nursing home for disabled soldiers, a prosthetic and orthopaedic rehabilitation centre with a branch office in Gəncə and a workshop in the city of Naxçıvan, a children's rehabilitation centre in the city of Naxçıvan, and district rehabilitation centres for persons with disabilities in the cities of Şirvan Şəki, Lənkəran, Sumqayıt and Naxçıvan. A district rehabilitation centre for persons with disabilities in Naftalana is nearing completion and there are plans to establish centres in Yevlax and Xaçmaz. Some 1,000 crank-operated invalid carriages, 1,000 high-quality hearing aids and components for the manufacture of artificial limbs and braces were purchased in 2006 for supply free of charge to person with disabilities.

115. Consequently, there was a markedly smaller increase in the disability rate in 2006 than in previous years. The primary disability rate fell from 41.2 per cent to 34 per cent, the indicator for full rehabilitation increased from 2.9 per cent to 5 per cent, and the disability-group index fell from 1.8 per cent to 1.5 per cent.

116. Special nationwide events to showcase the creative talents of persons with disabilities and integrate them into society are held each year. These were competitive arts and applied arts exhibitions in 2003, the third and sixth competitive performing arts festivals for persons with disabilities in 2004 and 2006, and an athletic competition for persons with disabilities in 2005. Various prizes and monetary awards have been instituted to recognize excellence at these events and competitions.

117. Funding was provided for a Paralympics and Special Olympics Committee between 2002 and 2007 to involve persons with disabilities in sports and make it possible for them to participate in international competitions.

118. The provision of financial assistance to persons with disabilities, as persons particularly in need of social support and societal care, has a significant social impact. Some 50,000 persons with disabilities have been given lump-sum assistance payments.

119. Azerbaijan has approved an official list of professions and trades suitable for persons with disabilities for which there is a demand on the labour market and a list of industrial workplaces where the employment of persons with disabilities is prohibited. An order governing specialized workplace standards to facilitate the employment of persons with disabilities has also been adopted. The list of trades and professions suitable for persons with disabilities contains 69 job titles, among them librarian, clerk, projectionist, record keeper, ticket collector, laboratory assistant, cook, medical receptionist, tailor, shoemaker, bank teller, teacher, carpenter and gardener.

120. A study programme for 24 job titles has been prepared under a joint project by UNDP and the Ministry of Labour and Social Security to establish vocational training centres. Persons with disabilities wishing to start a business can attend basic entrepreneurial skills training courses sponsored by the Employment Service. These courses are based on the methodology recommended during the preparations for the joint Azerbaijani-UNDP project. Of particular significance are the joint efforts by the Employment Service, the community of persons with disabilities, employers, social security institutions for persons with disabilities, the National Confederation of Entrepreneurs (Employers') Organizations and the Trade Union Confederation to increase the effectiveness of vocational training and provide persons with disabilities with decent employment after their vocational training.

E. Framework within which human rights are promoted at the national level

121. As mentioned above, the National Plan of Action for the Protection of Human Rights approved by presidential order dated 28 December 2006 provides for streamlining the penal system, constructing new facilities that meet European standards and improving conditions in detention, among other steps. In the coming years, the plan requires Azerbaijani regulations and laws to be brought fully into line with international human rights standards; it calls for a new strategy on cooperation with international organizations, more effective State protection of human rights, incentives for scholarly research, better legal education and increased efforts to halt violence against women and domestic violence, besides the projected moves to promote relations between the State and civil society, and provide the resources to protect people's rights, offer proper compensation, rehabilitation and medical and psychological assistance for the victims of violence, and engage in broad outreach activities in this area.

122. Provision has been made in the budget for 2008 to increase State spending on human rights protection compared with 2007 in various areas of government policy (general public programmes, science, education, health and social security and welfare).

123. An Office for Human Rights and Public Relations has been established within the Ministry of Justice by presidential decree. An inspectorate established under the Minister of Justice to monitor the enforcement of punishments, pursuant to a presidential decree dated 25 August 2000, an order by the Cabinet of Ministers of 6 December 2004 and an order of the Minister of Justice of 15 December 2004, is functioning well. These agencies conduct swift, independent, thorough examinations of complaints involving human rights in prisons and the justice system generally, and take appropriate, transparent action in response. They also have the authority to make unrestricted spot inspections of penal institutions, meet privately with prisoners, monitor prison conditions and demand and review the related documentation.

124. The State human rights programme approved by presidential order dated 18 June 1998 gave fresh impetus to 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 with civil society and international organizations, a specific strategy has been worked out through a scholarly review of the work of the Ombudsman, and the Commissioner for Human Rights in the Republic of Azerbaijan Constitutional Act was adopted on 28 December 2001.

125. The Minister of Justice has issued a special order to ensure that the Commissioner has unimpeded access to places of detention and remand centres, is received without delay by their administrators and can meet detainees. The order requires the Commissioner to be allowed private interviews with every inmate and show documentary evidence of the legality of their detention. The Commissioner and his or her staff can visit remand centres, police cells and prisons freely and without prior notification and meet and talk face-to-face with detainees, persons held in remand and convicted prisoners.

126. In 2006 alone, the Ombudsman and her staff conducted 35 visits to custodial facilities overseen by the Ministry of Justice. Following these visits, she recommended improvements to conditions in detention for convicted prisoners and persons on remand which are now being put into effect. Still more is being done to promote effective cooperation with the Commissioner for Human Rights.

127. In a further move to make conditions of detention and the treatment of detainees more humane, the law has been amended in accordance with international standards to expand convicts' rights and freedoms and protect their legal interests.

128. On 24 June 2008 the Milli Meclis adopted a law based on a presidential legislative initiative amending the Penal Enforcement Code and Code of Criminal Procedure. Under the law, the length of visits during the year, long- and short-term, has been extended, the number of parcels and packages has been doubled, and telephone calls during the year have been augmented to 15 minutes once a week for persons incarcerated for defined terms and 15 minutes twice a month for life prisoners. At the same time, the additional amount of money that persons with group I and group II disabilities, pregnant women, women with children, persons in treatment facilities and persons with infectious diseases are authorized to spend has been raised from 2 manats, 20 kopeks, to 15 manats, and the sum other prisoners can spend, from 25 to 50 manats depending on the regime to which they are subject. Whereas in the past, convicts' correspondence was always subject to censorship, it may now be censored only if it relates to a planned offence, if a prosecution is under way, or to the prison rules, or for the sake of life and safety (excluding correspondence from the convict's lawyer or other persons providing legal assistance). It should also be noted that the law reduces deductions from prison labourers' wages and provides for their food and clothing to be paid for by the State. In accordance with the amended Code of Criminal Procedure, the penitentiary authorities now inform a prisoner's family where he or she is being held only with the prisoner's consent.

129. The National Academy of Sciences runs a human rights institute for scholarly and theoretical work on issues relating to human rights.

130. See also paragraphs 96 to 121.

131. Article 25 of the International Treaties (Conclusion, Application and Denunciation Procedure) Act of 13 June 1995 stipulates that "international treaties which the Republic of Azerbaijan has ratified, approved or adopted in accordance with this Act, and international treaties to which the Republic of Azerbaijan has acceded, shall be published, upon submission by the Ministry of Foreign Affairs, in the Gazette of the Milli Meclis and in the official State newspaper of the Republic of Azerbaijan. International treaties to which the Republic of

Azerbaijan is party whose authentic texts have been drawn up in foreign languages shall be published in one of these languages together with an official translation into Azerbaijani". These treaties are also published by the Ministry of Foreign Affairs of Azerbaijan in its compendia of international treaties.

