

**Azərbaycan Respublikasının
Cenevrədəki BMT Bölməsi
və digər beynəlxalq təşkilatlar yanında
Daimi Nümayəndəliyi**



**Permanent Mission
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**UN Human Rights Council
Thirty-sixth Session
Interactive dialogue with the
Working Group on Arbitrary Detention**

S t a t e m e n t

**delivered by Amb. Vaqif Sadiqov, Permanent Representative of the Republic of Azerbaijan to
the UN Office and other International Organizations in Geneva**

September 11, 2017

Mr. President,
Ladies and gentlemen,

In recent years Azerbaijan has continued developing an enhanced interaction with the UN Human Rights Council and the Office of the UN High Commissioner for Human Rights. Close cooperation has been pursued also with the UN treaty bodies by extending a standing invitation to all thematic special procedures and regularly submitting reports on measures taken to further promote and protect basic rights and freedoms stipulated in the international instruments to which Azerbaijan is a party. This responsible attitude demonstrated by Azerbaijan towards reporting to the Treaty Bodies was acknowledged by the High Commissioner for Human Rights in his oral update delivered during the last session of the Human Rights Council.

Azerbaijan acknowledges the importance of the visits of UN Human Rights mechanisms and believes that constructive cooperation based on mutual recognition of positions and information provided by the parties is a prerequisite for ensuring meaningful dialogue with the relevant mechanisms.

Mr. President,

Azerbaijan wishes to thank the members of the UN Working Group on Arbitrary Detention for accepting invitation of the Government of Azerbaijan to carry out a visit the country. The Working Group visited Azerbaijan from 16 to 25 May 2016.

The members of the Working Group enjoyed full cooperation of the Government of Azerbaijan before and during the visit, including and the authorities arranged all requested meetings with senior officials of executive, legislative and judicial branches of the State who provided the delegation with a significant amount of important information and we appreciate that the Working Group has positively noted this spirit of cooperation of the Government in the report. In addition as noted in the report the

Working Group was allowed to carry out unannounced visits to places of deprivation of liberty with unimpeded access to all parts of the facilities and the ability to confidentially interview persons deprived of their liberty.

In its report, the Working Group welcomes that, Azerbaijan has embarked on a series of reforms aimed at bringing the administration of justice in line with international human rights standards, namely the prison and judicial system reforms as well as improvement of the legislative framework.

The Government continues its efforts to modernize the judicial system through joint initiatives and projects implemented with the international organizations with a special focus on strengthening judicial independence and raising public confidence in the courts and we are pleased to note that Working Group acknowledges these efforts in its report.

Furthermore, the Government continues to undertake measures to improve detention conditions of persons deprived of liberty by building new facilities and modernizing existing centers as noted by the Working Group during its visit to Azerbaijan.

Mr. President,

Azerbaijan wishes to note that, although number of positive developments have been noted by the Working Group on Arbitrary Detention, the report does not adequately reflect the systemic and wide range of reforms of setting up solid legal framework pursued by Azerbaijani authorities based on the rule of law and democratic principles enshrined in the constitution and aimed at ensuring human rights and fundamental freedoms in the country.

Previously, we have voiced our concerns in relation to obvious problems in the methodology of preparing reports by mandate-holders. We respect the independent character of mandate-holders and we wish to reiterate that giving due consideration to information provided by States is an imperative for any UN mandate holder to carry out its task with discretion and objectivity which in its turn can motivate States to take the recommendations of mandate holders seriously.

Colleagues,

Without going into details of the wide range of measures undertaken by the Government of Azerbaijan in the field that the Working Group on Arbitrary Detention is mandated to function, I wish to underline the most recent Executive Order of the President adopted after the visit of the Working Group to Azerbaijan on February 10th, 2017 which aims at furtherance of legal reforms in penal field and humanization of penal policies already addressing many of the recommendations put forward by the Working Group in its current report.

The Executive Order represents a roadmap for further improvement in the operation of penitentiary institutions, elimination of shortcomings within their activities and exclusion of cases of corruption in the field of criminal proceedings and execution of sentences, and humanization of penal policies in the country. It has taken into account best practices of advanced nations, provisions of international instruments and recommendations of relevant human rights mechanisms. One of the objectives of the

Executive Order is a wider use of non-custodial means for the purposes of justice, and it has instructed to establish the Probation Service within the Ministry of Justice and to introduce information and communication technologies for enforcement of sentences.

Based on the Executive Order, the draft law encompassing comprehensive amendments to the Criminal Code was elaborated and recently submitted to the National Parliament of the Republic of Azerbaijan. In accordance with the draft law number of offences in the Criminal Code, including crimes not representing gross danger to the public are to be decriminalized. In order to reduce application of imprisonment, in more than 140 articles of the Criminal Code new type of sanction namely personal restraint, which means placement of individual under supervision at place of residence without being fully isolated from community, will be introduced. Furthermore, limits of terms of imprisonment for more than 80 offences are to be reduced.

I thank the Working Group and its secretariat for uploading the Addendum that we have submitted to them, which reflects in detail the views of Azerbaijan on the abovementioned report.

Finally, I would like to reiterate that Azerbaijan is ready to continue an enhanced dialogue and interaction with the UN human rights mechanisms on the basis of mutual respect and understanding, constructive dialogue, balanced and objective assessments.

Thank you.