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Summary record of the 3316th meeting (Chamber A)

Held at the Palais Wilson, Geneva, on Friday, 21 October 2016, at 10 a.m.

Chair: Mr. Vardzelashvili (Rapporteur)

Contents

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

Fourth periodic report of Azerbaijan (continued)

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The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 40 of the Covenant
(continued)

Fourth periodic report of Azerbaijan (continued) (CCPR/C/AZE/4, CCPR/C/AZE/Q/4 and Add.1)

1. *At the invitation of the Chair, the delegation of Azerbaijan took places at the Committee table.*
2. **The Chair** invited the delegation to continue with its replies to questions raised by Committee members at the previous meeting.
3. **Mr. Gurbanov** (Azerbaijan) said that the courts of first instance and appeal courts in Azerbaijan referred quite extensively to specific provisions of the Covenant in their proceedings. Referring to question 1 of the list of issues (CCPR/C/AZE/Q/4), he acknowledged that in the Quliyev case there had been a problem with guaranteeing the principle of the equality of arms of the parties involved. Given that similar cases had been brought before the European Court of Human Rights (ECHR), Azerbaijan relied on ECHR practice with regard to the case; it also endorsed the conclusions and recommendations made by the Committee.
4. A raft of measures had recently been adopted to bring detention conditions in Azerbaijan into line with international standards. Work was under way on the construction of six new prisons in Baku and other regions. Two State programmes had been successfully implemented to upgrade various facilities and from 2000 to 2015 funding for the prison sector had increased by over 10 per cent. Under a new law adopted in 2012 detainees were guaranteed a variety of rights, including to be informed immediately of their detention, to make phone calls, to appeal decisions taken concerning them, to receive psychological support, to practise religion and to access religious literature, to engage in leisure activities and to enter into or dissolve a marriage.
5. No restrictions were placed on the duration and frequency of visits to detainees by representatives of the national preventive mechanism against torture, lawyers, the Ombudsman and other relevant officials, and all the necessary conditions had been created to ensure the confidentiality of such meetings and investigations. A Ministry of Justice hotline had been set up for detainees to report alleged violations of their rights that were followed up by prosecutorial agencies, when necessary; 90 of the 94 complaints received by the hotline in 2015, and 7 of the 68 received thus far in 2016 had related to corruption. The situation would continue to be monitored and investigations conducted as appropriate.
6. Under article 10.4 of the Penal Enforcement Code detainees could not be subjected to medical or other experiments. Detainees were treated with humanity and every effort was made to ensure that they received high quality medical care. The allegations of medical experimentation on detainees in Azerbaijan had no factual or legal basis.
7. In response to comments made about lengthy pretrial detention, he said that the principle of the presumption of innocence was taken into account in matters relating to pretrial detention. There were specific provisions governing the various conditions for extending pretrial detention, but he could not give further details owing to time constraints.
8. Azerbaijan did not have a juvenile justice code; the courts drew on the relevant provisions of various legislative sources when dealing with cases involving minors. In cooperation with the United Nations Children's Fund (UNICEF), the Government was working towards the adoption of a juvenile justice code and was conducting a pilot project for handling juvenile cases with a particular group of judges. The national caseload involving minors was currently very slight.

9. As well as being party to relevant international agreements, Azerbaijan had its own law governing extradition that was applied, for example, in cases where the country requesting extradition was not a party to the international agreements. The State always protected the rights and freedoms of individuals whose extradition was requested when it was considered that their extradition might entail a risk of violation of those rights or freedoms. When examining extradition requests due account was taken of factors such as the health condition of the individuals concerned. Azerbaijan continued to monitor the situation of individuals following their return to the State that had requested their extradition through the mechanism available for that purpose.

10. **The Chair** invited the members of the Committee to put follow-up questions to the delegation on the issues covered so far as well as other questions in connection with the paragraphs of the list of issues that had not yet been addressed.

11. **Mr. Shany** said that the delegation had described the progress it had made with regard to the rights of persons with disabilities, but it was not clear whether any specific law governing their rights had yet been passed.

