



# International Covenant on Civil and Political Rights

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## Human Rights Committee

### List of issues prior to submission of the fifth periodic report of Azerbaijan\*

#### A. General information on the national human rights situation, including new measures and developments relating to the implementation of the Covenant

1. Please report on any significant developments in the legal and institutional framework within which the human rights enshrined in the Covenant are promoted and protected that have taken place since the adoption of the previous concluding observations,<sup>1</sup> including examples of cases in which the provisions of the Covenant have been referred to by national courts. Please report on any other measures taken to implement the recommendations contained in the Committee's previous concluding observations and information on the mechanisms in place to review the process of implementation of previous recommendations. Please indicate which procedures are in place for the implementation of the Committee's Views under the Optional Protocol and provide information on measures taken to ensure full compliance with each of the Views adopted in respect of the State party.

#### B. Specific information on the implementation of articles 1 to 27 of the Covenant, including with regard to the previous recommendations of the Committee

##### **Fight against impunity and accountability for alleged human rights violations (arts. 2, 6, 7, 9, 10 and 14)**

2. Please provide information on the measures taken to promptly and thoroughly investigate all allegations of human rights violations in the context of military hostilities in the Karabakh region, including allegations that may amount to war crimes, unlawful killings, violations of the rights of detainees, enforced disappearances and attacks on civilian infrastructure, particularly between September and November 2020 and in September 2023. Please also provide information on the measures taken to promptly and thoroughly investigate all allegations of restrictions on freedom of movement and on access to food, medicine and other basic goods and services in the Lachin corridor since December 2022. In this regard, please describe the measures taken to ensure that those alleged to have committed human rights violations, including those who carried them out and those who ordered them, are brought to justice and, if found guilty, appropriately punished. Please indicate the steps taken to guarantee access to remedies for victims of violations of the Covenant in the context of military hostilities, including all persons displaced as a result of the military hostilities of September 2023, and information on efforts made to remove landmines and unexploded ordnance.

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\* Adopted by the Committee at its 140th session (4–28 March 2024).

<sup>1</sup> [CCPR/C/AZE/CO/4](#).



**National human rights institution (art. 2)**

3. Please indicate the measures taken to ensure that the selection and appointment process for the Ombudsman of Azerbaijan is sufficiently transparent and participatory and that the office of the Ombudsman has the necessary resources to exercise its mandate in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). Please describe the measures taken to strengthen the institutional independence of the office of the Ombudsman and to widen its mandate to allow it to address human rights violations, including human rights abuses committed by private entities. Please indicate what measures have been taken to promote and advocate for the implementation of the Ombudsman's recommendations and findings and for the protection of victims of human rights violations.

**Combating corruption (arts. 2, 14 and 25)**

4. Please provide information on the legal, institutional and policy framework in place to address corruption and illicit financial flows and indicate the number of relevant investigations, prosecutions and convictions within the reporting period. Please describe the efforts made to strengthen the capacity of the Anti-Corruption Department within the General Prosecutor's Office and of law enforcement agencies to combat corruption in all sectors, particularly in the judiciary, law enforcement, public services, land administration, tax administration, public procurement and the extractive sector. Please also describe the measures taken to ensure the transparent management of natural resources, including oil and gas.

**Non-discrimination (arts. 2, 3, 7, 9, 10, 19, 20 and 26)**

5. Please indicate the steps taken to adopt comprehensive anti-discrimination legislation that clearly defines and criminalizes direct and indirect discrimination in both public and private settings, covers all the prohibited grounds of discrimination protected under articles 2 and 26 of the Covenant, encompasses, among others, sexual orientation, gender identity, disability and multiple forms of discrimination and provides victims with effective remedies against all forms of discrimination. Please provide data on complaints of discrimination or unequal treatment received, investigations carried out, prosecutions handed down, sanctions imposed and remedies provided to victims.

6. With reference to the previous concluding observations (paras. 8 and 9),<sup>2</sup> please provide information on measures taken to eliminate and provide effective protection from discrimination, negative stereotypes, stigmatization and violence against lesbian, gay, bisexual and transgender persons. Please describe the measures taken to address homophobic and transphobic hate speech and hate crimes, including on social media, during the reporting period. Please provide information about measures to include sexual orientation and gender identity among the prohibited grounds for acts of hate speech in the Criminal Code and to recognize hate motives based on sexual orientation and gender identity as aggravating circumstances for all offences.

