



International Covenant on Civil and Political Rights

Distr.: General
26 April 2016

Original: English
English, French and Spanish only

Human Rights Committee

List of issues in relation to the fourth periodic report of Azerbaijan*

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

1. Please provide information on any cases where the provisions of the Covenant have been invoked directly before the courts. Please also indicate the procedures in place for implementation of the Committee's Views under the Optional Protocol, as well as measures taken to ensure full compliance with the Committee's Views adopted in communication No. 1972/2010, *Quliyev v. Azerbaijan*.

2. Please provide information on the safeguards in place to ensure independence of the ombudsman for human rights and the ombudsman for human rights for the Autonomous Republic of Nakhchivan, and to ensure that the office has the necessary resources to exercise its mandate in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). Please also indicate what measures have been taken to widen the mandate of the ombudsmen for human rights.

3. Please describe measures taken to increase understanding and awareness of business and human rights among government officials and local business enterprises, and to ensure that each company operating in the State party or under its jurisdiction respects human rights standards in its domestic and international operations. Furthermore, please provide updated information on the complaints about projects in which the State oil company SOCAR is involved, and indicate measures taken to ensure that persons who have become victims of rights violations by business enterprises have access to adequate remedies. Please also provide information on measures taken to avoid forced evictions, unlawful expropriations and demolitions.

* Adopted by the Committee at its 116th session (7-31 March 2016).



Non-discrimination and prohibition of advocacy of national, racial or religious hatred (arts. 2, 3, 20 and 26)

4. Please indicate whether the State party has taken any steps to adopt comprehensive anti-discrimination legislation that also includes disability, sexual orientation and gender identity as grounds of discrimination, addresses all spheres of life, and provides effective remedies in judicial and administrative proceedings. With reference to paragraph 359 of the report (CCPR/C/AZE/4), please provide detailed information on steps taken to prevent all forms of racial discrimination. Please describe measures taken to ensure the full inclusion of persons with disabilities in society and to eliminate discrimination against them, particularly against women with disabilities. Furthermore, please indicate whether the State party has put in place accessible awareness-raising programmes to inform persons with disabilities about their rights and how to claim them.

5. Please provide information on measures taken to eliminate discrimination, harassment and violence against lesbian, gay, bisexual and transgender persons and activists, including by police and prison officials. In this regard, please also describe measures taken to protect those persons against discrimination within their families, including by being disowned, expelled, subjected to violence and forced into marriage. Please also indicate whether there have been any killings in the name of so-called “honour” against lesbian, gay, bisexual and transgender persons.

Non-discrimination and equality between men and women (arts. 2, 3 and 26)

6. Please outline measures taken to eradicate patriarchal attitudes and deep-rooted stereotypes regarding the roles, responsibilities and identity of women, men, girls and boys, including the severe restrictions faced by women and girls to preserve the so-called “family honour”. With regard to the Committee’s previous concluding observations (see CCPR/C/AZE/CO/3, para. 6), please indicate the measures taken to increase the number of women in decision-making positions. Please indicate the measures taken to eliminate sex-selective abortions, clarify whether this practice is criminalized and provide information on any awareness-raising measures to tackle societal attitudes which place greater value on sons than daughters.

Violence and sexual violence against women (arts. 2, 3, 6, 7 and 26)

7. Please provide detailed information on guidelines for the implementation of the Law on Combating Domestic Violence and on any measures taken to strengthen implementation. Please also indicate whether any legal amendments are planned to ensure full criminalization of domestic violence. Please provide statistical data, covering the period under review, on the number of complaints filed regarding different forms of violence against women and girls, the number of convictions handed down, including the sentences imposed, and the compensation awarded to victims. With reference to the Committee’s previous concluding observations (see CCPR/C/AZE/CO/3, para. 5), please indicate the current number of shelters for victims of domestic violence, disaggregated by geographic location, as well as the resources allocated to them. Please also indicate whether any measures have been taken with a view to restoring the domestic violence helpline, as well as to increase women’s access to legal aid services. Furthermore, please provide information on the efforts made to: (a) raise awareness among the greater public, including children, about domestic violence as a human rights violation; (b) raise awareness among women and girls that violence against them is not justified under any circumstance, encourage them to report acts of violence and ensure the protection

of and assistance to victims of domestic violence who report; (c) introduce safeguards to ensure that victims of domestic violence are not pressurized to resort to mediation and reconciliation; and (d) correct the societal perception that violence against women is a private matter that should be resolved within the family. In this regard, please also indicate whether any killings of girls or women in the name of so-called “honour” have occurred. Please further clarify whether marital rape is explicitly criminalized. In addition, please indicate the measures taken to encourage victims of rape to file a complaint, to eliminate gender-biased attitudes within society which frequently blame the rape victim, and to ensure that no rape victim is placed under any pressure to marry the rapist. Please also describe the measures taken to enforce the prohibition of sexual harassment.

