



**Convention against Torture  
and Other Cruel, Inhuman  
or Degrading Treatment  
or Punishment**

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**Committee against Torture**  
**Seventy-ninth session**

**Summary record of the 2087th meeting**

Held at the Palais Wilson, Geneva, on Wednesday, 24 April 2024, at 3 p.m.

*Chair:* Mr. Heller

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*The meeting was called to order at 3 p.m.*

**Consideration of reports submitted by States parties under article 19 of the Convention** *(continued)*

*Fifth periodic report of Azerbaijan (continued)* (CAT/C/AZE/5; CAT/C/AZE/QPR/5)

1. *At the invitation of the Chair, the delegation of Azerbaijan joined the meeting.*
2. **A representative of Azerbaijan** said that implementation of the Committee's recommendations was continuously monitored on the basis of a dedicated action plan. Persons held in police detention had a legal right to notify their families promptly after their arrest. To that end, telephones were placed visibly in police stations, with the telephone numbers of the Office of the Commissioner for Human Rights (Ombudsman) and the Azerbaijan Committee against Torture and a trilingual copy of the Act on the Rights and Freedoms of Persons Held in Places of Detention displayed. Arrested persons were also provided with booklets explaining their rights, which could be clarified orally if necessary.
3. An electronic record was established for all arrested persons, including information about the notification of relatives and meetings with lawyers. All temporary detention facilities had video surveillance systems, used to monitor the transfer of inmates and their interactions with staff. Pursuant to a recent ministerial decision, police detention facilities now had separate rooms to ensure the confidentiality of inmates' meetings with their lawyers, which were not subject to any time limits. The rules on upholding that right were strictly enforced.
4. Promptly after their arrival at a police station, arrested persons were given a medical examination by a doctor from a local health-care institution, with any injuries and their causes duly documented. Any subsequent illness or injury resulted in a new examination, with the results sent to their lawyers, and the provision of appropriate medical care. Legislation to strengthen the right of inmates to choose their medical provider was currently under consideration.
5. A robust system had been put in place for responding to inmates' complaints, especially those concerning torture. The internal investigations department of the Ministry of Internal Affairs followed up on all such reports and, if they were confirmed, took disciplinary action in accordance with the law. Complaints concerning torture or ill-treatment were also referred to the procurator's office. Observers from State and non-governmental organizations (NGOs) had unhindered access to monitor temporary detention facilities.
6. Legislation on juvenile justice provided that children's particular needs must be taken into account, including by ensuring that they were questioned in the presence of an education worker, doctor or lawyer, as necessary. Children suspected or accused of offences could not waive their right to be represented by a lawyer. Children could only be held in pretrial detention following a thorough investigation and if they had committed serious or violent offences. They could only be detained with adults if that was in their own best interests.
7. From 2020 to 2023, some 52,000 police officers had attended seminars and online events on human rights, which were also extensively covered in standard training curricula. A special commission verified officers' knowledge on a regular basis. The Police Academy taught interviewing techniques, taking into account new European Union guidance in that regard. Work with inmates was emphasized in the training of rank-and-file and junior commanding officers, who generally staffed temporary detention facilities.
8. Seven suicides had occurred in temporary detention facilities between 2020 and 2023. As a result of internal investigations into each case, disciplinary action for negligence had been taken against 27 police officers, of whom 7 had been dismissed.
9. Since the adoption of the National Action Plan on Combating Trafficking in Persons for 2020–2024, 627 trafficking-related offences and 14 cases of forced labour, involving 324 victims, had been identified. As a result, 69 persons had been prosecuted, of whom 50 had received a custodial sentence. Since 2009, when mechanisms for identifying trafficking victims had been instituted, 287 victims had been placed in the shelter operated by the Central Department for Combating Trafficking in Persons, where they received medical and

psychological assistance. A number of them had been helped to find work, undertake vocational training or obtain identity documents. As appropriate, the victims' children had been provided with learning materials, issued birth certificates and assisted with paternity determination to facilitate child support payments.

10. **A representative of Azerbaijan** said that all international agreements to which Azerbaijan was a party had direct legal force, including the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights). In line with the case law of the European Court of Human Rights, widely applied in the national courts, diplomatic assurances were not the determining factor in expulsion decisions but were considered along with other circumstances, such as the safety of the foreign national. On the basis of the same case law, all requests by detainees to be examined by an independent doctor of their choice were granted by law enforcement agencies.

