

*Check against delivery*



**Speech by  
Mr. Khalaf Khalafov  
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in the context of adoption of the record on the review of the second periodic  
report  
of the Republic of Azerbaijan  
within the framework of mechanism of the UN Human Rights Council Universal  
Periodic Review**

**Geneva – 20 September 2013**

Dear Mr. President,

Distinguished members of the Council,

Ladies and Gentlemen,

The delegation of the Republic of Azerbaijan sincerely greets and expresses its gratitude to all the members of the Human Rights Council, as well as state-observers for their constructive participation in the review of the second periodic report of Azerbaijan within the framework of universal periodic review. The present review allows us to once again consider and analyze actions taken since 2009 on the encouragement and protection of human rights and fundamental freedoms, our achievements, and the existing problems in this sphere as well.

Within the framework of the present review 162 recommendations have been submitted in total, 158 of which have been fully or partially adopted by the Government of Azerbaijan. We have already implemented certain part of these recommendations. Some of them are at the stage of realization. The implementation of adequate measures with regard to the other remaining recommendations has been provided for.

The realization of adopted recommendations will serve the enrichment of practice and normative legal base of protection of human rights and fundamental freedoms. The implementation of present recommendations will be under the state control.

Distinguished Mr. President,

The growth of economic indicators over the last 10 years shows the sustainability and stability of the development in the country. As a result of this development, social guarantees by the state for various strata of the society, reforms in state governance and strengthening of civil society create more favorable conditions for encouragement and observance of human rights, as well as democratic freedoms. Four years running, the World Economic Forum ranks Azerbaijan as a state with the most competitive economy in the post-Soviet area. Today, the Azerbaijani economy ranks 46 in the

world according to the level of competitiveness. The poverty rate decreased from 50% to 6% for the last 10 years. The gross domestic product increased by 3.1% in the first quarter of the current year. The diversification of economy is the main priority of Azerbaijan and the growth rate in the non-oil sector consisted 11.4 % in the first quarter of the current year. The inflation rate was 1.1% last year.

The State Programs on socio-economic development of the regions of Azerbaijan, adopted accordingly in 2004 and 2009, played a great role in the development of our country. At present, the second State Program on the development of regions is successfully being carried out. As a result of the implementation of the given Program, more than one million one hundred thousand workplaces were created in the country, 30 thousand of which were opened in the first quarter of the current year. The main part of the workplaces was created in the non-oil and agricultural spheres.

More than 35 000 new enterprises were opened in Azerbaijan over the last 7 years. More than 77% new workplaces were created in the regions, and more than 20%- in the regions that are densely populated by national minorities.

The provision of access to medical services for the population is one of the main priority spheres of government activities and essential measures are taken in this direction. Approximately 500 health-care institutions of the republic, 70% of which is located in the rural area, were equipped with new medical devices and fully upgraded for the last 10 years. The repair and construction work was carried out in those institutions as well.

17 health-care facilities were constructed in the rural area of the republic in compliance with the treaty concluded between the World Bank and the Government of the Republic of Azerbaijan.

The improvement of the quality of medical services provided to mothers and children is one of the priority directions of the social-oriented policy of the state. With the direct support of the state authority, considerable measures were implemented in that sphere over the last years. In this regard, “The Program of measures on maternal and child health protection”, provided for the realization in 2006-2010, became an important step in the direction of intensification of the work in this sphere. The purpose of the program is the promotion of maternal and child health, the protection of the reproductive health of the population, the creation of necessary conditions for

the birth of healthy children, the reduction of disease, maternal and infant mortality. Within the framework of this program, seven prenatal centers were established which equipped with enabling technologies, modern medical devices, qualitative medical products and measures were taken for regular improvement of skills of health care professionals both in the country and abroad, clinical protocols were prepared in the sphere of maternal and child health protection. The implemented measures, in their turn, improved the quality of medical services provided to pregnant women and children.

