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Chairperson: Mr. Iwasawa

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The meeting was called to order at 3.15 p.m.

Consideration of reports submitted by States parties under article 40 of the Covenant
(item 7 of the agenda) *(continued)*

Third periodic report of Azerbaijan (CCPR/C/AZE/3; CCPR/C/AZE/Q/3; CCPR/C/AZE/Q/3/Add.1)

1. *At the invitation of the Chairperson, the members of the delegation of Azerbaijan took places at the Committee table.*
2. **Mr. Khalafov** (Azerbaijan) said that various ministries and departments had contributed to the preparation of the third periodic report, in which the Human Rights Commissioner and representatives of non-governmental organizations had also been involved. The text was published in Azeri on the website of the Ministry for Foreign Affairs, and the concluding observations and recommendations made by the Committee following its consideration of the second period report (CCPR/CO/73/AZE) had also been translated into Azeri and made public.
3. On 18 March 2009, broad amendments to the Constitution had been adopted in order to consolidate the constitutional order, improve the protection of human rights and fundamental freedoms, bolster the social dimension of government action and improve the functioning of the highest State authorities, in particular courts and municipalities. To that end, provisions relating to the prohibition of arbitrary interference in private and family life, the right to equality, child protection, the right to freedom of religion and the right to information had been strengthened. The constitutional amendments had also instituted a new form of direct democracy, under which 40,000 voters now had the right to propose legislation.
4. The United Nations Human Rights Committee had examined the situation in Azerbaijan as part of the universal periodic review process in 2009, and the Azerbaijani Government planned to set up a special working group, composed of representatives of government and NGOs, to implement the recommendations issuing from the review. At the same time, Azerbaijan continued to implement its national plan of action for the protection of human rights adopted in 2006. It had also ratified the International Convention for the Protection of All Persons from Enforced Disappearance in 2007, and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 2008. With the ratification of the Convention on the Rights of Persons with Disabilities and its Optional Protocol, Azerbaijan had become party to the eight principal human rights instruments. Furthermore, a visit by the Working Group on Arbitrary Detention was scheduled for October 2009.
5. The Azerbaijani Government was pursuing its efforts to eliminate all forms of violence against women. For example, the Gender Equality Act, adopted in 2006, had broadened the definition of sexual discrimination to include any instance of unequal or superior treatment based on sex that restrained or prevented the exercise of equal rights. The draft law on prevention of domestic violence, currently under consideration by the Parliament, provided for the creation of rehabilitation centres for women and children who were victims of domestic violence. As part of a project entitled “Combating violence against women in the twenty-first century”, implemented jointly by the State Committee on the Family, Women and Children, the Geidar Aliev Fund and the United Nations Population Fund, rehabilitation centres would be opened in four towns by the end of 2009. In addition, the Ministry of Internal Affairs regularly held seminars and conferences on the subject of violence against women, in cooperation with the Organization for Security and Cooperation in Europe (OSCE) and representatives of the United Nations Children’s Fund (UNICEF) in Azerbaijan. The Ministry had also provided training to 140 members of its

staff on issues relating to violence against women. All those measures had resulted in a substantial reduction in the number of acts of domestic violence, which had decreased nearly threefold from 2007 to 2008.

6. Several laws had been adopted to combat human trafficking and provide assistance to victims. Penalties for trafficking, forced labour or diffusion of confidential information concerning victims of trafficking had been added to the Criminal Code in 2005. For example, under article 144 (1) of the Criminal Code, trafficking in minors was now punishable by 8 to 12 years of imprisonment, together with confiscation of property. In recent years, 167 persons had been convicted under that provision. It should also be noted that large-scale awareness-raising campaigns, in which NGOs had been involved, had also been launched in the framework of the national plan of action; special Internet sites had been created; television programmes had been broadcast and studies had been conducted with a view to understanding the origins of the problem and preventing such crimes. The second national plan of action to combat trafficking (2009–2013) had been adopted on 6 February 2009. A social rehabilitation system for victims of trafficking had been set up, which included financial assistance for victims. In 2008, the authorities had registered 76 cases of trafficking, legal proceedings had been initiated against 96 persons and the perpetrators had been brought to trial. During that same year, shelters for trafficking victims had housed 52 persons, 9 victims had been compensated for damages and 41 persons had received benefits while in rehabilitation. It should also be noted that a special police division for combating human trafficking had been operating within the Ministry of Internal Affairs since 1 August 2006.

