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## **National report submitted pursuant to Human Rights Council resolutions 5/1 and 16/21\***

### **Azerbaijan**

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\* The present document is being issued without formal editing.



## **I. Process for the preparation of the report**

1. In order to ensure further measures for the promotion and protection of human rights and fundamental freedoms and increase the effectiveness of cooperation with the United Nations mechanisms operating in this field, and taking into account the recommendations of the universal periodic review mechanism of the Human Rights Council on the establishment of a national mechanism for coordination, implementation, reporting and follow-up on human rights issues, the President of Azerbaijan signed an order on 20 September 2018 establishing a working group composed of a range of ministries and agencies. The Office of the Procurator General and the Office of the Commissioner for Human Rights (Ombudsman) were encouraged to participate in its work.
2. This working group is responsible for the preparation of all periodic reports submitted by the Government to the United Nations human rights treaty bodies and the universal periodic review mechanism of the Human Rights Council. The working group also monitors the implementation of the recommendations adopted with respect to Azerbaijan.
3. The fourth national report of Azerbaijan under the framework of the universal periodic review mechanism was prepared in accordance with the above-mentioned order. In accordance with the presidential order of 20 September 2018, the Ministry of Foreign Affairs coordinated the preparation of the report.
4. In accordance with the guidelines contained in Human Rights Council resolution 5/1 and the general guidelines for the preparation of information under the universal periodic review contained in United Nations General Assembly document [A/HRC/DEC/17/119](#), the fourth national report provides information on the implementation of the recommendations adopted during the third universal periodic review in 2018, as well as information on the development of the human rights situation in Azerbaijan since that time.
5. In 2022, Azerbaijan submitted a voluntary interim report to the Office of the United Nations High Commissioner for Human Rights on the implementation of the recommendations that were adopted with respect to Azerbaijan during the third universal periodic review.
6. The draft fourth national report was posted on the website of the Ministry of Foreign Affairs to gather comments from civil society and non-governmental organizations (NGOs) on the document.

## **II. Human rights measures and follow-up to recommendations**

7. The implementation of the recommendations supported during the previous cycle will be comprehensively addressed in the present report.

### **Cooperation with international and regional human rights mechanisms**

8. Azerbaijan maintains good cooperation with the special procedures mandate holders of the Human Rights Council. In 2013, the Government issued a standing invitation to all United Nations special procedures mandate holders. The openness and constructive cooperation of Azerbaijan with special procedures mandate holders was positively noted by the United Nations High Commissioner for Human Rights in his oral presentation at the thirty-eighth session of the Human Rights Council (18 June to 6 July 2018), where he mentioned Azerbaijan among 19 countries actively cooperating with the special procedures.
9. During the period under review, the Government submitted the relevant periodic reports to the human rights treaty bodies (annex, sect. 1).
10. During the period under review, the Government's periodic reports were presented to the human rights treaty bodies (annex, sect. 2).

11. Azerbaijan continues to nominate national candidates for elective positions in the human rights treaty bodies. At present, Azerbaijani citizens are represented in 4 of the 10 human rights treaty bodies (annex, sect. 3).

12. Azerbaijan is committed to its obligations under the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights) and has signed and ratified 67 Council of Europe treaties. The Government is taking measures at the national level to implement the judgments of the European Court of Human Rights. Improving the enforcement of judgments of the European Court of Human Rights is one of the main areas of cooperation under the Council of Europe Action Plan for Azerbaijan for 2022–2025, and a project entitled Support for Improving the Enforcement of Judgments of the European Court of Human Rights by Azerbaijan is currently being implemented.

13. In recent years, there has been a positive trend in the enforcement of such judgments. A total of 102 judgments related to Azerbaijan handed down by the Committee of Ministers of the Council of Europe were enforced from 2018 to mid-2023: 15 in 2023; 35 in 2022; 12 in 2021; 6 in 2020; 16 in 2019; and 18 in 2018. Since 2022, more than 50 action plans, action reports and communications have been submitted by Azerbaijan, covering more than 150 cases.

14. At the international level, the country presented three voluntary national reports on the Sustainable Development Goals at the Transforming our World: the 2030 Agenda for Sustainable Development high-level political forum, held in 2017, 2019 and 2021 at United Nations Headquarters.

15. At the national level, six national reports on the Sustainable Development Goals have been presented to the President of Azerbaijan under the title Transforming our World: the 2030 Agenda for Sustainable Development.

16. Azerbaijan was ranked fiftieth among 163 countries by the Sustainable Development Report, scoring 73.5 points out of a possible 100. Compared to the position in the 2021 report, Azerbaijan had moved up five places in the 2022 report.

17. In 2022, the National Coordination Council on Sustainable Development approved an action plan to achieve the Sustainable Development Goals for 2022. In 2023, the National Coordination Council approved an action plan for the organization of educational activities towards achieving the Sustainable Development Goals for 2023. At that session of the Council, relevant bodies were advised to undertake advocacy activities to promote Sustainable Development Goal 16: promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

## **Acceptance of international human rights instruments**

18. Azerbaijan has ratified almost all major international and regional human rights instruments and is constantly extending its treaty obligations.

19. During the reporting period, Azerbaijan ratified or signed relevant international documents (annex, sect. 4).

20. The possible acceptance of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure and of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the International Convention for the Protection of All Persons from Enforced Disappearance and the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence requires further domestic harmonization.

21. Azerbaijan is not a party to the Rome Statute of the International Criminal Court, but it acts on the understanding that the protection of civilians, respect for human rights and humanitarian law and the fight against impunity for international crimes contribute to the maintenance of international peace and security and are thus the responsibility of the international community as a whole. For this reason, Azerbaijan was represented at the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an

International Criminal Court, held in Rome from 15 June to 17 July 1998, and participated in the adoption of the Final Act of the Conference. Azerbaijan continues to observe the activities of the International Criminal Court and is comprehensively studying the possibility of adopting legal mechanisms to ensure effective cooperation with the Court, with the aim of facilitating the fulfilment of the obligations of the States parties to the Rome Statute.

## **Updating of legislation**

22. The national legislation on the protection of fundamental human rights and freedoms has been developed in accordance and in line with the country's international obligations. The recommendations of international organizations and of the relevant United Nations mechanisms have also been taken into account when improving the legislation.

23. In order to bring the country's legislation into line with its international obligations, relevant laws were adopted during the reporting period (annex, sect. 5).

24. The National Programme of Action to Enhance the Protection of Human Rights and Freedoms, adopted in 2011, remains an important document in this area. Under this National Programme, efforts have been made to improve the legal framework, enhance the activities of State bodies, protect the rights of different groups of the population and organize training, research, analysis and awareness-raising in the area of human rights.

25. The Ombudsman's Office is the focal point for implementation of the National Programme and continues to act as a monitoring mechanism for the protection of human rights and freedoms in the country.

26. In 2022, the Ombudsman prepared and submitted for consideration and subsequent approval a new national human rights plan (programme), the adoption of which will replace the 2011 National Programme.

27. Along with national initiatives, and in coordination with the relevant State bodies, the Council of Europe and Azerbaijan adopted an action plan for Azerbaijan for 2022–2025, which is aimed at further bringing the legislation, institutions and practice of Azerbaijan in the field of human rights into line with Council of Europe standards and at ensuring the rule of law and support for democracy.

## **Human rights awareness-raising, training and education**

28. In accordance with a presidential decree of 2022, the Centre for Legal Examination and Legislative Initiatives was established. The Centre is a public legal entity that works to improve the quality of standard-setting activities, develop the knowledge, skills and competencies of employees of State bodies in the application of legal norms, provide legal education, conduct legal examinations and regulatory impact assessments and develop proposals on the implementation of legal reforms in the country. In so doing, it takes into account international best practices and effectively coordinates work in this regard.