132. Article 26 of the Act requires all international treaties to which Azerbaijan is party to be recorded by the Ministry of Foreign Affairs in the register of international treaties. The Ministry of Foreign Affairs is also responsible for registration of all the country's international treaties with the Secretariat of the United Nations or the relevant offices of other international organizations.

133. Azerbaijani 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.

134. Under the National Plan of Action for the Protection of Human Rights, a human rights digest incorporating the plan itself, laws relating to it, and a number of international instruments has been published.

135. The technical assistance programme for Azerbaijan launched by the Office of the United Nations High Commissioner for Human Rights also provides for the dissemination of information about international human rights instruments.

136. In order to ensure that convicted and remand prisoners' complaints to the relevant bodies and organizations are kept completely confidential, prisoners and their relatives are informed of their rights. Prison libraries keep copies of legislation and every prisoner is issued a *Prisoners' Handbook* printed in Azerbaijani, Russian and English. The recently published *Information Manual for Convicted Prisoners* reproduces all the laws and regulations governing convicts' rights, together with a collection of international human rights treaties. It also includes information about the procedure for appealing to the European Court of Human Rights.

137. In view of the importance and topicality of disseminating human rights treaties, the Ministry of Justice has prepared and published a special compendium of relevant material comprising international instruments on torture, the United Nations Convention against Torture, the recommendations of the Committee against Torture and other documents. This has been circulated to all penal institutions, departments of the Ministry of Justice, the courts and other law enforcement agencies.

138. Under a joint European Commission-Council of Europe prison system reform programme, Azerbaijan has translated into Azerbaijani 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. These have been issued to prisons, relevant State agencies, courts, law enforcement bodies and NGOs.

139. Two ad hoc training manuals, *Torture Is Prohibited* and *Are You Ready to Meet the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment? Questions and Answers*, written by an Azerbaijani Supreme Court justice who is also an expert in the field, have been published in collaboration with international non-governmental organizations and with the approval of the Legal Education Centre of the Ministry of Justice.
140. In accordance with a presidential decree establishing a new structure for the Ministry of Justice, a Judicial Academy has been established under the auspices of the Legal Studies Centre. There are plans for this body to draw up training programmes for court staff, personnel in the justice system, staff of procurators' offices (with the exception of State prosecutors) and others with a university-level education in law.
141. A unit to train judges and State prosecutors has been established in the Judicial Council, and there are plans to transform it into a school.
142. Since as far back as 2000, the Government of Azerbaijan and OHCHR have worked together on a project for the promotion of human rights, strengthening the arrangements for their protection and creating the necessary infrastructure. Given the importance of this project, it has repeatedly been extended, and measures have been taken to enhance its effectiveness. Under the project, a series of outreach activities have been conducted, including workshops on the submission of periodic reports to the United Nations treaty bodies and training courses for judges, procurators and other members of the judiciary. On 2 November 2006, the Azerbaijani translation of a compendium of international documents entitled *Human Rights and Pretrial Detention* was launched. The compendium has been distributed to the courts, law enforcement agencies and NGOs. 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 and held meetings with senior officials at the Ministry of Justice to discuss prospects for further cooperation. The project is still under way.
143. The Ministry of Justice and the European Public Law Center are carrying out a project to teach legal professionals about the primacy of the law and support legal reforms; many lectures, meetings, study visits by human rights experts and other events have been held.
144. The Ministry of Justice is working hard to increase awareness about human rights issues among government officials, including judicial-system employees, by organizing activities and making use of its website and publications such as *Qanunculuq* ("Legal Affairs") magazine and the *Adliyya* ("Justice") newspaper.
145. A compilation of human rights instruments has been produced and a wide range of articles on human rights have been published in *Qanunculuq* and circulated in the judiciary and the courts for guidance, pursuant to an order on the obligations of the judiciary to protect human rights signed by the Minister of Justice on 12 April 2002. The Ministry of Justice is currently arranging to have a new human rights handbook issued.

146. In order to broaden the training of judges and other legal professionals, the curriculum for long-term basic training courses for would-be judges and courses of further study for judges and legal professionals at the Judicial Academy includes a range of topics involving the study of international human rights instruments.

147. As stated previously, part 6 of the presidential decree of 19 January 2006 on the modernization of the judicial system and application of the Act amending certain Azerbaijani legislation recommends that the Supreme Court, courts of appeal and the Supreme Court of the Autonomous Republic of Naxçıvan should arrange to study the case law of the European Court of Human Rights and take it into account in their judicial practice. Pursuant to this decree, on 30 March 2006 the plenum of the Supreme Court of Azerbaijan adopted a decision on the application of the European Convention for the Protection of Human Rights and Fundamental Freedoms and of the case law of the European Court of Human Rights in the administration of justice, and decided to create a department within the Supreme Court to translate the European Court's case law and familiarize judges with it.

148. To raise public awareness of human rights, Azerbaijan is cooperating closely with such authoritative international organizations as OHCHR, the Council of Europe, the European Union, the German Agency for Technical Cooperation (GTZ), the American Association of Jurists and the European Public Law Center.

149. To improve employee skills at the Ministry of Labour and Social Protection and its branches, including social protection centres, in 2006 and 2007 alone, 604 Ministry officials took part in training courses organized under a special programme of the European Union's technical assistance project for the Commonwealth of Independent States (TACIS), "Reform of the Social Protection System in Azerbaijan". Forty-four people were sent for training to France, Finland and Ukraine to attend courses on this subject.

150. Special courses were held for specialists in targeted social assistance working at social protection centres in Baku, as part of a Pension and Social Assistance project carried out with World Bank support and a conference was held on the outcome. In 2006, Ministry officials were sent on mission to study the use of targeted social assistance.

151. After the adoption of the National Plan of Action for the Protection of Human Rights, the Minister of Defence issued orders:

(a) To include items on various categories of human rights (including civil, political, economic, social and cultural rights) in the schedule of the "Legal Hour" training programme, so as to improve knowledge of the law among members of the military, their families and civilians working for the military, and arrange for these subjects to be studied during civics courses for the staff;

(b) To offer the ministries of justice and education assistance with training legal education instructors;

(c) In order to encourage joint projects with international organizations and national institutions, making them more effective at upholding human rights in the military, to prepare and send corresponding proposals to OHCHR, the offices of OSCE and the European Union in Baku, and other specialized institutions;

(d) To enable members of the Azerbaijani military to attend courses on human rights and freedoms given in other countries.

152. In 2006-2007, thanks to an initiative taken by the OSCE office in Baku, the Office for Democratic Institutions and Human Rights, the International Federation of Red Cross and Red Crescent Societies, the United Nations and the Council of Europe, and as part of a cooperation programme with Azerbaijan, officials from the country's internal affairs agencies attended human rights seminars, training programmes and conferences in Vienna, New York and elsewhere.

153. The Young Lawyers' Union of Azerbaijan and the American Association of Jurists have held consultations on the general theme of human rights, and in that framework, they have also discussed domestic violence and the legal approach to that problem.

154. Special courses under the title "human rights" have been given at the police academy: they go deeply into human rights legislation and international legal standards, studying international experience in this field. The academy has also stepped up the teaching of English. The courses on police work, the human rights courses and the programme of study on the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment have won approval from European Union experts.

155. Since tolerance of cultural, ethnic, religious and linguistic differences is a necessary condition for mutual understanding between individuals and representatives of diverse cultures, the textbooks and teaching aids published for ordinary schools contain material on the observance of human rights and on respect for and preservation of the cultural heritages of all ethnic groups living in Azerbaijan. The authors of the textbooks *Getting to Know the World*, *Reading, Literature, History, Geography* and *The Individual and Society* have adhered to this policy.

