

Distinguished Mr. Chairman,

Distinguished Members of the Committee,

Allow me to express my gratitude for the opportunity given to inform the Committee about the measures adopted by the Government of Azerbaijan on the implementation of the Convention against torture and other cruel, inhuman or degrading treatment or punishment on during the period after the submission of the third periodic report.

For the preparation of the third periodic report the Working Group composed of representatives of the relevant ministries and agencies had been established by Decree of the President of the Republic of Azerbaijan. Ombudsman of the Republic of Azerbaijan and representatives of non-governmental organizations (NGOs) acting in the field of human rights protection had also been involved in the work on the report.

The periodic report was presented to the public; its text was put on the official website of the Ministry of Foreign Affairs. Besides, concluding observations and recommendations of the Committee on the results of consideration of the initial and second periodic reports was translated into Azerbaijani language for the public.

Mr. Chairman

On 27 September 2003, a presidential order was issued on the implementation of the recommendations made by the Committee against Torture following its consideration of Azerbaijan's second periodic report. In accordance with the order, a special working group, comprised of representatives of the presidential office, Parliament, the Constitutional Court and the ministries of foreign affairs, justice, internal affairs, national security and public health, was set up to act on the recommendations.

Since the third periodic report contains detailed information on the activity of the Working Group on implementation of the CAT recommendations I will touch upon only some of them.

As regards to recommendation of the Committee on the full conformity of the definition of torture in Article 1 of the Convention with the national legislation I would like to point out that this definition has been incorporated to the relevant articles of the Criminal legislation of the Republic of Azerbaijan, in particular to the articles of the Criminal Code on torture and torment.

It should be noted that, accordance to statistical data for the years 2001 to 2008, 161 persons were convicted under article 133 (torment) of the Criminal Code of the Republic of Azerbaijan *(on the domestic basis)*

Besides, for 9 months of 2009 on 73 cases, on harsh treatment of citizens, unjustified detention and other violations of the human rights and freedoms, criminal proceedings have been instituted against 5 police-officers, 9 have been dismissed from the police force, 18 have been transferred to another service, and 40 have been warned.

On the results of consideration of the second periodic report, the Committee in its concluding observation have mentioned its satisfaction with ratification by the Republic of Azerbaijan of the basic international legal treaties in the field of human rights.

It should be noted, that by ratifying the International Convention on the Rights of Persons with Disabilities and the Optional Protocol to it, Azerbaijan became a party of all eight main international treaties in the field of human rights.

Further, Azerbaijan signed the International Convention for the Protection of All Persons from Enforced Disappearance in 2007.

In December of 2008 the Republic of Azerbaijan ratified the Optional Protocol to the UN Convention against torture and other cruel, inhuman or degrading treatment or punishment. By the decree of the President of Azerbaijan, since January 13, 2009 Commissioner on Human Rights (Ombudsman) was designated as an organ of State, performing national preventive mechanism functions in accordance with the provisions of the Optional Protocol.

On 25th September of 2009, Azerbaijan has signed the Optional Protocol to the International Pact on economic, social and culture rights, which recognizes the competence of the Committee on economic, social and culture rights to accept and consider complaints filed by individuals claiming to be the victims of human rights violations.

The measures adopted by the Government of the Republic of Azerbaijan in the field of protection of human rights and fundamental freedoms were highly

appreciated during the consideration of the National Report of the country within the framework of the Universal Periodic Review at the UN Human Rights Council.

With a view to fulfil the recommendations submitted within the Universal Periodic Review the Government is considering the establishment of special Working Group composed of representatives of state authorities and NGOs of Azerbaijan.

Meantime, I would like to point out, 18 March 2009 constitutional reforms very significant for promotion of human rights and freedoms were held. Constitutional reforms *inter alia*, were directed towards the enhancement of the effectiveness of human rights and freedoms protection, in particular measures on realisation of justice and independence of judiciary.

Since 2006 the measures are being implemented to fulfill the National Action Plan for the Protection of Human Rights in the Republic of Azerbaijan which *inter alia* provides measures for improvement of the activity of the state bodies in the field of promotion and protection of human rights, continuing improvement of judiciary, strengthening and ensuring of the independence of advocate institute, continuing of construction of new penitentiary institutions for improvement of conditions of prisoners, establishment the effective system of control over the activity of the penitentiary institutions.

In accordance with the recommendation of the Committee on ensuring of the independence of the judiciary, it should be noted, that reforms in the judiciary are among essential measures aimed at strengthening democratic principles and the realization of human rights. In this regard, I would like to emphasize that the judicial and legal systems of the state have been reformed fundamentally.

On the basis of the Presidential Order on the "Modernization of Judiciary" and application of the Law on "Amendments to several legislative acts of the Republic of Azerbaijan" dated 19 January 2006 including local courts of appeal and local economic courts have been established in accordance with the mentioned Order. The functioning of the said courts has contributed to significant improvement of the legal assistance to people in the regions of the country and to giving impetus for advocating service.

