

ADVANCE QUESTIONS TO AZERBAIJAN (SECOND BATCH)

LIECHTENSTEIN

- What steps has Azerbaijan taken to ratify the Rome Statute in its 2010 version?
- What steps has Azerbaijan taken to join the Code of Conduct regarding Security Council action against genocide, crimes against humanity or war crimes, as elaborated by the Accountability, Coherence and Transparency Group (ACT)?

BRAZIL

- Is there any legal provision currently in force protecting children from corporal punishment?
- How would the Government of Azerbaijan assess the current level of enjoyment of civil and political rights by its population, including the rights to freedom of speech, freedom of association and freedom of assembly?

PORTUGAL

- Could the State-under-review describe its national mechanism or process responsible for coordinating the implementation of accepted UPR recommendations and the monitoring of progress and impact?
- Has the State-under-review established a dedicated ‘national mechanism for implementation, reporting and follow-up’ (NMIRF) covering UPR recommendations, but also recommendations/observations generated by the UN human rights Treaty Bodies, the Special Procedures and relevant regional mechanisms? If so, could the State-under-review briefly share its experience on creating such mechanism, including challenges faced and lessons learnt, as well as any plans or needs to strengthen the NMIRF in the future?

UNITED STATES OF AMERICA

- When does the Government intend to implement the two European Court of Human Rights decisions [no. 15172/13 and no. 919/15] in favor of plaintiff Ilgar Mammadov?
- What is the Government doing to protect the freedoms of expression, association, and right of peaceful assembly?
- When will the government release all those incarcerated for exercising their human rights and fundamental freedoms or for being related to people who did; decriminalizing libel; and unblocking independent and opposition websites?
- What is the Government doing to ensure that members of the political opposition can freely and competitively participate in future elections?

- What is the Government doing to enhance respect for freedom of religion or belief?
- Does the government have plans to streamline onerous registration requirements for religious organizations and allow religious materials to be sold and distributed?
- When does the Government plan to propose legislation criminalizing violence against women and to strengthen the issuance and enforcement of protective orders?
- What steps is the Government taking to prevent and address detentions, abuses, and mistreatment of LGBTI persons by law enforcement officials?
- What is the Government doing to ensure the rule of law and the independence of the judiciary in an environment in which the national bar association is government controlled, the last bar exam was more than three years ago and there are fewer than 1000 lawyers for a population of 100 million individuals?

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

- Media censorship is prohibited under Azerbaijani law and the government's stated policy is to guarantee freedom of thought and expression. In order to ensure greater pluralism of views in mainstream and online media, what steps will be taken to address the blocking of news media websites, and to decriminalise defamation?
- What plans does the government have to protect and enhance the right to freedom of assembly?
- What measures does the government intend to take to increase the number of qualified lawyers and ensure that all defendants have access to appropriate legal representation?
- Will the government include detained members of civil society and political activists in a future amnesty or pardon?
- Recognising that Azerbaijan's constitution guarantees all citizens the right to free universal mandatory secondary education regardless of gender, what practical steps is the government taking to address the low school attendance and high drop-out rates of girls in rural areas?

ARMENIA

- The Parliamentary Assembly of the Council of Europe (PACE Resolution 2184 (2017)) raised its concern in 2017 about the reported problem of arbitrary application of criminal legislation to limit freedom of expression, as highlighted by the Committee of Ministers in the framework of its supervision of the judgments of the European Court of Human Rights. Since 2013, several journalists and bloggers have been arrested on fabricated criminal charges (drug trafficking or hooliganism). There are groups of young people, so-called "prisoners of Facebook", who have been jailed for criticizing the policies of their authorities on Facebook.

Will the policy of the state to restrict freedom of expression be changed and whether the government intends to provide compensation to the victims of cases with clear evidence of fabrication?

- In May 2017 the Council of Europe Commissioner for Human Rights called on Azerbaijan to release all persons detained because of their views or legitimate civic activity. The Commissioner also expressed concern about the treatment of Afgan Mukhtarli, an Azerbaijani journalist and activist who was reportedly abducted while living in Georgia, ill-treated by his kidnappers and forcibly taken to Azerbaijan.

Does the Government intend to stop politically motivated persecution and ensure its citizens all guarantees for exercising their fundamental rights and freedoms?

- In 2016, the Human Rights Committee (CCPR/C/AZE/CO/4) expressed its concern about patriarchal attitudes and deep-rooted stereotypes regarding the roles, responsibilities and identities of women and men in the society and about the severe restrictions imposed on women and girls with a view to preserving the so-called “family honor”.

What steps has the Government taken to eliminate harmful practices and patriarchal stereotypes regarding the role of women in family and the society?

- In 2015, the Committee on the Elimination of Discrimination against Women (CEDAW/C/AZE/CO/5) was concerned at reports of restrictions on the work of women journalists and human rights defenders, including some cases of arrest and detention.

What measures are being undertaken to prevent restriction on the work of women journalists and human rights defenders and put an end to the practice of intimidation and harassment against them?

- In 2016, the Human Rights Committee (CCPR/C/AZE/CO/4) reiterated its previous recommendation, and urged Azerbaijan to refrain from imposing travel bans arbitrarily against journalists, opposition politicians, human rights defenders and lawyers and guarantee full respect for their freedom to leave the country.

Does the Government intend to stop the widely used practice of restricting freedom to leave and return to the country?

- In 2017 the Parliamentary Assembly of the Council of Europe expressed concern over allegations that the lack of foreseeability and precision of the legislation and practice governing public assemblies in Azerbaijan allegedly led to the banning of public assemblies, and to the arbitrary arrest and detention of protesters. (PACE Resolution 2184 (2017), Functioning of Democratic Institutions in Azerbaijan).

What concrete measures is the government of Azerbaijan taking to ensure that the right to freedom of assembly is fully respected?

- In 2016, the Human Rights Committee (CCPR/C/AZE/CO/4) stated that the State party should adopt without delay the legislation necessary to give effect in practice to the constitutionally recognized right to conscientious objection to military service,

without limitation on the category of conscientiously held beliefs. Moreover, it should provide for alternative service of a civilian nature for conscientious objectors and repeal all sanctions against them.

Why has the government been refusing for many years to implement the recommendations on ensuring right to conscientious objection to military service, including providing an alternative service of a civilian nature for conscientious objectors?

- In 2013, the Committee on Economic, Social and Cultural Rights (E/C.12/AZE/CO/3) noted with concern that due to one-year time limitations, the Human Rights Commissioner (Ombudsman) had to reject more than half of the individual complaints received. The Committee also remains concerned about the capacity of the Ombudsman to deal with complaints related to the private sector.

What does the government do to raise the efficiency of the ombudsman's office and ensure its full compliance with the Paris principles?

- In 2013, the Committee on Economic, Social and Cultural Rights (E/C.12/AZE/CO/3) was concerned that minorities, particularly the Lezghin and the Talysh populations, continue to be the victims of widespread discrimination, in particular in employment, housing, health and education.

What measures does the government of Azerbaijan take to prevent the widespread discrimination against national, ethnic and religious minorities, to ensure the implementation of their rights enabling them to lead a decent life?

- In 2016, the Committee on the Elimination of Racial Discrimination (CERD/C/AZE/CO/7-9) urged the State party to introduce in its administrative, civil and criminal legislation a definition of “racial discrimination” that is consistent with article 1 of the Convention and to ensure that all manifestations of racial discrimination, both direct and indirect, are prohibited and punished.

What measures have been taken in order to incorporate a definition of “racial discrimination” into domestic legislation?