156. To permit the study of international human rights instruments at the country's higher and secondary specialized and general educational institutions, textbooks on human rights and freedoms have been prepared, contests and competitions have been organized, and artistic exhibitions and festivals devoted to human rights have been held.

157. In higher educational establishments for law and political science students, high-level courses on human rights are given as part of the curriculum. Baku State University, Baku Slavic University, the Language University of Azerbaijan, Azerbaijan State Pedagogical University, Gäncä State Pedagogical University, Sumqayıt State University, Western University and Khazar University offer a course on international humanitarian law entitled "The world and conflict", and all higher educational establishments offer a baccalaureate-level course entitled "Constitution of the Republic of Azerbaijan and basic rights".

158. The Convention on the Rights of the Child and other relevant instruments have been translated into Azeri and distributed to schools, where they are taught.

159. In September 2004, the Young Lawyers' Association of Azerbaijan, together with the Association of Young Azerbaijani Friends of Europe, began a project entitled "Youth network on human rights", seeking to mobilize young people to improve the human rights situation and promote democratization in Azerbaijan. The purpose of the project is to inform young people about the protection of human rights and democratization, to increase their involvement in such activities, to draw the attention of national and local government bodies to related problems, to provide professional legal assistance when citizens' rights are violated, to train a new generation of human rights defenders in Azerbaijan, to give young people a greater role in the creation of a civil society and to establish, in Baku and in the regions, mobile human rights monitoring teams.

160. The work plan for the Ministry of Education, 2007-2008, was adopted on the basis of the National Plan of Action for the Protection of Human Rights in Azerbaijan.

161. The State Committee on the Family, Women and Children has from the outset paid an enormous amount of attention to educating the public. It has published books and booklets, and has raised issues on television and held seminars in the country's regions and cities.

162. Together with the United Nations Development Fund for Women and NGOs, the Committee has run conferences, seminars and courses for State employees in the regions. There have been meetings on violence against women, human trafficking, women's rights and gender equality, and an opinion poll has been conducted.

163. In November 2006, with financial support from "Parfums de France", the Committee arranged English courses for girls from displaced families. The courses, of two hours weekly for two groups of 10 pupils, were taught by teachers from the Baku Oxford School; they ran until the end of 2006.

164. In January 2007 the Committee signed an agreement on bilateral cooperation with the French Ministry of Labour, Labour Relations, the Family and Solidarity.

165. A Public Affairs Committee has been set up in the office of the Minister of Justice; it is made up of representatives of prominent human rights NGOs, including some in the political opposition, that enjoy the trust of the community, as great importance is attached to public interest in penal correction and oversight of penal institutions. Its establishment is one of several positive steps taken to bolster dialogue and transparency between governmental bodies and members of civil society.

166. The members of the Public Affairs Committee have been issued with special certificates signed by the Minister of Justice to ensure that they have regular, unhindered access to places of detention and can meet and take anonymous surveys of convicts. In just one year, they were able to carry out 75 visits of their choosing to 19 different prisons, producing reports and issuing proposals and recommendations on how to improve prisoners' living conditions, provide jobs, modernize working conditions for prison staff, and so forth. The Ministry of Justice has taken action to give effect to those proposals and inform the public.

167. Special coaching and meetings on a series of social questions have been laid on for vulnerable groups, in particular women and minors serving prison sentences.

168. The Public Affairs Committee has organized performances by the State Theatre for Young Audiences and the National Academic Drama Theatre for people serving prison sentences; these have been covered in the media.

169. See also paragraphs 49-56.

170. Steps are being taken to enable the mass media to function and develop properly. Each of the 30 newspapers and news agencies has been allocated 10 million manats in financial support under a presidential order dated 21 July 2005 on the provision of financial assistance to the news media. Similarly, under a presidential order dated 31 July 2008 on one-off financial assistance to the news media, 38 media organs were granted lump sums of 5,000 manats.

171. The Armenian-Azerbaijani conflict in Nagorny Karabakh remains the most difficult problem facing Azerbaijan. Nagorny Karabakh and the seven surrounding districts occupied by 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 Armenia's policy of ethnic cleansing. (See also paragraphs 12-19 and annex IV.)

172. Gross violations by Armenia of international humanitarian law have been recorded during the aggression against Azerbaijan, including numerous extrajudicial executions and mass shootings, torture, and other cruel and inhuman treatment and punishment of Azerbaijani civilians, hostages and prisoners of war.

173. Unfortunately, it must be said that in the territories occupied by Armenia, Azerbaijan is not in a position to honour the international human rights obligations it has undertaken.

174. Azerbaijan's efforts to achieve a rapid, peaceful settlement of the conflict, liberate the occupied territories and allow the displaced persons home have been thwarted by the unconstructive position of Armenia, which is demanding that the Nagorny Karabakh region of Azerbaijan be granted independence or annexed to Armenia.

175. The Armenian-Azerbaijani conflict over Nagorny Karabakh is the sole obstacle preventing Azerbaijan from honouring in full the obligations it has assumed under international human rights agreements.

F. Reporting process at the national level

176. Reports by the Republic of Azerbaijan under the international human rights treaties to which the country is a party are prepared by the Government in accordance with presidential orders and decisions by the Cabinet of Ministers, and are submitted to the Secretary-General of the United Nations by the Ministry of Foreign Affairs.

177. For the purpose of preparing these reports, working groups are set up by presidential order; they include representatives of the relevant State agencies. The services of NGO representatives and independent experts are also enlisted.

178. The preparation of these reports and their submission by government delegations to the treaty bodies of the United Nations are widely covered in the media. The Deputy Minister for Foreign Affairs holds briefings for NGOs and other members of civil society to explain the contents of the reports and the measures taken during the reporting period.

Information on non-discrimination and equality and effective means of legal protection

Non-discrimination and equality

179. The multi-ethnic, multid denominational 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 ethnic background, religion or race. Moreover, as a result of Azerbaijan's historical, economic and cultural characteristics, the mindset of the population formed over the course of many centuries, amidst tolerance and respect for the cultures of other ethnic groups and national minorities.

180. Under the relevant legislation, the Government follows a policy that aims to promote mutual understanding and friendly relations among the nations and ethnic groups living in Azerbaijan. All forms of discrimination and xenophobia, including ethnic, national and racial discrimination and xenophobia, are regarded as inadmissible.

181. Efforts to combat religious and racial discrimination in Azerbaijan are undertaken against the background of the international conventions to which Azerbaijan is a party, by implementing the domestic legislation in force. Compliance with conventions outlawing inequality of every kind is a constant priority of the Government, which attaches particular importance to strengthening the tradition of religious tolerance and increasing mutual understanding and cooperation among religious minorities. The conventions Azerbaijan has ratified provide for equality in all spheres of life.

182. A special section 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, the inviolability of the person, health care, the protection of honour and dignity, and freedom of thought, speech, conscience, and assembly.

183. In accordance with Section III, article 25, of the Constitution, the State guarantees equality of rights and freedoms to all citizens, irrespective of race, ethnic background, religion, language, sex, origin, property, employment status, 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, ethnic background, religion, language, sex, origin, beliefs or political or social affiliation.

184. Pursuant to section III, article 47, of the Constitution, agitation and propaganda in favour of racial, ethnic, religious or social division or hostility are prohibited.

185. The Government has signed and ratified the most important international human rights instruments, including the International Convention on the Elimination of All Forms of Racial Discrimination, the European Framework Convention for the Protection of National Minorities,

the Convention against Discrimination in Education (of the United Nations Educational, Scientific and Cultural Organization), and the Convention on the Elimination of All Forms of Discrimination against Women and the related Optional Protocol.