8. With reference to paragraphs 93-100 of the State party’s report, please provide further detailed information on the measures taken to prevent early and forced marriages, the resources allocated to the implementation of these measures and the impact these measures have had. With regard to the Committee’s previous concluding observations (see CCPR/C/AZE/CO/3, para. 7), please indicate whether the marriage age for girls has been raised from 17 to 18 years. Please indicate the measures taken to enforce the prohibition of conducting religious marriages without formal registration, and clarify whether unregistered religious marriages may be registered retrospectively. Please also indicate if the custom of *sighe* continues to be practised. Please describe the requirements for obtaining a divorce and indicate whether access to divorce is facilitated if requested because of violence. Please indicate measures taken to eliminate stigma against divorced women.

Right to life and prohibition of torture and other cruel, inhuman or degrading treatment or punishment (arts. 2, 6, 7)

9. With reference to paragraphs 116 and 117 of the State party’s report, please indicate the current definition of torture. With regard to the Committee’s previous concluding observations (see CCPR/C/AZE/CO/3, para. 11), please give details of measures taken to prevent torture, in particular in police detention, and address the reportedly widespread impunity for such acts. Please also respond to the reportedly routine use of torture and ill-treatment, which is reported to have led to several cases of death. Please further comment on reported cases of politically motivated cases of torture and ill-treatment, including of journalists, human rights defenders and youth activists. With reference to the Committee’s previous concluding observations (*ibid.*), please elaborate on efforts made to ensure that confessions obtained under torture and ill-treatment may not serve as evidence, and indicate whether any steps have been made to establish an independent body with the authority to receive and investigate all complaints of use of force and other abuses of power by law enforcement officials. Please provide information on the reporting channels available for victims of torture and ill-treatment, describe the safeguards in place to protect victims of torture who complain from retaliation, and indicate whether compensation is awarded to victims of torture. With reference to paragraph 164 of the State party’s report, please provide detailed information on the cases alleging torture which have been investigated, and elaborate on the efforts made to ensure that all reported cases of torture are duly investigated and perpetrators punished. Furthermore, please elaborate on measures taken to provide children with particular protection from torture and to expedite the adoption of the law on juvenile justice.

10. Please provide information on measures taken to eliminate violence and sexual abuse in the military, including frequent violence and ill-treatment of

conscripts, so-called *dedovshchina*. Please also comment on reports that violence in the military, including *dedovshchina*, has resulted in several cases of death, including suicides. Furthermore, please describe the efforts made to effectively and impartially investigate allegations of violence in the context of the military and to ensure that perpetrators are brought to justice and that victims have access to redress.

Liberty, security of person and treatment of persons deprived of their liberty (arts. 7, 9 and 10)

11. Please provide information on steps taken to reduce overcrowding and improve the particularly poor living conditions in prison. Please indicate measures taken to strengthen the right of detainees to receive visitors and indicate whether detainees have the opportunity to touch and communicate in private with their visitors. Please also describe any efforts made to eliminate the practice of requesting bribes from prisoners, including for using the bathroom or receiving family visits. With reference to paragraph 155 of the State party's report, please clarify whether medical or other experiments on prisoners are prohibited under all circumstances or only if they endanger life and health. Please comment on reports indicating extensive pretrial detention and indicate the efforts made to ensure full compliance with the legal requirements allowing for pretrial detention.

12. Please describe the requirements for confining a person to a psychiatric hospital and elaborate on the possibilities to legally challenge such confinement. Please also indicate whether the legality of such a confinement is subject to regular and systematic judicial review. Please elaborate on the conditions within psychiatric hospitals and respond to reports indicating particularly poor living conditions, including verbal and physical abuse of patients, and indicate whether patients can submit complaints to an external complaints body. Please also comment on reports according to which in the Autonomous Republic of Nakhchivan confinement to psychiatric hospitals has been used to silence individuals. Please indicate measures taken to provide home-based support to persons with disabilities and indicate whether persons with disabilities who have been institutionalized can challenge this decision and whether such a decision is subject to regular and systematic judicial review. Please also indicate whether any measures have been taken towards prohibiting the relinquishment to the State of newborn infants and/or children on the sole basis that they have a disability, and please further indicate whether children with disabilities may be institutionalized against the will of their parents or guardian.

