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paragraph 5 of the annex to Human Rights Council  
resolution 16/21**

## **Azerbaijan**

The present report is a compilation of the information contained in the reports of treaty bodies and special procedures, including observations and comments by the State concerned, and of the Office of the High Commissioner for Human Rights (OHCHR), and in other relevant official United Nations documents. It is presented in a summarized manner due to word-limit constraints. For the full text, please refer to the document referenced. This report does not contain any opinions, views or suggestions on the part of OHCHR other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

## I. Background and framework

### A. Scope of international obligations<sup>1</sup>

#### International human rights treaties<sup>2</sup>

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified/not accepted</i>
<i>Ratification, accession or succession</i>	ICERD (1996)	OP-CAT (2009)	
	ICESCR (1992)	CRPD (2009)	
	ICCPR (1992)		
	ICCPR-OP 2 (1999)		
	CEDAW (1995)		
	CAT (1996)		
	CRC (1992)		
	OP-CRC-AC (2002)		
	OP-CRC-SC (2002)		
	ICRMW (1999)		
	CPED (Signature only, 2007)		
<i>Reservations, declarations and/or understandings</i>	ICCPR-OP 2 (Reservation, 2000)	OP-CAT (Declaration, 2009)	
		CRPD (Declaration, 2009)	
		OP-CRPD (Declaration, 2009)	
<i>Complaint procedures, inquiry and urgent action<sup>3</sup></i>	ICERD, art. 14 (2001)	OP-ICESCR (Signature only, 2009)	ICCPR, art. 41
	ICCPR-OP 1 (2001)		CAT, art. 22
	OP-CEDAW, art. 8 (2001)	OP-CRPD, art. 6 (2009)	OP-CRC-IC
	CAT, arts. 20 and 21 (2002)		ICRMW, arts. 76 and 77
			CPED

**Other main relevant international instruments**

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified</i>
<i>Ratification, accession or succession</i>	Convention on the Prevention and Punishment of the Crime of Genocide		Rome Statute of the International Criminal Court
	Conventions on refugees and stateless persons <sup>4</sup>		Additional Protocols to the 1949 Geneva Conventions
	Geneva Conventions of 12 August 1949 and Additional Protocols thereto <sup>5</sup>		ILO Conventions Nos. 169 and 189 <sup>8</sup>
	Palermo Protocol <sup>6</sup>		UNESCO Convention against Discrimination in Education
	ILO fundamental conventions <sup>7</sup>		

1. Several treaty bodies encouraged Azerbaijan to ratify CPED.<sup>9</sup> In 2009, the Committee against Torture (CAT) encouraged Azerbaijan to become a party to the Rome Statute of the International Criminal Court.<sup>10</sup> In 2009, the Committee on Migrant Workers (CMW) encouraged Azerbaijan to make the declarations provided for in articles 76 and 77; and to ratify ILO Conventions Nos. 97 and 143.<sup>11</sup>

2. UNESCO recommended that Azerbaijan ratify the 1960 Convention against Discrimination in Education.<sup>12</sup>

**B. Constitutional and legislative framework**

3. The Committee on the Rights of the Child (CRC) was concerned about the lack of judicial practice and precedent regarding the Convention,<sup>13</sup> as similarly noted by UNICEF.<sup>14</sup>

4. CAT reiterated its concern that the definition of torture in the Criminal Code (art. 133) omits the purposes of torture set forth in the Convention and lacks provisions defining as an offence, torture inflicted with the consent or acquiescence of a public official or other person performing official functions.<sup>15</sup>

5. CMW encouraged Azerbaijan to bring its legislation in conformity with the Convention and to adopt a new Migration Code.<sup>16</sup>

**C. Institutional and human rights infrastructure and policy measures****Status of national human rights institutions<sup>17</sup>**

<i>National human rights institution</i>	<i>Status during previous cycle</i>	<i>Status during present cycle<sup>18</sup></i>
Human Rights Commissioner (Ombudsman) of Azerbaijan	A (October 2010, under special review)	A (March 2012, under special review)

6. CAT was concerned that the Ombudsman was not permitted to monitor all State organs, lacked independence to investigate complaints of torture and other human rights violations, and to serve as the national prevention mechanism.<sup>19</sup>

7. CRC and UNICEF recommended that Azerbaijan include within the Ombudsman Office, a commissioner or deputy commissioner responsible for children's rights.<sup>20</sup>

8. CERD suggested that Azerbaijan intensify human rights education and training of law enforcement officers, teachers, social workers and public servants.<sup>21</sup>

## II. Cooperation with human rights mechanisms

### A. Cooperation with treaty bodies<sup>22</sup>

9. CRC was concerned that many of its previous recommendations had not been addressed.<sup>23</sup>

#### 1. Reporting status

<i>Treaty body</i>	<i>Concluding observations included in previous review</i>	<i>Latest report submitted since previous review</i>	<i>Latest concluding observations</i>	<i>Reporting status</i>
CERD	March 2005	–	August 2009	Seventh to ninth reports due in 2013
CESCR	Nov. 2004	2009	–	Third report pending consideration
HR Committee	Nov. 2001	–	July 2009	Fourth report due in 2013
CEDAW	Feb. 2007	–	July 2009	Fifth report due in 2013
CAT	May 2003	–	Nov. 2009	Fourth report due in 2013
CRC	Jan. 2006	–	Feb. 2012	Fifth to sixth reports due in 2018; initial OPSC and OPAC reports reviewed in 2012
CMW	–	2011	April 2009	Second report pending consideration
CRPD	–	2011	–	Initial report pending consideration