186. Azerbaijani legislation provides for measures to honour the obligation to engage in no act or practice of racial or other discrimination against persons or groups of persons, and to ensure that all public authorities and public institutions, national and local, act in conformity with this obligation.

187. Article 4 of the Political Parties Act of 3 June 1992 prohibits the establishment or operation of political parties which seek to employ the overthrow or violent change of the constitutional order or violation of the territorial integrity of the Republic of Azerbaijan, propaganda in favour of war, violence and cruelty, incitement to racial, national or religious hatred, or other conduct contrary to the constitutional order of the Republic of Azerbaijan and incompatible with its obligations under international law.

188. Article 8 of the Trade Unions Act of 24 February 1994 prohibits the establishment and operation of trade unions which seek to employ the overthrow or violent change of the constitutional order or violation of the territorial integrity of the Republic of Azerbaijan, propaganda in favour of war, violence and cruelty, incitement to racial, national or religious hatred, or other conduct contrary to the constitutional order of the Republic of Azerbaijan and incompatible with its obligations under international law.

189. Article 8 of the Freedom of Assembly Act of 13 November 1998 prohibits assemblies accompanied by calls for discrimination, hostility or violence, or advocating ethnic, racial or religious division. The Act was amended on 30 May 2008 to remedy shortcomings that had come to light since its adoption and to uphold the right to freedom of assembly more vigorously. The amendments clarify the original Act, remove redundant prohibitions and establish clear grounds and procedures for restricting the right to freedom of assembly. They accordingly allow for the possibility of giving the relevant authority less notice of plans to hold an assembly than previously envisaged, and the possibility of submitting additional documentation. Bans on foreigners and stateless persons organizing assemblies have been removed. The list of sites where the holding of assemblies may be restricted has been redefined and a redundant prohibition in the original version of the Act has been deleted. In addition, a participant in a peaceful assembly that turns violent cannot now be prosecuted merely for having been present, provided he or she has committed no offence.

190. Under article 1, paragraph 1, of the Freedom of Religion Act of 20 August 1992, everyone can freely determine his or her attitude to religion, and is entitled to profess any religion individually or with others, and to express and disseminate his or her religious views.

191. Equal conditions have been created for representatives of all religious minorities in Azerbaijan to go about their business. Today, religious minorities live in an atmosphere of mutual understanding and tolerance thanks to the action taken. At present, Russian Orthodox, Albano-Udi, Jewish and other non-Islamic religious communities coexist free and unhindered in Azerbaijan alongside Islamic communities.

192. In 2006 and 2007, the State Committee on Cooperation with Religious Organizations did various things pursuant to Azerbaijan's obligations under the International Convention on the Elimination of All Forms of Racial Discrimination. On 16 November 2006, in observance of the International Day for Tolerance, it staged a round-table meeting entitled "Azerbaijan, a model of tolerance" with religious denominations active in Azerbaijan. Leaders of denominations, religious figures, ambassadors of foreign countries and representatives of international organizations in Azerbaijan took part. They exchanged views on the tradition of tolerance that exists in the country and noted the importance of replicating such tolerance throughout the world.

193. On 20 November 2006, the Committee, together with the Press Council of Azerbaijan, staged a round table on "Religious values and the media" with a view to forestalling propaganda in favour of religious intolerance and discrimination and press articles offending against religious values. Journalists covering religious topics were invited to the event, and the religious situation in the country was discussed. The journalists were advised not to create any opportunity for racial intolerance or discrimination and not to offend religious values when writing articles about religion. On 27 February 2007, a special seminar was held on this very topic.

194. Azerbaijan's ethnic minorities are guaranteed equal cultural rights and enjoy access to the country's cultural heritage. This is reflected in Azerbaijan's domestic legislation on culture, which incorporates the principles of respect for human rights, including the cultural rights of ethnic minorities. The Act of 31 May 1996 allowing for Azerbaijan's accession to the International Convention on the Elimination of All Forms of Racial Discrimination was accordingly reflected in the Culture Act of 6 February 1998 and the related presidential decree of 16 April 1998. Article 8 (Right to cultural identity) of the Culture Act proclaims that everyone has the right to retain his or her ethnic cultural identity, and freely to adopt spiritual, aesthetic and other values. The State guarantees the individual's right to a cultural identity. It offers a direct legal guarantee that cultural needs will be met, irrespective of a person's race, ethnic or national origin. Pursuant to article 17 of the Act, State intervention in cultural activities is limited to prohibiting and preventing: violence; calls for racial, national or religious exclusivity; activities contrary to universal spiritual values; advocacy of pornography; and the use of narcotic drugs. A number of other articles offered mediated legal guarantees of the right of individuals to a cultural identity. In particular, article 48 (International cooperation in the field of culture), article 49 (International exchange in the field of culture) and article 50 (Cooperation in the preservation of cultural values) allow cultural minorities the opportunity to maintain and develop international contacts with their historical homelands. This opportunity is also afforded by other Azerbaijani legislation on culture, including the Conservation of Historical and Cultural Monuments Act of 10 April 1998 (article 30 of which is entitled Application of international legal instruments in the preservation of monuments); the Libraries Act of 29 December 1998 (article 33 of which is entitled International cooperation in library services); and the Museums Act of 24 March 2000 (article 27 of which is entitled "International cooperation").

195. The Ministry of Culture and Tourism works to preserve and develop the cultural values of national minorities and ethnic groups living in the country. It has produced a plan of activities which it is now putting into effect:

- Work with the embassies and missions of countries that are the historical homelands of ethnic groups living in Azerbaijan

- Cooperation with cultural centres and societies that currently represent small peoples
- International academic and research conferences, seminars and gatherings devoted to the rights of cultural minorities, with cultural workers active in this field
- Exhibitions reflecting the ethnography, art and customs of minority population groups and performing tours by ethnic minority ensembles in Azerbaijan and abroad
- Participation by groups representing minority peoples in district and nationwide cultural events
- Events to mark the anniversaries of eminent indigenous artists; awards of honorary titles to the leaders and members of amateur artistic ensembles
- Provision of traditional costumes, musical instruments and technical equipment to performing groups

196. A great deal of work is being done with culture centres and societies representing minority peoples. The Lezgin National Drama Theatre has been established in Qusar, and the State Puppet Theatre in Qakh, in each case around a folk theatre, with improved material and technical support.

197. The Ministry has a project, "Cultural Diversity in Azerbaijan", which is being carried out under the UNESCO Cultural Diversity programme. An academic conference on the same theme was held on 27-29 June 2002 with the support of the OSCE Office in Baku, and was attended by representatives of cultural associations, representing the national minorities living in Azerbaijan, non-governmental organizations and the heads of several embassies and diplomatic missions. The conference adopted a Declaration on Cultural Diversity in Azerbaijan which included items such as:

- Development of cooperation between the State, non-governmental and private sectors
- Regular monitoring of the country's cultural diversity and activities to maintain it

It has been decided to set up a coordinating committee on cultural diversity at the Ministry, for the purpose of coordinating activities with the cultural associations of the country's ethnic minorities.

198. In connection with UNESCO's sixtieth anniversary, a gala concert and photo exhibition entitled "Azerbaijan, crossroads of civilizations and cultures", were staged at UNESCO Headquarters on 19 October 2006 to show the world community the unique potential and experience of Azerbaijani culture in conducting dialogue among civilizations and cultures.