11. A Supreme Court decision of 2021 concerning criminal judgments addressed many aspects of criminal proceedings, including the burden of proof in respect of allegations that evidence had been obtained through torture and the procedure for addressing claims of ill-treatment at the pretrial stage. The national courts took the same approach as the European Court of Human Rights, which had recently reaffirmed in the case of *Ismayilov v. Azerbaijan* that authorities were only obliged to investigate arguable claims of ill-treatment. All such claims were investigated, either by the trial court itself or the procurator's office. The Supreme Court decision stated that judgments could be based only on evidence examined during a trial. Accordingly, discrepancies in statements made before and during a trial, including confessions, must be examined in court along with other evidence.

12. In addition to criminal prosecution of the perpetrators, victims of ill-treatment and unlawful arrest and acquitted persons who had been held in pretrial detention were entitled to compensation through civil proceedings. Compensation for pecuniary and non-pecuniary damages had been awarded in a number of cases.

13. The arrests of the civil society representatives and journalists mentioned by the Committee had been connected not to their professional activities but to financial offences. The Absaz Media and Toplum TV journalists had been charged with smuggling large sums of money. Gubad Ibadoghlu had been charged after a search of his home had revealed US\$ 20,000 in counterfeit notes. A number of Azerbaijani applicants in cases before the European Court of Human Rights, including some of the persons mentioned by the Committee, had sought interim measures under rule 39 of the Rules of the Court, on account of ill health. Accordingly, the national authorities had ordered medical examinations, based on which the Court had rejected the requests for interim measures. However, two days previously, Mr. Ibadoghlu's pretrial detention had been replaced with house arrest.

14. **A representative of Azerbaijan** said that the Act on Guarantees of Gender Equality ensured the mainstreaming of the gender perspective in all areas of public life. The State Committee on the Family, Women and Children reported annually to the parliament on the implementation of the Act, on the basis of a gender analysis covering State institutions and the private sector. All local governments had gender commissions that conducted monitoring to identify incidents of violence and other degrading treatment.

15. A law on domestic violence was in force and a national action plan had been adopted. To implement the plan, monitoring groups on domestic and gender-based violence and violence against children had been established in all regions, with representatives from the police, procuratorial, education, health and social services. For the past year, when domestic and gender-based violence incidents occurred, in addition to assisting victims and punishing those responsible, the authorities had also conducted preventive work with perpetrators and offered rehabilitation services to children affected by the violence.

16. As part of a special project, almost 700 law enforcement officers had been trained on the prevention of domestic and gender-based violence in 2021. In addition, over 300 police officers had completed a 20-hour course on risk assessment. A domestic violence hotline in operation since 2020 had received 1,115 calls, mostly from women. Further helplines specifically for women and children were available. Concerning reports of conflict-related sexual violence, a recent study on sexual violence conducted by the State Committee on the

Family, Women and Children had failed to uncover any such incidents. However, major awareness-raising efforts were under way.

17. Women's resource centres established in the regions helped prevent domestic and gender-based violence by helping women overcome socioeconomic problems through the acquisition of business skills. The centres' training courses and events had been attended by 8,200 women, and 824 women had been helped to start a business.

18. A new bill on children's rights, including provisions on corporal punishment, was currently being coordinated by relevant agencies. Parents, education workers and others responsible for children could be sanctioned for using corporal punishment under the Code of Administrative Offences. The existing Rights of the Child Act protected children's right to security of person. Any witness to the ill-treatment of children could report it to the authorities. Such ill-treatment would result in the removal of parental authority and administrative or criminal sanctions.

19. The Ministry of Justice and the Prison Service worked with children held in young offenders' institutions, organizing open days, meetings with parents, events to promote healthy lifestyles and lectures on children's rights. The State Committee on the Family, Women and Children followed up on the family- and childcare-related issues faced by the approximately 500 women who were currently incarcerated. Some of their children were looked after by relatives, others were placed in children's homes and others stayed with their mothers in the places where they were detained.