Elimination of slavery and servitude (art. 8)

13. Please provide the current definition of trafficking in persons. Please provide detailed information on measures taken to combat the increase in trafficking in persons and on the number of cases reported, investigations and prosecutions initiated and actual convictions. Please also indicate the support provided to victims of trafficking. With reference to the follow-up report submitted by the State party (see CCPR/C/AZE/CO/3/Add.2, para. 43) please describe measures taken to ensure that legal alternatives are available to foreign victims of trafficking who may face hardship or retribution upon removal. Furthermore, with reference to paragraph 125 of the State party's report, please specify the conditions which a victim of trafficking needs to meet to obtain a right of residence.

Refugees, asylum seekers, internally displaced persons and stateless persons (arts. 2, 7, 12, 24 and 26)

14. Please indicate measures taken to: (a) improve the living conditions of internally displaced persons and to eliminate discrimination experienced by them; (b) conduct a needs-based assessment to understand the causes of inequalities to which internally displaced persons are subject; (c) provide special support to internally displaced persons in particularly vulnerable situations such as women, children, older persons and persons with disabilities; (d) ensure that male and female representatives of internally displaced persons are involved in all decisions and processes regarding them; (e) discontinue linking the provision of assistance to the registered addresses of internally displaced persons; and (f) ensure the protection of internally displaced persons living near the line of contact and ensure their economic independence.

15. With reference to the Committee's previous concluding observations (see CCPR/C/AZE/CO/3, para. 9), please specify the safeguards in place to ensure that no individual is extradited, expelled, deported or forcibly returned to a country where he or she may be at risk. Please indicate the efforts made to ensure equal access to refugee status determination for all asylum seekers. Please also indicate whether any legal amendments are planned to introduce a complementary protection status. Please provide detailed information on post-extradition monitoring, referred to in paragraph 206 of the State party's report. Please also provide detailed information on any cases of extraordinary rendition. With reference to the Committee's previous concluding observations (see CCPR/C/AZE/CO/3, para. 9) and to the follow-up report submitted by the State party (see CCPR/C/AZE/CO/3/Add.2, paras. 11-12 and 43), please provide updated information on any efforts made towards establishing a mechanism allowing an individual who claims that his or her forced removal would put him or her at risk of torture or ill-treatment to file an appeal with suspensive effect. With reference to paragraph 220 of the State party's report, please clarify whether a person who is a victim of domestic violence or who is persecuted because of his or her sexual orientation may also apply for asylum in the State party. With reference to the follow-up report submitted by the State party (see CCPR/C/AZE/CO/3/Add.2, para. 43), please provide further information on the "illegal migrant centre". Please also explain the absence of any provisions on family reunification in Law N41-IQ (1996) on the legal status of aliens and stateless persons, and indicate whether any measures have been taken to prohibit deportation of foreigners who have married and/or founded a family with an Azerbaijani citizen. Please indicate the efforts made to establish a statelessness determination procedure and to provide stateless persons with identification documentation.

Right to a fair trial and independence of the judiciary (arts. 9 and 14)

16. With reference to the Committee's previous concluding observations (see CCPR/C/AZE/CO/3, para. 8) and paragraphs 139 and 147 of the State party's report, please indicate the efforts made to ensure the availability of legal counsel from the moment of the arrest, including by increasing the number of defence lawyers, and with reference to paragraph 146 of the report, please indicate whether detainees can telephone a lawyer free of charge. Please also indicate whether the detainee may have access to members of his or her family. Please also provide further detailed information on the content of article 91.5.4 of the Code of Criminal Procedure, and clarify in particular in which cases the suspect will have a defence counsel from the time of the arrest, and in which cases he or she will have to wait for the announcement of the charge. Please provide further detailed information on

the legal assistance, free legal assistance services and legal clinic referred to respectively in paragraphs 148, 149 and 150 of the report, and under which conditions individuals may benefit from these services. Please comment on reports that the right to be assisted by legal counsel and to be assisted by a lawyer of the suspect's own choice has been frequently denied or delayed. Please provide information on steps taken to improve implementation of legal safeguards for detainees, in particular, to ensure that they are informed of their rights, and the reasons for their detention. With reference to paragraph 145, please detail the safeguards in place to ensure that all detainees are informed about their rights in their language. With reference to paragraph 142, please provide further information on the rights of detainees and indicate the measures taken to ensure that detainees who do not have the necessary financial means can access all services referred to in paragraph 142. With reference to paragraph 158, please provide detailed information on the content of article 43 of the Law on Ensuring Rights and Freedoms of Detained Persons.