199. In December 2006, the Ministry of Culture and Tourism organized an "Azerbaijan - Our Native Land" festival, devoted to the art of ethnic minorities, under the UNESCO "Cultural Diversity" programme and its own "Cultural Diversity in Azerbaijan" project.

200. Article 7 of the Tourism Act of 4 June 1999 requires tourists travelling from Azerbaijan to foreign countries, including transit passengers, to abide by the laws of the country (or place) they are visiting and respect its social order, customs, traditions and religious beliefs.

201. Under article 4 of the Foreigners and Stateless Persons (Legal Status) Act of 13 March 1996, foreigners and stateless persons in Azerbaijan, are equal before the law and courts irrespective of their social or property status, race or ethnic background, sex, language, attitude to religion, type and nature of occupation and other circumstances.

202. Under article 3 of the Citizenship Act of 30 September 1998, Azerbaijani citizenship is equal for everyone, regardless of how it was acquired. The rights, freedoms and obligations of Azerbaijani citizens are equal irrespective of their origin, social status, property, race or ethnic background, sex, education, language, attitude to religion, political or other beliefs, type and nature of occupation, place of residence, length of residence in a particular place and other circumstances.

203. Under article 7 of the Immigration Act of 15 March 1999, a foreigner or stateless person's application to enter Azerbaijan may be denied in the following circumstances:

- If his or her entry might impair the State security or law and order of Azerbaijan
- If he or she is infected with the virus of a dangerous communicable disease appearing on the list established by the relevant executive authority
- If he or she cannot produce identity papers
- If he or she has provided forged documents or false information for the purposes of obtaining permission to enter the Republic of Azerbaijan
- If during the last five years he or she has been convicted of a serious premeditated crime
- If he or she has been previously expelled from the Republic of Azerbaijan
- If he or she and the family members accompanying him or her do not possess sufficient means to cover their basic needs, except where their upkeep is assumed by a citizen permanently residing in the Republic of Azerbaijan

204. According to the Status of Refugees and Forcibly (Internally) Displaced Persons Act of 21 May 1999, a person who has applied for refugee status may not be sent, extradited or forcibly returned to another country until the State Committee on Refugees and Forcibly Displaced Persons has taken a decision on his or her case. The decision to deprive a refugee of refugee status and to send, extradite or forcibly return him or her, or any person wishing to obtain refugee status, to another country must be taken by a court on the basis of a request from that Committee. In 1988 and 1989, up to 200,000 Azerbaijanis ethnically cleansed by the Government of Armenia and resettled in Azerbaijan as a result of the war of aggression

launched by Armenia against Azerbaijan and Armenia's policy of occupying Azerbaijani territory, obtained refugee status, on an individual rather than collective basis, by submitting documents and applications confirming that they were in fact refugees. According to article 5 of the Act, a refugee may under no circumstances be sent or deported to a country where his or her life or liberty is in danger. According to article 8 of the Act, a person who cannot be granted the status of refugee or asylum in Azerbaijan in the prescribed manner may be sent to another country. Under article 11, applicants for refugee status are entitled freely to profess their religion.

205. Under article 10 of the Mass Media Act of 7 December 1999, the media may not be employed to divulge confidential information protected under Azerbaijani law, to advocate the violent overthrow of the existing constitutional order, to attack the integrity of the State, to make propaganda in favour of war or the use of force and brutality, to stir up ethnic, racial or social division or intolerance, or under the guise of an authoritative source to publish rumours, lies or biased matter which offends citizens' honour and dignity, or pornographic or defamatory material, or to commit other illegal acts.

206. Under article 11 of the Television and Radio Broadcasting Act of 25 June 2002, the National Council for Radio and Television ensures that:

- Programmes which might harm children's and teenagers' physical, mental or emotional development are shown at hours when they are unable to watch them
- Programmes do not advocate terrorism, violence, cruelty or ethnic, racial or religious discrimination

Under article 23 of the Act, if a radio or television broadcaster defends open calls for the violent overthrow of the State order, attacks on the integrity of the State and national security, the stirring up of ethnic, racial and religious strife, or the organization of mass disturbances and terrorism, or knowingly provides facilities for the transmission of such broadcasts, its special permit (licence) to broadcast in Azerbaijani territory may be revoked by court decision. Article 32 requires broadcasters, in preparing programmes for airing, not to propagate terrorism, violence, cruelty or ethnic, religious or racial discrimination. Under article 35 of the Act, advertisements on television must not encourage conduct offensive to other people's dignity or religious and political views.

207. Under article 6 of the Local Opinion Poll Act of 30 November 1999, the right of citizens to participate directly or indirectly in local opinion polls may not be restricted on the grounds of race, ethnic background, religion, language, sex, origin, education, property, employment status, beliefs, or membership of political parties, trade unions or other voluntary associations.

208. Under article 5 of the Publishers Act of 30 May 2000, material prepared, produced and distributed by publishing companies may not contain calls for divulgence of State secrets, the violent change or overthrow of the existing constitutional order, attacks on the security of the country or the integrity of the State, propaganda for war, violence, or ethnic, racial or religious exclusivity, intolerance or social division, the publication and dissemination of materials of a pornographic or defamatory nature, or the commission of other offences.

209. Under article 7 of the Public Television and Radio Broadcasting Act of 28 September 2004, broadcasters are also responsible for ensuring that no pornographic material or programmes that advocate violence, cruelty and religious and racial discrimination are aired.
210. Article 2 of the Family Code enacted on 28 December 1999 prohibits all restrictions on the rights of citizens to enter into a marriage and family relations on grounds of social, racial, ethnic, linguistic or religious affiliation.
211. The thrust of the Gender (Male and Female) Equality Act of 10 October 2006 is to ensure gender equality by eliminating all forms of sex-based discrimination and creating equal opportunities for men and women in the political, economic, social, cultural and other spheres of public life.
212. The State Committee for the Family, Women and Children is responsible for implementing recommendations by the Committee on the Elimination of Discrimination against Women.
213. Pregnant women and women with young children in Azerbaijan enjoy certain privileges in penal, work-related and other matters. Under article 47 of the Criminal Code, pregnant women and women with dependent children under the age of 8 years cannot be punished with community service. The same applies to men and women of pensionable age. Under article 53.5, punitive restriction of liberty cannot be applied to pregnant women, women with children under the age of 8 years, men and women of pensionable age, or persons with disabilities in groups I and II.
214. Article 16.2 of the Labour Code specifies that advantages and privileges granted to women, persons with disabilities and persons under the age of 18 years are not to be considered discriminatory.
215. Article 66 of the Labour Code stipulates that performance assessments should not be applied to women with dependent young children, pregnant women, or workers under the age of 18 years.
216. Under article 6 of the Rights of the Child Act of 19 May 1998, all children have equal rights; they may not be discriminated against on the basis of social status or wealth, state of health, race or ethnic background, language, education, religion, political views, or place of residence of their parents or guardians.
217. Article 16 of the Labour Code (Non-discrimination in employment) enacted on 1 February 1999 prohibits any discrimination between workers on the basis of citizenship, sex, race, religion, ethnic background, language, place of residence, property, social origin, age, family status, beliefs, political views, membership of trade unions or other voluntary associations, official position or any other criteria unconnected with their professional qualities, occupational skills or results of their work. It also prohibits the direct or indirect conferring of advantages or privileges and the restriction of rights on those grounds.