#### 2. Responses to specific follow-up requests by treaty bodies

##### *Concluding observations*

<i>Treaty body</i>	<i>Due in</i>	<i>Subject matter</i>	<i>Submitted in</i>
HR Committee	2010	Non-refoulement; confessions obtained under torture; freedom of expression of the media; internally displaced persons (IDPs) <sup>24</sup>	2010 <sup>25</sup>
CEDAW	2010	Amendment to the Family Code; combating violence against women and girls <sup>26</sup>	2011 <sup>27</sup>
CAT	2010	Torture and ill-treatment of detainees; legal safeguards for detainees; independent	2010 <sup>29</sup> Follow-up

		monitoring of places of detention; violence in the armed forces. <sup>28</sup>	ongoing. <sup>30</sup>
CERD	2010	Economic, social and cultural rights of IDPs, as well as asylum seekers and refugees; combat human trafficking; hostile attitudes towards ethnic Armenians <sup>31</sup>	

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*Views*

<i>Treaty body</i>	<i>Number of views</i>	<i>Status</i>
HR Committee	1 <sup>32</sup>	Dialogue ongoing <sup>33</sup>

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## B. Cooperation with special procedures<sup>34</sup>

	<i>Status during previous cycle</i>	<i>Current status</i>
<i>Standing invitation</i>	No	No
<i>Visits undertaken</i>	Freedom of opinion and expression (2007) Internally displaced persons (2007) Freedom of religion (2005)	Internally displaced persons (2010) Health (2012)
<i>Visits agreed to in principle</i>		Arbitrary detention Freedom of peaceful assembly and of association Violence against women
<i>Visits requested</i>	Independence of judges and lawyers (2008) Mercenaries (2008).	Mercenaries (2011)
<i>Responses to letters of allegations and urgent appeals</i>	During the period under review, 16 communications were sent. The Government replied to 12 communications.	
<i>Follow-up reports and missions</i>	Internally displaced persons (2010)	

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## C. Cooperation with the Office of the High Commissioner for Human Rights

10. Azerbaijan contributed financially to OHCHR in 2009, 2011 and 2012.

### **III. Implementation of international human rights obligations**

#### **A. Equality and non-discrimination**

11. HR Committee remained concerned that women are victims of discrimination in numerous areas of life.<sup>35</sup> CEDAW called on Azerbaijan to bring about change in the attitudes regarding the subordination of women and the stereotypical roles of both sexes, particularly in rural areas.<sup>36</sup>

12. CEDAW recommended that Azerbaijan adopt temporary special measures in various forms in areas in which women are underrepresented or disadvantaged and allocate additional resources where needed to accelerate the advancement of women.<sup>37</sup>

13. CRC and UNICEF were concerned about discrimination of children in vulnerable situations, particularly children with disabilities, children without parental care and children in economically disadvantaged households.<sup>38</sup>

14. CERD was concerned about hostile attitudes of the general public towards ethnic Armenians living in Azerbaijan, and recommended that steps be taken to prevent and combat such attitudes.<sup>39</sup>

15. CMW was concerned that migrant workers, particularly undocumented and irregular migrant workers may suffer discrimination, particularly in employment, education and housing.<sup>40</sup>

16. HR Committee was concerned that individuals have been harassed by police and prison officials because of their sexual orientation.<sup>41</sup>

#### **B. Right to life, liberty and security of the person**

17. HR Committee was concerned about confessions obtained under torture and ill-treatment during investigation.<sup>42</sup>

18. CAT remained concerned about the use of torture and ill-treatment of suspects and detainees at remand centres, and allegations that authorities are reluctant to initiate criminal proceedings for alleged acts of torture or ill-treatment. It recommended that Azerbaijan ensure that all allegations of torture are promptly, impartially and effectively investigated, and perpetrators prosecuted and punished accordingly.<sup>43</sup>

19. CAT was concerned with cases of extraordinary rendition based on bilateral extradition agreements such as the rendition of Chechens and Kurds to other countries, where they may face the risk of torture.<sup>44</sup> HR Committee recommended that Azerbaijan establish a mechanism allowing aliens claiming that their forced removal would put them at risk of torture or ill-treatment to file an appeal with suspensive effect.<sup>45</sup>

20. CAT remained concerned at deaths and suicides committed by inmates, and recommended that Azerbaijan promptly, thoroughly and impartially investigate all incidents of death in custody, and prosecute those found responsible; provide families of victims with compensation and rehabilitation; limit the use of solitary confinement; allow independent forensic examinations and accept their findings as evidence in criminal and civil cases.<sup>46</sup>

21. CAT recommended that Azerbaijan transfer the remand centre of the Ministry of National Security to the authority of the Ministry of Justice, or discontinue its use.<sup>47</sup>

22. The Special Rapporteur on the right to health raised concern about the inadequate sanitation conditions in prisons, in general, and in prison medical facilities in particular. He

stated that the absence of mental health services and services for persons living with disabilities, and difficulties faced by prisoners in obtaining transfer to external health facilities for specialized treatment were of significant concern.<sup>48</sup>

23. CAT recommended that Azerbaijan ensure that no one is involuntarily placed in a psychiatric institution for reasons other than medical reasons. Where hospitalization is required for medical reasons, the State party should ensure that it is decided only on the advice of independent psychiatric experts and that such decisions can be appealed.<sup>49</sup> CAT recommended establishing an independent monitoring and inspection system for such facilities, and improving the living conditions for patients in psychiatric institutions.<sup>50</sup>

24. CEDAW remained concerned about violence against women and girls in Azerbaijan, including domestic violence and other forms of sexual abuse; the lack of sufficient shelters and a comprehensive network of referral and rehabilitation centres for such victims; that such violence is socially legitimized by a culture of silence and impunity and is socially accepted; and that the definition of rape in the Criminal Code is based on the use of force, rather than on the lack of consent.<sup>51</sup> CAT expressed similar concerns.<sup>52</sup>