20. **A representative of Azerbaijan** said that the renovation of Social Services Psychoneurological Institution No. 1, which was one of the country's largest and oldest institutions, should be completed in 2024. Patients who posed a danger to themselves or others could be isolated for brief periods. No mechanical restraints were used in such cases as medicines were widely available. The shortage of psychiatrists was a worldwide trend, probably linked to occupational burnout. Work was under way to raise the status of psychiatry to attract more students to the profession. Additional salary allowances in certain regions could be considered. His Government was participating in the Mental Health Gap Action Programme of the World Health Organization (WHO), with a focus on primary care.

21. Azerbaijan had a specialized centre for children with psychoneurological disorders. The Ministry of Health cooperated with local NGOs and acted on calls to the children's helpline to take prompt action to ensure access to medical and psychological services for children with disabilities, including autism. Under a joint project with the University of Chicago, the Mental Health Centre had provided psychosocial rehabilitation assistance to over 400 children returning from residential institutions to their families. The Centre for Public Health and Reform regularly conducted social media campaigns to overcome stigma and discrimination against children with mental illnesses among health-care workers and the general population. Psychiatric clinic staff received training on patient relations every three months. Health-care workers were bound by a code of ethics set out in a ministerial decree of 2011. Any complaints of ill-treatment in psychiatric institutions, including of children, were promptly investigated by the relevant department of the Ministry of Health. In the past year, on the basis of such complaints, a number of persons had been dismissed for mistreating patients.

22. A number of measures had been taken to implement the State programme to combat drug trafficking and drug addiction. For example, it was planned to replicate the outpatient rehabilitation unit established in the National Drug Treatment Centre in other addiction clinics. In cooperation with civil society, the substitution therapy programme for injecting drug users was being expanded from its current bases in Baku and Sumqayit.

23. A law, as well as a number of instruments of the Ministry of Health, had been adopted concerning tuberculosis and, while more remained to be done, the prevalence of the disease in the country was stable thanks to measures taken in accordance with the WHO End TB Strategy. Specialized hospitals for the diagnosis and treatment of drug-resistant tuberculosis had been set up, along with a fully equipped laboratory network in five regions and a national reference laboratory. All patients had access to prompt treatment, through an array of medication, free of charge, and regular monitoring was conducted at outpatient centres. Stipends were also available for patients to cover temporary unemployment.

24. Concerning HIV/AIDS, Azerbaijan complied with the “treat-all” recommendation of WHO. It had been successful in preventing mother-to-child transmission of HIV, of which there had been no recorded cases in 2023. Persons who might have been exposed to HIV during an assault had access to post-exposure prophylaxis. In 2023, WHO had declared Azerbaijan free from malaria.

25. **A representative of Azerbaijan** said that the Office of the Procurator General and the Ministry of Internal Affairs had adopted a joint decree in October 2023 aimed at safeguarding the rights of suspects and accused persons and preventing and combating torture and ill-treatment. Under the decree, detainees could be removed from temporary detention facilities and remand centres only in exceptional circumstances, to allow certain investigative measures to be carried out. Interrogations were conducted in purpose-built rooms by no more than two officers, were video recorded in their entirety in many cases and could not last more than two hours without a break. Information concerning possible torture or ill-treatment or other breaches was immediately transmitted to the procurator’s office, irrespective of whether victims themselves submitted complaints. All such claims were investigated. A dedicated disciplinary commission had been established under the Office of the Procurator General to handle cases involving violations by prosecution officials. Disciplinary sanctions were imposed in keeping with the principles of fairness, impartiality and objectivity.

26. **A representative of Azerbaijan** said that, between 2020 and 2024, disciplinary proceedings had been brought against 102 prosecution officials for violations of the rights of suspects or for failure to properly perform their duties or to do so in a timely fashion; 6 had been dismissed, 66 had received a reprimand, 18 had received a warning and 12 had been removed from their positions. Internal investigations had been ordered into 70 members of other law enforcement agencies. A number of cases mentioned in the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) adopted in July 2023 had been reviewed, leading to criminal proceedings in two cases and further investigation in one case.

27. The science and education centre of the Office of the Procurator General had conducted several training events for prosecutors and law enforcement personnel. The training was primarily focused on topics including modern international practices regarding deprivation of liberty during criminal proceedings, torture and other cruel inhuman or degrading treatment or punishment, adherence to the law and respect for human rights in the context of searches, the protection of children’s rights during criminal proceedings, women’s access to justice, gross violations of the right to a defence during preliminary investigations and the principles of effective interviewing. More than 1,300 law enforcement officials and 220 newly recruited prosecution staff had participated in the training.