7. With reference to the previous concluding observations (paras. 10–13), please provide information on the specific measures taken to guarantee, in law and in practice, equal rights to persons with disabilities and their effective protection against discrimination and exclusion. Please describe the measures taken to ensure that the legislation and practices of the State party on mental health comply with the Committee's general comment No. 35 (2014) on liberty and security of person. Please describe the measures taken to establish clear procedures for challenging the involuntary confinement in psychiatric institutions of persons with intellectual and/or psychosocial disabilities and to ensure that the lawfulness of such deprivation of liberty is subject to regular judicial review.

**Gender equality (arts. 3 and 26)**

8. With reference to the previous concluding observations (paras. 14 and 15), please provide information on the measures taken to eradicate patriarchal attitudes and deep-rooted

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<sup>2</sup> Unless otherwise indicated, paragraph numbers in parentheses refer to [CCPR/C/AZE/CO/4](#).

discriminatory gender stereotypes in the family and in society, including by strengthening awareness-raising and education on gender equality among the general public and the media. Please also indicate the steps taken to introduce mandatory quotas to increase women's representation in national and local legislative, executive and judiciary bodies, particularly in decision-making positions.

**Violence against women (arts. 2, 3, 6, 7 and 26)**

9. With reference to the previous concluding observations (paras. 16 and 17), please provide information on the measures taken to ensure the full criminalization of domestic violence, the explicit prohibition of sexual harassment and the effective implementation of relevant legislation. In this regard, please provide data on complaints, investigations, prosecutions and convictions brought under the law on combating domestic violence and information on the efforts made to establish an implementation mechanism for this law. Please also describe the measures taken to encourage women to report cases of domestic violence, to provide effective remedies and protection to victims, to provide State officials with training on how to detect and deal properly with cases of violence against women, and to prevent courts from resorting to reconciliatory measures in cases of sexual violence.

**Right to life (arts. 2, 3, 6, 7 and 26)**

10. Please describe the measures adopted to eliminate the practice of sex-selective abortion, including the implementation of the 2020–2025 national action plan to prevent gender-biased sex selection, and clarify whether sex-selective abortion has been criminalized. Please provide information on the measures taken to decrease the number of early pregnancies and improve the availability, accessibility and affordability of sexual and reproductive health services, including contraceptives, in particular for adolescents, persons living in remote areas, persons living on low incomes and persons with disabilities.

11. Please provide information on measures taken to eliminate violence against and ill-treatment of conscripts in the military, including *dedovshchina* (hazing or bullying). Please comment on reports that such violence and ill-treatment has resulted in serious injuries and unexplained deaths, including suicides. Please describe the efforts made to investigate effectively, promptly and impartially all cases of non-combat deaths, including suicides, of soldiers in the army and to prosecute and punish the perpetrators of actions leading to these deaths.

**Climate change and environmental degradation (art. 6)**

12. Please provide information on efforts to prevent and mitigate the effects of climate change and environmental degradation, including efforts to promote sustainable energy sources.

**Prohibition of torture and cruel, inhuman or degrading treatment or punishment (arts. 6, 7, 10 and 14)**

13. With reference to the previous concluding observations (paras. 18 and 19), please comment on reports of torture and ill-treatment, including of journalists, human rights defenders and activists, that have reportedly led to death in several cases. Please describe the measures taken to prevent such treatment, including by establishing effective and regular monitoring by independent mechanisms of places of deprivation of liberty and other preventive measures, such as recording interrogations. Please provide updated data on complaints received alleging torture and ill-treatment by law enforcement and other public officials, the number of complaints investigated, the number of prosecutions and any resulting convictions and sentences. Please also indicate the disciplinary measures for failure to investigate such complaints and the effective remedies provided to victims. Please provide information on cases in which judges have deemed confessions inadmissible on the grounds that they were obtained through torture, and data on cases in which judges have sought investigations into allegations made by defendants that they confessed to a crime as a result of torture.

**Liberty and security of person and treatment of persons deprived of their liberty (arts. 6, 7, 9 and 10)**

14. Taking into account general comment No. 35 (2014) on liberty and security of person, please describe the measures taken to ensure in practice that every person deprived of his or her liberty is afforded all fundamental legal safeguards from the outset of the deprivation of liberty, including against ill-treatment and torture, prompt and unimpeded access to an independent lawyer of their choice, an independent medical examination in full confidentiality and notification of their detention to a person of their choice. Please comment on reports that: (a) persons deprived of their liberty are not always brought before a judge within the statutory limit of 48 hours; (b) detainees are often kept in custody without a proper assessment of the need for them to be detained; and (c) lengthy pretrial detention is still used extensively. Please provide data on cases in which public officials have been investigated and disciplined or prosecuted for violating the fundamental legal safeguards of a person deprived of his or her liberty.