218. The main legislative base of employment matters comprises the Constitution of Azerbaijan, the Employment Act of 2 July 2001 and other related acts and international treaties that have been ratified by Azerbaijan. According to article 6 of the Employment Act, the thrust of State policy in the field of employment is:

(a) To ensure that all citizens, irrespective of race, ethnic background, religion, language, sex, family status, social origin, place of residence, property, beliefs or membership of political parties, trade unions or other voluntary organizations, have equal opportunities to exercise their right to work and free choice of employment;

(b) To create conditions for the employment of Azerbaijani citizens outside the country, and for stateless persons and foreigners residing in Azerbaijan;

(c) Compliance with labour legislation is monitored, within the limits of its authority, by the State Labour Inspectorate at the Ministry of Labour and Social Protection.

219. The State programme for the implementation (2007-2010) of Azerbaijan's employment strategy was approved by a presidential order of 15 May 2007. Its principal objective is to give effect, by the year 2011, to the thrust of the national employment strategy (2006-2015) approved by presidential order of 26 October 2005, by creating a political, economic, social and institutional environment conducive to more widespread employment. The programme includes measures to promote the employment of socially vulnerable groups, namely refugees, forcibly displaced persons and young people; in addition, conditions will be created to integrate persons with disabilities into society and get more of them into employment.

220. Under article 10 of the Public Health Act, stateless persons permanently resident in Azerbaijan have the same rights to health protection as Azerbaijani citizens. Foreigners are entitled to health protection in accordance with international agreements to which Azerbaijan is a party.

221. Under article 30 of the Psychiatric Care Act of 12 June 2001, the responsibilities of the administrative and medical staff of psychiatric hospitals include drawing up rules to govern the free performance of religious rites without inconveniencing other patients, and explaining those rules to patients who are practising believers.

222. Under article 5 of the Social Services for the Elderly Act of 22 June 2001, in facilities for the elderly run by the social services, elderly persons are entitled to a separate area to perform religious rites provided that they do not break the rules of the facility concerned.

223. No form of discrimination, on racial, national, ethnic or any other grounds, is permitted against disabled persons; this is set out in article 1 of the Disability Prevention and Disabled Persons (Rehabilitation and Social Protection) Act of 25 August 1992. All ethnic groups and national minorities receive equal treatment with respect to the medical rehabilitation of persons with disabilities, provision of assistance in solving day-to-day housing and other problems, provision of material and technical assistance and the holding of cultural events for persons with disabilities; racial discrimination and xenophobia are prohibited and punishable by law.

224. Article 69, first paragraph, of the Constitution states that foreigners and stateless persons in Azerbaijan have the same rights and responsibilities as citizens unless otherwise stipulated in the laws of Azerbaijan or international treaties to which Azerbaijan is party. This provision also guarantees rights in educational matters for asylum-seekers, refugees and other stateless persons as long as they are legally present in Azerbaijani territory.

225. In accordance with article 45 of the Constitution, everyone has the right to use his or her native language, to receive an education and to be creative in his or her native language. No one may be deprived of the right to use his or her native language.

226. Article 3 of the Education Act of 7 October 1992 guarantees citizens the right to an education, irrespective of their race, language, ethnic background or religion. Citizens are offered freedom of choice in the form of instruction, educational establishment and language of instruction.

227. The State language of Azerbaijan is Azerbaijani.

228. One mark of respect for other ethnic groups can be seen in the provision at schools and colleges of instruction in Russian and Georgian as well as Azerbaijani. Taking into account the needs of society and citizens' wishes pupils may be taught in ethnic minority languages, taking compulsory classes in Azerbaijani, and the history, literature and geography of Azerbaijan.

229. At present, of the 1,760 preschool establishments in operation in Azerbaijan, in 10 establishments (635 children) education and instruction are provided in Russian only, and in 6 establishments (280 children) education and instruction are provided in Georgian. In 228 establishments where education and instruction are provided in Azerbaijani and Russian, 7,730 of the 26,015 children study in Russian groups. In two establishments that provide education and instruction in Azerbaijani and Georgian, 40 of the 175 children study in Georgian groups.

230. In Azerbaijan, complete general education is provided in three languages - Azerbaijani, Russian and Georgian. In 19 schools, attended by 6,208 pupils, instruction is provided only in Russian, and in 6 schools, with a total of 991 pupils, instruction is provided only in Georgian. In 334 schools that provide instruction in Azerbaijani and Russian, 101,291 pupils study in the Russian sector, and in 5 schools that provide instruction in Azerbaijani and Georgian, 770 pupils study in the Georgian sector. In one school where instruction is provided in Azerbaijani, Russian and Georgian, 125 pupils study in the Russian sector and 126 in the Georgian sector.

231. Hebrew is studied in school No. 46 in Baku. There is also in Baku a private school where Hebrew and Jewish history and culture are studied. At present, 251 pupils are enrolled there.

232. Children of ethnic groups living in dense communities in 13 districts of Azerbaijan are able to study their own languages, traditions, customs and cultures.

233. Ethnic minority children in elementary grades at schools in Quba, Qusar, Ismailli, Xaçmaz, Oguz and Qabala districts of Azerbaijan study Lezgin; Talysh is studied in schools in Lerik, Lankaran, Astara and Masally districts; and Avar, Udi, Tat, Tsakhur, Khynalag and Kurdish are studied in schools in the Balakän, Qabala, Xaçmaz, Zaqatala, Quba and Samukh districts of Azerbaijan. Children are taught their native languages in primary school (grades 1-4).

234. To streamline the teaching of ethnic minority languages, a great deal of attention is given to the preparation and publication of curricula, textbooks, study aids, teaching material, teacher's editions and recommendations. In recent years, Azerbaijan has produced curricula and 17 textbooks, including *We Study Our Native Language*, *Alphabet*, *The Lezgin Language*, *The Talysh Language*, *The Tat Language*, *The Kurdish Language*, *The Tsakhur Language*, *The Avar Language* and *The Udi Language*.

235. Under article 2 of the Electoral Code enacted on 27 May 2003, citizens of Azerbaijan take part in elections and referendums on the basis of universal, equal and direct suffrage by individual, secret ballot. Participation in elections and referendums is free and voluntary. No one may put pressure on citizens to participate in an election or referendum or not, and no one may obstruct the free expression of their will. Citizens of Azerbaijan can vote, stand for election and participate in referendums irrespective of their race, ethnic background, religion, sex, origin, property, employment status, beliefs, membership of political parties, trade unions or other voluntary associations, or other considerations.

236. Since 8 June 2004, the State of Emergency Act has regulated the application of states of emergency and the use of special powers in accordance with the Constitution. The measures it provides for must be consistent with Azerbaijan's obligations under international human rights treaties and must not result in discrimination against individuals or groups on grounds of race, ethnic background, language, sex, origin, property, official position, beliefs or membership of political parties, trade unions or other voluntary associations. If a state of emergency is declared, the Ministry of Foreign Affairs must, in accordance with the International Covenant on Civil and Political Rights and the Convention on the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights), notify the Secretary-General of the United Nations and the Secretary-General of the Council of Europe within three days what temporary restrictions have been imposed on civil rights and freedoms and for what reason. It must inform the Secretary-General of the United Nations and the Secretary-General of the Council of Europe when the state of emergency is lifted.

237. Under article 3 of the Municipalities (Status) Act of 2 June 1999, Azerbaijani citizens can exercise their right to local self-government by electing the municipal authorities in the areas where they reside, by voting in referendums, by participating in opinion polls, by freely expressing their views, putting forward proposals and so forth. They can do so both directly and through representatives, irrespective of their race, ethnic background, sex, language, origin, property, official position, religion, beliefs, occupation, or links to political parties, trade unions or other voluntary associations.