28. **A representative of Azerbaijan** said that there was political will to reform the prison system, as illustrated by the fact that Azerbaijan had been among the first countries in the post-Soviet era to transfer jurisdiction over prisons from the Ministry of Internal Affairs to the Ministry of Justice. Furthermore, part of the reform entailed building new prisons that met European standards, including outside the capital so that prisoners could maintain contact with their families and thus have a better chance of reintegrating once released. Prison No. 4 for women, conditions at which had been highlighted as particularly poor, had been shut down. A new prison had been built in Umbaki in 2023 to replace Gobustan prison. Members of CPT had been invited to tour the site while it was still under construction in order to make additional recommendations, which had then been followed. The President’s visit to the new mixed-regime prison in Lankaran had been broadcast on television and other media to show the public the conditions of detention. Another mixed-regime prison was nearly halfway complete and would absorb the pretrial detention facility in Ganja mentioned earlier in the dialogue. In addition to the construction of new facilities, funds were also being allocated for the refurbishment of old ones, including the pretrial detention centre in Baku that had also been mentioned. All facilities provided floor space of at least 4 m<sup>2</sup> per person.

29. The budget for prisons and the amount allocated per prisoner had both increased by a factor of 1.6 since 2020. The number of prison staff had increased by 12 per cent since 2020, with women representing 4 per cent of prison staff. There were now eight women prison guards at Nakhchivan prison, although it should be borne in mind that the facility currently held only six women prisoners. The quality of health care in prisons and pretrial detention

centres was gradually being improved, and inmates could be sent to an outside hospital for treatment unavailable at their facility.

30. Efforts to combat tuberculosis in prisons, where the risk of contracting the disease was 100 times higher than among the general population, had been ongoing since 1995. Prisons were equipped with screening equipment that produced results within 100 minutes; all new inmates were tested on arrival. Since 2009, in cooperation with NGOs, prisoners could complete their course of treatment even after their release. The treatment success rate was 96 per cent for ordinary tuberculosis and 88 per cent for drug-resistant forms of the disease, both of which exceeded the minimum targets set by WHO. The number of deaths from tuberculosis in prison had plummeted by a factor of 169 between 1995 and 2023, when there had been only eight deaths, all of which had occurred in prisoners with comorbidities. The WHO Collaborating Centre on Prevention and Control of Tuberculosis in Prisons had been established in Azerbaijan in 2012, and some 2,600 participants from Africa, Asia, Europe and South America had taken part in the training provided there.

31. As in many countries, the shortage of psychiatrists in Azerbaijan affected the community as a whole, not only the prison system. Steps were being taken to address the problem, for instance by having visiting psychiatry professors from Türkiye lead training of trainers sessions.

32. In addition to permitting the use of information and communications technologies for court proceedings, the law had also been amended to authorize prisoners to have 15-minute video calls with their families. As a reward for good behaviour, prisoners could be eligible for seven-day breaks in sentence.

33. With regard to alternatives to detention, 20,000 electronic monitoring bracelets had been used since the introduction of the penalty of restriction of liberty. Since its establishment in 2018, the Probation Service had entered into partnerships with other countries to develop best practices and further expand the Service, which had more than 24,000 persons under its supervision. Pursuant to efforts to humanize the law, approximately 35 offences had been decriminalized while the penalty for many others had been reduced, leading to the release of some 6,000 prisoners, including 1,216 in 2020. Release on parole was also being widely used; some 11,000 prisoners had benefited since 2020. The parole board was composed of representatives of the Ministry of Justice and NGOs. Furthermore, more than 4,000 prisoners had been granted an amnesty or pardon. A new pardon decree was expected on the country's independence day in May. Azerbaijan had become a member of the European Forum for Restorative Justice.

34. On the recommendation of CPT, the practice of solitary confinement for juveniles had been discontinued and would soon be formally abolished by law. A number of vocational training projects had been rolled out with support from the United Nations Children's Fund and NGOs. Inmates of the new young offenders' facility, of whom there were currently 26, were taken to watch football matches, and the authorities had arranged for the feeder team of a top-ranking football club to play a game with them. The facility was open, so the inmates could receive visits from relatives and peers. As for women prisoners, agreements had been reached with several businesses, notably cleaning companies and restaurants, to provide training with a view to possible employment post-release. There was even a women prisoners' band, whose music had been broadcast on television.

