



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

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Committee against Torture

**Fifth periodic report submitted by Azerbaijan
under article 19 of the Convention pursuant to the
simplified reporting procedure, due in 2019***

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* The present document is being issued without formal editing.



1. The fight against torture and other cruel, inhuman or degrading treatment or punishment is carried out within the framework of national legislation and international conventions to which Azerbaijan is a party. The Government of Azerbaijan at all times places high priority on implementation of the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by General Assembly resolution 39/46 of 10 December 1984.
2. Azerbaijan acceded to the Convention in accordance with Act No. 103 IQ of 31 May 1996.
3. The previous report, the fourth periodic report of Azerbaijan (CAT/C/AZE/4) on the status of implementation of the Convention, was considered by the Committee against Torture on 11–12 November 2015. Following its consideration of the report, the Committee adopted concluding observations (CAT/C/AZE/CO/4) on 27 January 2016.
4. The present report was prepared on the basis of the information provided by a working group established pursuant to the presidential order of 20 September 2018 to enhance cooperation with United Nations human rights bodies for the preparation of periodic reports of Azerbaijan within the framework of United Nations human rights treaty body system and the universal periodic review mechanism of the Human Rights Council and to monitor the implementation of the recommendations issued to Azerbaijan. In accordance with the order, representatives from the Office of the Procurator General and the Office of the Commissioner for Human Rights (the Ombudsman) took part in the work of the working group. The Ministry of Foreign Affairs, which was responsible for leading the working group, coordinated the preparation of the national report.
5. The present report is based on the list of issues (CAT/C/AZE/QPR/5) prepared by the Committee.

Article 2 (2)

6. The Government also places high priority on the protection of the rights of prisoners in accordance with criminal law and criminal procedural law, including the Act on the Rights and Freedoms of Persons Held in Places of Detention of 22 May 2012 and other laws, and the relevant organizations have taken the necessary measures to provide for continuous and systematic protection of these rights.
7. By order of the Procurator General of 21 December 2012, specific members of the procuratorial authorities have been assigned to monitor compliance with the law in places of detention (temporary holding facilities and remand centres) in the regional procurator's offices, where and as required by law, with a view to fulfilling the obligations imposed on the procuratorial authorities under the above-mentioned laws.
8. It should be pointed out that the presidential order of 10 February 2017 on improving the work in the prison system, rendering penal policy more humane and expanding the use of alternative forms of punishment and non-custodial measures has been of considerable importance for the effective organization of the work of law enforcement bodies in protecting human and civil rights and freedoms in the criminal prosecution process.
9. Paragraph 8 of the order contains requirements on the strict observance of the provisions of criminal procedural law as it pertains to the grounds for remand in custody as a preventive measure by the authorities conducting inquiries and the courts and expands the use of alternative forms of punishment and non-custodial measures.

(a)

10. Under article 15.1.3 of the Act on the Rights and Freedoms of Persons Held in Places of Detention, persons detained or remanded in custody, immediately after they are taken into a detention facility and during their detention, have the right to familiarize themselves with their rights and obligations, the internal regulations, the prison regime and

the procedure for submitting proposals, statements and complaints, in writing and in a language they understand, and also the right to keep a written record of this information.

11. With a view to ensuring that this right is ensured, after arrested persons have entered the remand centre, they are received by the administration, informed of their rights and obligations under the law, including the internal regulations of remand centres, and given the opportunity to notify their family members or other trusted persons by telephone of their arrest and the place where they are being detained.

12. In addition, under the Act, if a person detained or remanded in custody is a foreign national or stateless person, the diplomatic mission and consulate of the State of nationality or residence or the national or international organization that has taken over his or her care are immediately notified.

13. The law provides for information related to the rights and obligations of persons detained or remanded in custody to be translated into Russian and English along for the relevant signs to be put up in the corridors of temporary holding facilities in every police agency in the country.

14. Persons taken to and detained in police stations are provided with the opportunity to familiarize themselves with the rights and freedoms laid down in laws and regulations and with their obligations by means of notices posted in administrative buildings.

15. In accordance with the Act, internal administrative rules of temporary detention facilities and remand centres have been prepared and approved. These rules cover the full protection of the rights of suspects and accused persons, their reception, registration and placement in cells, guarantees of their health and safety, the conduct of personal searches, daily walks, meetings, telephone conversations, the receipt of parcels and the provision of necessities; the rules also set out the functions of the staff in the services concerned who work with these persons.