25. CEDAW urged Azerbaijan to adopt the draft law on domestic violence, and ensure that it contains provisions pertaining to sexual violence within the family.<sup>53</sup> In its follow-up response, Azerbaijan indicated that the law on domestic violence had been adopted on 22 June 2010.<sup>54</sup>

26. CEDAW was concerned about the increase in human trafficking and called on Azerbaijan to enforce legislation on trafficking; implement the action plan to combat human trafficking; investigate, prosecute and punish traffickers; and address the root causes of trafficking.<sup>55</sup> CERD, CAT, CMW and HR Committee expressed similar concerns and made recommendations.<sup>56</sup>

27. CRC recommended that Azerbaijan introduce and implement legislation prohibiting all forms of corporal punishment of children in all settings, including the home.<sup>57</sup> UNICEF also recommended that mechanisms for reporting and referring violence in schools and for gaining redress be strengthened.<sup>58</sup>

28. CRC was concerned about children involved in informal work in the agricultural sectors of tea, tobacco and cotton in Azerbaijan, including in hazardous situations.<sup>59</sup>

29. CRC urged Azerbaijan to prevent and eliminate child sex tourism and strengthen international cooperation.<sup>60</sup>

30. CRC was concerned at the inadequacy of measures to address issues regarding children living in street situations; limited availability of alternative care facilities and absence of support mechanisms in place for children leaving such care; the heightened risk of such children to abuse and exploitation; and the inadequacy of social services for their protection and social reintegration.<sup>61</sup> UNICEF expressed similar concerns.<sup>62</sup>

31. The Working Group on Arbitrary Detention concluded that the deprivation of liberty of three minors aged between 14 and 16 had been arbitrary and in contravention of article 14 of the ICCPR and article 37 of the CRC. The Working Group believed that, taking into account all the circumstances of the cases, particularly the more than six years of their imprisonment or almost two thirds of the sentence imposed, the adequate remedy would be to release them and accord them an enforceable right to compensation pursuant to the ICCPR.<sup>63</sup>

### **C. Administration of justice, including impunity, and the rule of law**

32. CEDAW welcomed the presidential decree on the reform of the judicial system, which has improved women's access to justice;<sup>64</sup> CERD welcomed the judiciary reforms;<sup>65</sup> CAT welcomed the State programme to develop the Azerbaijani justice system over 2009–2013, which envisages improvements for convicted persons.<sup>66</sup>

33. CAT remained concerned at the lack of judicial independence and its susceptibility to political pressure.<sup>67</sup> HR Committee recommended that Azerbaijan ensure that the Judicial Council is fully independent of the executive, and combat corruption.<sup>68</sup>

34. HR Committee was concerned that, although the Constitution entitles every suspect or accused person to legal assistance immediately after his/her apprehension, this is not systematically respected in practice.<sup>69</sup>

35. CAT was concerned that in several cases, courts relied on statements made under duress. It recommended that Azerbaijan ensure that evidence obtained by torture may not be invoked as evidence in any proceedings.<sup>70</sup>

36. CMW remained concerned that migrant workers, particularly those in an undocumented or irregular situation, have limited access to justice. It encouraged Azerbaijan to inform migrant workers of the administrative and judicial remedies available, and address their complaints.<sup>71</sup>

37. CAT was concerned about the inadequate legal safeguards for detainees, including restricted access to independent doctors and public defenders and failure to notify detainees of their rights at the time of detention; the shortage of public defenders; the low quality of legal aid; that suspects are purposefully detained for delayed periods as witnesses and denied basic legal safeguards; and that access to medical care is frequently denied.<sup>72</sup>

38. CRC remained concerned at the absence of juvenile justice legislation; the lack of law enforcement personnel specialized in child-related investigations; that persons under the age of 18 are tried as adults; the often long-period of pretrial detention of persons under the age of 18; the fact that juveniles are not always held in separate detention from adults, particularly female detainees; poor detention conditions and overcrowding,<sup>73</sup> as similarly highlighted by UNICEF.<sup>74</sup>

39. OHCHR expressed serious concern that the President had pardoned Ramil Safarov, an Azerbaijani military officer, on his extradition in September 2012; he had been sentenced to life in prison in Hungary for the 2004 brutal murder of Armenian officer, Gurgen Markaryan, who was taking part in the same NATO training programme. OHCHR stated that international standards regarding accountability for serious crimes should be upheld, and ethnically motivated hate crimes of this gravity should be deplored and properly punished, not publicly glorified by leaders and politicians.<sup>75</sup>

### **D. Right to privacy, marriage and family life**

40. CRC was concerned that children's privacy was frequently not sufficiently respected, and the absence of privacy of personal effects and correspondence of children in alternative care and juvenile justice facilities.<sup>76</sup>

41. CRC was concerned about low rates of domestic adoption, particularly for children with disabilities and those above 5 years of age.<sup>77</sup>

42. HR Committee noted with concern the large number of under-age marriages which cannot be registered, particularly for girls of internally displaced families.<sup>78</sup> UNICEF noted the 2011 amendment to the Family Code increasing the age of marriage to 18 years for both



boys and girls.<sup>79</sup> CEDAW expressed a similar concern and urged Azerbaijan to prevent early marriages and ensure that all marriages are registered.<sup>80</sup>

43. CRC was concerned about unregistered births, both among new-born infants and persons under the age of 18; the situation of children born to parents of socioeconomic marginalization and/or living in remote regions, and to mothers in under-age marriages; and corruption in the birth registration process.<sup>81</sup>