35. Training in the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) was mandatory for medical service personnel and trainee judges. Approximately 120 medical staff and 850 lawyers, judges and trainee judges had taken part in the 10 training courses held since 2020.

36. The concern that article 40 of the Criminal Code appeared to allow liability for acts of torture to be circumvented if the order to commit the acts was not obviously illegal was a problem of translation. The original language version left no such ambiguity. Article 293 (1) of the Criminal Code dealt with the penalty for ill-treatment not reaching the threshold of torture, hence the lower penalty, which was nonetheless comparable to the penalty incurred for manslaughter by criminal negligence, for instance. Under article 293 (2), however, acts of torture were punishable by up to 8 years' imprisonment. Any offence punishable by a

custodial sentence of 7 or more years was considered to be serious and should not be tried before an ordinary criminal court. Under article 75 (3) of the Criminal Code, the statute of limitations of 12 years applicable to offences of torture was paused in cases where the alleged offender was in hiding or a fugitive until that person was found.

37. The authorities sought diplomatic assurances in extradition and expulsion cases, and sometimes requested the consular services to monitor the situation of the individual concerned following his or her departure from Azerbaijan. Since 2020, three requests for extradition had been rejected, two involving Iran, owing to the human rights situation in that country, and one relating to the extradition to Oman of a Pakistani national. In one case, diplomatic assurances had been sought in respect of a national of Uzbekistan extradited to Thailand in connection with a case of trafficking in persons. In another case, the authorities had sought guarantees that the death penalty would not be applied in respect of a murder suspect extradited to India.

38. Fact-finding missions had been dispatched from Germany and the United Kingdom to inspect pretrial detention facilities and prisons before the extradition of suspects to Azerbaijan had been agreed.

39. **Mr. Buchwald** (Country Rapporteur) said that he would still be interested to know whether, in the interests of transparency, the State party planned to make public the reports of CPT on its visits to Azerbaijan. Similarly, he wished to encourage the State party to step up its involvement with the International Criminal Court by, for example, becoming a party to the Rome Statute of the Court, accepting the Court's jurisdiction or promoting its work in some way.

40. He would welcome clarification of the meaning of the phrase "rude treatment", which the head of delegation had used in his opening statement (see [CAT/C/SR.2084](#)), including whether it encompassed torture.

41. In connection with the case of *A and B v. Azerbaijan* (communication No. 905/2018) before the Committee, he would be grateful for information on the steps that had been taken to prevent renditions and on how the authorities dealt with requests from the Committee for interim measures.

42. He would appreciate further clarification as to why 23 persons of Armenian origin, who were considered by some parties to be prisoners of war, remained in detention in Azerbaijan, and whether there had previously been other individuals who had been in a similar situation and who had been returned to Armenia. He also wished to know whether Armenian prisoners of war had the right to pursue claims of abuse in the courts of the State party and, if so, whether they were required to hire an Azerbaijani lawyer.

43. It would be useful to hear about the prospects for enhancing data compilation and analysis by the State party. Annual statistics on the number of NGO registration applications that had been approved or denied would be helpful. Lastly, he would welcome an account of the steps being taken to combat abuse and online hate speech targeted at lesbian, gay, bisexual, transgender and intersex persons.

44. **Ms. Racu** (Country Rapporteur) said that she would welcome details of any complaints mechanisms that were in place for juveniles in detention, as well as of any monitoring visits conducted to juvenile detention centres by relevant bodies and the specific findings or recommendations issued by them.

45. She wished to receive more information about deaths in custody, including through suicide or natural causes, and about the measures taken to prevent such deaths, including those that resulted from violence among detainees. The Committee would welcome statistics on the use of physical force against prisoners by prison staff and on the number of cases in which guards had been disciplined for excessive use of force, as well as details of any internal guidelines regulating the use of physical force in correctional facilities.

46. She would like to hear more about access to medical care and hygiene products and the provision of employment and education programmes in the newly built women's prison. She would also like to know more about the regime and conditions of detention for imprisoned women with young children.