29. The Institute of Law and Human Rights, which was previously part of the Azerbaijan National Academy of Science, was also restructured under the presidential decree of 2022. It currently operates as a public legal entity under the above-mentioned Centre. The Institute, in addition to supporting the activities of the Centre, works to conduct legal analyses of existing normative legal acts in order to eliminate gaps or conflicts in the law and cases of improper use of the law; it also works to improve legislation, to carry out comparative analyses of national and foreign legislation and to conduct applied scientific and experimental research and prepare scientific and practical recommendations on specific branches of law, including in the field of human rights and freedoms.

30. Detailed information on the Institute's training and seminars is provided in section 6 of the annex.

## Civil and political rights

### Freedom of thought and speech, freedom of information

31. All the conditions for the free activity of representatives of the media and civil society and of human rights defenders have been established in Azerbaijan. Their rights and freedoms are fully ensured and they are not subjected to any harassment.

32. In accordance with the Media Act of 2021, there is a free press in Azerbaijan. State censorship of the media, as well as the creation and financing of State bodies or positions for this purpose, is prohibited. The media are founded on the State's guarantee of the right of all to lawfully seek, receive, prepare, transmit, produce and disseminate information.

33. Under the Media Act, journalists have the right to independence and security of person and the right to protection of their honour and dignity in the performance of their professional duties. It is prohibited to unlawfully interfere in the professional activities of journalists or to harass them or to pressure them when they collect, prepare, edit, produce or transmit information and when they express opinions about information intended for public use in ways not restricted by domestic law. In Azerbaijan, human rights defenders, journalists and bloggers are not threatened or prosecuted in connection with their activities. Guided by the principle of the equality of all before the law, only persons who are suspected of having committed a specific crime are subjected to criminal proceedings, regardless of their position or occupation. Between 2019 and 2022, only one member of the media was convicted (sentenced to corrective labour) under articles 147 (defamation) and 148 (insult) of the Criminal Code.

34. In order to support the media, continue institution-building in this area and encourage the application of new information and communication technologies and innovations, the Media Development Agency, a public legal entity, was established to succeed the Presidential State Support Fund for Media Development, in accordance with a presidential decree of 2021 on further media reform. The Agency's tasks include ensuring freedom of thought, speech, information and pluralism, preparing proposals to improve the legal and regulatory framework in order to regulate relations between media entities and society and the State, strengthening the economic independence of media entities and boosting the professionalism and accountability of journalists, inter alia by implementing measures for their social protection.

35. The Act of 7 March 2023 amending the Code of Administrative Offences provides for increased administrative liability for unlawful interference in the professional activities of journalists, including in situations where they are harassed or pressured as they collect, prepare, edit, produce or transmit information intended for public use, if such activity is not restricted by law.

### Freedom of assembly

36. The right to freedom of assembly is guaranteed by the Constitution and the international agreements to which Azerbaijan is a party, and the rules for holding assemblies (meetings, demonstrations, street processions and pickets) are regulated by the Freedom of Assembly Act of 1998.

37. Over the past 25 years, numerous amendments have been made to that law, in accordance with the relevant international obligations. According to the official position of the European Commission for Democracy through Law (the Venice Commission) of the Council of Europe, this law fully complies with European standards.

38. The administrative and legal practices regarding freedom of assembly fully comply with domestic law and are based on article 49 of the Constitution and article 5 of the Freedom of Assembly Act. Under article 5 of the Act, "local executive authorities shall be notified in writing of the route of a street procession and the place and time of the assembly for the purposes of their coordination and to take the necessary measures. A reasoned decision regarding the holding of the assembly shall be sent to the organizers within three working days. At the same time, in accordance with domestic law, the restrictions required in a democratic society and provided for by law may be applied."

### **Freedom of conscience**

39. Religious policy in the country is based on the Constitution and the international treaties to which Azerbaijan is party.

40. A 2021 law amended the Freedom of Religion Act to prohibit activities aimed at promoting religious extremism and the exploitation of inter-religious and intra-religious differences for political purposes.

41. According to rough estimates, 96 per cent of the population of Azerbaijan is Muslim and 4 per cent are followers of other religions (Judaism, Christianity, Baha'i and Krishna Consciousness) (statistical data on religious communities and centres are provided in section 7 of the annex).

42. Since 2011, the State has provided financial assistance to both Islamic and non-Islamic religious communities. Most recently, in accordance with a presidential order of 2023, a sum of 3,100,000 manats was allocated from the President's reserve fund to support religious faiths in the country and improve their financial situation (annex, sect. 8).

43. In the period under review, the Government continued to pay particular attention to the repair and restoration of mosques and shrines, as well as churches, synagogues and other houses of worship. A number of activities are being carried out in Azerbaijan to repair and restore historical and religious monuments and churches belonging to the Albanian-Udi Christian Religious Community. The Heydar Aliyev Foundation began work in 2019 on the capital restoration of Saint Mary's Albanian Church, located in the settlement of Nij, in Qabala district, where a high proportion of Udi people live. On 7 November 2020, the church was reopened following the restoration.

44. On 19 May 2022, under the framework of the regional preparatory meeting of the Group of 20 Interfaith Forum, an international conference was held in Baku under the title "Multicultural view on priority global issues". During this event the absence of religious discrimination and antisemitism in the country was once again emphasized.

### **Right of association**

45. Under the Constitution, everyone has the right to create any association, including a political party, trade union or any other voluntary association, or to join an existing association. Appropriate laws, including laws on political parties, trade unions and NGOs, have been adopted to guarantee that right.

46. The establishment, operation and rules for the reorganization and closure of NGOs as legal entities and for their activities, management and relations with the authorities are governed by the Non-Governmental Organizations (Voluntary Associations and Foundations) Act of 2000. According to the amendments introduced to that Act in a law of 2020, agreements and decisions on the provision of grants may also be concluded on the basis of electronic applications.

47. Work continues on the simplification, digitalization and improvement of the State registration of NGOs. In connection with the implementation of the National Action Plan to Promote Open Government for 2020–2022, approved by a presidential order issued in 2020, appropriate changes were made to the Individual Electronic Window electronic information system, and preparations were made for the electronic submission of documents for NGO registration.

48. The requirements to register each change made to the constituent documents of legal entities or representative offices or branches of foreign legal entities, as well as to register each subsequent change to them, which are stipulated in article 9.1 of the State Registration and State Register of Legal Entities Act, do not extend to re-registration. The requirements of this article only provide for the updating of available information in the event of amendments to the constituent documents, which is in line with international practice.

49. As part of the implementation of the National Action Plan to Promote Open Government for 2020–2022, appropriate changes were made to the Individual Electronic Window electronic information system. Software was developed and introduced to record financial resources allocated to NGOs, based on electronic statements.

50. In the last five years, financial resources have been recorded amounting to approximately 200 million manats that have been allocated to civil society institutions from foreign financial sources.

51. The number of registered organizations in Azerbaijan as at 1 January 2023 is provided in section 9 of the annex.

52. Under the National Action Plan to Promote Open Government for 2020–2022, and in order to increase the participation of civil society institutions in collective decision-making procedures in State bodies, a bill on amendments to the Public Participation Act was prepared and submitted to the appropriate body.

53. The State Programme for the Development of the Azerbaijani Justice System (2019–2023), approved by a presidential order of 2018, contains a separate section setting out measures to expand cooperation with civil society institutions.

54. The Government continues to take consistent measures to develop civil society. In accordance with a presidential decree of 2021 on improving the administration of State support for NGOs, the Agency for State Support of NGOs, a public legal entity, was established to succeed the Presidential Council for State Support of NGOs, and its statute was approved (information on the activities of the Agency and relevant funds is provided in section 10 of the annex).

### **Right to vote**

55. In accordance with domestic law, all political forces and citizens are afforded the conditions to participate in elections and to put forward candidacies. The activity of the different political forces in the broader political setting was also evident in each of the three elections held between 2018 and 2022 in Azerbaijan – the presidential election of 11 April 2018, the municipal elections of 23 December 2019 and the (parliamentary) elections of 9 February 2020 (annex, sect. 11).