## **E. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life**

44. HR Committee noted with concern that religious communities were requested to register and obtain legal personality to be able to function freely, and that Muslim religious communities had to obtain prior authorization from the Caucasus Muslim Board before applying for official registration.<sup>82</sup>

45. HR Committee recommended the adoption of a law exempting conscientious objectors from compulsory military service and providing for alternative civilian service of equivalent length.<sup>83</sup>

46. HR Committee remained concerned with the extensive limitations to the media's right to freedom of expression; closure of independent newspapers; removal of licences to broadcast locally from a number of foreign radio stations; harassment and criminal libel suits or hooliganism charges against journalists; and killings or beatings of journalists. It urged Azerbaijan to put an end to direct and indirect restrictions on freedom of expression.<sup>84</sup> CAT and UNESCO expressed similar concerns<sup>85</sup> and recommendations.<sup>86</sup>

47. In 2012, the special rapporteurs on adequate housing, on freedom of expression, on human rights defenders and on torture sent a joint communication on alleged violent attacks on journalists. According to information received, an Azerbaijani journalist/reporter for *Zerkalo* newspaper and of the Institute of Reporters' Freedom and Safety (IRFS) was attacked and beaten by security service staff of the State Oil Company of the Azerbaijan Republic (SOCAR) as he was filming the confrontation between residents of Sulutepe settlement in Baku and SOCAR security staff, who were demolishing homes in the area to develop oil resources. He was reportedly taken to hospital unconscious with serious traumas. Reportedly, his brother and another journalist of *Yeni Musavat* daily newspaper were also subjected to violent attacks by the same group of men.<sup>87</sup>

48. HR Committee recommended that legislation on defamation be brought into line with article 19 of the ICCPR by ensuring a proper balance between the protection of a person's reputation and freedom of expression.<sup>88</sup> CERD encouraged Azerbaijan to bring its legislation on defamation and similar offences into line with international treaties, and reconsider its criminal legislation on defamation, especially articles 147, 148 and 283 of the Criminal Code to ensure its conformity with the Convention.<sup>89</sup>

49. HR Committee was concerned about unreasonable restrictions of the right to freedom of peaceful assembly, by refusing to deliver authorizations or by dispersing peaceful demonstrators with excessive use of force.<sup>90</sup>

50. The Special Rapporteur on the rights to freedom of peaceful assembly and of association regretted that no reply had been received to the joint letter sent on 5 March 2012 concerning the 2009 Law on Non-Governmental Organizations and the grave challenges faced by NGOs as well as the de facto ban on peaceful assemblies in Baku. He recommended that the Government revise the aforementioned law to ensure that its revised version complies with international human rights law. He also remained concerned that the demolition of the building housing NGOs and the continuing harassment of their staff

might be connected to their legitimate human rights activities. In terms of the peaceful protests held in and around the city of Baku in March 2012, he was gravely concerned that the referred victims may have been subjected to acts of ill-treatment for exercising their legitimate rights to freedom of opinion and expression and to peaceful assembly.<sup>91</sup>

51. The Special Rapporteur recommended that Azerbaijan put in place an enabling and safe environment conducive to the free expression of civil society allowing individuals to exercise their legitimate freedom of association without undue hindrances. He called for a thorough, impartial and independent investigation into any allegation of human rights violations, including acts of intimidation or harassment committed against those exercising their rights to freedom of peaceful assembly and of association to be conducted; for those responsible to be held accountable and for victims be provided with full redress.<sup>92</sup>

52. The Special Rapporteur on the situation of human rights defenders remained concerned that the policies put in place to monitor NGOs might be putting unnecessary restrictions on the work of human rights defenders.<sup>93</sup>

53. In 2011, the special rapporteurs on adequate housing, on freedom of expression, on freedom of peaceful assembly and of association and on human rights defenders sent a joint communication regarding the alleged demolition of a building owned by a human rights defender. On 11 August 2011, bulldozers and a team of workers, allegedly dispatched by the Mayor's office, began to demolish the building in Baku, which was owned by the director of the Institute of Peace and Democracy, and which also housed two other human rights organizations, the Azerbaijan Campaign to Ban Landmines and the Women's Crisis Centre. Property, including documents, computers, furniture, files, office equipment and books, was reportedly destroyed. The demolition allegedly took place despite an injunction issued by the Administrative Economic Court No. 1 of Nasimi District in May 2011, prohibiting the demolition of the building.<sup>94</sup> It was reported that new facilities and support had not been found for the Women's Crisis Centre and the provision of legal and medical assistance to women had stopped. It was further reported that employees of the Centre allegedly continued to be under surveillance and harassed by the police, especially during their meetings with diplomats and journalists.<sup>95</sup> OHCHR expressed similar concerns.<sup>96</sup>

54. CEDAW remained concerned about the very low level of women's participation in political and public life, especially their underrepresentation in decision-making bodies, including Parliament, the Government, diplomatic service, regional and local municipalities and higher judiciary levels.<sup>97</sup> HR Committee expressed similar concerns.<sup>98</sup>

55. CERD invited Azerbaijan to promote representation of the various ethnic groups in Parliament and other elected and public bodies.<sup>99</sup>

## **F. Right to work and to just and favourable conditions of work**

56. CEDAW remained concerned about both vertical and horizontal gender segregation within the labour market; high women unemployment; women concentration in lower-paying sectors, such as health care, education and the informal sector; the wide wage gap; and lack of compliance with the principle of equal pay for equal work in provisions of the Labour Code and the Gender Equality Act of 2006.<sup>100</sup>

57. CMW remained concerned that despite the "single window" policy, the migration procedures, particularly those to obtain an individual permit of work, are burdensome and complex.<sup>101</sup>

## **G. Right to social security and to an adequate standard of living**

58. CERD remained concerned about disparities in the enjoyment of economic, social and cultural rights, particularly affecting ethnic groups in rural and remote mountainous areas.<sup>102</sup>