7. On the recommendation of the Committee, the Government of Azerbaijan had adopted a series of measures to improve the functioning of the penitentiary system, modernize its infrastructure and improve conditions of detention. In that context, the Government had adopted in 2008 a law amending and supplementing both the Execution Code and the Code of Penal Procedure, which gave convicted persons broader rights with regard to education and psychological assistance and which eliminated censorship of correspondence, limited the amount withheld from the wages of working prisoners and increased the number of authorized visits and telephone conversations. A draft bill also provided that persons being held in pretrial detention could, at their request, be examined by a doctor from a public or private health-care institution. In a further effort to improve conditions of detention, new penal establishments that met international standards had been opened and others were under construction in various localities. Owing to a more humane penal policy and the wide-scale application of several amnesty laws and pardons, the number of convicts had declined in recent years. In particular, 9,000 persons had been released under the most recent amnesty law, adopted on 17 March 2009. A special inspectorate responsible for monitoring the enforcement of penalties had been created within the Ministry of Justice. Members of the inspectorate had direct and free access to penal establishments, met with convicts privately and learned about their conditions of detention. Moreover, pursuant to the constitutional law of 2001 relating to the Human Rights Commissioner of the Republic of Azerbaijan, the Commissioner and her colleagues visited prisons regularly, without hindrance and without prior notification, and monitored prison conditions. In parallel, the public committee responsible for penal establishments and the rehabilitation of convicts, which was composed of representatives of the State and NGOs, conducted regular inspections, the number of which had increased yearly, from 75 visits during first year (2006–2007) to 90 in 2008.

8. Azerbaijan had acceded to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, and the Committee against Torture visited prisons and other sites where persons were deprived of their liberty. The Committee had made its most recent visit in December 2008. Similarly, as a result of Azerbaijan's ratification of the Optional Protocol to the Convention against Torture and Other Cruel,

Inhuman or Degrading Treatment or Punishment, the Subcommittee on Prevention, established under the Protocol, was authorized to visit any places where individuals might be deprived of their liberty. On 13 January 2009, the Office of the Human Rights Commissioner had been designated as the national preventive mechanism under the Optional Protocol.

9. In the concluding observations that it adopted following consideration of the second periodic report, the Human Rights Committee had made recommendations with regard to the rights of aliens and legislation governing alternative military service. Various measures had been taken since then under the State migration programme for 2006–2008, including improvement of statistics concerning labour immigration, adoption of regulations on granting immigrant status, improvement in the regulations for issuing work permits to aliens, approval of types of documents issued to persons with immigrant status, improvement of the alien registration system and more severe penalties for violations of immigration law. The law had been amended to specify the length of time aliens and stateless persons could temporarily stay in the country, and a mechanism for registering their temporary or permanent residence had been set up. A draft immigration code was currently being prepared. In addition, the principle of a single desk for migratory flux management had been adopted in March 2009, which should simplify procedures for allowing aliens and stateless persons to live and work legally in Azerbaijan. The immigration service would be responsible for setting up that system, and aliens and stateless persons would be able to submit their requests by e-mail. Lastly, as of 1 July 2009, aliens and stateless persons authorized to remain temporarily or to live in Azerbaijan no longer required an entry or exit visa.

10. With regard to legislation concerning alternative military service, an ad hoc working group, comprising representatives of various authorities, had been established and had drafted, in cooperation with the Council of Europe, a bill on alternative service, which had been submitted to the Parliament for consideration.

11. Judicial reform was a cornerstone of the effort to strengthen democracy and human rights in Azerbaijan. The judicial system had in consequence been broadly restructured in recent years. New jurisdictions had been established, including regional appeals courts and local commercial courts. The State programme for the development of justice for the period 2009–2013 was designed to increase the independence of the judiciary, bring the administration of justice in line with modern standards, provide greater transparency in the activity of the courts and pursue efforts to modernize the prison system. In cooperation with the Council of Europe, the Government had established a working group which had drawn up several bills, reviewed by the Council of Europe. In addition, the Parliament had adopted a law concerning the Judicial Council, which had been granted special status and whose scope and membership had been broadened. A Judges' Selection Committee had been created, and the candidates selected received special training in human rights. Two competitive examinations had been held under the new procedure, and 157 judges had been appointed, reflecting a 50 per cent increase. Azerbaijan currently had six judges per 100,000 inhabitants, in contrast to four in the year 2000. Selection of candidates to fill vacant judgeships was continuing, in the framework of a democratic and transparent process that included examinations and interviews.