12. Referring to paragraphs 16 and 17 of the list of issues, he noted the State party's interest in improving access to legal services for persons deprived of their liberty: welcome developments included new legal aid programmes and the monitoring of detention conditions by the Ombudsman. However, he wondered why there were so few lawyers. Was it true that from 1999 to 2005 no lawyers had been admitted to the Bar in Azerbaijan? Were conditions for admission part of the problem?

13. According to a report by the Working Group on Arbitrary Detention which had visited Azerbaijani detention centres in May 2016, many of the detainees interviewed had never had the chance to see a lawyer, the majority had been provided with a State lawyer selected without their involvement, they had not had the opportunity to meet with their lawyer in private at any stage of the process and had only met them during interrogations and court hearings even when they had been accused of the most serious offences. He asked what steps the State party intended to take to ensure that every detainee had prompt access to a qualified lawyer. The delegation should comment on reports that legal aid work was poorly paid and that lawyers took on too many cases and could not ensure proper legal representation

14. Information had been received concerning individuals who, after having participated in demonstrations, had had to engage in a "prophylactic conversation". Could the delegation explain what that procedure involved?

15. The State party's response to the allegations of politically motivated trials and attacks against human rights defenders was that it could not comment without concrete data. However, specific cases had been brought to the Committee's attention by civil society organizations in Azerbaijan and abroad, the media and the European Court of Human Rights. In May 2013, Aslan Ismaylov, a Baku lawyer, had claimed in a news conference that his client had been tortured by officials of the organized crime unit and had called for the resignation of the Minister of the Interior. The lawyer had subsequently been insulted and physically assaulted by officials of the same unit and several months later had been disbarred by a district court in Baku on the grounds that he had insulted a judge after having complained that the judge was biased. Other human rights lawyers, including Elchin Amazov and Khalid Baghirov had been disbarred twice; they had both been representing human rights activists.

16. Travel bans had been issued against human rights lawyers, including Asabali Mustafaev, the head of the Democracy and Human Rights Resource Centre, in July 2016, on the pretext of an unpaid tax penalty. Some lawyers who had been defending human

rights activists had been removed from cases after having been called as witnesses in the proceedings.

17. Moreover, it was strange that many human rights lawyers and journalists had been charged with administrative and criminal offences. Persons affected included: Emin Huseynov, of the Institute for Reporters' Freedom and Safety, who had been convicted of abuse of power and tax evasion, had fled to Switzerland and subsequently been deprived of his citizenship; and Seymour Hazi, a journalist for the opposition daily newspaper, who had been sentenced to 5 years' imprisonment on criminal hooliganism charges.

18. Such information created an overall impression of the repression of lawyers and journalists who were critical of the Government — a conclusion also drawn by the European Court of Human Rights following cases brought before it, in particular the case of *Ilgar Mammadov v. Azerbaijan*. He would welcome the delegation's comments on the impression formed. It was hard to believe that lawyers and journalists were violent and lawless persons.

19. He would also welcome information on measures taken against anti-government media outlets, specifically on the closure of the Meydan TV office in Baku, the revocation of the licence for Radio Free Europe/Radio Liberty and the pressure exerted to halt the circulation of the newspaper *Azadlig*.

20. Turning to paragraph 27 of the list of issues, he said that he had some concerns about the rights of persons belonging to minorities. The European Commission against Racism and Intolerance (ECRI) had reported that some minorities living in rural and mountainous areas in Azerbaijan had higher poverty rates than the rest of the population and below-average education and health services. It was also reported that local authorities sometimes prohibited teaching in local dialects, inter alia, for the Talysh and Kurds. He had still not received a reply to his question raised during the previous meeting about alleged discrimination against the Armenian minority and their reluctance to identify themselves as Armenians. He sought clarification regarding reports that the State party prevented persons with Armenian surnames from entering the country regardless of their citizenship. Did the State party intend to accede to the European Charter for Regional or Minority Languages, as indicated when it had joined the Council of Europe?