56. The campaigns during all three elections took place on a level playing field. During the elections, the candidates conducted free and wide-ranging campaigns, without any interference, on social media, web portals and online media platforms. An extensive programme of action was aimed at conducting the elections in a pluralistic and openly competitive environment, ensuring citizens' political participation.

### **Reform of the judicial and legal system**

57. The practice of the law is carried out irrespective of race, nationality, religion, language, sex, origin, property status, position, beliefs or membership of political parties, trade unions or other public associations. Legal practice is carried out on the basis of the supremacy of human and civil rights and freedoms, the law, the independence of lawyers, the voluntary nature of relations between lawyers and their clients and observance of the ethics of the legal profession.

58. Under the law, institutions, enterprises and organizations, irrespective of their organizational form, are obliged to assist lawyers in the performance of their professional duties.

59. The grounds for suspending or excluding lawyers from membership of the Bar Association are set out in the Bar and Advocacy Act of 1999. This Act establishes the Bar Association, a non-governmental, independent, self-governing organization comprising all lawyers in the country. The Bar Association does not have the authority to expel a lawyer. As its most severe punishment, the Bar can suspend lawyers and apply to the courts for their expulsion. If the court grants the action, the lawyer is expelled from the Bar. Otherwise, the lawyer continues to practise.

60. The Lawyers and Advocacy Act complies with the requirements of the Basic Principles on the Role of Lawyers and Recommendation No. R (2000) 21 of the Council of Europe on the freedom of exercise of the profession of lawyer. Lawyers are subject to disciplinary measures in cases where violations are found of the requirements of the law and the Rules for the Conduct of Lawyers, including cases concerning violations of the standards

of ethics of the legal profession. Over the past five years, the Presidium of the Bar Association has received a total of 3,267 referrals, the vast majority of which came from citizens. Following preliminary investigation by the Presidium, 915 appeals (28.9 per cent) were recognized as grounds for disciplinary proceedings and sent to the Disciplinary Commission of Lawyers for investigation.

61. In 183 out of the 915 disciplinary proceedings (20 per cent), the Disciplinary Commission found that the lawyers had failed to comply with the requirements of the Bar and Advocacy Act, other laws or the Rules for the Conduct of Lawyers, including the standards of ethics of the legal profession.

62. In 2017, sweeping reforms to the legal profession were undertaken. A law adopted in 2019 introduced amendments to the Bar and Advocacy Act. In accordance with the new amendments, qualifying examinations on the practise of the legal profession are scheduled at least twice a year (annex, sect. 12).

63. One of the areas of reform in the legal profession is the payment for guaranteed State legal aid. Every year, the national budget provides for an amount to be allocated for this expenditure. In accordance with a 2019 presidential decree on deepening reforms in the legal system, to ensure centralized accounting and accurate forecasting of the funds allocated by the State for legal aid, as from 2020 the payment to lawyers for the provision of State-guaranteed legal aid has been carried out by the Bar Association's management board.

64. An Act of 9 June 2023 amended the Code of Civil Procedure to expand the possibilities for the provision of a lawyer at public expense in civil proceedings.

65. A 2018 presidential order on additional measures to develop the Bar in Azerbaijan recommended to the Bar Association that modern information and communications technologies should be used for the activities of lawyers and that the provision of legal services in electronic form should be expanded. As part of the implementation of this recommendation, an electronic legal aid mobile application, LegalAid, was launched in 2022. It provides citizens with access to convenient, high-quality online legal aid at any time and in any place.

66. An electronic court system is in use, for which every lawyer has a personal account. Through this account, not only can all procedural documents be sent to the court in electronic format; documentation can also be received from other participants in proceedings if they have also sent them to a court.

67. The Bar Association is working to increase the number of lawyers in the country. The number of lawyers between 2004 and 2018 was 931. In the last five years, the number of lawyers has increased by more than two and a half times, to 2,323, including multiple increases in the number of young lawyers, female lawyers and lawyers in the country's regions.

68. The Bar Association has been admitted to the Council of Bars and Law Societies of Europe, the International Association of Lawyers, the European Association of Lawyers, the European Young Bar Association and the Law Association for Asia and the Pacific.

69. The State Programme for the Development of the Azerbaijani Justice System (2019–2023) was approved by a presidential order of 2018 to ensure the sustainability of reforms in the administration of justice and to improve the activity of judicial bodies and the courts. The Programme identifies transparency, upholding human rights and freedoms in the activities of judicial bodies and strengthening cooperation with civil society institutions as core issues for the development of justice. In order to improve the provision of pro bono legal aid to members of low-income groups, the Programme calls for the preparation of a bill on pro bono legal aid, with the participation of international experts. The bill is currently being finalized on the basis of proposals from a European Union expert, members of the working group on this draft legislation and relevant State bodies.

70. Not only does the Bar Association organize free legal aid; it also organizes visits to places of deprivation of liberty, where free legal aid is also provided to convicted persons.

71. The presidential decree of 2019 on deepening reforms in the legal system laid the groundwork for comprehensive reforms of the judiciary and serves as a strategic road map.



One of the main aims of the decree was to improve access to the courts and the effectiveness of the justice system.

72. As a result of this decree, up to 400 amendments were introduced to the Criminal Code, the Code of Criminal Procedure, the Administrative Code and the Penalties Enforcement Code, with a view to continuing measures to make legislation more humane, decriminalize certain offences and further improve the accessibility and transparency of justice.

73. Since 2019, the selection process for judges has been carried out through transparent procedures, with new rules that have been introduced by the Judicial Selection Committee (annex, sect. 13).

74. The positive results achieved in Azerbaijan in the field of judicial reform and the selection of judges have attracted the attention of international organizations. The European Commission for the Efficiency of Justice, having shown interest in the selection of judges in Azerbaijan, specifically set up an expert group that visited the country and directly observed the selection process. In their report, the European experts noted the transparency, objectivity and fairness of the process.

75. To facilitate access to the courts, a state-of-the-art software application, Mobile Court, has been set up, with extensive functionality and a user-friendly design.

76. In 2021, up to 350 amendments were made to the Code of Civil Procedure, with the aim of ensuring flexibility in court proceedings, avoiding red tape (including the possibility of improper use), ensuring more efficient handling of cases, as well as the wider use of modern information technology in court proceedings, and improving the quality of justice in general.

77. As part of the reforms to the legal system, improvements were made to the Judicial Council Act in 2023. In order to better ensure the independence of the judiciary, the number of judges on the Council has been increased and the number of representatives of the executive authorities has been reduced. In accordance with the changes, the President of the Judicial Council is elected from among the judges who are members of the Council by a simple majority of its members.

### **Improvement of prison conditions**

78. In accordance with a presidential order of 2017 on improving the prison sector, humanizing penal policy and expanding the use of alternative forms of punishment and non-custodial measures for the period from 2018 to 2022, work was undertaken to modernize activities in the prison sector, upgrade infrastructure, improve the monitoring of detention conditions for convicted prisoners, form a trained prison workforce, organize appropriate security for facilities, increase transparency and prevent incidents that give rise to conditions favourable to corruption and other negative phenomena.

79. In the State Programme for the Development of the Azerbaijani Justice System (2019–2023), the improvement of the penal system and the effectiveness of correctional work was noted as one of the main areas of activity in the prison sector.

80. A new prison complex for women and juveniles entered into operation in 2022, and work is currently ongoing at a prison built in the village of Umbaki and at prison complexes in Ganja and Lenkoran.

81. A special commission functions under the Ministry of Justice to ensure transparency, objectivity and public participation and to enhance the protection of the rights and freedoms and legitimate interests of convicts, their release on parole and the commutation of sentences to lesser types of punishment, including transfer to local prison facilities.