47. The delegation might provide an explanation of the procedures or protocols followed by medical professionals who identified and documented injuries resulting from violence, ill-treatment or torture, and an update on the provision of medical equipment and medicines to pretrial detention facilities. More details would be welcome on the application in practice of the measures for tackling tuberculosis and on the procedures that were in place to deal with individuals who refused treatment for tuberculosis or HIV.

48. She would be grateful for an account of the steps that had been taken by the Government to improve conditions of detention and reduce overcrowding in pretrial detention facilities and to improve conditions for vulnerable categories of prisoner, including those sentenced to life imprisonment, those with physical or mental impairments and older persons. She also wished to know about disciplinary sanctions applied to prisoners, including the use of solitary confinement. It was unclear whether the use of mechanical restraints was illegal in the State party and, if so, which legislation set out that prohibition.

49. It would be helpful to learn about the legal provisions and mechanisms relating to involuntary placement in psychiatric institutions and the frequency with which such placements were reviewed.

50. She would welcome an update on the total number of complaints of torture and ill-treatment received by the Ombudsman and the Office of the Procurator General and the number of related investigations, prosecutions and convictions. The delegation might clarify the specific provision of the Criminal Code under which such cases were prosecuted. She wished to know whether investigations into cases of domestic or gender-based violence were conducted in the absence of a complaint from the victim.

51. She was keen to understand how the State party implemented its obligations under article 14 of the Convention and would therefore appreciate details of the number of victims of torture or ill-treatment who had received compensation during the reporting period and of the amount of such compensation. She also wished to know whether victims had access to remedies, including means of redress and rehabilitation or public apologies.

52. **Mr. Iscan** asked whether the amendments made in 2022 to the Penalties Enforcement Code to allow prisoners to make video in addition to telephone calls had taken effect and, if so, what the practical effect had been.

53. **A representative of Azerbaijan** said that the Government would consider the Committee's request for the visit reports of CPT to be published. It was also considering carefully its position with regard to the International Criminal Court. Azerbaijan had a long history of advocating for accountability for the perpetrators of international crimes.

54. The delegation considered that matters concerning the registration of NGOs and legislation regulating the media did not fall within the scope of the Convention; information on those matters had, however, been provided to other human rights treaty bodies with a mandate to review them. With regard to lesbian, gay, bisexual and transgender persons, all citizens were equal before the law.

55. **A representative of Azerbaijan** said that the group of 23 persons of Armenian origin referred to by Mr. Buchwald had been captured 150 kilometres inside Azerbaijani territory one month after the 2020 trilateral ceasefire agreement had been concluded and therefore could not in any way be considered prisoners of war. They had been treated as civilian prisoners and provided with legal assistance and interpretation services. No complaints of torture or ill-treatment had been received from Armenian nationals. Although charges of terrorism had been brought against members of the group, the Azerbaijani courts were competent to interpret those charges in the manner they deemed most appropriate.

56. A case had been brought before the European Court of Human Rights concerning violations of the rights of 25 representatives of the lesbian, gay, bisexual, transgender and intersex community. The Government had made a unilateral declaration acknowledging the violations. The Court had accepted the declaration and found the case inadmissible.

57. **A representative of Azerbaijan** said that a designated group of prominent activists from NGOs was permitted to visit any detention facility, including juvenile detention centres,



at any time without providing prior notification to the Ministry of Justice. The group submitted its visit reports directly to the Minister for follow-up action.

58. Prison officers underwent mandatory training in the application of the Istanbul Protocol. When a person was admitted to a pretrial detention facility, he or she was examined by a medical professional and any traces of suspected torture were reported to the procurator's office. The guidelines on the use of force had been updated following the visit of CPT in 2022. Further improvements would be introduced at a later date.

59. The newly built women's prison accommodated prisoners in different blocks according to the regime to which they had been sentenced. Women could not be sentenced to life imprisonment in Azerbaijan. There were only three female detainees in the country who were accompanied by children under the age of 3 years; they were held in a separate area, with access to play equipment and additional visits.