21. **Ms. Seibert-Fohr**, referring to paragraphs 18 and 19 of the list of issues, said that concerns had been expressed regarding the independence of the judiciary from the executive branch including the prosecuting authorities. In that connection she would welcome information on the acquittal rates in criminal cases for the reporting period. More information would be appreciated on the powers of the Judicial-Legal Council. She wondered why the Minister of Justice was both a member and the Chairperson of the Council and how it was ensured that with such a composition Council decisions affecting the independence of judges, such as their tenure, were not influenced by politics. Concerns had also been expressed about the lack of transparency in the submission of candidatures to the Council. She asked whether there were legally established objective criteria concerning the selection, discipline, evaluation and permanent appointment of judges. The head of delegation's comment that disciplinary proceedings had been brought against 41 judges hardly gave reassurance that the right to a fair trial, due process and the independence of the judiciary were upheld in the State party. She asked what measures were in place to ensure that judges were not sanctioned for minor offences and for controversial interpretations of the law. She enquired whether the judiciary received training on anti-corruption measures.

22. She wished to know more about the system of address registration, in particular whether access to social rights and employment was conditional on such registration. She asked to what extent persons who had fled Nagorno-Karabakh had been affected by registration procedures and whether it was true that they were prevented from settling in

parts of the country where there were greater job opportunities. The delegation should comment on reports that many internally displaced persons in Baku had been unable to register their residence and thus did not have access to employment, health-care and education services, and that the State resettlement policy restricted the right of residence.

23. Was it true that journalists, human rights defenders and members of opposition parties were subject to travel bans? In 2015, the European Court of Human Rights had found that the State party had violated the freedom of movement of Ali Kerimli when it had failed to renew his passport. What safeguards were in place to prevent such situations arising in the future?

24. **Mr. Ben Achour**, referring to the concerns expressed about freedom of religion in the Committee's previous concluding observations (CCPR/C/AZE/CO/3), the list of issues (CCPR/C/AZE/Q/4) and the information provided in the State party's written replies (CCPR/C/AZE/Q/4/Add.1), and to the current religious tensions, said he understood that it was difficult for the State party to strike the necessary balance between guaranteeing freedom of religion and State security.

25. He recalled that, in the recommendations made by the Committee in 2009 (CCPR/C/AZE/CO/3, para. 13), the State party had been called on to ensure that the right to freedom of religion was fully respected and that its legislation and practice were in line with article 18 of the Covenant. During the universal periodic review of 2009, the State party had been asked to adopt a simplified and more transparent system of registration for religious denominations. Currently, the State party was failing to comply with article 18 of the Covenant because prior authorization was required to print or import religious material; denominations whose requests for registration had been denied were unable to appeal against the decision; religious activities could not be carried out anywhere except at the address at which the denomination was registered; and members of religious communities were censored and harassed by the police. According to reports received from non-governmental organizations, several Jehovah's Witnesses had been deported under legislation banning foreigners from practising religious propaganda. Since the definition of religious propaganda in the Act in question was vague, foreigners could be deported simply for holding a religious meeting. The Committee would be grateful if the delegation would comment on the situations described.

26. **Ms. Pazartzis** said that, in its previous concluding observations, the Committee had expressed concern over the lack of legislation regulating the status of conscientious objectors to military service (CCPR/C/AZE/CO/3, para. 21). The Committee would be interested to know when the draft legislation enacting article 76 (2) of the Constitution, which provided for conscientious objection, would be adopted. Noting that, according to paragraph 269 of the State party's report, four individuals had refused to join the army on religious grounds, she asked whether that figure represented the total number of declarations of conscientious objection received or the total number recognized by the military authorities. It was important to note that several individuals had been convicted and punished under the Criminal Code for refusing to join the army.

27. She asked what steps had been taken to remove the obstacles that prevented refugees or stateless persons from registering their children at birth and requested information on the measures taken to eradicate child labour.

28. Although the State party had claimed that elections were open and free and could be monitored by external and internal observers, the Office for Democratic Institutions and Human Rights had had to cancel its observation of the legislative elections of 1 November 2015 as the Government had refused to accept the number of election monitors that the organization had recommended. In fact, the Parliamentary Assembly of the Council of Europe was the only international organization that had been able to send observers to

Azerbaijan. Concerns had been expressed by the European Commission for Democracy through Law (the Venice Commission) over the way in which the constitutional referendum of 26 September 2016 had been conducted. Reports had indicated that opposition leaders had been detained and that restrictions had been imposed on the time during which candidates were able to campaign, the number of candidates authorized to put their names forward, and the freedom of assembly of political groups. As a result, the Committee had formed the impression that the right to participate in public life was not protected in the State party and would be interested to know whether the delegation believed that that impression was justified.