82. In 2020, a law was adopted amending the Code of Criminal Procedure with a new article on electronically conducted criminal proceedings. It introduced measures such as the establishment at pretrial detention facilities of special rooms with the required equipment.

83. The rights of arrested or detained persons are enshrined in the Code of Criminal Procedure and the Act on the Rights and Freedoms of Persons Held in Places of Detention,

while the provision of such persons with medical and psychological assistance is enshrined in a Cabinet of Ministers decision of 2013.

84. In accordance with the law, psychological assistance is provided to arrested or convicted persons. All prison facilities have a psychologist.

85. Complaints of ill-treatment of arrested or convicted persons at prison facilities are reviewed immediately, thorough and objective investigations are ensured and, when necessary, constituted case files are forwarded to a procurator's office for legal assessment. Serious measures have been taken against employees who have made mistakes in the exercise of their duties during internal investigations (statistical data are provided in section 14 of the annex).

86. The Ombudsman's Office, members of its national preventive group and representatives of the Public Council of the Ministry of Justice and the International Committee of the Red Cross are allowed to visit prison facilities at any time, without hindrance or prior notice.

87. A decision taken in 2021 by the Ministry of Justice amended the Regulations for civil society activities at correctional institutions and for the public monitoring of penal institutions. It extended the powers of the Public Council of the Ministry of Justice.

88. There is ongoing cooperation with relevant international organizations working against torture such as the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

89. A joint Council of Europe and European Union project, Further Support to the Penitentiary Reform in Azerbaijan – 2, was launched in 2019.

90. In 2022, a project entitled "Monitoring Places of Detention", organized by the Constitutional Research Foundation, was launched in prison facilities with the support of the Office of the United Nations High Commissioner for Human Rights.

91. Azerbaijan continues its efforts, within the framework of cooperation with the Council of Europe, to implement the judgments of the European Court of Human Rights. In 10 judgments against Azerbaijan, the Court found violations of article 18 (Limitation on use of restrictions on rights) in conjunction with article 5 (Right to liberty and security) of the European Convention on Human Rights.

92. Since the applicants Ilgar Mammadov and Rasul Jafarov had their convictions quashed on the basis of sentences handed down by the Supreme Court of Azerbaijan, they received compensation and individual measures were taken in 2020. The criminal proceedings against the applicant Natig Jafarov were discontinued in 2021. The Supreme Court ordered the dismissal in 2021 of the criminal cases and the award of compensation to the applicants in the case of Rashad Hasanov et al. The Supreme Court issued an acquittal in the case of Azizov and Novruzlu in 2022. All these cases have thus been closed and removed from the supervision of the Council of Europe Committee of Ministers.

93. At present, the Committee of Ministers continues to monitor the implementation of five judgments of the European Court of Human Rights, concerning seven applicants, and in which a violation was found of article 18. Azerbaijan, in turn, continues its efforts to implement the remaining judgments, in keeping with past experience.

### **Combating corruption**

94. The National Action Plan to Strengthen the Fight against Corruption 2022–2026 was approved by a presidential order of 2022.

95. A new version of the Act on Combating Money Laundering and the Financing of Terrorism was adopted in 2022.

96. In order to strengthen the fight against the laundering of criminal assets and the financing of terrorism, and to ensure the continuity of systemic and comprehensive measures implemented in this area, a presidential decree of 2023 approved the National Action Plan to Combat Money Laundering and the Financing of Terrorism for the period from 2023 to 2025.

97. International cooperation is considered to be of the utmost importance in the field of combating corruption. Azerbaijan, as one of the co-founders of the International Association of Anti-Corruption Authorities, established in 2006 with the support of the United Nations, continuously takes an active part in its work; the Minister of Justice is the organization's vice-president and its coordinator for Eastern Europe.

98. Additional organizational and practical measures are being taken for the speedy and proper implementation of recommendations by the Group of States against Corruption, within the framework of the National Action Plan to Strengthen the Fight against Corruption 2022–2026.

99. Between 2018 and 2022, internal anti-corruption monitoring at the Ministry of Internal Affairs identified 392 cases, and 548 persons were prosecuted. In total, 247 were dismissed from service, 154 were relieved of their posts, 22 were demoted by one step in rank and 125 were subjected to other measures.

100. During that period, the main investigative department of the State Security Service conducted preliminary investigations into 55 criminal cases of misappropriation or embezzlement by 76 persons, 11 criminal cases of abuse of office by 6 persons, 9 criminal cases of bribery and 2 criminal cases of official forgery by 12 persons and 1 criminal case of misappropriation of official powers, by 1 person.

101. In order to adapt the procuratorial system to new challenges in society, to increase its flexibility and efficiency and transform it into a professional public institution that meets modern expectations, a new structure for the Office of the Procurator General was approved by a presidential order of 2020.

102. In 2020, rules for the organization of the Office of the Procurator General were approved. The aim of the rules is to provide regulation under a single normative document of various areas of the procuratorial system, including management activities, executive and labour discipline, staffing, document management and the organization of procedural guidance and oversight activities.

103. In the period from 2020 to 2022, files compiled on 13 cases were transmitted to the Office of the Procurator General to carry out legal assessments of the actions of offenders and to bring guilty persons to justice.

104. In January 2022, the State Labour Inspectorate under the Ministry of Labour and Social Protection carried out activities to introduce the ISO 37001 standard for anti-bribery management systems, and it received the relevant certification.

### **Implementation of the National Action Plan to Combat Trafficking in Persons**

105. The National Action Plan to Combat Trafficking in Persons in Azerbaijan for 2020–2024 was approved by a presidential order of 2020 to ensure an effective system of cooperation among the relevant agencies in combating trafficking in persons. Work is currently under way to implement it (statistical data on combating trafficking in persons and protecting victims are provided in section 15 of the annex).

## **Economic, social and cultural rights**

### **Economic development and social policy**

106. In recent years, as a result of significant structural changes in the country's economy and successful implementation of the diversification policy, sectors outside the oil and gas sector have become the main factor in the growth and development of the national economy.

107. To speed up the socioeconomic development of the regions, including the improvement of infrastructure and social services, the State Programme for Socioeconomic Development of the Regions of Azerbaijan for the period 2019–2023 was approved by a presidential decree of 2019. In order to implement this State Programme, a presidential decree was signed in 2021 establishing a new division of economic districts in Azerbaijan. Under this decree, the division of the country into economic districts was approved: the

districts include Baku, Nakhichevan, Absheron-Khizi, Mountainous-Shirvan, Ganja-Dashkesan, Karabakh, Gazakh-Tovuz, Quba-Khachmaz, Lankaran-Astara, Central-Aran, Mil-Mughan, Shaki-Zaqatala, Eastern-Zangezur and Shirvan-Salyan.

108. The National Priorities for Socioeconomic Development: Azerbaijan 2030, in which the main priorities for national development for the near future were set out, were approved by a presidential order of 2021. Based on this document, the Strategy for the Socioeconomic Development of Azerbaijan for 2022–2026 provides for the acceleration of the development of the private sector, including micro-, small- and medium-sized enterprises, through new, more effective incentives and conditions for development, increasing the activity of private and foreign investors in the country's economy and expanding non-resource exports.

109. Measures are being taken to further improve national legislation in the field of employment. The Strategy for Employment in Azerbaijan for 2019–2030 was approved in 2018. Among the goals envisaged for its implementation is the reduction of unemployment to 4 per cent by 2030, which includes reducing unemployment among women and young people as much as possible and ensuring effective employment and decent work for all population groups by 2025 (especially for young people, women and persons with disabilities).

110. To ensure transparency, the full digitalization of public services in the sphere of labour, employment and social protection and innovative management using information technologies, and the provision of services to the population through a single platform, a Centralized Electronic Information System was created on the basis of the information systems of the Ministry of Labour and Social Protection.