60. In line with the recommendations made by CPT, the Cabinet of Ministers had issued a decision to ensure the provision of hygiene packs and other essential items to women in pretrial detention. The amount of money allocated for that purpose had recently been substantially increased. When inmates were diagnosed with tuberculosis or HIV, the medical department of the Ministry of Justice submitted a list of those inmates to the Prison Service, which transferred them to suitable health-care facilities. In urgent cases, inmates could be transferred on the basis of an oral request. To date, no persons diagnosed with those illnesses had refused to undergo medical treatment.

61. Overcrowding in pretrial detention facilities had been eased by the construction of the two new prisons in Umbaki and Lankaran, each of which had a separate wing with capacity for 700 pretrial inmates. Gobustan prison had been closed and the inmates serving life sentences had been moved to the new prison in Umbaki. Inmates subject to a solitary confinement measure could submit an appeal against the measure to the director of the prison concerned, the Prison Service or a court. Videoconference technology was used to expedite court proceedings and to allow inmates to communicate with relatives who were unable to visit them in person.

62. **A representative of Azerbaijan** said that the term "rude treatment" referred to treatment that was less serious than ill-treatment. It could include situations where a police officer shouted improper remarks at an individual or refused to assist him or her. It referred to conduct that breached the code of ethics of the police force.

63. **A representative of Azerbaijan** said that he wished to know what the Committee meant by the term "mechanical restraints".

64. **Ms. Racu** said that she had been referring to the use of belts to restrain patients on beds or tables when they were conducting themselves in certain ways.

65. **A representative of Azerbaijan** said that straitjackets were not used in Azerbaijan. However, belts were used, for periods of up to one hour, to restrain patients who were behaving aggressively. They were not used to restrain compliant patients. All uses of such restraints were recorded in a log.

66. **A representative of Azerbaijan** said that the treatment of asylum-seekers was governed by the Convention relating to the Status of Refugees, the Protocol relating to the Status of Refugees and the national Act on the Status of Refugees and Internally Displaced Persons. The Government had established an effective system for processing applications for asylum and upheld the rights of all stateless persons and foreign nationals. Applications for asylum were considered under the procedure provided for in the relevant decree and applicants were not subject to any discrimination. Neither the Convention nor the Protocol thereto provided for forms of international protection for asylum-seekers other than the granting of refugee status. Therefore, national law did not provide for any such protection either.

67. Since 1 July 2020, applications for asylum had been processed by the State Migration Service. In no cases had mandate refugees or persons granted other forms of international protection by the Office of the United Nations High Commissioner for Refugees (UNHCR) mission in Azerbaijan prior to that date been forcibly returned to countries where their lives

or liberty might be at risk. In accordance with the Act on the Status of Refugees and Internally Displaced Persons, persons whose applications for refugee status had been refused had the right to appeal to the courts. They also had the right to leave Azerbaijan voluntarily if they were unable to obtain a residency permit. In the past four years, no decisions on the return, deportation or extradition of asylum-seekers or persons granted refugee status had been issued.

68. Concerning the case of *A and B v. Azerbaijan*, the Turkish citizen Mehmet Gelen had submitted an application for refugee status to the State Migration Service on 25 July 2017. During an interview, he had stated that he was not a member of any group in Türkiye and was not in possession of any information that would be of interest to the Turkish authorities. After considering his application, the Migration Service had determined that the claim on which the application was based was not well founded because Mr. Gelen would not face a risk of being persecuted if returned to Türkiye and, in October 2017, it had issued a decision rejecting his application. Mr. Gelen had appealed against the decision, but his appeal had been rejected.

69. **A representative of Azerbaijan** said that the Assistance Centre for Victims of Trafficking in Persons carried out rehabilitation measures to help victims of trafficking reintegrate into society. The Centre also provided victims and potential victims of trafficking with social services, legal assistance and counselling with a view to restoring their rights. The Centre provided victims with medical care for any illnesses or injuries they had suffered. It also provided them with vocational training and helped them to find employment or continue their education. The Centre acted as a temporary shelter for victims of trafficking and persons believed to be victims of that offence. In 2020, it had provided assistance to 291 victims. Victims were referred to the Centre by the Central Department for Combating Trafficking in Persons of the Ministry of Internal Affairs, NGOs and individuals.

70. The Department for the Social Rehabilitation of Victims of Domestic Violence took steps to prevent such violence, provide support to victims and find a long-term solution to the problem. Since 1 August 2021, social services had been provided to 164 victims of violence and 1,052 persons belonging to vulnerable groups.

