



**International covenant
on civil and
political rights**

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HUMAN RIGHTS COMMITTEE
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**LIST OF ISSUES TO BE TAKEN UP IN CONNECTION WITH
THE CONSIDERATION OF THE THIRD PERIODIC REPORT OF AZERBAIJAN
(CCPR/C/AZE/3)**

Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. In light of the high number of complaints received by the Human Rights Commissioner (paras. 31 and 49), please provide updated statistical information on the types of violations alleged, the number of investigations initiated by the Commissioner and their outcome, as well as information on the measures taken by the State party to follow-up on recommendations made by the Commissioner.

Discrimination against women and domestic violence (arts. 2 (1), 3, 7, 26)

2. Please clarify whether the Gender (Male and Female) Equality Act of 2006 (para. 66) envisages temporary special measures to overcome de facto discrimination against women, and provide examples of cases where such measures have been implemented successfully. Please also provide detailed information on the measures taken to promote the representation of women in Parliament (paras. 87 and 93-94) and in senior positions in Government and in the private sector (paras. 71 and 92).

3. Please indicate whether the State party has adopted legislation which specifically criminalizes domestic violence (para. 89) and provide detailed information on its scope and content. Please also provide information on the definition of rape in the Criminal Code (para. 74) and indicate whether it covers marital rape as well as non-consensual sexual acts in the absence of resistance. What measures have been taken to ensure that acts of domestic violence are effectively investigated and perpetrators prosecuted and sanctioned, and what has been the impact of such

measures? Please provide more detailed information on the steps taken to combat domestic violence (paras. 537-543), such as training for judges, prosecutors, police and health professionals and on awareness-raising campaigns for women on their rights and available remedies, as well as information on the number of safe shelters and the resources allocated to victim assistance.

Accountability, right to life and prohibition of torture and cruel, inhuman or degrading treatment (arts. 2, 6 and 7)

4. Please comment on reports that allegations of police killings are not always thoroughly investigated and that even when investigations result in a conviction, the sentences for perpetrators are often too lenient.

5. Please comment on reports that law enforcement officials often extract confessions through torture or ill-treatment and that evidence obtained by such means is not systematically dismissed in the courts of the State party (paras. 134-138 and 169). Please provide more detailed information on measures taken by the State party to ensure prompt, impartial and thorough investigations into allegations of torture and ill-treatment in police custody, detention facilities and prisons (paras. 58 and 144 et seq.), as well as to prosecute perpetrators. Please indicate whether the State party has established an independent body to investigate such allegations.

Elimination of slavery and servitude (art. 8)

6. Please provide more detailed information on concrete measures taken by the State party to rehabilitate victims of trafficking in human beings and to provide them with medical, psychological, social, domestic and legal assistance (para. 181).

Liberty and security of the person and treatment of prisoners (arts. 9 and 10)

7. Please provide more detailed information on the requirements for placing persons in police custody and on their rights while in police custody. Please also indicate what measures have been taken by the State party to ensure that the length of police custody is not unreasonable (paras. 208, 216, 224, 226 and 311).

8. What measures are in place to prevent prolonged pre-trial detention (paras. 218-219)? Please indicate whether it is the general rule that persons awaiting trial are detained in custody (paras. 239-240). Please provide statistical data on the number of persons in remand detention and their percentage in relation to the entire prison population. Please also indicate the average length of remand detention in the last three years.

9. Please provide more detailed information on the mandate and powers of the Public Committee set up “to participate in the work of correcting convicted prisoners and exercising public monitoring” (para. 154), as well as on the visits undertaken and the recommendations issued by the Committee, and on any measures taken by the State party to implement such recommendations.

Please specify whether any of the State organs mentioned in paragraphs 52, 58, 132 and 154 of the report provide for a system of regular and independent inspections of all places of detention.

10. Please comment on reports that despite the efforts made by the State party to improve the conditions of persons deprived of their liberty (report, paras. 278 et seq.), prison conditions remain harsh and sometimes life-threatening, especially for tuberculosis patients and prisoners serving life sentences.

Freedom of movement and protection from expulsion (arts. 12 and 13)

11. What steps, if any, have been taken by the State party, in a phased approach, to ensure safe and sustainable conditions for a possible future voluntary return of internally displaced persons (IDPs) to Nagorno-Karabakh and adjacent regions (para. 11), bearing in mind the need for mine clearance, mechanisms for property restitution, reconstruction or compensation, reintegration, and participation of affected individuals and groups during all phases of planning and implementation of a future return process?