111. An Electronic Labour and Employment Subsystem was launched in May 2022. The subsystem enables the provision of employment services to unemployed and job-seeking citizens and employers through the electronic platform.

112. Statistical data on poverty alleviation, job creation and the improvement of social security are provided in section 16 of the annex.

113. The YAŞAT Foundation was established to support the families of persons who have been wounded or killed defending the territorial integrity of Azerbaijan. During the reporting period, funds of more than 75 million manats were raised and more than 30,000 applications were processed from over 13,000 citizens.

114. According to the Model Statute for Small and Medium Business Development Centres, approved by a decision of the Ministry of Economy in 2019, the Centres' activities include the promotion of start-ups and family businesses and entrepreneurship development among women, persons with disabilities and young people.

115. The provisions on the financing of education, science, research and support projects related to the development of micro-, small- and medium-sized enterprises, approved by a Cabinet of Ministers decision of 2020, establish that the Small and Medium Business Development Agency of Azerbaijan provides financing for educational projects to hold events and transfer knowledge to promote entrepreneurship among start-ups, female entrepreneurs, persons with disabilities and young people.

116. In 2022, the Micro-, Small- and Medium-sized Enterprise Development Act was adopted. Under this law, State support for the training, retraining and professional development of the employees of such enterprises is provided by teaching jobseekers the basics of entrepreneurship and by promoting entrepreneurship among young people, families and women.

117. One of the Act's main objectives is to enforce the United Nations Guiding Principles on Business and Human Rights. The idea behind the Act is to establish the conditions and procedures for measures to support micro-, small- and medium-sized enterprises, develop infrastructure to support them, protect their interests and enhance the role of associations representing their interests in regulating entrepreneurial activity.

118. A Strategy for the Development of Azerbaijani Youth 2015–2025 was approved by a presidential order of 2015. It addresses questions related to support for young people's employment and entrepreneurial activities.

119. In 2022, various projects were conducted in the regions of Azerbaijan for the employment of young people living in rural areas (information on projects, training and seminars is provided in section 17 of the annex).

### **Health care**

120. During the reporting period, a number of measures were taken to further improve the accessibility and quality of the medical services provided to the population, strengthen financial and technical sustainability in the health sector and build, repair and refurbish medical facilities throughout Azerbaijan.

121. In December 2018, the Association for the Management of Local Medical Units in Azerbaijan, a State body, was established for the management of all medical facilities in the country, aside from those that remain the responsibility of the Ministry of Health.

122. In order to expand the provision of specialized medical services, between 2018 and 2022, medical facilities in the capital and regions of the country underwent construction and capital renovation work and were provided with modern equipment and advanced technologies.

123. Funding for the compulsory health insurance scheme has constantly increased. From 1 April 2021, the entire country has been covered. By December 2022, the compulsory health insurance package made available 2,550 medical services.

124. State programmes for the protection of maternal and child health are intended to improve women's reproductive health and family planning, fulfil safe maternity objectives, reduce disease, disability and mortality among children, improve the quality of perinatal services and ensure timely genetic diagnosis of congenital conditions during pregnancy. With the improvement of clinical protocols in obstetrics and newborn care, the organization of more intensive training and the exchange of experience with international experts, a significant reduction in neonatal mortality has been achieved over the past five years. As a result of the measures taken, there has been a steady decrease in infant mortality, which stood at 7.8 per 1,000 live births in 2022, while the maternal mortality rate for the same period was 14.7.

125. A bill on the protection of reproductive health and family planning has been submitted to the parliament. In addition, issues related to reproductive health have been addressed by the following State programmes: Maternal and Child Health 2014–2022; Azerbaijani Youth 2017–2021; the National Reproductive Health Strategy 2018–2025; and the Action Plan for 2020–2025 on the Prevention of Sex-selective Abortion.

126. During the reporting period, a number of projects were implemented within the framework of cooperation with the United Nations Children's Fund (UNICEF), the United Nations Population Fund, the World Health Organization, the United States Agency for International Development and the relevant structures of partner States.

127. Under the framework of the Strategy to Vaccinate the Population against COVID-19, adopted by the Cabinet of Ministers in January 2021, Azerbaijan was among the first countries to embark on vaccination of the adult population. Four types of vaccine have been used, and to date, more than 67 per cent of the target population has been fully vaccinated. As a result of the ongoing large-scale vaccination campaign against COVID-19, epidemiologic stability of the disease has been achieved throughout the country.

### **Education**

128. The General Education Act, adopted in 2019, sets out the basic principles of public policy and the organizational, legal and economic basis for general education.

129. In 2018, the Vocational Education Act was adopted. It reflects the relevant public policy, which provides for respect for the fundamental rights of citizens, in order to allow all sectors of the population to receive vocational education, regardless of race, ethnicity, religion, language, sex, origin, property or official status, beliefs or membership of political parties, trade unions or other voluntary associations.

130. Detailed information on the work carried out in the sphere of education during the reporting period is provided in section 18 of the annex.

### **Dialogue among civilizations and cultures, and efforts to combat discrimination**

131. The Republic of Azerbaijan is a multi-ethnic and multi-faith State, where members of all ethnic groups and religions live in peace, harmony and friendship, and this tradition is supported by State policy.

132. One of the State's priorities is to ensure the rights and freedoms of persons and the freedoms of national minorities. These fundamental principles and rights are enshrined and protected at the legislative level and are found in the national Constitution and other legislative acts.

133. The country guarantees the rights of national minorities to learn and be taught in their mother tongues. Data on the teaching of national minority languages in the 2022/23 academic year are provided in section 19 of the annex.

134. The high-level relations between the State and religion in Azerbaijan are an important example of the national policy of multiculturalism. The Baku International Multiculturalism Centre was established by a presidential decree in 2014.

135. The Baku International Multiculturalism Centre has a Coordinating Council with representation of the ethnic and cultural organizations of national minorities. The main activities of minority communities and organizations are to arrange the various social and cultural activities of the peoples they represent, disseminate information about these activities in mass media published in their native languages and provide for mother-tongue education at secondary schools.

136. With the end of the Armenian-Azerbaijani conflict, the country entered a new phase of post-conflict rehabilitation, reconstruction and reintegration. In the post-conflict period, the main policy priorities include peacekeeping, reconstruction work, the return of internally displaced persons to their lands and the reintegration of all citizens into the country's political, legal, economic and social systems, on the basis of equal rights and within the framework of the Constitution of Azerbaijan, which provides a solid legal basis for such activities.

137. The Ministry of Justice has drafted a bill on the prevention and elimination of racial discrimination, which it has submitted to the relevant body for consideration. The bill defines measures to prevent and eliminate all forms of racial discrimination in order to ensure equal opportunities for the exercise of human and civil rights and freedoms.

138. The State Standards for the Education of Preschool Children with Disabilities were approved by a decision of the Cabinet of Ministers in 2018. They create favourable conditions for the provision of appropriate early preventive care based on quality education for children with disabilities, without conditions or discrimination, and for the diagnosis and treatment of disorders, for the children's socialization and for special psychological and pedagogical approaches.

139. In 2022, a new Political Parties Act entered into force. It contains provisions prohibiting any restriction to membership of a political party on the basis of race, ethnicity, religion, language, gender, origin, beliefs or social affiliation. It also forbids the establishment and operation of political parties whose activities are aimed at changing the constitutional order of Azerbaijan by force, violating its territorial integrity, seizing or retaining power by force or openly calling for mass rioting, terrorism, terrorist propaganda, religious extremism, violence or cruelty. Under the Act, discrimination on the grounds of race, religion, origin, gender, ethnicity and other factors, actions contrary to the protection of health and the environment and incitement to racial, religious or ethnic hostility are also prohibited.