29. **Mr. Rodríguez Rescia** asked whether the delegation could confirm that periods of administrative detention for minor infractions had increased from 15 days to 3 months and, if so, whether the Government intended to reduce that period. He asked whether persons placed in administrative detention were protected by the safeguards set down in article 19 of the Covenant and in the Committee's general comment No. 35; whether such persons were held in cells located in district police stations that were not intended to be used for that purpose for more than 15 days and, if so, whether the State party planned to change that practice; whether the improvements to prison conditions mentioned by the State party at the previous meeting had been implemented; and what impact the improvements would have on the problem of overcrowding.

30. Noting that a law on defamation had been drafted as part of the Action Plan for Azerbaijan 2014-2016, he asked whether that law would bring standards of freedom of expression in the State party into line with article 19 of the Covenant. The State party should indicate whether it was a crime to make statements that offended the honour and dignity of the President. The Committee was concerned to note that, according to the many reports it had received from non-governmental organizations, and contrary to the impression given by the State party, the right to the freedom of expression was frequently violated. For example, the founder of the Institute for Reporters' Freedom and Safety (IRFS), Emin Huseynov, had been forced to seek political asylum in Switzerland when the authorities had opened an investigation into the Institute; the journalist Idrak Abbasov had been brutally beaten by staff members of the State oil company while going about his professional duties; the investigative journalist Khadija Ismayilova had been sentenced to 7.5 years in prison on spurious charges; and the freelance journalist Shirin Abbasov had been sentenced to 30 days of administrative detention for "disobeying police". The delegation would be grateful if the State party would comment on those cases and others in which the human rights of journalists, their family members, human rights defenders, and the lawyers who had defended them had been violated.

31. It was still not clear whether steps would be taken to bring an end to the persecution and harassment of representatives of non-governmental organizations in the State party. He wished to know how many of the complaints made by such organizations had been investigated and whether any prosecutions had taken place. He asked for more information on the process by which provisions in the Tax Code were used to suspend the activities of non-governmental organizations. Although the State party had claimed that it was not necessary for civil society organizations to be registered, reports received from such organizations indicated that they were forced to undergo a highly cumbersome registration process. He asked why such organizations were prohibited from receiving funding from abroad; whether they were required to be registered and, if so, what punishments were handed down to those who failed to comply with that requirement; what steps would be taken to bring an end to the persecution of such organizations; whether the State party kept a record of the number of organizations that had been forced to shut down or cease their operations since 2012; and how many organizations had applied to be registered and how many had been successful.

32. Lastly, he asked whether persons living in the Autonomous Republic of Nakhchivan were obliged by law to become members of the ruling party and, if so, what steps were being taken to remove that obligation. Were reprisals taken against individuals who failed to comply with it?

33. **Mr. de Frouville**, noting the delegation's claim that the sentences imposed by the European Court of Human Rights under article 3 of the European Convention on Human Rights had considered the procedural rather than the substantive aspects of that article, said that the Court had found that it had in fact been violated in at least four cases. He would be interested to know whether investigations had been initiated in those cases and, if so, whether sanctions had been imposed. The delegation had acknowledged that the opening of such investigations had faced problems in the past but claimed that the situation had improved. Given that no such investigation had been opened in 2015 or 2016, he would like to know how the Committee could assess the efficacy of the change in policy that had reportedly taken place. He also wished to know how the State party reconciled its claim that no investigations into cases of degrading treatment had taken place with the fact that an investigation had evidently been conducted in the case of Bahruz Hajiyev, who had died after throwing himself through the window of a police station. If that investigation had concerned inhuman or degrading treatment, he would be interested to know why a disciplinary rather than a criminal inquiry had been carried out.

34. While the Committee noted that the replies of the State party stated that there had been no cases of torture or abusive, inhuman or degrading treatment in 2015 or early 2016, it would be grateful if the State party could clarify what distinction it drew between inhuman and degrading treatment on the one hand, and maltreatment, as mentioned in the replies, on the other.