12. In light of reports that non-citizens, in particular Chechens and members of religious minority groups such as Jehovah's Witnesses, are sometimes denied access to the asylum procedure or returned to their country of origin without having been given access to appeal procedures, on the basis of administrative deportation orders which do not require any hearings, or in violation of the non-refoulement principle, please describe the measures taken to put an end to such practices. Please also indicate whether the State party envisages adopting other forms of protection guaranteeing the right to remain to persons who are not formally recognized as refugees or asylum-seekers.

Right to a fair trial before an independent and impartial tribunal (art. 14)

13. In addition to the information contained in the report (paras. 25, 360 and 365 et seq.), please provide further information on measures taken to ensure that the judiciary is independent from the executive branch, free from political pressure and protected from corruption.

14. Please describe the legal aid scheme in place to guarantee, in law and in fact, that indigent detainees have access to a lawyer, including outside of Baku (para. 208).

Freedom of religion (art. 18)

15. What steps are taken to combat religious intolerance and discrimination by law enforcement officials and in the media against minority religious communities, such as minority Muslim groups, Seventh Day Adventists, Baptists or Jehovah's Witnesses, and to ensure that religious gatherings of such communities are not disrupted by local authorities? Please indicate what measures have been taken to address the difficulties in the registration of religious associations such as Muslim communities, which must obtain approval from the Caucasus Muslim Board before applying for registration with the Supreme Religious Council of the Caucasus Peoples, and to ensure that any refusals of registration are based on objective criteria, reasoned and subject to judicial review.

Freedom of opinion and expression (art. 19)

16. Please provide detailed information, including specific case examples, on measures taken by the State party to ensure that all crimes targeting media professionals are investigated promptly and impartially, including those committed by law enforcement officials, that perpetrators are prosecuted and adequately sanctioned and victims compensated (paras. 472-480).

17. In light of numerous reports on politically motivated trials and convictions of journalists and other media professionals critical of the Government, who have allegedly been arrested and detained on fabricated charges, convicted without a fair trial and sentenced to excessive prison terms, especially in the context of criminal libel suits, please indicate whether the State party considers decriminalizing defamation, libel and insult by repealing articles 147, 148 and 323 of the Criminal Code and replacing them by civil defamation laws (paras. 421-424), as well as by declaring an amnesty for media professionals convicted of defamation, libel or insult. Please also indicate whether efforts are undertaken to discourage members of the Government and other political and public figures from systematically suing journalists and to encourage them to accept public criticism and scrutiny.

Freedom of assembly and association (arts. 21 and 22)

18. Please comment on reports regarding unlawful restrictions on freedom of assembly. Such violations reportedly consist of the prohibition of peaceful political rallies of opposition parties and youth movements, their restriction to remote designated locations, dispersion of peaceful political rallies, and harassment of opposition officials by security forces with impunity, especially during election campaigns.

19. Please provide information on the legal provisions regulating the funding of NGOs by foreign as well as domestic donors.

Right to take part in the conduct of public affairs (art. 25)

20. What measures have been taken to prevent the recurrence of the numerous irregularities which took place during the Presidential elections in 2003, the parliamentary elections in 2005 and the rerun elections in 2006, when national and international observers noted a lack of impartiality of election commissions and interference by local authorities in the electoral process, the voting, counting and tabulation processes, as well as in the election grievance process (paras. 614-616)?

Right to equality before the law (arts. 2, 26)

21. Please provide information on the impact of measures taken by the State party to combat stereotyping and social segregation of persons with disabilities, including children, and to ensure their equal access to the labour market and to mainstream education.

22. What measures is the State party taking to ensure that refugees and asylum-seekers, Russian citizens from Chechnya, certain long-term residents such as Afghans married to Azerbaijani citizens, as well as stateless persons, are granted residence registration and documents legalizing their presence in the State party?

Rights of persons belonging to minorities (art. 27)

23. Please indicate whether the State party has adopted a law on the protection of minorities and if so, please provide information on the guarantees contained therein. Please also indicate the level of State funding for the activities of cultural associations of ethnic, linguistic and religious minorities.

Dissemination of information relating to the Covenant and the Optional Protocol (art. 2)

24. Please indicate what steps the State party has taken to disseminate information about the submission of its third periodic report, its examination by the Committee and the Committee's previous concluding observations on the second periodic report. Please also provide more detailed information on the involvement of representatives of ethnic and minority groups and of civil society in the preparation of the third periodic report (para. 2).