The projects on the establishment of infrastructure of educational institutions in accordance with modern standards were carried out in the Republic of Azerbaijan over the last 10 years. Nearly 2000 school buildings were constructed or fully overhauled, and provided with modern equipment. It makes up about 50% of total number of schools in Azerbaijan. Investment projects on the provision of educational system with the means of information and communication technologies and application of on-line education are also implemented in the sphere of education.

Distinguished Mr. President,

In October of the current year, presidential elections will be held in Azerbaijan that plays an important role in the socio-political life of our country. The government takes all necessary measures to ensure active and passive voting rights of citizens. The lists of about 5 million electors have been placed on the web site of the Central Election Commission (CEC). The electors have opportunity to check the existence of their names in the list by means of the search system of the web site, and in case of any inaccuracy, to contact the CEC using “on-line” application or by telephone using the hot line. The templates will be prepared covering all the information indicated on the ballot and on the basis of the Braille alphabet for visually impaired and partially sighted electors. Mobile ramps are set at relevant polling stations for citizens with limited physical abilities and using wheelchairs.

There are seminars and trainings on the election topics held in the partnership with the Venice Commission of the Council of Europe. The project on organizing of trainings regarding the all-electronic procedures will be implemented during September and include more than 32000 members of inferior election commissions.

The participation of the local and foreign observers as well as the international mass media representatives will be ensured in the course of elections. The web-cameras will be installed in the polling stations.

So far, 10 people are registered as presidential candidates. All the candidates have been provided with free airtime on the Public Television and opportunities for publications. Also meeting places were allocated and other appropriate conditions were created for them.

With regard to the remarks of the Venice Commission of the Council of Europe in 2008, amendments were made to the Law of the Republic of Azerbaijan “On the Freedom of Assembly”. Taking into account the additions and amendments were made, in its final resolution the Venice Commission considered the Law on the Freedom of Assembly fully corresponding to the European standards.

According to the Law on the Freedom of Assembly the executive power of the each city as well as the districts of Baku city allocated appropriate places to hold meetings. These places are located in the central parts of the districts.

The visit of the special rapporteur on the issues of freedom of assembly is being planned.

Azerbaijan actively cooperates with the all special procedure mandate-holders of the UN. In April 2013 we sent standing invitations to the special procedure mandate-holders. Along with the Special Rapporteur on the rights to freedom of peaceful assembly and of association, we are planning and coordinating the dates of visits of the Special Rapporteur on Violence against Women as well as Working Group on Arbitrary Detention to Azerbaijan.

Distinguished Mr. President,

The information on the implementation of the recommendations addressed to us, or on the recommendations that are being realized at the moment, anyhow is reflected both on the second periodic national report and the additional document which has been handed out today. At the same time, I would like to touch upon and specifically emphasize some issues reflected in the recommendations:

With regard to the recommendation on the encouragement and protection of women rights and elimination of domestic violence:

The law “On the suppression of domestic violence” was adopted in 2010. On the bases of this law amendments and modifications were made to the Family Code, also 18 years was determined as the age qualification of for marriage. The amendments made in 2011 to the Family Code forbade the early and forced marriage, toughened the punishment for these infringements. Also, in 2010 the Republic of Azerbaijan acceded to the International Labour Organization “Convention concerning the equal opportunities and equal treatment for men and women workers: workers with the family responsibilities” and “Convention 183 concerning the revision of the Maternity Protection Convention (revised), 1952”.

Moreover, starting from 2011, State Committee for Family, Women and Children Affairs together with the UNICEF implements “the social communication and behavioral change” program in order to prevent the early marriages and isolation of girls from education process in the southern regions of the country where these cases occur more often.

As a result of the preventive measures undertaken in the southern regions of the country during the implementation of the project cases of early marriages were not registered. At the same time, by the Law adopted on November 15, 2011, new sanctions for the enforcement of minors to marriage were envisaged in the Criminal Code.