71. The call centre of the Social Services Agency had begun operating on 1 February 2022. Its purpose was to provide information on the Agency's services and offer guidance to individuals and families facing difficult situations. It provided counselling services, received requests, complaints and proposals and forwarded them to the relevant agencies. The centre also ran a hotline for victims of domestic violence that had received over 3,000 calls between 2022 and June 2023.

72. In June 2023, the call centre had been merged with that of the Ministry of Labour and Social Protection, following which it had become the only call centre in the country providing round-the-clock assistance to victims of domestic violence. Calls to the centre were promptly forwarded to the Social Services Agency and its regional offices and victims of domestic violence were placed in appropriate institutions.

73. Since 2013, the Ministry of Labour and Social Protection had been working with NGOs and non-profit organizations to assist persons living in difficult situations, including victims of domestic violence. Two projects relating to domestic violence had been implemented in 2021. The purpose of the first project had been to enhance the skills and knowledge of civil society organizations working to combat domestic violence and to raise awareness of protective mechanisms among the general public and promote education in the field of domestic violence. The second project was aimed at promoting trust in protective mechanisms and raising awareness of domestic violence and measures for preventing and combating it.

74. The Social Services Agency worked with persons released on parole from correctional institutions to rehabilitate them and prevent them from reoffending. Measures to promote the social adaptation and rehabilitation of prisoners were being implemented in conjunction with the Ministry of Justice. The measures in question included assessing prisoners and drawing up individual development plans for them. A total of 25 prisoners had completed a survey before being released from prison and had subsequently participated in activities to promote their social adaptation. Personal development plans had been drawn up for three women who

had been released from prison under the terms of an amnesty declared by the President of Azerbaijan. The women were continuing to receive support.

75. **A representative of Azerbaijan** said, with regard to the use of mechanical restraints, that all psychiatric centres in Azerbaijan followed British clinical protocols, translated into Azerbaijani. However, in the light of the Committee's questions, it appeared that additional monitoring of the situation at those centres might be warranted.

76. **A representative of Azerbaijan** said that a law on compensation and redress was in force, under which courts were required to rule on the question of whether compensation for damages, including moral damages, was due to victims. In accordance with a court decision, compensation had been granted to three persons in the so-called Terter case, which related to allegations of torture following the Karabakh conflict of 2016. The court was currently considering the amount of compensation that should be awarded to the three individuals. The court presiding over the case had recognized that 405 victims had been wrongly deprived of their liberty. However, not all those victims had been tortured. All the perpetrators in the case would be punished, including high-ranking officials. As the Committee was aware, a general had been convicted of offences committed in connection with the case.

77. Following the war in 2020, the Government had carried out monitoring activities and considered how it could better implement humanitarian law. Prior to the conduct of the counter-terrorism operation in 2023, booklets stating that residents should lay down their weapons to avoid being targeted by the Government had been distributed over Karabakh. In 2022, the Ministry of Defence had issued a decree on compliance with international law, which had been signed by all military personnel in Azerbaijan. The decree contained provisions on persons of Armenian descent, discrimination, the desecration of cemeteries and the protection of monuments and cultural heritage, among other issues. It established that military personnel must abide by the law and that those who violated it would be punished. Military personnel had also received further training on international law. Following the counter-terrorism operation in 2023, four members of the armed forces who had violated article 116 of the Criminal Code had been prosecuted.

78. **A representative of Azerbaijan** said that the treaty body review mechanism constituted an essential tool for sharing best practices in the area of human rights. Since the Committee's previous review of Azerbaijan, the Government had adopted a number of laws and implemented programmes, plans and strategies to ensure compliance with the State's obligations under the Convention. Unfortunately, the delegation had not had sufficient time to describe all the measures taken to implement the recommendations made by the Committee after the previous review.

79. Although the dialogue had been conducted in a spirit of cooperation, it was necessary to point out that recommendations not based on established facts or credible reports, and questions on matters that did not fall within the scope of the Convention, did not contribute to the review process. Nevertheless, the delegation considered that the dialogue had been very engaging and productive and looked forward to cooperating further with the Committee.

80. **The Chair** said that the Committee was able to take a more independent approach when it based its conclusions on all the available information.

*The meeting rose at 6 p.m.*