12. The Government of Azerbaijan was doing everything possible to foster media activity and ensure its development. For example, in recent years the authorities had reduced newspapers' tax burden and cancelled some of their debts, granted subsidies to newspapers and provided financial assistance to some media. Azerbaijan currently had more than 3,800 publications, 7 national television channels, 14 regional channels, 12 cable channels, and 11 radio stations. Over 50 NGOs were active in the field of journalism. On 31 July 2008, the Head of State had approved the major principles governing State support for

the development of the media, and funding had been provided to 38 media outlets, each of which had received a single allocation of \$6,180. On 3 April 2009, a public development assistance fund for the media had been created, for which \$1,625,000 had been earmarked under the national budget. In application of a presidential decree dated 25 June 2009, the Government had pledged to take, beginning in 2010, appropriate measures to finance newspapers and magazines under the national budget item for media support.

13. With regard to the Committee's recommendation concerning complaints brought for defamation, a working group composed of judges, lawyers and eminent jurists had been set up to examine ways of strengthening legislation in that area. The working group's proposals took account of international practice.

14. The Committee's assertion that representatives of the media and national human rights defence organizations had allegedly been subjected to pressure and physical violence was, however, the result of a disinformation campaign and did not objectively reflect the actual situation, which involved individuals who had committed offences and had, pursuant to a decision, been deprived of their liberty. Those decisions had nothing to do with the journalistic activities of the parties concerned and had, in any event, respected the principle of equality before the law. Moreover, four media representatives had been released under the most recent amnesty law.

15. The situation of NGOs working to defend human rights had substantially improved in recent years as a result of various measures adopted by the authorities. The major principles governing public funding for NGOs had been adopted in 2007, and a council for State support to NGOs, under the auspices of the President of the Republic, had also been created. In recent years, 191 NGOs had received over \$1,243,781 in State subsidies.

16. The law relating to freedom of assembly had been amended and supplemented on the basis of proposals made by a working group in members of Parliament, government officials and experts from the Council of Europe's European Commission for Democracy through Law had participated. The European Commission for Democracy had concluded that the amendments and additions were in harmony with European law. During the period under consideration, Azerbaijan had held legislative and presidential elections. While the legislative election, held on 6 November 2005, had been conducted democratically, it had nevertheless been marred by irregularities, even though that had not affected the voting results. Legal proceedings had been initiated in 20 cases, 15 of which (involving 18 persons) had been brought before the courts. Among the accused, eight had been presidents or members of electoral boards. The presidential election held on 15 October 2008 had not given rise to any violation of the law, a fact welcomed by the relevant international organizations.

17. Azerbaijan continued to take legislative, institutional and practical measures to combat and prevent corruption. It had in particular adopted a national strategy to increase transparency and eliminate corruption and had approved a national plan of action for 2007–2010 to implement it. On 10 February 2009, the Parliament had adopted a law on the combat against laundering of money or other goods acquired illegally or through the financing of terrorism. Legislation on conflict of interest would also be drafted in the future.

18. Azerbaijan's most serious challenge was still its long-standing conflict with Armenia over Nagorno-Karabakh. The Republic of Armenia occupied 20 per cent of Azerbaijan's territory in that region and in seven surrounding districts. Owing to Armenia's ethnic cleansing policy, more than 1 million Azerbaijanis had become refugees or had been displaced, which had naturally made it more difficult to protect their fundamental rights and freedoms. In the context of the aggression against Azerbaijan, serious violations of international humanitarian law had been committed by Armenia; there had been many cases

of extrajudicial executions and massacres, acts of torture and other cruel and humiliating treatment and punishment perpetrated against peaceful Azerbaijani citizens, hostages and prisoners of war. It was an unfortunate fact that the Republic of Azerbaijan was not able to assume fully its international obligations with regard to the protection of human rights in the territory occupied by Armenia. Azerbaijan was nevertheless committed to the principle of a peaceful settlement of the conflict, based on respect for the sovereignty, territorial integrity and inviolability of its internationally recognized borders, and on the need to give the Nagorno-Karabakh region the greatest possible independence within the State.

19. **The Chairperson** thanked the Azerbaijani delegation and invited it to expand orally on the written replies to the list of issues, beginning with questions 1 to 12 on the list.

20. **Ms. Qahramanova** (Azerbaijan), turning to the issues of discrimination and domestic violence against women, said that State policy in that field had been implemented since 1998 by the State Committee for Women's Affairs; starting in 2006 the State Committee on the Family, Women and Children had pursued the application of that policy.