Fight against the corruption and its eradication are the main guaranties of ensuring human rights and fundamental freedoms. In this regard, and in response to the recommendations on the strengthening of fight against corruption, I would like to note that our Government attaches great importance to the international cooperation in the sphere of fighting against corruption. Azerbaijan actively participates in the work of the International Association of Anti-Corruption Authorities, bringing together more than 140 states and the current vice-president of which is the Minister of Justice of our Republic. Also, by acceding to the Charter of the International Anti-corruption Academy, our state became the full member of this organization. At the same time, by the Law adopted on February 1, 2013, our country acceded to the Additional Protocol to the Criminal Law Convention on Corruption.

Within the framework of review, held on April 30, 2013, we submitted sufficiently extensive information on the State Agency of civil services and social innovations (ASAN) under the President of the Republic of Azerbaijan, created with the purpose to fight corruption and to provide more qualitative and convenient services by the state bodies. Today, in addition to the above mentioned, I would like to note that, according to the Decrees of the Head of the State dated March 18 and April 17, 2013 the number of staff of this agency was increased from 120 to 260 and a range of wide functional services provided by the service centers of “ASAN” was determined. Besides, starting from 2012 the process of establishment of the “ASAN” service centers in different regions of Azerbaijan is being continued.

With regard to the recommendations addressed to us on the abolishment of the criminal responsibility for defamation, I would like to bring to your attention the next information:

Starting from 2009, during the review of the criminal cases by the courts of the Republic of Azerbaijan vis-a-vis the article 147 (defamation) and article 148 (insult) of the Criminal Code, the punishment by way of deprivation of liberty has not been enforced. However, it needs to be noted that, analysis of the criminal legislation of the Member States of the Council of Europe, including the legislation of the states which submitted us their recommendations, as well as the related information prepared by the OSCE Representative on Freedom of the Media and published on the official website of the OSCE, show the contrary. The criminal liability for the defamation exists in these countries. “National Action program in the area of improvement of protection of human rights and freedoms in the Republic of Azerbaijan”, approved by the Decree of the President of the Republic of Azerbaijan on December 27, 2011 envisages the preparation of a bill on defamation. In September 2012 we made a request to the Venice Commission of the Council of Europe to render assistance in the preparation of this bill.

As a result, in April of this year the representatives of the Venice Commission visited Baku and met with the representatives of appropriate state bodies, press services and civil society institutes and discussed the bill on defamation.

On May 22, 2013 a public debate concerning the above-mentioned bill was held in Baku with the participation of representatives of the Administration of the President of the Republic of Azerbaijan, the Parliament, the Press Council, the media and other

interested parties. The bill, in respect to legal cases concerning defamation implies applying the case law principles of the European Court of Human Rights.

Obviously, the legal actions of the representatives of mass media and civil society do not result in any criminal prosecution. Guided by the principle of equality for all before the law, only those people who are suspected of committing a specific crime are brought to criminal responsibility, regardless of their position.

Distinguished Mr. President,

Guided by the international practices, we are constantly taking steps to improve the legislation in the sphere of non-governmental organizations in order to create necessary conditions for the development of civil society. Thus, appropriate amendments have been made to the "Law on Grants" and the "Law on Non-Governmental Organizations" in order to regulate the issues related to subsidies, as a form of financial assistance. Additionally, in order to empower NGOs, relevant bills have been developed, particularly the "Law on Public Procurements", "Law on Trade Unions" and "Law on Public Participation ". So far, the "Law on Public Participation" has been adopted by the Parliament at second reading. Also, proposals prepared on the basis of recommendations of the Venice Commission in the area of legislation on NGOs, including the registration process of NGOs, are being considered.

The "Law on Non-Governmental Organizations (public unions and foundations)" does not impose any restriction for the state registration of non-governmental organizations as legal entities.

Unlike commercial entities, non-governmental organizations can also function (operate) without a state registration.