Enhancement of the independence of judiciary, improvement of activity of the courts in line with the recent requirements, raising transparency of their functioning, and also other issues in this field are envisaged in the "State Program on Development of Azerbaijani Justice System for 2009-2013 years", adopted by the President of the Republic of Azerbaijan in February 6, 2009.

A working group has been established by the Government together with the Council of Europe in order to increase the effectiveness of judiciary, ensure the independence of judges and improvement of their election process. According to the Plan of Action of the working group, several draft laws have been prepared and examined at the Council of Europe. A special law on the "Judicial-Legal Council" was adopted by the Parliament and significant amendments were made to the law on the "Courts and Judges".

It is worth to note that competitions have twice been held in accordance with those new rules, where more than 1752 candidates have participated and 157 of which passed the exam successfully. It increased the number of judges by 50 percent. Now there are six judges for each 100 thousand persons, whereas this number was four in 2000. Currently selection of candidates to the relevant vacant judge positions on the basis of democratic and transparent principles, through tests and interviews is being continued.

In accordance with the recommendation of the Committee regarding improvement of living conditions in prisons, it should be noted, that the Government of Azerbaijan is taking complex measures aimed at improvement of the functioning of the penitentiary system and enhancement of its functioning effectiveness, modernization of infrastructure and living conditions.

Within the framework of above mentioned "State Program on Development of Azerbaijani justice system for 2009-2013 years" for more enhanced protection of rights of convicts, there is envisaged a preparation of the proposals on further improvement of the rules and conditions of the convicted persons considering the requirements of the European Prison rules, as well as, the recommendations of the UN Committee Against Torture and Council of Europe Committee for the Prevention of Torture.

We should note that for humanization of the rules of exercising punishment Parliament has adopted the Law on amendments and additions to the Penal Code of the Republic of Azerbaijan as well as to the Code of Criminal Procedure of the Republic of Azerbaijan.

Application of this law enabled the increase of means of expenditure by persons convicted to life imprisonment. Convicted persons also were granted a right to watch television in the cells and the number of telephone calls allowed to this group of convicted was increased by 4 and the number of short and long visits, banderols and parcels by 2.

Currently Parliament is considering the draft law on "Maintenance of detained, arrested and convicted in places of detention" which envisages medical examination not only by medical personnel of detention places, but also by public and private medical institutions by request of suspected, accused persons or their defender.

Penitentiary institution of mixed regime limited to 400 persons in line with contemporary requirements was ready for exploitation in April of 2008 in Naxchivan Autonomic Republic of the Republic of Azerbaijan.

A new building of Investigative Isolator of Penitentiary Institution of the Ministry of Justice built in line with international standards and equipped with modern equipment was ready for exploitation in the Zabrat district near Baku on 29 May 2009.

The construction of similar type of institution in Shaki (for 900 persons), Lankaran (for 1000 person), and prison in Umbaki district of Qaradag region of Baku is being continued. The construction of new institutions of mixed regime for execution of sentences is planned in Ganca, as well as, a new institution for execution of punishment for women in the Qaradag region of Baku.

As the result of humanization of criminal policy of state, including extensive application of amnesty acts in the Republic of Azerbaijan, recent years the decrease in number of convicted is observed. In this regard we would like to note that 9000 persons were released from detention according to the last act of amnesty dated 17 March 2009.

Besides, Public Committee for Penitentiary Institutions which consists of representatives of state entities and non-governmental organizations regularly conducts monitoring as it chooses in different penitentiary institutions of the State and the number of held monitoring increases every year. If the first year (2006-2007) there were held 75 visits, in 2008 the number increased to 90.

With a view of strengthening control mechanisms last years there have been established relevant departments within the Ministry of Justice. There was established Inspection for control over execution of sentences and Department on Human Rights and public relations which have a right to free access to penitentiary institutions, meetings with convicted persons, acquaintance with conditions of their detention.

An agreement signed between Government of the Republic of Azerbaijan and International Committee of Red Cross (ICRC) enabled representatives of ICRC to visit freely convicted in places of detention.

During the period from 2000 till first half of 2009 representatives of the ICRC have made 332 visits to penitentiary institutions, during which they had meetings with 76946 persons.

Alongside with this Azerbaijan being a party to European Convention on Prevention of Torture has granted the Committee of Council of Europe for the Prevention of Torture an opportunity to freely visit relevant state institutions and places of detention. The last visit of the Committee was realized in December 2008.

As a above mentioned, Azerbaijan having ratified Facultative Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment allowed the members of the Subcommittee to visit any place under the jurisdiction and control of the Republic of Azerbaijan, where are or might be detained persons deprived of liberty.

Also, special events are organized together with international organizations directed to awareness raising, education and preparation of penitentiary institutions' personnel, particularly in the field of prohibition of torture and ill treatment. The new text of the European Prison Rules adopted by Committee of Ministers of Council of Europe on 11 January 2006 was translated into Azerbaijani and published for general circulation.

Within the framework of the "Programme on support of reforms in justice system" implemented together with the European Commission, there were organized seminars for raising the knowledge level of the staff of penitentiary institutions.