35. The State party's reply to question 23 of the list of issues, on freedom of association, also raised a number of concerns, particularly the statement that the authorities had interrupted demonstrations whose organizers had not met the obligation of providing advance notification. The Committee would therefore welcome the delegation's response to reports that demonstrations had been dispersed using violent measures, that there were excessive restrictions even on legal demonstrations, including a case in 2013 in which 10,000 people had been prevented from attending a political gathering by the authorities, and that preventive actions, such as arrests or summonses, were deployed to discourage people from demonstrating peacefully. The delegation should also indicate whether the Government systematically prohibited all spontaneous demonstrations.

36. **Ms. Cleveland** said that she was encouraged to hear that the Government would take into account the views of the Venice Commission in adopting legislation to implement the new constitutional amendments. However, she would be grateful for the State party's response to the concerns raised by the Commission and others, namely: that some human rights amendments risked further restricting human rights through extremely general limitation clauses; that the amendment to the citizenship clause was inconsistent with international standards; that the process by which amendments were adopted did not allow for the participation of the parliament or for public deliberation; and, most importantly, that the expansion of the powers of the President reduced his political accountability and further weakened the parliament and the independence of the judiciary, threatening to undermine the protection of human rights.

37. Lastly, although the delegation was to be commended for broaching the subject of corruption in its opening statement, the Committee was still troubled by reports of corruption at the highest levels, including among the President's family and inner circle, while the lack of independence of the judiciary and media meant that high-ranking government officials were rarely held accountable. The Committee would be interested to learn what measures were being taken to investigate and address those concerns.

The meeting was suspended at 11.40 a.m. and resumed at noon.

38. **Mr. Isayev** (Azerbaijan) said that Azerbaijan was a party to the International Labour Organization (ILO) Abolition of Forced Labour Convention, 1957 (No. 105), that its Constitution and Labour Code prohibited all forms of forced labour except in extraordinary circumstances such as natural disasters and wars, and that employers were held administratively and criminally accountable. Azerbaijan was also a party to the ILO Minimum Age Convention, 1973 (No. 138) and the ILO Worst Forms of Child Labour Convention, 1999 (No. 182), and prohibited employment contracts entered into with children under the age of 15 years. An information system for the registration of employment contracts gave extensive powers to employers and workers to protect and defend their rights.

39. With regard to the gender pay gap, wages were based on the amount of work done and the specific nature of the job, and there was no differentiation by gender. However, women made up a relatively high proportion of short-term workers and workers in sectors with lower salaries, such as health care, social care and education, with the result that the average wage for women was only 54 per cent of that for men.

40. The Government viewed the social protection and integration of persons with disabilities as a priority, and a new bill had been proposed whereby employers would have to allocate 5 per cent of jobs to workers with disabilities, and would face heavy fines for non-compliance with that quota. The Ministry of Labour and Social Protection also built and purchased houses and accommodation for persons with disabilities, taking into account their circumstances and requirements.

41. The Government had developed a programme and was considering new legislation to support the victims of human trafficking. The Ministry of Labour and Social Protection had already established rehabilitation centres, including at the regional level, while 10 non-governmental organizations had been accredited and had received State funding to provide services for victims.

42. **Mr. Gurbanov** (Azerbaijan), responding to the question on access to legal careers, said that the Ministry of Justice was implementing measures to strengthen the legal profession, which was regulated by law. While it was true that a lack of appointments to the Bar had resulted in a shortage of qualified lawyers, efforts were now under way to boost recruitment through examinations and interviews. A round of tests held in 2014 had attracted 200 entrants to the profession, while a further selection of candidates was scheduled for December 2016. No lawyers had been struck off for defending opposition figures or political activists, although some had been disbarred, in accordance with court decisions, for breaches of legal ethics and of the law.