140. Article 283 of the Criminal Code had been amended and supplemented, strengthening penalties for national, racial, social or religious enmity or hatred. Under articles 283.1 (1) and

283.3, added to the Code under a 2016 law, committing or financing the above-mentioned acts on the basis of religious hatred, religious radicalism or religious fanaticism are also subject to criminal liability.

## **Rights of specific groups or persons**

### **Promotion and protection of women's rights and gender equality**

141. The Gender (Male and Female) Equality Act guarantees the prevention of inequality between men and women and the mainstreaming of gender in all areas of society.

142. The economic reforms carried out and the implementation of the relevant State programmes, as well as work in the area of increasing employment, have boosted the development of women's entrepreneurship, increased the proportion of women among entrepreneurs in small and medium-sized enterprises and expanded employment opportunities for women living in rural and urban areas.

143. According to the records database of the State Tax Service, in February 2023 more than 22 per cent of registered individual entrepreneurs were women.

144. In order to improve public services for entrepreneurs, including female entrepreneurs, ensure comfortable, unhindered and transparent access to services and continue work to provide public and essential business services on the basis of modern innovations, the State Committee on the Family, Women and Children has prepared a National Gender Equality Action Plan for 2022–2025.

145. The State Labour Inspection Service operates under the Ministry of Labour and Social Protection. It is an executive body exercising government control over compliance with the requirements of the Labour Code and other normative and legal acts (a report on citizens' communications is provided in section 20 of the annex).

146. In order to prevent discrimination on the basis of gender and expand employment opportunities for women, a bill on amendments to the Labour Code has been drafted. It was examined within the framework of a World Bank technical support project on eliminating legal obstacles to women's employment in Azerbaijan. The relevant State bodies and social partners have approved the bill, which has been submitted to the Cabinet of Ministers.

147. Reforms to close the average wage gap between men and women continue to be implemented. The reforms to increase wages, introduced at the beginning of 2022, are aimed at both raising the minimum wage in proportion to the average monthly wage and closing the average gender wage gap.

148. In 2018, the average wage for women was 54 per cent of the average wage for men. In 2020, the figure was 63.3 per cent. As a result of the reforms implemented in 2021, this indicator has risen to 64.8 per cent.

149. The Government attaches great importance to protecting, ensuring and promoting gender equality in the education system. A wide range of activities and awareness-raising programmes are being implemented in the capital and at the regional level to create a gender-sensitive environment in education, increase rates of school enrolment and attendance among girls, organize support mechanisms for young mothers, involve girls in the vocational education system and allow girls to continue in secondary and higher education.

150. In the 2022/23 school year, there were 795,463 girls enrolled in general education institutions nationwide, representing 47 per cent of the total school population. In the current academic year, 99,829 (51.4 per cent) of the 194,011 students in higher education are female. The proportion of women employed in science is also increasing annually. Of the country's 3,321 doctoral students, 1,807 (54.4 per cent) are women.

151. The State Committee on the Family, Women and Children and the Ombudsman's Office systematically conduct activities in rural areas to raise awareness among adolescents and young people of the negative consequences of early marriage and marriage between relatives. Such activities are part of the continued implementation of those bodies' measures to fulfil their obligations under a Regulation approved by the Cabinet of Ministers in 2020

on that subject in order to protect and strengthen the importance of family and marriage among young people.

152. The action plan for the implementation of the National Strategy for Children for 2020–2025 provides for the strengthening of measures and the organization of educational work to prevent early marriage and marriage between relatives.

153. The State Committee on the Family, Women and Children has prepared a draft national action plan on gender equality for 2023–2025 and has submitted it to the Cabinet of Ministers.

154. Advanced training courses and seminars are organized to ensure that the relevant officials can obtain specialized knowledge on the prevention of violence against women. These are open to officials working in public safety, investigations, inquiries, criminal investigation and juvenile affairs. The National Action Plan for 2020–2025 on the Prevention of Prenatal Sex Selection, approved in a 2020 decision of the Cabinet of Ministers, is aimed at ensuring the robustness of demographic processes and preventing a gender imbalance. In accordance with this plan, the State Committee on the Family, Women and Children, together with the Centre for Public Health and Reform of the Ministry of Health, conducts an annual series of educational events on reproductive health and family planning.

155. Information on leadership positions held by women in Azerbaijan as at January 2023 is provided in section 21 of the annex.

### **Combating domestic violence**

156. The country pays special attention to activities to prevent violence against women and children. The Government continues to take the necessary measures to combat domestic violence with the aim of ensuring compliance with the Domestic Violence Prevention Act.

157. The National Action Plan to Combat Domestic Violence for the period 2020–2023 was approved by a presidential decree of 2020; its main purpose is to bring national measures to prevent domestic violence into line with international standards and to provide families with timely and comprehensive assistance. The State Committee on the Family, Women and Children, in collaboration with the United Nations Population Fund and the Ministry of Digital Development and Transport, launched a pilot project on a helpline for gender-based violence (phone number 860) on 1 November 2020. The helpline has been operational since 1 December 2020 and receives calls from victims of domestic violence.

158. In 2022, the State Committee on the Family, Women and Children, together with the United Nations Office in Azerbaijan, conducted awareness-raising activities in 16 rural districts as part of a 16-day campaign against gender-based violence. In accordance with a presidential decree of 2019, a shelter and rehabilitation centre for vulnerable groups was established under the Social Service Agency of the Ministry of Labour and Social Protection.

### **Promotion and protection of the rights of children**

159. Azerbaijan has established a legislative basis for the comprehensive development and protection of children. Under an act of 2019, Azerbaijan acceded to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.

160. The Children's Strategy 2020–2030 was approved by presidential order in 2020. This strategic document is aimed at improving the existing legal and regulatory framework in the area of children's rights, creating an effective mechanism for the protection of children, providing State support for early childhood development and protecting children living in difficult conditions.

161. In 2022, a presidential decree was approved on select issues related to ensuring that children are not deprived of parental care and strengthening the protection of their rights. Under this decree, as from 1 November 2022, the Ministry of Labour and Social Protection has been authorized to prepare and implement policies, regulations and State controls over issues relating to adoption. As a result of social support activities carried out by the Ministry, 274 children have been integrated into families.



162. In accordance with this decree, relevant draft legislation has been prepared with a view to improving the legal and regulatory framework for the development and promotion of the institution of foster parenting.

163. Child pornography is categorically prohibited under the Criminal Code. Under the provisions of the relevant article, the creation of conditions for distributing, advertising, selling, transferring, sending or offering child pornography to another person and for distributing or producing it for the purpose of advertising, acquisition or possession is punishable by up to 5 years' imprisonment.

164. Standards for liability for the corporal punishment of children are contained in the Criminal Code and the Code of Administrative Offences. In addition, the Domestic Violence Prevention Act provides for measures to address psychological, physical and other offences committed against children. The use of physical and psychological violence by teachers against students is prohibited under the Education Act.

165. Under the action plan for the implementation of the National Strategy for Children 2020–2025, the State Committee on the Family, Women and Children and the Ombudsman's Office regularly prepare proposals to strengthen normative and legal acts on the prohibition of violence in respect of children in all spheres of public life. Their proposals are then sent to the competent authorities. They also conduct activities to raise awareness of legislation to prevent violence against children.

#### **Promotion and protection of the rights of persons with disabilities**

166. The Act on the Rights of Persons with Disabilities was adopted in 2018. It guarantees all rights and freedoms provided for by the United Nations Convention on the Rights of Persons with Disabilities and covers the basic principles of State policy in this area, disability prevention, State guarantees and social insurance, rehabilitation, employment and other matters.

167. Under a presidential decree issued in 2018, approximately 20 pieces of draft legislation have been prepared in connection with the implementation of the Act. Through the introduction of relevant amendments to a number of existing legislative acts, the terms "invalid", "cripple", "physically handicapped person" and other similar unacceptable and pejorative expressions based on the medical model of disability have been replaced with new terms.

