

**Statement by H.E. Mr. Khalaf Khalafov, Deputy Minister of Foreign Affairs
at the consideration of the fourth periodic report of the Republic of
Azerbaijan under the International Covenant on Civil and Political Rights**

118th session of the Human Rights Committee

20-21 October 2016, Geneva

**Distinguished Mr. Chairperson,
Distinguished members of the Committee,**

Let me express my appreciation for the opportunity to inform the Committee about measures taken by the Government of the Republic of Azerbaijan concerning the implementation of the provisions of the International Covenant on Civil and Political Rights during the period since the submission of the fourth periodic report.

Taking this opportunity, I would like to congratulate on behalf of the Government of the Republic of Azerbaijan, the members of the Committee on the occasion of the fiftieth anniversary of the adoption of the International Covenant on Civil and Political Rights by the UN General Assembly and to express the readiness of the Government to continue further cooperation with the Committee in order to implement the provisions of the International Covenant. Interactive dialogue with the members of the Committee is a good opportunity for periodic discussion and detailed analysis of the measures taken by the Government.

The periodic report has been prepared by the Working Group set up by the Decree of the President of the country and has included the representatives of relevant ministries and agencies. National human rights institution (Ombudsman) and the representatives of the relevant non-governmental organizations have also been involved in the elaboration of the report.

The delegation of Azerbaijan, present at today's meeting, also comprises high-ranking officials of the relevant state structures, which demonstrates once again the importance that our country attaches to the cooperation with the Committee.

Distinguished Mr. Chairperson,

The Republic of Azerbaijan is committed to the principles of universality and interdependence of human rights and fundamental freedoms. Taking into account

the internationally accepted commitments, the legislation of the country is being regularly improved to bring it in line with international standards, including in the field of civil and political rights.

According to the results of the referendum, which was held on September 26, 2016, the amendments made to the Constitution provide, *inter alia*, the guarantees of the respect and protection of human dignity, inadmissibility of abuse of the rights, data protection, the right of everyone to be treated with dignity by the public authorities, which excludes arbitrariness, the civil responsibility of the state and government officials for the damage to human rights and freedoms, the right of everyone to impartial examination of his case in the administrative order and in court , as well as the opportunity to appeal to the court regarding the actions or omissions of state bodies, political parties, legal entities, municipalities and officials.

These amendments aimed at further constitutional strengthening of the protection of human rights and fundamental freedoms, establishing of effective and flexible mechanism of the state administration and ensuring the effectiveness of the economic reforms.

Distinguished Mr. Chairperson,

The involvement of citizens to participate directly in the public administration matters, the monitoring of the public control over the activity of central and local authorities, cooperation with the society are important for ensuring of transparent activity of the state structures. In this regard, the Law of the Republic of Azerbaijan "On public participation" was adopted on November 22, 2013.

The second "National Action Plan for the promotion of open government in the 2016-2018" was approved by the Order of the President of the Republic of Azerbaijan on April 27, 2016. This Plan provides the using of information – communication technologies in the field of public administration, implementation of the new mechanisms to prevent corruption, strengthening of civil society institutions and public control.

The appeal of citizens to the state bodies with suggestions, applications and complaints is an important tool in the implementation and protection of human rights. In this regard, the Law "On citizens' appeals" approved by the President of the Republic of Azerbaijan on November 12, 2015 aimed at making the local and central authorities to be informed about the legal violations.

The use of a single Internet portal and “E-court” system allow citizens to apply electronically to the court on various legal issues, to receive information about the trials and judgments. This system, improves substantially the legal assistance to citizens, as well as ensures transparency and efficiency in the implementation of judgments.

Meantime, in the context of the application of the International Covenant by the national courts of the Republic of Azerbaijan, it should be noted that during the reporting period, 56 civil judgments made by Shamakhi District Court, 66 civil judgments made by Bilesuvar District Court, as well as in the judgments of the Court of Appeal referred to article 14 (equality before the courts), 9 (right to liberty and security), 12 (freedom of movement) and 25 (participation in public affairs) of the International Covenant.

Following the complaints of citizens and the assessment of the Judicial-Legal Council regarding the activities of judges within the last 3 years, 41 disciplinary proceedings have been launched, resulting with ceasing of powers of 3 judges ahead of time, workplaces of 9 judges have been changed, 15 judges have been warned and other disciplinary penalties have been imposed as well.

Within the targeted and consistent measures in the field of fight against corruption, within the 6 months of 2016, the investigation of 100 criminal cases against 143 officials have been completed by the General Directorate on the Fight against Corruption under the General Prosecutor of the Republic of Azerbaijan.

Bearing in mind, the appeals of human rights organizations and the Commissioner for Human Rights, the convicted persons and their families, taking into account the health status, marital status, personality and their behavior while serving a sentence of the convicted person, the acts of amnesty and pardon are widely used in the country. According to the Decree of the President of the Republic of Azerbaijan on March 17, 2016 and the Act of the Parliament (Milli Majlis) on May 20, 2016, approximately 10.000 persons were amnestied and pardoned.

Distinguished Mr. Chairperson,

The Government also continues to take complex measures aimed at combating domestic violence and human trafficking.