In addition, in the framework of technical assistance programme to Azerbaijan on enhancement of opportunities and infrastructure for protection of human rights signed between the Government of Azerbaijan and UN Office of the High Commissioner for Human Rights, there were held a number of awareness raising events, such as organisation of seminars on "Submission of periodic reports to the Treaty Bodies of the United Nations", trainings for judges, prosecutors, officials in the field of justice, translation of international documents to Azerbaijani language, their publication and dissemination.

In cooperation with International Committee of the Red Cross the detainees with tuberculosis receive medical treatment. According to recommendations of the

World Health Organization, since 1995 the medical treatment of these people is held with the assistance of DOTS Programme (short term course of medical treatment under direct control). During 1995-2008 years 9262 detainees were involved in the medical treatment under DOTS Programme.

As a result of measures taken in 2008 the number of deaths in penitentiary institutions in comparison with 1995 decreased 17 times.

Dear Mr. Chairman,

As regards to recommendations of the Committee on full independence of Ombudsman's activities, it is worthy to highlight, that in accordance with the constitutional law on the "Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan" the position of Commissioner was created for restoration of human rights and freedoms violated by the state bodies, municipalities and other state officials. The activities of the Commissioner - an independent, extrajudicial human rights protection body are based on the principles of openness, transparency, justice and impartiality.

At the same time, according to above-mentioned Law, the Commissioner has powers to immediate and unimpeded periodic access to penitentiary institutions, investigative isolators and places of temporary detention, to have confidential talk to arrested, those under investigation and detained people.

In the framework of the project on "Assistance to Ombudsman in quick examination of complaints and study of violations of human rights in the places of temporary detention and isolators" by the initiative of the Ombudsman and together with the OSCE Baku Office there was created "Urgent group of investigation". That group regularly holds monitoring in isolators and police stations in Baku and reports about any shortcomings to the Ministry of Internal Affairs.

It is necessary to mention that during the work period of the Commissioner, she and members of her Office held more than 1500 visits to the places of detention. During the visits they meet with detainees, conduct a research of their problems and complaints, submit recommendations and advises to the administration of the institutions so that to eliminate existing shortcomings and gaps.

Dear Mr. Chairman,

As regards to the recommendation of the Committee concerning guaranteeing of full protection of human rights defending organizations, it is worthy to stress that as a result of measures taken in recent years there are significant positive changes.

in activity and development of NGOs, including human rights defending organizations.

The Concept on a state support for NGOs was adopted by the Presidential Decree of 27 July 2007 in order to create a steady and effective system of partnership between the state bodies and NGOs and to involve civil society to the solution of problems essential for the development of state and society. At the same time, the Council for state support to NGOs was established under the auspices of the President of the Republic by the Presidential Decree from December 2007

At the same time, under the auspices of the President of the Republic of Azerbaijan there was established the Council of state support to NGOs. For the recent years grants in sum of 1, 243, 781 million dollars were designated from the State to the 191 non-governmental organization.

Dear Mr. Chairman,

Unfortunately, the Republic of Azerbaijan is not able to implement the international obligations in its territories occupied by Armenia in the field of human rights at the national level, which it has undertaken. The Nagorno-Karabakh region and seven regions around it which constitute 20% of Azerbaijani territory are occupied by the Republic of Armenia.

More than one million Azerbaijanis became refugees and IDPs as a result ethnic cleansing policy carried out by Armenia and this fact of course negatively affects on protection of their rights and freedoms.

During the armed aggression of Armenia against Azerbaijan severe violations of human rights and international humanitarian law committed by Armenia, many facts of extrajudicial punishments and mass shooting, tortures and other cruel and inhuman forms of treatment and punishment towards peaceful citizens of Azerbaijan, hostages and prisoners of war were recorded.

In this context, as a result of the armed aggression the problem of prisoners of war, hostages and missing persons are remained a subject of deep concern of the Government of Azerbaijan. According to information from the State Commission of Azerbaijan on prisoners of war, hostages and missing persons, 4499 citizens of Azerbaijan are on the list of missing persons. According to numerous reports, there are illegally detaining by the Armenia Republic and systematically use of tortures and other cruel and inhuman forms of treatment and punishment towards their. According to our information 552 citizens of Azerbaijan were killed in hostage by Armenia as result of torture and torment.

At the same time, the Republic of Azerbaijan continues to remain loyal to peaceful resolution of conflict on the basis of sovereignty, territorial integrity and inviolability of internationally recognized borders of the Republic of Azerbaijan and granting the highest level of autonomy to Nagorno-Karabakh within the territory of Azerbaijan.

Dear Mr. Chairman,

Members of the Committee,

We are not denying the possibility of single facts of violations that may take place in our country, like in any other one, taking into account the global character of the topic we discuss. But these violations do not occur systematically and in each case are taken the concrete measures. In this context, the Government of Azerbaijan will continue to take decisive and consequent measures, which lead to elimination of the problem.

In conclusion, we would like to express the readiness of the Republic of Azerbaijan for fruitful cooperation and openness for constructive dialogue with the Committee, recommendations of which will of course contribute to the process of further development and protection of the human rights and fundamental freedoms in Azerbaijan.

Thank you for attention.