168. In 2022, the State Agency for Medical and Social Assessment and Rehabilitation under the Ministry of Labour and Social Protection carried out a series of reforms to ensure transparency in the disability assessment process and adopted measures to improve the quality of services and the level of citizen satisfaction and to expand access to rehabilitation for citizens with disabilities. Projects, innovations and developments in this area are developed in accordance with the provisions of the Convention on the Rights of Persons with Disabilities and encompass the basic principles of State policy in terms of providing guarantees, rights and freedoms for persons with disabilities.

169. The most important of the reforms was carried out in 2022, when the criteria for the definition of disability were approved by a decree of the Cabinet of Ministers. Under the criteria, disability is defined by the degree of limitation to the vital functions of the body, ranging from 35 per cent to 100 per cent. Improvements to these disability assessment criteria have been made in line with the International Classification of Functioning, Disability and Health.

170. New technologies, including information and communication technologies and those aimed at facilitating interactions between persons with disabilities and the State, are being actively utilized and improved. In January 2022, the online registration portal for assessment by the State Agency for Medical and Social Assessment and Rehabilitation, created in September 2021, was updated to ensure that citizens had continuous and barrier-free access to the Agency, as well as to improve their levels of satisfaction.

171. The Government is taking steps to prevent the social isolation of persons with disabilities and to ensure unhindered access to infrastructure and information on the services

and facilities provided (information on the work that has been carried out is provided in section 22 of the annex).

172. Implementation of the State Programme for the Development of Inclusive Education for Persons with Disabilities for 2018–2024 is ongoing. The goal of the State Programme is to provide equal access to education at all levels and to create a barrier-free environment for the education of persons with disabilities. In the 2022/23 school year, 160 students were enrolled in inclusive classrooms at 22 schools.

173. In 2023, the rules for the organization of inclusive education were approved. Under the rules, the time that children with disabilities can spend in class, group and individual lessons is determined by an individual educational plan approved by the head of the institution, taking the children's health and capabilities into account. The institution is responsible for ensuring that children with disabilities spend at least 50 per cent of the learning process in inclusive classes.

### **Promotion and protection of the rights of migrants**

174. In 2018–2022, in order to improve migration management in accordance with the country's national interests and international obligations, and to better protect the rights and freedoms of foreigners and stateless persons, a number of new legal and regulatory acts relating to migration were adopted and existing ones were amended.

175. The State Migration Service has drafted a national migration strategy in order to implement migration policy in accordance with the United Nations Sustainable Development Goals, taking into account the conclusions and proposals of the country's competent State structures. Along with other themes, the strategy envisages measures to protect the rights and freedoms of foreigners and to ensure their integration in local conditions, as well as measures to develop a system of protection of vulnerable groups.

176. In the application process for residence permits, one of the important steps taken to improve the realization of migrants' rights, and especially the rights of migrants in vulnerable categories, has been the elimination of the requirement to verify applicants' knowledge of their rights and obligations under the country's laws and of the requirement for children under 18 and persons over 65 or with disabilities ranging from 81–100 per cent impairment to have a knowledge of the State language.

177. A law of 2020 added "the possibility for foreigners and stateless persons studying at vocational schools to apply for temporary residence" to the list of grounds for issuing such permits in the relevant article of the Migration Code.

178. In order to improve the monitoring and evaluation system for children's rights, a presidential decree of 2022 established a unified database of aliens under 18 years of age who arrive unaccompanied or remain unaccompanied after arrival in Azerbaijan. A subsystem entitled "Information on unaccompanied aliens and stateless persons under 18 years of age" was set up in the Unified Migration Information System of the State Migration Service and was made accessible to the competent State bodies.

179. In connection with the Global Action Plan adopted under the campaign of the Office of the United Nations High Commissioner for Refugees (UNHCR) to end statelessness in 10 years, work continued in 2018–2022 to identify and document persons residing in the country who did not have any identification documents, including persons who were in a situation of statelessness.

180. Every year, the Ministry of Science and Education creates opportunities for persons with UNHCR refugee status and stateless persons to study at State general education institutions. In accordance with a voluntary commitment made by Azerbaijan, persons with refugee status are given the opportunity to obtain a higher education. In the 2020/21 school year, two people exercised this right; in the 2021/22 school year, one person did.

181. In the 2022/23 school year, about 8,900 foreigners (from 110 countries) and stateless persons are enrolled at the country's secondary and higher educational institutions. This is a 20 per cent increase over the previous school year (when there were 7,332) and a 103 per cent increase over the 2015/16 school year (when there were 4,326).

182. In 2022, a Migrants' Council under the State Migration Service was established. It consists of eight members, who are citizens of different countries. The aim is to involve migrants more actively in the country's migration management, to improve the protection of their rights and freedoms and the quality of services provided to foreigners and stateless persons and also to assess the impact on the daily lives of foreigners of decisions taken in the field of migration.

183. In the daily correspondence of the State Migration Service and in the speeches of its staff, the expressions "illegal or irregular migrant" are used to refer to foreigners who have violated the requirements of the country's migration legislation. The term "irregular migration" has also been used in recent draft legislative acts, including the country's draft migration strategy. There are plans to expand the use of the term.

### **Refugees and internally displaced persons**

184. Applications from refugees and asylum-seekers in Azerbaijan are considered in accordance with the provisions of the Status of Refugees and Forcibly (Internally) Displaced Persons Act, the procedure for considering applications for refugee status approved by a presidential decree of 2000, the 1951 Convention relating to the Status of Refugees and the 1967 Protocol relating to the Status of Refugees.

185. The asylum applications of all asylum-seekers are accepted for consideration, regardless of their citizenship, religion, race, nationality and social group, and the relevant decisions are made within the framework of the legal requirements.

186. The Government has taken major steps to improve the legal framework and to develop the necessary material and technical basis to ensure the realization of the legal labour rights of refugees and asylum-seekers on an equal footing with nationals, to ensure their employment and to improve their access to the legal labour market. In accordance with the Migration Code, "Persons who have applied for or have been granted refugee status or who have been granted political asylum" do not require a work permit in order to work.

187. As a result of the measures taken, refugees and persons under the care of UNHCR in Azerbaijan were granted the right to work by virtue of the relevant certificates issued by the State Migration Service. Such persons can register employment contracts by submitting applications using the personal identification numbers issued to them and may engage in full employment. According to an amendment made to the State Population Registry Act of 2018, information on foreigners who have received refugee status in the country has been entered into the State Population Registry.

188. In accordance with the Status of Refugees and Forcibly (Internally) Displaced Persons Act, persons who have illegally arrived in Azerbaijan from another State and have applied to the relevant authorized body for such status as soon as possible are exempted from liability under the country's legislation if the body issues a justified decision. Under no circumstances may they be sent or forcibly returned to a country where their lives or freedom would be threatened. The applications of all aliens who have entered the country illegally are registered on an equal footing with other aliens. A personal file is kept in their names and they are issued with a temporary identification card confirming their legal residence in the country. Such persons enjoy all the rights and obligations of persons who have applied for refugee status. Provisions have been made for asylum applicants to file appeals with suspensive effect. In order to ensure the right to file a complaint, foreigners are not expelled from the country for a prescribed time. Temporary certificates that expire are renewable.

189. Under the 1999 Forcibly Displaced Persons and Assimilated Persons (Social Protection) Act, children of internally displaced persons attending general education schools are provided with textbooks and school supplies, in accordance with a procedure established by the relevant executive authority. The education of internally displaced children is organized in accordance with the country's laws in force. Internally displaced children have the right to education both in any school located at their temporary residence and in educational institutions meeting the most modern requirements and located in the settlements and townships established to improve the living conditions of internally displaced persons. In 2018–2022, the State covered the education expenses of on average around 12,000 students with internally displaced status who were enrolled at State institutions of

higher education and secondary specialized educational institutions on a fee-paying basis. The fees amounted to 20 million manats.