In 2015 State Committee on problems of family, women and children has set up the special data bank, which consists of information, received from various state bodies and institutions, and rehabilitation centres (NGOs) about victims of domestic violence and the measures intended for their rehabilitation, integration

and providing of them with legal assistance, as well as the perpetrators of the violence.

2.248 criminal acts against women and girls were registered in 2015. Under the merits of these crimes 2.935 persons were prosecuted.

The special monitoring groups on prevention of violence against women and girls were established, comprising the representatives of the various state bodies, at the same time the centers for support to the victims of domestic violence were opened. 7 NGOs underwent accreditation in order to provide services for the victims of domestic violence.

The implementation of the third national plan of action on combating human trafficking for the period of 2014-2018 is going on. As a result of operational and preventive measures have been taken during the period of 3 months of 2016, 13 persons have been charged for human trafficking and 28 persons have been identified as a victim of human trafficking.

Along with this, over the past period, the measures have also been taken to further improve the national legislation in the field of migration.

Migration Code of 2013, defines the state policy in the field of migration, regulates migration processes, as well as the legal status of foreigners and stateless persons in the Republic of Azerbaijan.

According to information of the State Migration Service in 2015, 181 stateless persons were granted the citizenship of the Republic of Azerbaijan. 73 stateless persons were granted temporary residence permits, 103 persons were granted with permit for permanent residence in the territory of the Republic of Azerbaijan. As of December 31, 2015, 47 (along with family members 63) persons have been granted with refugee status.

Within the framework of the State Program on improvement of life conditions and an increase of employment rate of refugees and IDP's, 94 settlements for refugees and IDP's, with corresponding social infrastructure have been constructed within last 12 years. The Government has allocated 5.4 billion AZN for social protection of refugees and IDP's for the same period.

As a result of the activities carried out by the Government of Azerbaijan, the level of poverty among IDP's has reduced from 75 to 12 percent in the last 12 years.

Distinguished Mr. Chairperson,

The Government continues to take consistent measures aimed at the support of civil society in the country.

The implementation of legislative and institutional reforms in this field, adoption of the Concept of state support to the NGOs and establishment of the Council on state support to the NGOs under the President of the Republic of Azerbaijan created favourable conditions for the development of NGOs.

The establishment of electronic information system “Personal electronic window” ensures the interchange of information between NGOs and state bodies makes information available envisaged by law and reports in electronic form and renders other electronic services.

The Government pays also special attention to the collaboration with international organizations in this sphere. Upon the invitation of the Government of the Republic of Azerbaijan, the UN HRC Special Rapporteur of on the situation of human rights defenders paid a visit to Azerbaijan on 14-22 September 2016.

Following the invitation of the Government of the Republic of Azerbaijan the visits of the Special Rapporteur on the right to freedom of opinion and expression and the Special Rapporteur on the right to freedom of peaceful assembly and association are expected for next year.

It should be noted, the opinion of the Committee about alleged pressure and physical violence against representatives of the mass media and national human rights organizations are results of misinformation and does not reflects the real situation. Guided by the principle of equality of each person before the law, criminal liability, involves persons those are suspected of committing a specific crime, irrespective of occupied position or occupation.

Distinguished Mr. Chairperson,

Azerbaijan continues to implement its obligations on the realisation of the concept of sustainable development, to strengthen the rule of law and to ensure respect for human rights. The National Coordination Council for Sustainable Development was created by the Decree of the President of the Republic of Azerbaijan on October 6, 2016.

Azerbaijan is making a significant contribution to the development of multiculturalism, to strengthen inter-religious and intercultural dialogue.

In order to further develop the tradition of multiculturalism in the country, the year of 2016 has been declared the "Year of multiculturalism" by the Decree of the President of the Republic of Azerbaijan.

Upon initiative of the President of the Republic of Azerbaijan, the 7th Global Forum of the UN Alliance of Civilizations and International Humanitarian Forum were held in Baku on 25-27 April and on 29-30 September 2016 respectively.

The unresolved Armenia-Azerbaijan Nagorno-Karabakh conflict remains the main obstacle to peace and sustainable development. Armenia continues to occupy Azerbaijani territories, in particular the Nagorno-Karabakh region and seven surrounding districts, which is a flagrant violation by Armenia of international law and the relevant UN Security Council resolutions. As a result of this occupation and the policy of ethnic cleansing, more than one million Azerbaijanis became refugees and internally displaced persons, and have been deprived of their basic human rights and freedoms.

Unfortunately, it should be noted that the Republic of Azerbaijan is not able to fulfil its international obligations in the field of protection of human rights to the fullest extent in the occupied territories of Azerbaijan.

In the course of armed aggression by Armenia against the Republic of Azerbaijan the grave violations of the norms of international humanitarian law and human rights, numerous facts of extrajudicial executions and massive killings, torture and other cruel and inhuman treatment and punishment in relation to the civil population were made, war crimes and Khojaly genocide were committed.

The Government of Azerbaijan will do its utmost to achieve peaceful resolution of the conflict within the framework of the sovereignty, territorial integrity and inviolability of internationally recognized borders of the Republic of Azerbaijan.

In conclusion I would like to express once again our readiness to the productive cooperation and open dialogue with the Committee.

I thank you for your attention.