21. Various laws had been adopted in recent years to ensure gender equality, and laws had also been amended with a view to ensuring better representation of women in key public service posts and in political life. A number of laws, such as the law relating to non-governmental organizations and other civil society associations, the law relating to political parties and the law relating to trade unions, contained provisions ensuring men and women equal access to those bodies. Generally speaking, following the adoption in 2006 of the Gender Equality Act, all national laws had been reviewed from a gender equality perspective, and amendments had consequently been made in a certain number of domains. Furthermore, a liaison centre for gender equality activities had been set up in each ministry.

22. The State Committee on the Family, Women and Children had drafted legislation on domestic violence which had been widely debated by government institutions and civil society and which would be examined and most likely adopted by the Parliament at its autumn session. The Committee had also conducted an ambitious awareness-raising campaign to encourage women to apply for senior positions, which had yielded positive results, as women now occupied senior posts at the highest government level, in public service and in all other areas. In the past, only 5 per cent of candidates in municipal elections and 4 per cent of elected municipal officials were women. In cooperation with civil society, the Committee was endeavouring to increase women's participation in such elections. An increasing number of women owned their own business. The third Women's Congress had been held in 2008, demonstrating the extent to which women in Azerbaijan were active in all fields.

23. Azerbaijan had joined the Council of Europe's campaign to combat violence against women. In addition, the project on combating violence against women in the twenty-first century was currently being implemented in cooperation with the Geidar Aliev Fund, the State Committee on the Family, Women and Children and the United Nations Population Fund (UNFPA), in the framework of which it was planned to prepare legislation and policies with a view to combating violence against women more effectively; provide assistance and protection to victims; collect data through public surveys and conduct a broad awareness-raising campaign. The project had several aims: to help women exercise their rights, to increase their participation in social life, to prevent early marriage, to protect women and children against domestic violence and to draw attention to equality issues. All those initiatives should enable women to take their proper place in society.

24. **Mr. Musayev** (Azerbaijan), replying to question No. 3 on the list of issues, said that the law provided adequate mechanisms to bring people who committed violence against women to justice. The Criminal Code specified penalties for murder, the threat of homicide, various degrees of bodily injury, assault and battery, torture and other offences, and a

chapter was devoted to offences against minors and family members. The bill on prevention of domestic violence drafted by the State Committee on the Family, Women and Children in conjunction with the United Nations Population Fund (UNFPA), which had been submitted to the Parliament, set out legal measures (consideration of complaints by State agencies, criminal and administrative penalties for perpetrators and legal assistance for victims), social measures (social protection for victims, establishment of victim assistance centres) and preventive measures.

25. Under criminal law, rape (article 149 of the Criminal Code), sexual assault (art. 150) and sexual coercion (art. 151) were punishable offences. Article 149 specified the penalty for engaging in sexual intercourse with the use or threat of violence against the victim or other persons, or by taking advantage of the defenceless state of the victim. Legislation in that field was therefore in line with international standards. Furthermore, the training provided to judges included a section on combating domestic violence.

26. The Government also accorded special attention to the prevention of torture and the protection of persons in temporary holding facilities, detention centres and prisons. For example, under the national plan of action for the protection of human rights, the Procurator-General was assigned to conduct a thorough investigation into breaches of the law, human rights violations, mistreatment, abuses of power and other irregular conduct during arrest, police custody and detention. The Supreme Court had summarized judicial practice in that field in order to provide methodological guidance to the courts in the correct application of the law and international instruments against torture. It had adopted a decision in response to the recommendations of the Committee against Torture which specified in particular that any instance of torture, cruel treatment or physical or psychological harm must be treated as a potential crime since such conduct was a punishable offence which no exceptional circumstances could justify. Decisions could not be based on unlawfully obtained evidence. Where allegations of torture had been made, the court immediately ordered a forensic examination, ensured that it was conducted in a thorough, objective and independent manner, and verified that the right to a lawyer had been fully respected and, where the facts were established, initiated criminal proceedings. When rendering their final decision, the courts once again scrutinized all the evidence and recorded in the decision any attested instances of the use of violence during the pretrial investigation.

27. The rule of law could not exist without an independent judiciary. During the Soviet era, the courts, simple links in the chain of an oppressive system, had not administered justice objectively or independently. Azerbaijan had therefore set out to depoliticize the court system. Democratic administration of justice was now guaranteed under the Constitution and was reflected in the law relating to the courts and the judiciary.