17. Please comment on reports indicating cases of arbitrary arrest and detention followed by impunity. In this regard, please also comment on reports of politically motivated trials, under false charges, including "hooliganism", "drug possession", "treason" or "economic crimes" particularly targeting human rights defenders, journalists, staff of non-governmental organizations (NGOs), members of the opposition and lawyers. Please comment on reports that the defence is frequently provided with insufficient information, and comment on reports of recurrent violations of the equal status principle for prosecutors and defence lawyers by judges. In view of persistent reports of lawyers representing victims of torture, human rights defenders or any other cases that are reported to be politically motivated, being disbarred or threatened with disbarment or being subjected to criminal proceedings, please provide detailed information on the introduction of any safeguards to prevent such occurrences, ensure the full independence of lawyers and protect them from retaliation. Please also provide information on the measures taken to protect lawyers from all forms of violence, including from police violence. Please further indicate the measures taken to eliminate the frequent practice of summoning lawyers as witnesses in the cases they are representing as a way of removing them from the case for alleged conflict of interest. In view of frequent media statements and public statements by officials of the legislative, executive and judicial branches who depict defendants as guilty before proceedings have commenced or have been concluded, please indicate the measures taken to eliminate any form of flouting of the right to the presumption of innocence. Please provide further detailed information on the State party's military court.

18. With reference to paragraphs 231-234 of the State party's report, please provide further detailed information on the Judicial-Legal Council, including how its members are selected and how its budget is secured. Please also provide further detailed information on the process for selecting judges referred to in paragraph 235 of the report, as well as the requirements that need to be met for a lawyer to be admitted to the selection procedure. With reference to the Committee's previous concluding observations (see CCPR/C/AZE/CO/3, para. 12), and with reference to paragraphs 249 and 252 of the report, please provide further detailed information on measures taken to combat corruption within the judiciary.

Freedom of movement (art. 12)

19. With reference to the Committee's previous concluding observations (see CCPR/C/AZE/CO/3, para. 18), and with reference to paragraph 186 of the State party's report, please clarify whether the system of address registration (*propiska*)

has been fully abolished, and comment on reports according to which it continues to exist in practice.

Freedom of conscience and religious belief, of opinion and expression, of peaceful assembly and of association (arts. 2, 18, 19, 21 and 22)

20. With reference to the Committee's previous concluding observations (see CCPR/C/AZE/CO/3, para. 13), as well as paragraph 263 of the State party's report, please indicate any steps taken towards abolishing the requirement of registration for religious communities. Please also describe any measures taken to amend the 2009 religion law with a view to bringing it into full compliance with the Covenant. Please provide information on the mandate of the State Committee for Work with Religious Organizations. With reference to the Committee's previous concluding observations (see CCPR/C/AZE/CO/3, para. 13), as well as paragraph 265 of the report, please indicate whether any measures have been taken with a view to abolishing the requirement for Muslim communities to obtain authorization from the Caucasus Muslim Board before being able to apply for registration. Please respond to reports describing several forms of restriction faced by members of religious minorities. Please also comment on reports that particularly severe restrictions on religious freedom are faced by residents of the Autonomous Republic of Nakhchivan. Please clarify the legal situation of other religious minorities living in the State party. Furthermore, please comment on the reported increase in arrests of members of religious groups, including activists for religious freedom. Please also comment on cases of deportation of Jehovah's Witnesses on the basis of article 300 of the Code on Administrative Violations, and indicate whether members of any other religious communities have been deported based on the article.

21. With reference to the Committee's previous concluding observations (see CCPR/C/AZE/CO/3, para. 14) and to paragraph 268 of the State party's report, please describe the efforts made towards adopting the necessary legal provisions regulating the status of conscientious objectors to military service, and to ensure that conscientious objectors do not face prison sentences.