15. With reference to the previous concluding observations (paras. 22 and 23), please provide information on steps taken to reduce overcrowding and improve the poor living conditions in prisons, in accordance with the Covenant and the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). Please provide information, including statistical data, on the measures taken to ensure that all instances of death in custody are promptly investigated and that those responsible for deaths resulting from torture, ill-treatment or any other illegal actions are prosecuted and adequately punished.

**Elimination of slavery, servitude and trafficking in persons (arts. 2, 7, 8, 24 and 26)**

16. Please provide information on the number of complaints, investigations, prosecutions, convictions and sentences imposed in cases of trafficking in persons, sexual exploitation and forced labour. Please also provide information on the efforts made to ensure the early identification and systematic referral of victims and potential victims of trafficking, in particular women, children and migrants, to the relevant authorities and services. Please indicate the measures taken to provide victims with effective protection and assistance, including sufficient shelters, compensation and measures for resocialization. Please report on the implementation of the national action plan on combating trafficking in persons (2020–2024) and on any relevant training provided to State officials.

**Refugees, asylum-seekers, internally displaced persons and stateless persons (arts. 2, 6, 7, 12, 13 and 26)**

17. Please indicate the measures taken to improve the living conditions of internally displaced persons, including by ensuring the full enjoyment of their rights under the Covenant. Please specify the legal and procedural safeguards in place to ensure that no individual is extradited, expelled, deported or forcibly returned to a country where he or she may be at risk of irreparable harm. Please indicate the efforts made to: (a) establish a form of complementary protection to ensure the protection of individuals who may not fall under the scope of the definition contained in the Convention relating to the Status of Refugees, but who are fleeing situations of armed conflict, generalized violence or severe disturbances of public order and whose expulsion could result in a violation of their right to life, freedom from torture or security of person; (b) strengthen the process for the identification of stateless persons; and (c) establish a simplified or accelerated naturalization process for stateless persons.

**Access to justice, independence of the judiciary and right to a fair trial (arts. 2, 7, 9 and 14)**

18. With reference to the previous concluding observations (paras. 26 and 27), please describe the measures adopted to ensure the full independence of the judiciary, including from the executive branch, and its impartiality. In this regard, please indicate the measures taken to ensure that: (a) the members of the Judicial-Legal Council are appointed based on their merits and capacities, without undue influence from the executive; (b) decisions relating to the selection, disciplining, evaluation and permanent appointment of judges after probation are based on clear and objective criteria explicitly provided for by law; and (c) corruption

within the judiciary is eradicated. Please indicate the measures taken to fully implement article 51 of the Code of Criminal Procedure regarding the requirement to ensure continuous audio recording of court hearings, in the light of reports that judges often fail to record trials and sometimes reject lawyers' and parties' requests for audio recording, claiming a lack of technical capacity.

19. With reference to the previous concluding observations (paras. 24, 25, 28 and 29), please describe the measures adopted to guarantee, in law and in practice, the full independence and safety of lawyers. Please include information on measures to protect them from intimidation, hindrance, harassment, reprisals, persecution, physical attacks or any other undue interference in their work, including their suspension, disbarment, non-admission to the Bar Association, other disciplinary action or criminal prosecution on arbitrary grounds, particularly when raising concerns about violations of their clients' human rights or when speaking publicly about politically sensitive cases. Please provide information on the measures taken to ensure the independence of the Bar Association of Azerbaijan from the executive branch. Please provide details of the steps taken to address the shortage of lawyers working on human rights-related cases in the State party owing, inter alia, to the 2017 amendments to the Civil and Administrative Codes and the law on lawyers and the legal profession that prohibit lawyers who are not members of the Bar Association from representing clients in court.

#### **Right to privacy (art. 17)**

20. Please describe the measures taken to effectively protect privacy, including personal data. In this regard, please provide information on: (a) the legal framework, safeguards and mechanisms in place to protect privacy, including whether there is dedicated data protection legislation and a dedicated data protection agency; (b) the compatibility with the Covenant of the reportedly large-scale surveillance of mobile phone communications and the use of facial recognition devices; (c) the legal provisions to ensure appropriate use and disposal of data collected by surveillance activities undertaken during criminal or disciplinary investigations; and (d) the number of complaints received about violations of the right to privacy, the investigations and prosecutions carried out, the sentences imposed and the remedies offered to victims, including in litigation cases relating to Pegasus spyware.