43. Azerbaijan was taking many steps to reform its judicial system. A new system of administrative, administrative-economic and juvenile courts had been developed, while appellate courts had been set up for serious cases in different regions. In cooperation with the World Bank, projects were under way to improve infrastructure, including the construction of buildings that separated administrative and public areas to avoid contact between judges and participants in trials. The process of hiring new judges was also ongoing, supported by the European Commission for the Efficiency of Justice (CEPEJ) of the Council of Europe, which had prepared a comprehensive report that recognized the

transparency of the appointment process in Azerbaijan. By law, persons under the age of 30 years could not become judges, but that age limit would be reduced to 28 years, owing to the time involved in the selection process and the need for greater flexibility. The Judicial-Legal Council, an important body for the reform process, had 15 members, of whom 9 were judges with the right to vote in the disciplinary proceedings taken against their peers. Representatives of the Ministry of Justice, of the President, of the parliament, of the Constitutional Court and of the General Prosecutor's Office all participated in the work of the Council.

44. **Mr. Asgarov** (Azerbaijan), referring to the questions raised in respect of proceedings before the European Court of Human Rights (ECHR), said that the lawyers that had been disbarred had been sanctioned for public statements that were offensive to the judges and judiciary of Azerbaijan. With regard to the case of Mr. Emin Huseynov, it was clear that the latter had not been convicted in Azerbaijan, but had avoided the charges against him by going into hiding in the Swiss Embassy in Baku. He had not been illegally deprived of his citizenship, but had personally applied to the President of Azerbaijan for the termination thereof, and had travelled to Switzerland of his own volition.

45. In the case of Ilgar Mammadov, the European Court had not examined the conviction of the applicant, but his pretrial arrest as ordered by the domestic court. In the case of Ali Kerimli, the Court had established that the failure of the domestic authorities to provide the applicant with a passport contravened the provisions of the European Convention on Human Rights; accordingly, the authorities would take steps to remedy that situation, which had arisen due to procedural problems.

46. Responding to the question on conscientious objectors, he said that applications to perform alternative military service were regulated by a presidential decree of 1992 and a number of domestic court judgments, which had the effect that only religious ministers and madrasa students could apply for alternative military service.

47. Regarding the question of international observers to the 2015 parliamentary elections, there had been a misunderstanding between the Government and the Organization for Security and Cooperation in Europe (OSCE), inasmuch as the Government viewed the proposed number of OSCE observers as disproportionate and had asked for it to be reduced. However, OSCE had refused to compromise and had blamed the Government for its withdrawal.

48. The Government had several concerns over the validity of the opinion prepared by the Venice Commission, and would only include the Commission's reasonable conclusions in its implementing legislation. Many international observer missions had stated that voting in the 2016 referendum had taken place in accordance with the legislation and international commitments of Azerbaijan, although a few forged votes had been detected, leading to the annulment of the results in four precincts. Legislation on the right to freedom of assembly stipulated that the authorities should indicate the public places where assemblies might take place; however, candidates sometimes neglected to use all of the locations set aside for electoral campaigning, as had occurred in Baku in 2015.

49. The maximum duration of administrative detention for minor criminal offences had been increased from 15 days to 3 months. The decision to that effect had not been prompted by violations of the legal provisions governing the conduct of peaceful public gatherings. Once the relevant court judgment had been issued, persons having committed a minor criminal offence were transferred from the police station to special administrative detention centres.

50. The Government had requested the assistance of the Venice Commission in drafting the law on defamation, but the Commission had delivered a negative opinion on the law, thereby indicating that it was unwilling to cooperate in that endeavour. In the case of

Fatullayev v. Azerbaijan, the European Court of Human Rights had found that the journalist's right to freedom of expression had been violated owing to the severity of the restrictions placed upon it, namely his imprisonment. Following the issuance of the Court's judgment, the national courts had adopted new jurisprudence and not a single journalist had been charged with libel under the Criminal Code or imprisoned on account of his or her professional activities.

51. A violation of the procedural but not the substantive aspects of article 3 of the European Convention on Human Rights had been found in the majority of cases involving allegations of inhuman or degrading treatment. The judgment in the case of *Yunusova and Yunusov v. Azerbaijan* had been issued in June 2016 but had not yet been executed, as the Government had requested that it be referred to the Grand Chamber of the European Court of Human Rights on account of its controversial nature. In the case of *Ilgar Mammadov v. Azerbaijan*, the Court had not examined the applicant's allegations of ill-treatment, as he had complained of a violation of article 5 of the European Convention on Human Rights, which addressed the right to liberty and security, not torture or ill-treatment. In the case of Bahruz Hajiyev, who had thrown himself from a window shortly after his arrest, criminal charges had been brought against one police officer while disciplinary proceedings had been instituted against six others.