22. With reference to paragraph 272 of the State party's report, please provide detailed information on the draft law on defamation. Please also indicate whether any steps have been taken towards abolishing deprivation of liberty as a punishment for defamation, including harming the honour and dignity of the president. Please comment on reported cases of arrests of bloggers, and, with reference to the Committee's previous concluding observations (see CCPR/C/AZE/CO/3, para. 15), please respond to reports that journalists continue to be harassed and attacked, including by pro-government mobs, and, with reference to the follow-up report by the State party (see CCPR/C/AZE/CO/3/Add.2, para. 14), please comment on reports that these attacks are frequently met with impunity. Please also specify the efforts made to investigate the murders of several journalists. Please provide information on measures taken to protect media pluralism and avoid State monopolization of mass media. Please respond to reports that journalists are frequently subjected to charges and arbitrary detention based on flawed procedures, and that newspapers and radio stations continue to be closed. With reference to the Committee's previous concluding observations (see CCPR/C/AZE/CO/3, para. 15), please indicate whether any foreign radio station currently holds a licence to broadcast locally. Please also indicate whether the State party has any intention to reauthorize foreign media funding.

23. With reference to the Committee's previous concluding observations (see CCPR/C/AZE/CO/3, para. 16), please comment on reports indicating serious restrictions to freedom of assembly, including frequent use of excessive force against and/or detention of persons participating in peaceful protests. Please comment on reports that peaceful assembly frequently requires permission in practice, and provide further information on the meaning of a "justified decision about holding assembly" referred to in paragraph 301 of the State party's report. Please describe any efforts made to bring the assembly law into full compliance with the Covenant. Furthermore, please comment on the arrest of civil society actors and members of the opposition based on the restrictive assembly law.

24. Please respond to reports that leaders of NGOs face threats and harassment by the authorities, including raids, confiscations and travel bans. Please indicate how current legislation on NGOs is compatible with the State party's obligations under the Covenant. Please comment on the high number of criminal investigations against NGOs, freezing of NGO bank accounts and of those of their members, as well as the significant number of NGOs that have closed down or have been closed. Please also comment on further restrictions of NGO registration, detail the conditions which an NGO needs to meet in order to be registered, and indicate the average length of a registration process. With reference to paragraph 318 of the report (CCPR/C/AZE/4), please detail the requirements a foreign NGO needs to meet in order to be registered, and comment on reports according to which no foreign NGO has been able to register under the current requirements. Please also describe the measures taken to eliminate any obligation for persons living in the Autonomous Republic of Nakhchivan to join the ruling party.

Rights of the child (arts. 7 and 24)

25. Please report on measures taken to increase birth registration, particularly among children in vulnerable situations, including children born to migrant workers, asylum seekers, refugees and stateless persons. Furthermore please provide information on the measures taken to explicitly prohibit corporal punishment in all contexts. In this regard, please also indicate whether the rehabilitation services and legal assistance referred to in paragraph 342 of the State party's report are available in other parts of the country. Please provide information on the measures taken to eliminate child labour, in particular in the agricultural sectors of tea, tobacco and cotton. Please further provide updated information on whether child pornography has been explicitly criminalized.

Right to participate in public life (art. 25)

26. In view of persistent reports of irregularities during past elections, including the recent election of 1 November 2015, please indicate efforts made towards establishing the necessary safeguards to guarantee fully transparent elections in the future. In this context please also comment on: (a) the reported intimidation of opposition candidates and the local population prior to the November 2015 election; (b) the detention of the leader of the opposition movement Republican Alternative; and (c) severe restrictions posed on candidates prior to the 2013 elections, including candidates being allowed to campaign for 22 days only. Furthermore, please indicate measures taken to enable all persons with disabilities to vote and, with reference to paragraph 347 of the State party's report, please indicate measures taken to ensure that all internally displaced persons can attend elections and submit their vote.

Rights of persons belonging to minorities (arts. 26 and 27)

27. With reference to the Committee's previous concluding observations (see CCPR/C/AZE/CO/3, para. 20), please provide detailed information on the situation of members of minorities living in the State party, including Armenians, Lezgians, Russians and Talysh, and indicate measures taken to ensure that minorities can enjoy all their rights under the Covenant. Please also indicate measures taken to establish consultative structures for representatives of minorities. Please provide updated information on any steps taken towards adopting a law on minorities and a definition of "national minority". Please further describe the measures taken and the resources allocated to implement article 32.3.2 of the Law on Education, referred to in paragraph 371 of the State party's report. With reference to the Committee's previous concluding observations (see CCPR/C/AZE/CO/3, para. 20), please provide updated information on the legal guarantees relating to the protection of minorities in the State party's 2002 Law on the State Language.

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

28. Please indicate what measures have been taken to disseminate information on the Covenant and its Optional Protocols, the fourth periodic report of the State party, its forthcoming examination by the Committee and the Committee's concluding observations on the State party's third report. Please provide detailed information on the involvement of representatives of ethnic and minority groups, civil society, NGOs and the national human rights institution in the preparation of the report.