28. **Mr. Khalafov** (Azerbaijan) provided specific information about the work done by the Human Rights Commissioner, a post currently held by a woman. Since taking up her post, the Commissioner had examined 42,260 cases. In 2008 alone, over 8,600 cases had been brought before her, the majority of which were complaints: 42.6 per cent of the complaints concerned violations of civil rights and 57.4 per cent concerned violations of economic, social or cultural rights. Approximately half the complaints brought were inadmissible, either because they had been submitted more than one year after the events, or because they were anonymous or because the case had already been brought before the court. Thus far, 35.7 per cent of the complaints had been resolved to the satisfaction of the complainants. The Commissioner had a very broad mandate, which covered all human rights. She worked in cooperation with civil society associations and coordinated her activity with theirs.

29. **Mr. Usubov** (Azerbaijan), replying to question No. 4 concerning investigation of allegations of police killings, said that during the first half of 2008, 3 law enforcement

officials had been prosecuted, 8 had been suspended, 13 had been dismissed, 1 had been demoted and disciplinary action had been taken against 60 others. The Inspector of Prisons, the Human Rights and Public Relations Office of the Ministry of Justice, the Human Rights Commissioner, the International Committee of the Red Cross and the Civic Prison Watchdog Committee were responsible, under their mandate, for ensuring that impartial and comprehensive investigations were conducted as rapidly as possible into any case of ill-treatment or torture in penal establishments. The State programme for the development of the justice system for the period 2009–2013 included a section on prevention of torture and monitoring respect for the rights of the parties concerned. The programme, which encouraged civil society to use all means at its disposal to verify that detainees' rights were respected and that sanitary, material and other conditions in detention centres were adequate, was designed to improve prison conditions in accordance with the national plan of action on human rights in Azerbaijan, the recommendations by the Council of Europe, the European Commission and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), and the European Prison Rules.

30. **Mr. Zalov** (Azerbaijan), turning to the issue of human trafficking, said that a modern, 45-bed temporary shelter for trafficking victims had opened in Bakou in 2006. A free telephone line, available night and day, had been set up in October 2007 to provide assistance to trafficking victims anywhere in the world. In 2009, the Ministry of Internal Affairs had signed a memorandum of agreement with a coalition of 45 NGOs with a view to coordinating anti-trafficking activities. To combat criminality linked to trafficking and to educate the population, local administrations and police bodies, seminars and consultations had been held in cooperation with NGOs in 70 towns in Azerbaijan. Since 2006, of the 320 victims registered, 111 had been housed in shelters, 36 had found employment and 33 had received vocational training. Legal assistance had been provided to all the victims. Pursuant to a Government decision, 81 victims had received \$40 in compensation and 28 persons had received financial aid, as part of their rehabilitation, from the Support Fund for Victims of Trafficking in Persons.

31. **Mr. Musayev** (Azerbaijan), speaking with regard to question 8 on measures to prevent prolonged pretrial detention, said that criminal procedural law specified such preventive measures as police custody, house arrest, bail, travel restrictions, personal recognizance or recognizance of an organization, placement under surveillance of the police or of a superior officer, and removal from office. Detention in custody was permitted only by court order. Remand in custody, house arrest or release on bail could be ordered only against persons accused of a criminal offence. Such decisions were subject to appeal. Appeals against a remand order could be made to a higher court, and the court that had ordered remand in custody could amend or revoke its order at the request of the procurator in charge of the preliminary inquiry. The law specified the maximum length of pretrial detention, which was 3 months for offences that did not pose a great threat to society, 6 months for minor offences, 9 months for serious offences and 12 months for especially serious offences. In 2008, the Ministry of Justice had launched an experimental electronic case file project which enabled the courts to consider cases as rapidly as possible.

32. Azerbaijan had effective mechanisms for monitoring prisons. The Human Rights Commissioner, the inspectorate for monitoring the enforcement of penalties and the Human Rights and Public Relations Office could visit penal establishments without hindrance and without prior notification and meet with prisoners in private. Improving conditions of detention in penal establishments was one of the Government's major concerns. In recent years, more than 20 important amendments had been made to the relevant administrative and legislative texts with a view to improving detainees' living conditions and guaranteeing respect for their rights in accordance with international standards. In cooperation with the International Committee of the Red Cross, the Ministry of Justice was working to provide specialized treatment to prisoners with tuberculosis. For example, on the basis of World

Health Organization recommendations, 9,262 detainees had been undergoing the directly observed treatment, short course (DOTS) since 1995.