59. UNICEF recommended that a network of new social services for children be established to enhance social protection and financial aid.<sup>103</sup>

## **H. Right to health**

60. The Special Rapporteur on health noted that the health-care system remained underdeveloped and underfunded. This was especially acute in rural areas, where clinics were often inaccessible and understaffed with a low quality of services. Individuals and families living in these poverty-affected areas faced the greatest challenges in accessing quality primary health-care services. In order to ensure access and availability of preventative care goods, services and facilities, he strongly urged Azerbaijan to substantially increase its efforts and resources towards strengthening the country's primary health-care system.<sup>104</sup>

61. CRC noted with concern that corruption among health-care professionals, with the widespread expectation of informal payments, was obstructing access to health care; and that the primary health-care provision remained inadequate.<sup>105</sup>

62. The Special Rapporteur on health mentioned that the stigmatization of individuals affected by TB was a serious concern as it prevented people from getting tested for TB and discouraged affected individuals from seeking treatment. Stigmatization was partly rooted in low public awareness about the prevention and transmission of TB. He also emphasized that the participation of affected communities was necessary to ensuring sustainable and effective prevention and control of TB.<sup>106</sup>

63. CRC was concerned at the high infant mortality rate and urged Azerbaijan to reduce it.<sup>107</sup> UNICEF expressed similar concerns.<sup>108</sup>

64. CEDAW remained concerned at insufficient access to adequate general health-care services and reproductive health-care services for women, especially for those living in rural and remote areas, and internally displaced and refugee women; high maternal mortality rate; and rise in abortion rate.<sup>109</sup>

65. The Special Rapporteur on health noted that the abortion rate was one of the highest in the world, due in part to the practice of sex-selective abortion and the lack of sexual and reproductive health education and awareness programmes. He called on the Government to urgently address the problematic use of abortion as a method of family planning, including by ensuring that contraceptives are available and accessible, and that adolescents, in particular, have access to education and information concerning sexual and reproductive health.<sup>110</sup> CRC recommended that Azerbaijan provide adolescents with education on sex and reproductive health, particularly regarding HIV; improve accessibility to contraception; and address the high rate of suicide among adolescents.<sup>111</sup>

66. CMW remained concerned about undocumented and irregular migrant workers who did not enjoy the right to medical care, including emergency medical care, and that their children have difficulty accessing education.<sup>112</sup>

## **I. Right to education**

67. CRC was concerned at the inadequacy of financial resources allocated to education, particularly regarding early childhood care and preschool education, inadequate teacher training and the high number of children not attending school.<sup>113</sup>

68. CEDAW recommended that Azerbaijan adopt temporary special measures to accelerate women's representation in decision-making positions at all levels of education.<sup>114</sup>

69. CRC recommended that Azerbaijan prohibit training in the use of firearms in military schools for all persons under the age of 18, and establish an independent complaint and investigation mechanism for children attending military schools.<sup>115</sup>

## **J. Cultural rights**

70. UNESCO encouraged Azerbaijan to consider initiating a series of studies and debates on cultural rights in universities and cultural institutions.<sup>116</sup>

## **K. Persons with disabilities**

71. CRC urged Azerbaijan to eliminate discrimination against children with disabilities; establish a clear legislative definition of disability; adopt a social model approach in accordance with CRPD; and provide for their inclusion in the mainstream education system.<sup>117</sup>

72. UNICEF recommended that Azerbaijan implement legislative provisions to ensure access of persons with disabilities to the labour market, particularly provisions prohibiting discrimination in recruitment, continuance of employment, career advancement and safe and healthy working conditions.<sup>118</sup>

## **L. Minorities**

73. HR Committee regretted the absence of clarification regarding the steps taken to address its concerns, in particular, on the reductions in the legal guarantees relating to the protection of minorities in the Law on the State Language (2002) and on the absence of consultative structures for representatives of minorities (art. 27). HR Committee also called on Azerbaijan to ensure that members of minorities enjoy their rights in full compliance with article 27 of the ICCPR, including creating a national consultative organ comprising representatives of minorities, in order to better take into account their specific needs and enable them to participate in the decision-making process in respect of issues of interest to them.<sup>119</sup> CERD made similar recommendations.<sup>120</sup>

74. CERD recommended that Azerbaijan preserve and develop minority languages and establish a public school network that offers teaching of and in minority languages.<sup>121</sup>

## **M. Migrants, refugees and asylum seekers**

75. CMW was concerned at the very high percentage of irregular migrant workers, without adequate working conditions and social security benefits.<sup>122</sup>

76. CMW noted with concern that migrant workers facing expulsion or having to leave the country after termination of their employment are not given enough time to finalize pending matters and to seek redress for any violations of their rights.<sup>123</sup> Furthermore, in

cases of early termination of the contract, the migrant worker's resident permit becomes null and they have no right to seek alternative employment.<sup>124</sup>

77. CERD was concerned that asylum seekers, refugees and internally displaced persons experience discrimination in employment, education, housing and health, and some asylum seekers, including Russian citizens from Chechnya, were excluded from the refugee determination procedure.<sup>125</sup> UNHCR recommended that Azerbaijan adopt a legislative framework providing for complementary forms of protection to persons fleeing their countries of origin due to generalized violence and risk of serious human rights violations; admit ethnic Chechen asylum seekers to the national refugee status determination procedure; remove existing restrictions and limitations on legal employment and ensure free access by refugees, asylum seekers and stateless persons to state social services; and ensure that civil rights of refugees and asylum seekers, including the right to marriage, are respected.<sup>126</sup>