#### **Freedom of religion and belief (arts. 18, 19, 21, 22 and 26)**

21. With reference to the previous concluding observations (paras. 32–35), please indicate the measures taken to bring domestic legislation, including the law on freedom of religious belief, into conformity with article 18 of the Covenant and to address undue restrictions on the exercise of freedom of religious belief. Please include information on the mandatory registration of religious organizations, the requirement to limit the activity of religious associations to their registered legal address and the limitations on importing religious literature. In this regard, please comment on reports about restrictions and harassment, including house searches conducted without warrants, faced by members of the Muslim Unity Movement, religious minorities in the Nakhichevan Autonomous Republic, and Jehovah's Witnesses. Please describe the steps taken to provide, in law and in practice, for non-discriminatory alternative service of a civilian nature for conscientious objectors to military service and to repeal all sanctions against them.

#### **Freedom of expression and protection of journalists and human rights defenders (arts. 6, 7, 9, 12, 14 and 19)**

22. With reference to the previous concluding observations (paras. 36 and 37), please comment on reports of restrictions on freedom of expression, including: (a) threats, intimidation, harassment, travel bans, deprivation or termination of citizenship, arbitrary arrest and conviction on politically motivated administrative or criminal charges of human rights defenders, political opponents, independent journalists and bloggers; (b) arbitrary interference with media freedom, including revocation of broadcast licences and financial pressure on independent newspapers; (c) restrictions on online expression and access to online information, including through amendments to the law on the dissemination and protection of information, the arbitrary blocking of websites, network shutdowns and reduced

access to social media; and (d) the intensification of the crackdown on journalists and civil society since November 2023. Please provide information on the measures taken to decriminalize defamation and to ensure that the media law enacted in February 2022 complies with the right to freedom of expression enshrined in the Covenant.

**Right of peaceful assembly and excessive use of force (arts. 6, 7, 9, 19 and 21)**

23. With reference to the previous concluding observations (paras. 38 and 39) and bearing in mind the Committee's general comment No. 37 (2020) on the right of peaceful assembly, please describe the efforts made to bring national legislation and practice into full compliance with the Covenant, including the elimination of the de facto requirement for authorization to exercise freedom of assembly and of the undue imposition of penalties on persons participating in planned or spontaneous peaceful protests. Please respond to reports of serious restrictions on freedom of assembly, including allegations of the frequent use of excessive force and arbitrary detention and the provision of unsuitable venues for gatherings. Please indicate the number of complaints received regarding violations of freedom of assembly, the use of excessive force or other violent acts, the investigations and prosecutions carried out, the sentences handed down and the compensation provided to the victims.

**Freedom of association (art. 22)**

24. Please indicate the steps taken to revise relevant laws, regulations and procedures to simplify and speed up registration and clarify the grounds for denying the registration of public associations and non-governmental organizations and for temporarily suspending or permanently closing them down. Please describe the steps taken to ensure that public associations and non-governmental organizations can operate freely and without fear of retribution for their legitimate activities. Please provide information on the measures taken to ensure that the legal provisions regulating public associations and non-governmental organizations allow access to foreign funding and do not put at risk their effective operation as a result of excessive limitations on fundraising options.

**Participation in public affairs (arts. 19, 21, 22, 25 and 26)**

25. Please provide information on the measures taken to ensure that elections are free and fair and that the right to participate in public affairs is effectively implemented, including in legislation. Please comment on reports of irregularities during the 2018 presidential election and the 2020 legislative elections, including undue pressure on voters and severe restrictions placed on candidates prior to the elections, such as an excessively short period of time granted for campaigning, unequal access to the media, including lack of access to coverage on television, restrictions on organizing and holding rallies, intimidation of opposition candidates and violations in the process of registration of opposition candidates. Please indicate the measures taken to thoroughly, impartially and independently investigate all allegations of violations of voting procedures on election day, including cases of ballot-box stuffing and multiple voting, and to prosecute alleged perpetrators of such violations and punish those convicted.

**Rights of minorities (arts. 1, 26 and 27)**

26. Please indicate the measures taken to ensure that members of minorities living in the State party, including Armenians, Lezgins, Roma and Dom communities, Russians and Talysh, enjoy all the rights enshrined in the Covenant, including measures taken to curb harassment and hate speech by individuals, media outlets and political figures against any ethnic minority. Please also include information on measures taken to uphold the right of minorities to promote their culture, practise their religion and speak their own language. With reference to the Committee's previous concluding observations (paras. 44 and 45), please also explain the measures adopted to ensure that foreigners with Armenian surnames are not denied access to the country on arbitrary or discriminatory bases. Please describe the steps taken to establish effective means of consultation and dialogue with ethnic minorities to ensure that their views and concerns are taken into consideration in debates or issues affecting them.