33. **Mr. Khalafov** (Azerbaijan) said that as a consequence of the Armenian aggression, Azerbaijan currently had some 250,000 refugees and 750,000 displaced persons. That situation was giving rise to serious social and economic problems. The Government had adopted large-scale measures to improve the population's living conditions, in particular through job creation. Nevertheless, veritable ethnic cleansing operations and a "scorched earth" policy were being carried out in the occupied territories, resulting in the destruction of the entire infrastructure necessary for normal life. To its great disappointment, the Government of Azerbaijan had noted that despite the strong resolutions they had adopted calling for withdrawal from the occupied territories, international organizations, and the international community in general, also were powerless and the situation was at a standstill. The Government, which believed in the peaceful resolution of conflicts, continued nevertheless to hope that international order would prevail, that the occupied territories would be liberated and that it would be able, with the support of the international community, to start rebuilding the destroyed regions and helping the persons involved to return safely to their homes and resume a normal life. The refugee problem was not limited to Armenian refugees. Given its economic and social situation, Azerbaijan was not in a position to take in refugees. Following the collapse of the Soviet Union, it had nevertheless accepted some 50,000 refugees from the Central Asian Republics, who enjoyed full rights, advantages and privileges under the law. All persons recognized as refugees by the Office of the United Nations High Commissioner for Refugees in Azerbaijan were recognized as such by the Azerbaijani authorities. Azerbaijan was striving to create favourable conditions for all refugees, including Chechen refugees, pursuant to its obligations under the Geneva Convention relating to the Status of Refugees and in accordance with national law.

34. **The Chairperson** thanked the delegation for those preliminary replies and invited the members of the Committee to ask questions.

35. **Ms. Motoc** praised the quality of the State party's report while regretting that it had been submitted several years late. Azerbaijan was often named in complaints submitted by individuals to the Committee and to other treaty bodies that received and considered complaints. She wondered to what extent the State party took account of the decisions and recommendations adopted by those bodies and what specific measures had been taken in response to them.

36. According to reports by various NGOs, 80 per cent of women were allegedly victims of domestic violence. The delegation might wish to comment on that figure which, if it were accurate, reflected a very serious situation that called for urgent action by the Government. Women victims of rape were reluctant to file complaints for fear of being stigmatized, which meant that rape went unpunished. Attitudes must be changed so that victims could be recognized as such, would no longer be made unfairly to feel guilty and would no longer be afraid to denounce their aggressors. Awareness-raising and information campaigns should be carried out to that end. The definition of rape under the law also had an impact on how effectively it was repressed. Lack of consent, even in the absence of resistance, must be recognized under Azerbaijani law as the main feature of the offence.

37. While efforts had been made to increase the number of women in the Parliament and in key public service posts, the proportion of women remained low. Progress in that area naturally took time, but had the Government thought about more effective ways of accelerating that progress? The delegation had mentioned the issue of compensation for trafficking victims; that was, however, only one way of helping to rehabilitate victims, who required medical and psychological assistance and assistance in returning to work. Information on measures taken in that respect would be useful.

38. **Mr. Amor** stressed the praiseworthy efforts made by the State party to ensure greater respect for human rights and to promote women's rights, although, with reference to the latter, the composition of the delegation, in which there were only 2 women among the 14 members, was not really exemplary. He welcomed the adoption by the State party of the 2006 Gender Equality Act, which had opened the way to other women's rights legislation, including the bill on domestic violence which would be adopted in the near future. Additional information about that bill would be helpful, in particular whether it instituted new procedures and mechanisms to combat violence against women. The statistics provided to the Committee pointed to a high level of domestic violence; it might be asked, however, whether those figures were not even higher in reality since many incidents of domestic violence went unreported. It would be interesting to know how the State party judged the extent of the phenomenon. He also wished to know whether shelters existed where women fleeing their husband or father could go, whether complaints gave rise to legal action or whether a conciliation procedure was preferred in order to preserve family unity, and whether special training was provided to judges, procurators, police and health professionals to help them respond effectively to cases of domestic violence.

39. According to paragraph 154 of the report, a public committee was responsible for fostering the rehabilitation of convicted prisoners. Details concerning the measures taken to that end would be useful; for example, did they envisage affirmative action with respect to the employment of former prisoners? With regard to prison monitoring conducted by the public committee, he wished to know whether the committee's responsibilities included evaluation of the buildings and equipment, whether visits were conducted in the presence of prison officials and whether the committee had the right to meet freely with prisoners. Where the committee identified violations of prisoner's rights, whether as a result of prison conditions properly speaking or of acts committed by prison officials, was it authorized to bring legal action or was it limited to making recommendations? The State party had indicated that the Human Rights Commissioner (paragraph 95 of the report), the public prosecutor's office and civil society could also visit detention centres. It would be interesting to know whether NGOs were authorized to make visits under the same conditions as the others and whether different rules applied to national and foreign NGOs. According to the written replies, some 9,000 prisoners with tuberculosis had been treated between 1995 and 2008; that, to say the least, worrying figure led him to wonder about prison conditions in general and sanitary conditions in particular.