52. Persons wishing to organize a public gathering were not obliged to obtain formal authorization; they had only to provide advance notification to the competent authorities and inform them of the location and time of the gathering. The law on peaceful assembly also provided for spontaneous gatherings under certain conditions. A number of cases had been brought before the European Court of Human Rights in which the complainants had challenged the definition of spontaneous gatherings enshrined in the law. In one case, the Court had ruled that the definition of spontaneous gatherings was clear and unequivocal and that the challenge was inadmissible. While it was true that international human rights instruments protected the right to peaceful assembly, State authorities nonetheless reserved the right to intervene and disperse gatherings and demonstrations when they turned violent and/or entailed the destruction of private property or community buildings.

53. **Mr. Mammadli** (Azerbaijan) said that the perceived disparity between the majority and minority populations in terms of access to education and poverty levels could be explained by the fact that the Committee was in possession of distorted information. The national poverty rate, which had stood at 47 per cent in 2002, had since fallen to 5 per cent. As was the case in all countries, there was a discrepancy between the poverty rate registered in rural areas and that registered in urban areas. However, the most impoverished rural areas were not populated by ethnic minorities.

54. Education was provided in the languages spoken by the country's main national and ethnic minorities, which included Russian, Georgian and Hebrew. In the north of Azerbaijan, there was a village with a population of 2,500 inhabitants which had its own language and alphabet. The children living in the village were taught in their own language at school.

55. The State Committee on Religious Associations was the main body responsible for fostering and maintaining relations between the State and religious groups. The State Committee was tasked, inter alia, with registering religious associations, promoting religious tolerance and interreligious dialogue and preventing religious radicalism through informal education and training. Although persons wishing to register a religious association were required by law to obtain prior authorization from the Caucasus Muslim Board, doing so was merely a formality, as no religious association had ever been denied such authorization. Despite having failed to reregister as a religious association in accordance with the amendment introduced to the applicable law, the community of Jehovah's Witnesses had been able to import 400,000 copies of religious literature.

56. **Mr. Aliyev** (Azerbaijan) said that, as a result of the measures taken to combat human trafficking in 2015, 108 cases of human trafficking had been detected, leading to arrests and prosecutions, including of members of criminal groups, and the location and arrest of persons appearing on the wanted list of the International Criminal Police Organization (INTERPOL). Searches for persons who had not yet been accounted for were still ongoing. In 2015, 63 victims of human trafficking had been identified, 51 of whom had been placed in temporary accommodation and provided with the necessary care and support. All the victims were entitled to welfare benefits on a temporary basis and some had been provided with employment or sent on vocational training courses. A small number of victims had been returned to their families while a larger number had benefited from services provided by NGOs or the national centre for the care of victims of human trafficking. Those victims in need of medical care or identity documents had received them. The child victims of trafficking had either been enrolled in education programmes or placed in care.

57. Under the law to combat human trafficking, foreign victims of trafficking were entitled to care and support services on an equal footing with Azerbaijani citizens. Trafficking victims who were stateless could not be removed from the national territory until the necessary investigations had been completed. They too were entitled to care and support services, including assistance in filling out necessary paperwork and an allowance to cover travel costs. Foreign victims of trafficking also received information on how to avoid falling victim to human traffickers in the future and on how to form and maintain links with NGOs, law enforcement agencies and social structures.

58. With reference to the system of address registration, the Constitution provided that each person legally resident in Azerbaijan could move around freely, select his or her own place of residence and leave the territory. According to the law on permanent address registration, the purpose of the system was to record the number of persons living in the country; to enable them to perform their duties towards other persons, the State and society; and to create the conditions necessary for the effective implementation of human and citizen rights and freedoms, such as those relating to social protection and military service. The place of residence of children under 14 years of age was considered to be that of their legal representative, namely their parents or legal guardian. Azerbaijani citizens who did not have a place of residence were registered at the address of the State body that had issued them with a registration certificate.