238. The Public Service Act of 21 July 2000 regulates relations between the State and public servants and matters related to the legal status of public servants. Under article 27 of the Act, the right to enter the public service is enjoyed by all citizens of Azerbaijan who have attained the age

of 16, regardless of their race, ethnic background, language, sex, social origin, property, place of residence, attitude to religion, beliefs, or, membership of voluntary or other associations, and who meet the professional requirements for the post in question.

239. According to article 5 of the Police Act of 28 October 1999, the police, in the performance of their duties, protect the rights and legitimate interests of citizens arising out of the Constitution of Azerbaijan and international agreements against any conduct intended to violate these rights and freedoms, irrespective of sex, race, ethnic background, religious affiliation, property, employment status, beliefs or membership of political parties, trade unions or other voluntary associations.

240. Under article 4 of the Code of Civil Procedure enacted on 28 December 1999, all individuals and legal entities are entitled to have recourse to legal protection as prescribed by law in order to defend and uphold their legitimate rights, freedoms and interests.

241. Under article 8 of the Code, justice in civil matters and economic disputes is administered on the principle that all are equal before the law and the courts. The court treats all participants in proceedings equally, regardless of their race, ethnic background, faith, religion, language, origin, property, employment status, beliefs, membership of political parties, trade unions or other voluntary associations, whereabouts, subordination (in the case of a legal entity) form of ownership and other distinctions not provided for by law.

242. Article 4, paragraph 3, of the Criminal Investigations Act of 28 October 1999 prohibits those conducting criminal investigations from doing anything to benefit a particular political party or other voluntary associations, and also prohibits the covert involvement of such persons in the work of the legislative or judicial authorities or of properly registered voluntary associations or religious organizations, with a view to influencing their legitimate activities.

243. The Criminal Code which entered into force on 1 September 2000 contains language establishing criminal liability for offences based on hatred or motivated by racial or religious intolerance or xenophobia. These are articles that penalize genocide (art. 103), extermination of a population (art. 105), slavery (art. 106), deportation or forcible resettlement of a population (art. 107), persecution in the aforementioned circumstances (art. 109), sexual violence (art. 108), forcible detention (art. 110), apartheid (art. 111), torture (art. 113), violation of equality (art. 154), preventing the observance of religious rites (art. 167), infringement of civil rights on the pretext of observing religious rites (art. 168), incitement to ethnic, racial or religious enmity (art. 283) and so forth, and articles making ethnic, racial or religious hatred or enmity an aggravating circumstance in the case of deliberate homicide (art. 120, para. 2 (12)). To date, no criminal proceedings have been instituted under the above articles, and no complaints or communications relating to these questions have been received.

244. The Criminal Code enacted on 30 December 1999 makes the following into criminal offences:

“Article 101. Public incitement to a war of aggression

101.1 Public incitement to a war of aggression is punishable by restriction of liberty for periods of up to three years or imprisonment for the same length of time.

101.2 The same conduct committed using the mass media, or by a person in authority, is punishable by imprisonment for a period of from two to five years, with or without forfeiture of the right to hold certain positions or engage in certain activities for up to three years.”

245. Under article 61, paragraph 1 (6), of the Criminal Code, that a crime is motivated by ethnic, racial or religious hatred or fanaticism is deemed to be an aggravating circumstance.

246. Under article 11 of the Code of Criminal Procedure, enacted on 14 July 2000, criminal proceedings are to be conducted on the principle that all are equal before the law and the court. The authorities conducting criminal proceedings shall not accord advantages to any participant in criminal proceedings on the grounds of his or her citizenship, social status, sex, race, ethnic background, political or religious affiliation, language, origin, property, employment status, beliefs, domicile, whereabouts or any other considerations not founded in the law.

247. Under article 3 of the Extradition of Offenders Act of 15 May 2001, extradition may be refused if there are sufficient grounds for the assumption that, it would expose the requested person to persecution on grounds of race, ethnic background, language, religion, citizenship, political views or sex.

248. Under article 3 of the Legal Assistance in Criminal Proceedings Act of 29 June 2001, requests for legal assistance will be refused if there are sufficient grounds for the assumption that they have been made for the purpose of persecuting individuals in connection with their race, ethnic background, religion, language, citizenship, political opinions or sex.

249. According to article 7 of the Trafficking in Persons Act of 28 June 2005, Azerbaijan’s efforts to combat trafficking in persons are based, among other things, on the principle of preventing victims of trafficking from being discriminated against in society.

250. Cabinet of Ministers decisions dated from 9 November 2005 approved a procedure for establishing, financing and monitoring the activities of special institutions for victims of trafficking, of their activities. The statute of the Fund for Assistance to Victims of Trafficking in Persons was approved on 12 January 2006; this sets out the legal basis for the operations of the Fund, which was specially established within the Ministry of Internal Affairs. Regulations governing the social rehabilitation of victims of trafficking in persons were approved on 6 March 2006; they define the social rehabilitation machinery. On 17 June 2006, an allowance for victims of trafficking in persons, to be paid to them during reintegration, was set at 30 standard financial units.

251. Azerbaijan produced its initial national plan of action to combat trafficking in persons with assistance from OSCE and the International Organization for Migration (IOM). It was approved on 6 May 2004 by presidential order. The Plan calls for improvements to the legislative base and a special unit, the Office for Combating Trafficking in Persons, which has been established and is operating at the Ministry of Internal Affairs; a national coordinator has also been appointed.

252. Over the period 2003-2007, 564 offences involving trafficking in persons were identified and investigated; the cases were referred to the courts and the perpetrators were convicted and punished.

253. There have been no cases of racial discrimination against non-Azerbaijanis performing active military service in the Azerbaijani Armed Forces. Furthermore, from 11 March 2005 to date, in other words, since the adoption of the concluding observations on Azerbaijan by the Committee on the Elimination of Racial Discrimination, under the International Convention on the Elimination of All Forms of Racial Discrimination of 21 December 1965, there has been no need to amend the military law of the Republic or to take administrative or other measures, so no such action has been taken.

254. As regards the forced expulsion of migrants, it should be emphasized that one of the priorities of Azerbaijan's law enforcement bodies and special services is to identify and suppress channels of illegal migration, which has increased since anti-terrorist operations began and cloaks the movements of members of terrorist organizations and their accomplices. In order to address this problem, the Government has established a Border Control Commission and a coordinating group on cooperation with the International Organization for Migration. The main objectives of these bodies are to bring border control and protection procedures into line with international standards, monitoring flows of passengers and goods while upholding the human rights of people crossing the border. A presidential order dated 25 July 2006 approved the State Migration Programme under which the necessary measures are being taken. The main purpose of the Programme is to give effect to State policy on migration, develop a migration management system, regulate and predict migration flows, bring legislation into line with international standards and current requirements, build a modern, computerized monitoring system, deter illegal migration and offer social protection for migrants. The Programme addresses the specific characteristics of migration flows, the priorities of State policy and international cooperation. In addition, it sets out measures to be carried out by various State structures within the established time frame. One of the tasks of the Programme was to create a State body to execute State policy on migration, develop a migration management system, regulate and predict migration flows and coordinate the activities of the relevant State bodies.

255. A presidential decree dated 19 March 2007 established the State Migration Service and approved its statute with a view to meeting the requirements of the Programme.

256. Azerbaijan is now evolving from a country of origin to a host country for migrants. The State Migration Service is taking steps to establish an appropriate legal framework and amend existing legislation, accordingly. It is developing a migration code consonant with the State Migration Programme and has put forward proposals for a readmission strategy whereby citizens can return to their countries of origin.

257. Azerbaijan has signed bilateral visa exemption agreements with the countries of the Commonwealth of Independent States (CIS) (with the exception of Turkmenistan and Armenia) and entry and exit agreements on preferential terms with many States in Europe and Asia. Within the limits of its authority, the State Migration Service works with IOM, the Office of the United Nations High Commissioner for Refugees, the European Union, the Council of Europe and the relevant CIS organizations.