40. The delegation had stated that refugees, including Chechen refugees, on its territory were treated in accordance with existing law and international standards. Yet, according to some sources, asylum-seekers from Chechnya or belonging to minority groups such as the Jehovah's Witnesses were faced with special difficulties and were most often expelled by summary procedure. Details concerning how that procedure was carried out would be welcome. It would be useful to know in particular whether the person refused asylum could contest the expulsion decision, especially when it violated the principle of non-refoulement, and whether such recourse had suspensive effect.

41. **Sir Nigel Rodley** said that the information provided in response to question No. 4 had not met the expectations of the Committee, which would have liked to have data on the number of persons killed by police while in custody, during the arrest procedure or during confrontations with the population, in the eight years since the previous report had been examined, and to know what action had been taken in such cases. It would be helpful for the Committee to have that information before it adopted its concluding observations. The assassination in March 2005 of Elmar Huseynov, editor-in-chief of the opposition newspaper *Monitor*, had apparently still not been elucidated and no indictment had been made to date. The delegation might wish to provide details on the progress of the inquiry. In examining the previous report, the Committee had recommended that the State party create an independent body with authority to receive all complaints of excessive use of

force and other abuses of power by law enforcement officials, and to conduct inquiries and initiate criminal and disciplinary proceedings against those found responsible (CCPR/CO/73/AZE, para. 9). However, nothing seemed to have been done in that regard. Any information on that matter would be welcome.

42. In its previous concluding observations, the Committee had noted with concern that the right of detainees to access to counsel had not always been respected in practice (CCPR/CO/73/AZE, para. 11), a problem that seemed still to exist, in view of the numerous allegations in that regard. He wished to know exactly how the situation stood. As he understood it, in criminal cases, a suspect could be held for 48 hours, then for an additional 24 hours on court order, before being remanded in custody to the Ministry of Justice. Was that correct? Was it true that a suspect could only have access to counsel after being remanded in custody or being charged, namely after up to 72 hours following the arrest, which meant that it was possible to hold the suspect in secret during that period? It would also be useful to know if detention for administrative offences (paragraph 260 of the report) — 24 hours — and detention for criminal offences — from 48 to 72 hours — were cumulative, which would make it possible to hold a person in custody for up to 96 hours and might explain the numerous complaints concerning violations of the time limits set by law.

43. More details on pretrial detention would be welcome. In its written replies, the State party mentioned 2,361 detainees (14 per cent of the prison population), but did not make clear whether they were being held in pretrial detention. In any event, it would be useful to know the percentage of persons who had not been charged and those who had already been charged, and the number of prisoners already convicted, the number of persons detained for administrative offences and the number of persons in police custody. It appeared that the remand centre of the Ministry of National Security was still operating even though the Committee against Torture had requested that it be closed or transferred to the Ministry of Justice. It was particularly worrying that persons in pretrial detention remained in the hands of the authorities responsible for conducting inquiries and interrogations. With regard to tuberculosis in the prisons, the State party had indicated that there had been a drop of 93 per cent in the mortality rate since 1995. Yet, there again, it was difficult to assess that figure without other information such as, for example, the contamination rate and the total number of prisoners suffering from tuberculosis, broken down into those who had already been ill and those who had fallen ill in custody.

44. **Mr. Lallah** said that, despite the State party's extensive responses concerning police brutality (question No. 5), it was not clear by what mechanisms the rights of detainees set out in articles 7, 9 and 10 of the Covenant were protected. Azerbaijan now had an independent judiciary. It might therefore be assumed that, in practice, a person who had been mistreated by the police would lodge a complaint when he or she was brought before the judge. Did the judge then order an inquiry and was that inquiry conducted by an independent authority, for example, the Human Rights Commissioner. What was the procedure to be followed if the person in question only reported the violence at the trial stage (inquiry, suspension of the trial)? Details on that matter would be useful. The State party had also stated that in the framework of the programme for the development of the judiciary, the public had been given broad opportunities to monitor respect for prisoners' rights; it would be interesting to know what form the monitoring took and to whom the results were reported. The State party had announced that its aim was to improve prison conditions in accordance with the national plan of action on human rights and the recommendations of various European bodies. The Committee could not, however, be satisfied with such vague information; it needed to know what specific measures had been taken to that end. Lastly, information regarding measures planned for the return of internally displaced persons to Nagorno-Karabakh would be welcome (question No. 11),

although such measures would apparently only be taken at some undetermined time in the future.