190. Detailed information on the work carried out in the country's territory liberated from occupation is given in section 23 of the annex.

### **III. Achievements, best practices, and challenges**

191. The work of the service centres of the Azerbaijan Service and Assessment Network, under the State Agency for Public Service and Social Innovations, is considered one of the symbols of innovation in the country's public administration. The Network, which operates on a one-stop-shop basis, is a centralized platform providing public services to citizens in a comprehensive manner and covering practically all aspects of citizens' daily lives.

192. Detailed information on achievements and best practices in the field of public service delivery is provided in section 24 of the annex.

193. In order to more effectively organize the protection of human rights taking into account international experience and contemporary realities, reforms are consistently being carried out to improve the work of the Ombudsman. In order to adapt the Ombudsman's activities to the Paris Principles, and taking into account a number of recommendations made by the International Coordinating Committee of National Human Rights Institutions and its successor, the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions (GANHRI), on the basis of a legislative initiative of the President, amendments were made to the Constitutional Act on the Commissioner for Human Rights (Ombudsman).

194. One of the main reasons for the need to make these changes is the downgrading of the Office of the Ombudsman from A to B status by GANHRI, which was supported by the Office of the United Nations High Commissioner for Human Rights. The restoration of A status will allow the Ombudsman to participate in the work of the United Nations and other international and regional organizations and will also restore the country's right to submit written and oral statements to the relevant sessions of the United Nations Human Rights Council.

195. Amendments providing for social, financial and other guarantees of the institution of the Ombudsman, taking into account international experience, will eliminate the need for periodic amendments to the constitutional act that established the institution and the need to regulate relations arising in this area as requirements change with the times.

196. Azerbaijan remains determined to protect and promote human rights and freedoms at the highest level, to fulfil its international obligations arising from the international treaties to which it is a party, to cooperate closely with international organizations and to continue to make its contribution to the development of multiculturalism.

197. The first thing to mention among the problems the country has been facing for 30 years is the armed aggression of Armenia against Azerbaijan. In late 1991 and early 1992, Armenia unleashed a full-scale war against Azerbaijan. Serious violations of international humanitarian law, including war crimes, crimes against humanity and acts of genocide, were committed by the armed forces of Armenia in the course of the aggression, resulting in the killing of tens of thousands of people, the ethnic cleansing of all captured areas, where more than 700,000 Azerbaijanis had lived, and the destruction and plunder of hundreds of cities, towns and villages in Azerbaijan and of its cultural and religious heritage. The Armenian side widely used extrajudicial executions and mass shootings, punishment, torture and other forms of cruel and inhuman treatment against Azerbaijani civilians, hostages and prisoners of war. There are still 3,890 citizens who are considered as missing.

198. Illegal activities in the occupied territories have been accompanied by political and military provocations, which became particularly frequent in recent years, preceding the beginning of the second Karabakh war. Armed provocations have resulted in casualties not only among military personnel but also civilians. In April 2016, Armenia provoked large-scale hostilities along the front line in the territory of Azerbaijan, killing six Azerbaijani

civilians and causing serious damage to civilian infrastructure and private and public property, including residential buildings, schools and kindergartens. On 4 July 2017, a targeted and deliberate attack by the Armenian armed forces on the village of Alkhanly in the Fizuli district of Azerbaijan killed a 2-year-old girl and her grandmother and injured another woman. In July 2020, there was an attack on Azerbaijani army positions on the State border between Armenia and Azerbaijan, which killed and wounded dozens of soldiers, as well as one Azerbaijani civilian. In August 2020 Armenia sent a sabotage and reconnaissance force to the Goranboy district of Azerbaijan, which was neutralized. All this points to the preparation of a new phase of military aggression by Armenia against Azerbaijan.

199. On 27 September 2020, Armenia launched another large-scale military offensive against Azerbaijani armed forces units, populated areas and civilian infrastructure. In the course of the hostilities, major Azerbaijani cities such as Ganja and Barda were attacked with ballistic missiles and cluster munitions from both the occupied territories and Armenia itself. More than 101 peaceful Azerbaijani civilians, including 12 children, were killed as a result of direct and indiscriminate attacks on residential neighbourhoods. Injuries were sustained by 423 civilians. Nearly 84,000 people were forced to leave their homes and over 4,300 private houses and apartment buildings and 548 other civilian structures were either destroyed or severely damaged. Hospitals, medical posts, ambulance services, schools, kindergartens, religious sites and cultural monuments were destroyed.

200. In total, during the 30 years of occupation, hundreds of cultural institutions, including about 1,000 libraries with about 4.6 million books, more than 800 cultural sites, 22 museums and their branches with more than 100,000 artifacts and about 700 historical and cultural monuments were destroyed, looted or appropriated by Armenia. Religious monuments too were vandalized. Of 67 mosques and Islamic religious shrines, 65 were completely destroyed and the other 2 were significantly damaged and desecrated and used as a stable for pigs and cows. More than 900 cemeteries were destroyed and vandalized in these areas.

201. In order to counter the Armenian armed aggression and ensure the safety of its civilian population, Azerbaijan carried out a counter-offensive. It acted solely in its sovereign territory and within its internationally recognized borders, in exercise of its inherent right to self-defence, in accordance with the Charter of the United Nations. As a result of the 44-day patriotic war, more than 300 cities, towns and villages of Azerbaijan that for years had been under occupation of the armed forces of Armenia were liberated, and Armenia was compelled to make peace.

202. The statement of the President of Azerbaijan, the Prime Minister of Armenia and the President of the Russian Federation, signed on 10 November 2020, put an end to the nearly three-decades-old conflict between Armenia and Azerbaijan. Armenia pledged to withdraw its troops from Azerbaijani territory and cease all military activities. The statement also includes a number of elements related to the maintenance of the peace, such as the opening of all communications in the region, unimpeded access between the main part of Azerbaijan and its Nakhchivan Autonomous Republic, and the return of internally displaced persons. With the signing of the tripartite statement, Azerbaijan set out on the process of post-conflict rehabilitation, reconstruction and reintegration inside the country and post-conflict normalization of relations with Armenia at the international level.

203. The clearance of mines and unexploded ordnance in the liberated areas remains a serious problem. Particularly noteworthy is the fact that the armed forces of Armenia continued the intensive laying of mines in the districts of Aghdam, Kalbajar and Lachyn, even after the signing of the trilateral statement, in gross violation of that document, which provides *inter alia* for the cessation of all military actions. As a result, military personnel and civilians continue to be killed by exploding mines in the liberated territories. In total, more than 3,000 people have fallen victim to mines since the beginning of military aggression by Armenia in the 1990s, including more than 300 who have fallen victim to mines in the post-conflict period, after the signing of the tripartite statement. Just since August 2022, 3,166 anti-personnel mines produced in Armenia in 2021 have been found in Azerbaijan. These mines pose an urgent humanitarian threat to people hoping for a speedy return to their homes and the restoration of a normal, peaceful life.

204. Of particular concern was the use of the Lachyn road by the Armenian side for illegal military purposes, including the rotation of its illegal armed units, the transfer and planting of new anti-personnel mines, the transportation of illegally exploited natural resources from the territory of Azerbaijan and the illegal passage into the territory of Azerbaijan of third-country nationals for disreputable purposes.

205. Azerbaijan has submitted a draft peace agreement to Armenia and the negotiation process is ongoing. Direct bilateral negotiations on various dimensions of relations between the two countries are the best way to advance this process. The process involves three tracks: signing a peace treaty; border delimitation; and opening up regional communications.

206. Armenia is not fulfilling its commitments as set out both in the tripartite statement of 10 November 2020 and in the framework of the process of the normalization of relations. Armenia has still not fully withdrawn its armed forces and illegal military units from the sovereign territory of Azerbaijan, as stipulated in paragraph 4 of the trilateral statement. This is the main reason for recurrent tensions in the region.

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