78. CRC was concerned at the lack of a mechanism to protect and assist unaccompanied and separated children seeking asylum; lack of legal protection and welfare for asylum seekers; lack of adequate access by children of asylum seekers to public health, education, social services or an adequate standard of living; and lack of provision for birth registration of infants in an asylum-seeking situation, which places them at risk of statelessness.<sup>127</sup>

79. UNHCR recommended that Azerbaijan implement a statelessness status determination procedure to identify stateless persons and grant them a legal status, and establish measures to ensure the registration of all children born in the State territory, regardless of their nationality and immigration status, including children born to asylum seekers, refugees and stateless persons.<sup>128</sup>

## N. Internally displaced persons

80. HR Committee remained concerned that, despite the Azerbaijani authorities' achievement in addressing the problems of the large number of internally displaced persons following the 1991-94 conflict with Armenia, particularly in Nagorno-Karabakh, such people face problems obtaining address registration (*propiska*), which deprives them of social entitlements, allowances and the enjoyment of a number of rights, including employment and health.<sup>129</sup>

81. The Representative of the Secretary-General (RSG) on the human rights of internally displaced persons (IDPs) concluded that IDPs continued to face a number of problems, some of which were increasingly related to the protracted nature of their displacement. The full restoration of the human rights of IDPs required first and foremost, a resolution to the outstanding peace negotiations over the Nagorno-Karabakh conflict, so that those who wished to do so may exercise their right to return to their place of origin.<sup>130</sup>

82. CEDAW remained concerned about the vulnerable and marginalized situation of refugee and internally displaced women and girls, especially in rural areas, regarding access to education, employment, health care, psychosocial support and housing; and the limited involvement and consultation of internally displaced women in the planning of policies and programmes.<sup>131</sup> CERD expressed similar concerns.<sup>132</sup>

83. The RSG stated that more efforts and new housing strategies were necessary, particularly as housing security for IDPs may become increasingly precarious in view of the pressures of urbanization, economic expansion in large cities and privatization. Developing alternative housing strategies should be a priority in the coming years, including rental subsidies or special rental agreements between the State and private owners.<sup>133</sup>

84. UNHCR recommended that Azerbaijan ensure living conditions of IDPs, prioritizing vulnerable families in sub-standard housing conditions; ensure full implementation of guarantees against forced eviction, including by developing a comprehensive housing strategy that can provide practical housing alternatives and schemes; and involve IDPs in decision-making. UNHCR recommended that Azerbaijan ensure full access to remedies by supporting and encouraging the role of NGOs in working on legal assistance and counselling.<sup>134</sup>

85. The RSG noted that certain groups among the internally displaced population, including persons who have lived in isolated settlements (including youth) or who have been unemployed for many years, as well as female-headed households and the elderly, required special assistance in many cases through State benefits, which would allow for an adequate standard of living, and prepare them for re-entry into the labour market.<sup>135</sup>

86. The RSG encouraged conducting a study to determine the level and quality of education provided to IDPs. Mixed schools should be promoted, so as to foster greater social integration of children from displaced communities. He urged the Government to take measures, such as simplified documentation procedures, and allow for “alternative” documents when those normally required are not available wherever possible, so as to ensure that the rights of IDPs are not adversely affected by such problems.<sup>136</sup>

87. While voluntary return remained the preferred solution for the majority of IDPs, the RSG encouraged the development of policies and strategies which would foster self-reliance and full social integration for all persons during their displacement.<sup>137</sup>

## O. Right to development and environmental issues

88. CRC recommended that Azerbaijan provide a legislative framework requiring companies to respect children’s rights, particularly companies involved in the extractive and cotton-producing industries; and conduct human rights assessments to prevent violations.<sup>138</sup>

## P. Situation in, or in relation to, specific regions or territories

89. CERD was deeply concerned about the persistence of the conflict over Nagorno-Karabakh and its negative influence on the exercise and full enjoyment of the rights enshrined in the ICERD, particularly by IDPs.<sup>139</sup> CMW noted the expressed difficulties in implementing the ICRMW in the Nagorno-Karabakh region, as reflected in Security Council resolutions 822, 853, 874 and 884 of 1993.<sup>140</sup>

### Notes

<sup>1</sup> Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found on the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>. Please also refer to the United Nations compilation on Azerbaijan from the previous cycle (A/HRC/WG.6/4/AZE/2).

<sup>2</sup> The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights;
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR

ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
CPED	International Convention for the Protection of All Persons from Enforced Disappearance

<sup>3</sup> Individual complaints: ICCPR-OP 1, art 1; OP-CEDAW, art. 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art.5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; and CPED, art. 31. Inquiry procedure: OP-CEDAW, art. 8; CAT, art. 20; CPED, art. 33; OP-CRPD, art. 6; OP-ICESCR, art. 11; and OP-CRC-IC, art. 13. Inter-State complaints: ICCPR, art. 41; ICRMW, art. 76; CPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; and OP-CRC-IC, art. 12. Urgent action: CPED, art. 30.

<sup>4</sup> 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

<sup>5</sup> Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at [www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html](http://www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html).

<sup>6</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

<sup>7</sup> International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

<sup>8</sup> International Labour Organization Convention No.169 concerning Indigenous and Tribal Peoples in Independent Countries and Convention No.189 concerning Decent Work for Domestic Workers.

<sup>9</sup> CEDAW/C/AZE/CO/4, para. 46; CAT/C/AZE/CO/3, para. 27; and CRC/C/AZE/CO/3-4, para. 78.

<sup>10</sup> CAT/C/AZE/CO/3, para. 27.

<sup>11</sup> CMW/C/AZE/CO/1, paras. 17 and 19.

<sup>12</sup> UNESCO submission to the UPR on Azerbaijan, p.7.