45. **Mr. Fathalla** requested more information on the Gender Equality Act of 10 October 2006, which specified “a different retirement age” for women. He also asked whether the plan of action on family and women’s issues for 2009–2012, the preparation of which was announced by the State party in its written replies, had already been adopted, since the year 2009 was well under way. Did the plan provide specific solutions to women’s problems? Furthermore, training for judges and procurators on how to treat cases of domestic violence should be compulsory rather than optional.

46. **Ms. Keller** asked whether the State party had taken account of issues specific to women, children and the elderly in preparing the measures adopted for the return of displaced persons.

47. **Ms. Majodina**, noting that the State party had done a great deal to combat domestic violence, asked whether the bill on prevention of domestic violence, currently before the Parliament, covered sexual and other forms of violence against young girls. She also asked what stage the implementation of the plan of action on family issues had reached. Lastly, she would appreciate details on the number of early marriages, trends in that area and the status of such marriages under law. Did the State party plan to raise the legal age for marriage to 18 years?

48. **Ms. Chanet** said that while the State party had provided substantial information on the laws it had adopted, it had not reported any difficulties in enforcing them. It was well known that there was a great difference between adopting laws and enforcing them, and all States parties brought up such issues before the Committee. Furthermore, not only non-governmental organizations but also other treaty bodies and special rapporteurs had provided a different perspective. For example, while the State party had asserted in its report that police custody complied with the provisions of the Covenant concerning the time limit and the right to consult a lawyer, the Committee against Torture had noted that actual practice was quite different. It was necessary therefore to know why the laws were not always strictly enforced, and what recourse existed against such failures. The same applied to police brutality. The State party should guard against purely and simply denying the facts, as it had already been criticized for doing by the European Court of Human Rights in the *Mammadov* and *Muradova* cases. Lastly, it would be interesting to know how many electronic bracelets were currently in use, and under what conditions.

49. **Ms. Wedgwood** said that since one of Azerbaijan’s most interesting features was the extreme ethnic diversity of its population, she would like to know whether the country’s minorities were represented on its delegation. That would be an excellent example of integration because, all too often, members of the Government and the diplomatic corps of a country all belonged to the same group.

50. In response to the question on the return of displaced persons, the State party had announced an ambitious repatriation plan including mine clearance measures and mechanisms for compensation and restitution of property. Yet it appeared that the plan would not be implemented until the Azerbaijani territories occupied by Armenia had been liberated. According to a report by Walter Kalin, the Representative of the Secretary-General on internally displaced persons, and former member of the Committee, displaced persons were living in very difficult conditions. It would therefore be interesting to know whether the Government planned, pending that uncertain outcome, to carry out property exchange programmes between the different groups of displaced persons, modelled on what had been done in Bosnia. That solution, when it was well coordinated, was often the only way for displaced persons to start their life over again, or even to start it, since an entire

generation sometimes was born and raised in the camps, rather than to wait indefinitely for a hypothetical change in the situation.

51. **Mr. Bhagwati** asked for details on the reform of the law concerning the courts and judges and on the new Judiciary Council and Judges Selection Committee, in particular on the nomination and term of office of their members. Stressing the importance of an independent judiciary, he also asked whether judges received in-service training and whether women were represented in the judiciary, in particular in the higher courts.

52. **The Chairperson** invited the delegation to respond to the questions that had been put to it.

53. **Mr. Khalafov** (Azerbaijan) said that many things had changed in Azerbaijan since the previous periodic report had been presented. Sweeping reforms had been initiated in many fields, but it was still too soon to assess the results. Moreover, the social situation did not always make it easy to implement the laws and measures adopted. The delegation would nevertheless endeavour to provide all possible details to the Committee.

54. **Mr. Musayev** (Azerbaijan), in reply to the questions on how complaints were brought, said that each administrative body had a service assigned to receive complaints. In the case of the judiciary, for example, where a judge was accused of corruption or of taking an excessively long time to process a case, the Judicial Council rather than the Ministry of Justice was responsible for conducting the inquiry.

55. **Mr. Zalov** (Azerbaijan) added that the Ministry of Internal Affairs had a new internal structure specially assigned to monitor the actions of security forces and to investigate any offences committed. For example, it had been discovered that cases of torture were frequent in a particular region of the country. Twenty-three police officers had been charged over a period of three years. Different penalties had been applied, including suspension and demotion.

56. **The Chairperson** thanked that delegation and invited it to continue its replies at the next meeting.

The meeting rose at 6.05 p.m.