258. Azerbaijani legislation on migration comprises the 1998 Immigration Act, the 1996 Foreigners and Stateless Persons (Legal Status) Act and the 1999 Refugees and Internally Displaced Persons (Status) Act. A number of regulations governing labour migration, have been adopted, including the Labour Code, which entered into force on 1 July 1999, and the Labour Migration Act, approved on 28 October 1999. Within the CIS framework, Azerbaijan has entered into agreements on cooperation in labour migration and the social protection of migrant workers (1994), on cooperation in occupational safety and health (1994) and on cooperation in labour migration and the social protection of immigrants. A presidential decree issued on 5 August 2008 deals with the application of Act 658-IIIQD of 24 June 2008, the development of a system of migration management, and amendments to some Azerbaijani legislation.

259. As a result of action taken over the course of 2006, 250 foreign citizens without visas or the relevant permits were detained in Azerbaijan. Among the detainees, 72 were citizens of Pakistan, 36 were citizens of the Islamic Republic of Iran, 31 of India, 22 of Turkey, 17 of Bangladesh, 11 of Georgia, 10 of Nigeria, 8 of the Russian Federation, 8 of Uzbekistan, 6 of Turkmenistan, 5 of Afghanistan, 4 of Ukraine, 3 of Viet Nam, and 1 citizen each from Mexico, the Syrian Arab Republic, Tunisia, the Netherlands and the United Kingdom. Of those persons, 126 were fined, on the basis of article 330 of the Code of Administrative Offences, a total of 2,480 manats (monetary unit of Azerbaijan) and deported in accordance with administrative procedure.

260. In accordance with article 339, paragraph 1, of the Code of Administrative Offences, 95 foreign citizens were fined a total of 1,085 manats in 2006 for living in Azerbaijan without the requisite residence permit.

261. As a result of measures carried out during the first quarter of 2007, 184 foreign citizens without visas or the relevant permits were detained in Azerbaijan. Among the detainees, 34 were citizens of Pakistan, 55 were citizens of the Islamic Republic of Iran, 19 of India, 17 of Uzbekistan, 8 of Georgia, 8 of Nigeria, 6 of the Russian Federation, 5 of Turkey, 5 of Turkmenistan, 4 of China, 3 of Afghanistan, 3 of Iraq, 3 of Thailand, 2 of Bangladesh, 2 of Viet Nam, and 1 citizen each from Ukraine, the Syrian Arab Republic, Latvia, Laos, Kyrgyzstan, the Philippines, Canada, Jordan, Saudi Arabia and Yemen. Thirteen cases are currently being examined; the other detainees have been fined a total of 2,332 manats on the basis of article 330 of the Code of Administrative Offences and deported in accordance with administrative procedure.

262. In response to requests from cooperating countries, Azerbaijan has extradited 12 persons suspected of inciting religious animosity and committing terrorist acts, including 3 members of the Al-Qaida terrorist organization, 3 activists of Misir Islam Jihadi, 5 members of Al-Jamaa Al-Islamiya and 1 member of Armiya Kavkaz Islam. Eleven terrorists have been arrested in Azerbaijan and handed over to the special services of other cooperating countries; at the same time, on the basis of information from the special services of Azerbaijan, six terrorists have been arrested in the United Kingdom, the Netherlands, Germany, the United Arab Emirates and Pakistan. Azerbaijan's national security bodies have identified 14 activists of the terrorist organization Jayshullah, 6 members of Hizb ut-Tahrir and 1 member of Al-Jamaa Al-Islamiya within the country. Because of their links with terrorist organizations, the activities of branches of foreign organizations in Baku - International Humanitarian Appeal from the United Arab Emirates, Al-Haramain from Saudi Arabia, Rebirth of Islamic Heritage and Patient Assistance

Fund from Kuwait, the Benevolence International Foundation from the United States of America and the Qatar organization from Qatar - have been suspended. Three members of these organizations have been handed over to Egypt, and 23 deported from Azerbaijan. In recent years, 33 foreigners directly involved in international terrorism have been extradited: in the period since 11 September alone, 5 Egyptian citizens and 1 Uzbek citizen because they belonged to the terrorist organizations Al-Qaida, Al-Jamaa Al-Islamiya and the Egyptian Islamic Jihad. The activities of seven branches of charitable organizations in Baku have been suspended because of their links to terrorist organizations.

263. The Office of the Ombudsman has been operating for seven years. One human rights area in which the Ombudsman has been engaged in particular during this period has been combating, preventing and raising public awareness about discrimination. Under the Commissioner for Human Rights (Ombudsman) in the Republic of Azerbaijan Constitutional Act of 28 December 2001, anyone living in the country has the right to apply to the Ombudsman irrespective of race, ethnic background, language and religion.

264. Although the Ombudsman receives complaints from people belonging to ethnic minorities, given that Azerbaijan is a multi-ethnic State inhabited by various ethnic groups and minorities, the complaints essentially relate to social and economic rather than ethnic issues.

265. Several events to uphold ethnic minority rights and religious freedom have been held during the Ombudsman's tenure. Among them, the Ombudsman and her staff have regularly participated in international events on religious and human rights issues, the dialogue among civilizations and the prohibition of racial, ethnic and religious discrimination.

266. The Commissioner for Human Rights (Ombudsman) in the Republic of Azerbaijan Constitutional Act has, among other things, enabled society to develop more open links with the prison system. The Minister of Justice has issued a special order to ensure that the Commissioner has unimpeded access to places of detention and remand centres, is promptly accorded interviews with their administrators and can meet inmates, can speak privately with each detainee and will be shown documents confirming the legality of their detention. When visiting prisons, the Ombudsman devotes particular attention to the protection of convicts' religious freedom and the establishment of places for worship, and just as much attention to prisoners' ethnic and religious background. Afterwards she has made recommendations to improve conditions in detention for convicted and remand prisoners, and these are now being put into effect. For example, rooms suitable for worship supplied with religious books have been set aside, and arrangements have been made for clergy to visit prisoners, including those sentenced to prison for life, so as to uphold their freedom of conscience and religion. Provision has also been made for special diets for prisoners belonging to various religious and ethnic minorities.

EFFECTIVE REMEDIES

267. As outlined above, the Commissioner for Human Rights defends human rights together with the judiciary.

268. Under the Commissioner for Human Rights (Ombudsman) in the Republic of Azerbaijan Constitutional Act of 28 December 2001, 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 do 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 article 8, paragraph 1, of the Act, the Commissioner reviews complaints of human rights violations from citizens of Azerbaijan, aliens, stateless persons and legal persons. She also maintains close relations with various religious leaders and takes a constant interest in their problems.

269. A working group has been established to carry out the National Plan of Action for the Protection of Human Rights in Azerbaijan, and the Commissioner for Human Rights has been entrusted with taking the lead in this area. Matching the structure of the National Plan, five subgroups have been established under the working group, and there have been nine district public hearings, covering all districts of the country, chiefly to discuss the thrust of the National Plan and the prospects for cooperation in overcoming challenges. Elected representatives from the districts concerned, local government officials, representatives of local non-governmental organizations, members of the media and representatives of local ethnic minority communities attended the hearings together with the members of the working groups.

270. The State Committee on the Family, Women and Children organized an open house as soon as it was established. Every week the chairperson and deputy chairpersons meet with people who have applied to the Committee for help. Within the limits of its authority, the Committee provides assistance to all who apply to it for help.