- <sup>13</sup> CRC/C/AZE/CO/3-4, para. 9.
- <sup>14</sup> UNICEF submission to the UPR on Azerbaijan, p. 2.
- <sup>15</sup> CAT/C/AZE/CO/3, para. 8.
- <sup>16</sup> CMW/C/AZE/CO/1, para. 13.
- <sup>17</sup> According to article 5 of the rules of procedure for the International Coordination Committee (ICC) Sub-Committee on Accreditation, the different classifications for accreditation used by the Sub-Committee are: A: Voting Member (fully in compliance with each of the Paris Principles), B: Non-Voting Member (not fully in compliance with each of the Paris Principles or insufficient information provided to make a determination), C: No Status (not in compliance with the Paris Principles).
- <sup>18</sup> For the list of national human rights institutions with accreditation status granted by the International Coordination Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/20/10, annex.
- <sup>19</sup> CAT/C/AZE/CO/3, para. 10.
- <sup>20</sup> CRC/C/AZE/CO/3-4, para. 16; and UNICEF submission to the UPR on Azerbaijan, p. 2.
- <sup>21</sup> CERD/C/AZE/CO/6, para. 16.
- <sup>22</sup> The following abbreviations have been used for this document:
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|--------------|--|
| CERD         | Committee on the Elimination of Racial Discrimination  |
| CESCR        | Committee on Economic, Social and Cultural Rights  |
| HR Committee | Human Rights Committee   |
| CEDAW        | Committee on the Elimination of Discrimination against Women                                   |
| CAT          | Committee against Torture  |
| CRC          | Committee on the Rights of the Child   |
| CMW          | Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families |
| CRPD         | Committee on the Rights of Persons with Disabilities   |
| CED          | Committee on Enforced Disappearances   |
| SPT          | Subcommittee on Prevention of Torture  |
- <sup>23</sup> CRC/C/AZE/CO/3-4, para. 7.
- <sup>24</sup> CCPR/C/AZE/CO/3, para. 22.
- <sup>25</sup> CCPR/C/AZE/CO/3/Add.1; and CCPR/C/AZE/CO/3/Add.2.
- <sup>26</sup> CEDAW/C/AZE/CO/4, para. 48.
- <sup>27</sup> CEDAW/C/AZE/CO/4/Add.1 .
- <sup>28</sup> CAT/C/AZE/CO/3, para. 30.
- <sup>29</sup> CAT/C/AZE/CO/3/Add.1.
- <sup>30</sup> Letter dated 30 April 2012 from CAT to the Permanent Mission of Azerbaijan, available at <http://www2.ohchr.org/english/bodies/cat/docs/followup/LetterAzerbaijan.pdf>.
- <sup>31</sup> CERD/C/AZE/CO/6, para. 23.
- <sup>32</sup> CCPR/C/100/D/1633/2007.
- <sup>33</sup> A/66/40 (Vol. I).
- <sup>34</sup> For the titles of special procedures, see [www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx](http://www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx) and [www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx](http://www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx).
- <sup>35</sup> CCPR/C/AZE/CO/3, para. 6.
- <sup>36</sup> CEDAW/C/AZE/CO/4, paras. 20 and 36.
- <sup>37</sup> Ibid., para. 18.
- <sup>38</sup> CRC/C/AZE/CO/3-4, para. 30; and UNICEF submission to the UPR on Azerbaijan, p. 3.
- <sup>39</sup> CERD/C/AZE/CO/6, para. 15.
- <sup>40</sup> CMW/C/AZE/CO/1, paras. 24 and 25.
- <sup>41</sup> CCPR/C/AZE/CO/3, para. 19.
- <sup>42</sup> Ibid., para. 11.
- <sup>43</sup> CAT/C/AZE/CO/3, para. 9.
- <sup>44</sup> Ibid., para. 22.
- <sup>45</sup> CCPR/C/AZE/CO/3, para. 9.
- <sup>46</sup> CAT/C/AZE/CO/3, para. 13.
- <sup>47</sup> Ibid., para. 14; see also CCPR/C/AZE/CO/3, para. 10.