59. **Mr. Sharifov** (Azerbaijan) said that, over the previous 12 years, some 165,000 out of a total of 380,000 internally displaced persons had been provided with permanent jobs while another 200,000 had been provided with temporary jobs. Some 3,000 internally displaced persons had been enrolled in vocational training courses and around 16,000 displaced families had received targeted social assistance.

60. During the 2015/16 school year, some 8,500 internally displaced persons had been enrolled in university and special arrangements had been introduced in 700 secondary schools with the aim of facilitating the integration of internally displaced children into the education system.

61. The law on the status of refugees and internally displaced persons provided that, in order for “internally displaced” status to be granted, the persons in question must temporarily register in the city where they had first settled, without prejudice to them deciding to move to another city at a later date. Internally displaced persons were entitled to claim benefits and assistance on the basis of both their temporary registered address and their actual place of residence, which precluded the possibility of those persons being deprived of their social rights or other guarantees. Internally displaced persons who lived in close contact with military personnel were provided with land where they could engage in agricultural activities, as well as loans and subsidies to assist them in that endeavour.

62. **Mr. Shany** said that he would like to receive additional written information on the case of Khalid Bagirov, a criminal defence lawyer from Azerbaijan who had been disbarred in 2011 after having accused a police chief of involvement in a death that had occurred in police custody. Despite the defamation case subsequently brought by the police chief having been dismissed by the court, the Azerbaijani Bar Association had seen fit to disbar Mr. Bagirov on the ground that he had allegedly breached client-lawyer confidentiality. However, it appeared that he had simply been punished for doing his job. Furthermore, the delegation should indicate whether the State party was prepared to accept the principles enshrined in the Human Rights Council resolution on civil society space adopted in June 2016 (A/HRC/32/L.29).

63. **Sir Nigel Rodley** said that he would appreciate an explanation as to the blatant discrepancy between the information contained in paragraph 162 of the written replies, which stated that alternative civilian service was an option provided for under Azerbaijani law for citizens whose beliefs precluded them from performing military service, and the information contained in paragraph 268 of the periodic report, which stated that legislative provisions regulating alternative civilian service had not yet been adopted, which was also the view of the Council of Europe and the Organization for Security and Cooperation in Europe. Furthermore, restricting conscientious objection to students of religion was not part of the margin of appreciation that could be exercised by the European Court of Human Rights in respect of article 9 of the European Convention on Human Rights.

64. **Mr. Khalafov** (Azerbaijan) said that he was grateful to the Committee for the opportunity to engage in a constructive interactive dialogue on the state of implementation of the Covenant in Azerbaijan and that the Government would give due consideration to the issues raised by Committee members and adopt the appropriate measures. However, the fact remained that some of the questions posed were based on inaccurate information received from biased sources. The Government would continue to cooperate with the Committee and the Human Rights Council, including its special procedures mandate holders, and to work to improve the human rights and democracy situation in the country by promoting fundamental human rights and freedoms, reforming State governance structures, the Constitution, the country's legislative framework and the electoral process, and by strengthening civil society. Notwithstanding the unfounded information being circulated by certain media outlets, the Government attached the highest importance to the fight against corruption and called upon stakeholders at all levels to play their part in that endeavour.

65. The country's periodic report had been prepared by means of a public consultation process involving the Ombudsman and around six NGOs, which had provided input in the form of proposals and comments. The periodic report had been publicized in the media and made available on the Government's website. The Government looked forward to receiving the Committee's concluding observations.

66. **The Chair** said that he agreed that the interactive dialogue with the State party had been full and constructive and hoped that it would help to improve the human rights situation in Azerbaijan. He was confident that the Committee's concluding observations, which would take account of the new information provided by the delegation, including on recent legislative advances, could prove useful in guiding the State party's efforts to address the critical issues of concern raised over the course of the interactive dialogue. Lastly, the Committee had been informed that there was a possibility of reprisals being taken against the representatives of NGOs who had provided it with information. He trusted that the Government of Azerbaijan would do everything in its power to ensure that no harm came to those individuals.

67. **Mr. Khalafov** (Azerbaijan) said that there was no risk of reprisals being taken against the representatives of NGOs who had provided the Committee with information. Such organizations had been able to submit reports to the Committee and publish them in the media without hindrance.

The meeting rose at 1.10 p.m.