Thus, pursuant to the "Law on State Registration and State Registry of Legal Entities", compulsory state registration is envisaged for commercial organizations, as well as representative offices and branches of foreign legal entities.

As a new stage in the development of civil society and in the direction of strengthening the foundation of its basic principles in the country, within the framework of the "Concept of state support to non-governmental organizations of the Republic of Azerbaijan" the Council on State Support to Non-Governmental Organizations under the Auspices of the President of the Republic of Azerbaijan has been established by the Decree of the Head of State dated 13 December 2007.. Establishment of the Council gave a significant impetus to the development of non-



governmental sector and has led to an increase in project funding of NGOs from the state budget.

In 2013, the Council received 8.2 million manat from the state budget in order to finance projects of local and foreign NGOs and 5 million manat has been allocated to Youth Fund under the President of the Republic of Azerbaijan to finance projects of non-governmental youth organizations.

As a result of state's financial assistance aiming to support NGOs and their favorable activities, the Ministry of Justice registered grant agreements totaling 40 million manat (more than 50 million U.S. dollars) in 2012.

In compliance with the law, the procedure for registration of the grant (the grant agreement) is quite simple and is for informational purposes. For this purpose, it is required to provide the Ministry of Justice with a copy of an application and related agreement confirmed by a notary.

There are no obstacles for NGOs' activities in our country and suspension of their functioning is an emergency measure.

In order to properly organize the activities of NGOs within the framework of the legislation, warnings and guidance (recommendations) made in advance by the Ministry of Justice mainly intend to notify about violations of regulation and law found in their activities that do not hold them accountable. Despite the fact that the legislation stipulates suspension of activities of non-governmental organizations after two written warnings, such rule is not practiced.

I would like to point out that all favorable conditions are being created in the Republic of Azerbaijan for the free activities of human right defenders. Their rights and freedoms are fully ensured and their activities are not subject to threats. There is a stable system of interrelations between state authorities and non-governmental organizations. Activities of the Public Committee consisting of prominent human rights defenders and its engagement, for a long time, in the public control of the penitentiary system serve as an example.

Adoption of Migration Code can be highlighted as a next step of Azerbaijan in the protection and promotion of human rights and fundamental freedoms. The Migration Code was adopted by the Parliament of the Republic of Azerbaijan on June 13, 2013 at 3rd reading and came into force on August 1, 2013. The Migration Code provides simplification of immigration procedures, including procedures on place of residence and work permit, as well as registration of foreigners and stateless persons. In

addition, simplification of the migration procedures was also reflected in the concept of "Azerbaijan 2020: looking to the future" (paragraph 4.1), approved by the Decree of the President of the Republic of Azerbaijan on December 29, 2012.

Distinguished Mr. President,

I have to mention that, the Government of Azerbaijan does not accept 4 recommendations out of 162, namely 110.1, 110.2, 110.3 and 110.4. Our position on this issue has already been expressed in the document. We believe that the recommendations 110.1, 110.2, 110.3 and 110.4 reflect the aggression policy of the Republic of Armenia, that pursues ethnic cleansing policy against Azerbaijanis since 1988, committed the Khojaly Genocide in 1992 and occupied Nagorno-Karabakh and 7 adjacent districts that make up 20% of the territory of the Republic of Azerbaijan, and the "recommendation" on Nagorno-Karabakh completely contradicts and abuses mechanism of the Universal Periodic Review. In addition, the fact of occupation that violates the territorial integrity of Azerbaijan by Armenia is the main problem of Azerbaijan in the field of human rights. Along with the problem associated with more than 1 million of internally displaced persons and refugees, this occupation has created political, social and economic problems in Azerbaijan.

Dear Mr. President, in conclusion we would like to thank You, all the representatives who took part in today's interactive dialogue, troika members - the representatives of Maldives, Libya and Peru, the secretariat of the Human Rights Council and interpreters who have made this interactive dialogue possible.

Thank you for your attention.