- 48 End-of-mission press statement by the Special Rapporteur on the right to health on his visit to Azerbaijan (Baku, 23 May 2012), available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12181&LangID=E>.
- 49 CAT/C/AZE/CO/3, para. 15.
- 50 Ibid., para. 16.
- 51 CEDAW/C/AZE/CO/4, para. 21.
- 52 CAT/C/AZE/CO/3, para. 19.
- 53 CEDAW/C/AZE/CO/4, para. 22.
- 54 CEDAW/C/AZE/CO/4/Add.1, para. 5.
- 55 CEDAW/C/AZE/CO/4, paras. 23-24.
- 56 CMW/C/AZE/CO/1, paras. 46-47; CCPR/C/AZE/CO/3, para. 5; CERD/C/AZE/CO/6, para. 7; and CAT/C/AZE/CO/3, para. 20.
- 57 CRC/C/AZE/CO/3-4, para. 46.
- 58 UNICEF submission to the UPR on Azerbaijan, p. 4.
- 59 CRC/C/AZE/CO/3-4, para. 69.
- 60 CRC/C/OPSC/AZE/CO/1, para. 25.
- 61 CRC/C/AZE/CO/3-4, para. 71.
- 62 UNICEF submission to the UPR on Azerbaijan, p. 4.
- 63 A/HRC/WGAD/2011/22, paras. 55-56.
- 64 CEDAW/C/AZE/CO/4, para. 8.
- 65 CERD/C/AZE/CO/6, para. 4.
- 66 CAT/C/AZE/CO/3, para. 4.
- 67 Ibid., para. 17.
- 68 CCPR/C/AZE/CO/3, para. 12.
- 69 Ibid., para. 8.
- 70 CAT/C/AZE/CO/3, para. 18.
- 71 CMW/C/AZE/CO/1, paras. 26-27.
- 72 CAT/C/AZE/CO/3, para. 11.
- 73 CRC/C/AZE/CO/3-4, para. 75.
- 74 UNICEF submission to the UPR on Azerbaijan, p. 5.
- 75 OHCHR Press briefing note on Azerbaijan (Geneva, 7 September 2012), available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12481&LangID=E>.
- 76 CRC/C/AZE/CO/3-4, para. 41.
- 77 Ibid., para. 54.
- 78 CCPR/C/AZE/CO/3, para. 7.
- 79 UNICEF submission to the UPR on Azerbaijan, p. 5.
- 80 CEDAW/C/AZE/CO/4, paras. 39-40.
- 81 CRC/C/AZE/CO/3-4, paras. 38-39.
- 82 CCPR/C/AZE/CO/3, para. 13.
- 83 Ibid., para. 14.
- 84 Ibid., para. 15.
- 85 UNESCO submission to the UPR on Azerbaijan, p. 7.
- 86 CAT/C/AZE/CO/3, para. 21.
- 87 A/HRC/21/49, p. 34.
- 88 CCPR/C/AZE/CO/3, para. 15.
- 89 CERD/C/AZE/CO/6, para. 10; see also UNESCO submission to the UPR on Azerbaijan, p. 8.
- 90 CCPR/C/AZE/CO/3, para. 16.
- 91 A/HRC/20/27/Add.3, paras. 24-27.
- 92 Ibid., paras 27 and 29.
- 93 A/HRC/19/55/Add.2, para 17.
- 94 A/HRC/19/44, p. 66.
- 95 Ibid., p. 84.
- 96 OHCHR Press Briefing Note on Azerbaijan (Geneva, 16 August 2011), available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=11308&LangID=E>.
- 97 CEDAW/C/AZE/CO/4, para. 27.
- 98 CCPR/C/AZE/CO/3, para. 6.

- <sup>99</sup> CERD/C/AZE/CO/6, para. 12.
- <sup>100</sup> CEDAW/C/AZE/CO/4, para. 31.
- <sup>101</sup> CMW/C/AZE/CO/1, paras. 14-15.
- <sup>102</sup> CERD/C/AZE/CO/6, para. 6.
- <sup>103</sup> UNICEF submission to the UPR on Azerbaijan, p. 7.
- <sup>104</sup> End-of-mission press statement by the SR on the right to health on his visit to Azerbaijan (Baku, 23 May 2012), available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12181&LangID=E>.
- <sup>105</sup> CRC/C/AZE/CO/3-4, paras. 58-59.
- <sup>106</sup> End-of-mission press statement by the Special Rapporteur on the right to health on his visit to Azerbaijan (Baku, 23 May 2012).
- <sup>107</sup> CRC/C/AZE/CO/3-4, paras. 34-35.
- <sup>108</sup> UNICEF submission to the UPR on Azerbaijan, p. 8.
- <sup>109</sup> CEDAW/C/AZE/CO/4, paras. 33-34.
- <sup>110</sup> End-of-mission press statement by the Special Rapporteur on the right to health on his visit to Azerbaijan (Baku, 23 May 2012).
- <sup>111</sup> CRC/C/AZE/CO/3-4, para. 63.
- <sup>112</sup> CMW/C/AZE/CO/1, paras. 30-31.
- <sup>113</sup> CRC/C/AZE/CO/3-4, para. 64; see also UNICEF submission to the UPR on Azerbaijan, p. 8.
- <sup>114</sup> CEDAW/C/AZE/CO/4, para. 30.
- <sup>115</sup> CRC/C/OPAC/AZE/CO/1, para. 16.
- <sup>116</sup> UNESCO submission to the UPR on Azerbaijan, p. 8.
- <sup>117</sup> CRC/C/AZE/CO/3-4, para. 57.
- <sup>118</sup> UNICEF submission to the UPR on Azerbaijan, p. 6.
- <sup>119</sup> CCPR/C/AZE/CO/3, para. 20.
- <sup>120</sup> CERD/C/AZE/CO/6, para. 13.
- <sup>121</sup> *Ibid.*, para. 17.
- <sup>122</sup> CMW/C/AZE/CO/1, paras. 44-45.
- <sup>123</sup> *Ibid.*, paras. 28-29.
- <sup>124</sup> *Ibid.*, paras. 34-35.
- <sup>125</sup> CERD/C/AZE/CO/6, para. 5.
- <sup>126</sup> UNHCR submission to the UPR on Azerbaijan, p. 5.
- <sup>127</sup> CRC/C/AZE/CO/3-4, para. 66.
- <sup>128</sup> UNHCR submission to the UPR on Azerbaijan, p. 6.
- <sup>129</sup> CCPR/C/AZE/CO/3, para. 18.
- <sup>130</sup> A/HRC/16/43/Add.2, para. 68.
- <sup>131</sup> CEDAW/C/AZE/CO/4, paras. 37-38.
- <sup>132</sup> CERD/C/AZE/CO/6, para. 5.
- <sup>133</sup> A/HRC/16/43/Add.2, para. 70.
- <sup>134</sup> UNHCR submission to the UPR on Azerbaijan, pp. 3-4.
- <sup>135</sup> A/HRC/16/43/Add.2, para. 70.
- <sup>136</sup> *Ibid.*, para. 70.
- <sup>137</sup> *Ibid.*, para. 74.
- <sup>138</sup> CRC/C/AZE/CO/3-4, para. 29.
- <sup>139</sup> CERD/C/AZE/CO/6, para. 3.
- <sup>140</sup> CMW/C/AZE/CO/1, para. 9.
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