16. A separate provision of the law ensures that the right of inmates to be received by and to contact the Ombudsman and members of the national preventive mechanism without restriction is freely exercised in practice.

17. At meetings of the national preventive mechanism and Ombudsman, public awareness events about people's own rights have been held, reaching a wide range of groups, including young people, women, persons with disabilities, foreign nationals and other groups.

18. Meanwhile, under articles 91.5.1 and 91.5.2 of the Code of Criminal Procedure, accused persons must be informed of the charges against them; when charges are brought against them, or immediately after they are remanded in custody or a decision to impose a preventive measure on them has been taken, they are to receive a copy of the decision and written notification of their rights from the person who made the arrest or carried out the custody order, the person carrying out the initial inquiry, the investigator or the procurator.

19. The investigator or person conducting the initial inquiry must, under articles 85.2.2 and 86.2.2, for the purpose of upholding these rights, inform the suspect or accused person of his or her rights from the moment of his or her detention or the moment charges are laid against the accused or the person is remanded in custody and explain the grounds for her or her detention, prosecution or remand in custody.

20. These measures are applied to all first-time arrested persons, including minors, women, foreign nationals and persons with low literacy skills.

(b)

21. Pursuant to article 19.4.1 and 19.4.4 of the Code of Criminal Procedure, the prosecuting authority is to secure the following rights of the suspect or accused: to have the assistance of a defence counsel before being detained or remanded in custody or initially examined as a suspect or as soon as charges have been laid against an accused person; to

defend himself or herself in person or through a defence counsel of his or her choice or, if he or she cannot afford counsel, to receive free legal assistance.

22. Under article 193.2 of the Code, if the suspect or accused person cannot afford the services of a defence counsel and counsel's participation in the criminal proceedings must be ensured in the cases stipulated by article 92.3 of this Code, the body conducting the criminal proceedings must ensure that this person receives legal assistance provided for out of State budget funds.

23. Under Cabinet of Ministers Decision No. 31 of 1 February 2001, as amended by Decision No. 202 of 3 May 2018, on the amount to be paid to defence counsel, interpreters, specialists and experts, the total hourly payment specified for legal assistance provided for out of State budget funds in the event that a person cannot afford a lawyer has been tripled, from two to six manats.

24. Under article 15.1.6 of the Act on the Rights and Freedoms of Persons Held in Places of Detention, remand prisoners have the right to meet with their defence counsel and legal representative. From the time that a decision to remand a person in custody as a preventive measure is taken, the remand prisoner may meet in private and communicate confidentially with the defence counsel and legal representative without restriction as to the number or length of visits. With a view to ensuring this right, the law (art. 33.1.6) has entrusted remand centre directors with the task of providing for meetings between remand prisoners and their defence counsel and legal representative.

25. Pursuant to article 17.2 of the internal regulations of remand centres, with a view to ensuring that remand prisoners themselves, family members and other legal representatives receive legal assistance, prisoners are given an interview with their counsel and with other persons with the right to give such assistance. Special meeting rooms with the necessary conditions in place for confidential communications between lawyers and clients have been built and put into operation in prison facilities. Such meetings, at the request of the parties concerned, are conducted in private. Correspondence between remand or convicted prisoners and counsel or other persons providing legal assistance in accordance with the law is not censored.

26. The necessary conditions for persons remanded in custody to challenge the legality of their detention through a lawyer are being set in place.

27. During the reporting period, there were no complaints by prisoners of meetings with lawyers being delayed and no inquiries into delays of this kind were made.

28. A list of lawyers on duty at places of detention is kept by the criminal prosecution authorities and persons detained may choose a lawyer from this list. At the same time, if a person held in custody refuses to have a lawyer appointed at public expense, the person himself or herself or his or her family members may use the services of any other lawyer by entering into a fee agreement with the lawyer. Persons may choose from among the lawyers posted on the official website of the Bar Association of Azerbaijan (<https://barassociation.az/en>).

29. Since January 2018, the concept of agency in Azerbaijan has been virtually abolished, with some exceptions. The representation of persons in courts has been entrusted only to members of the Bar Association. After the concept of agency was abolished, there arose a need to increase the number of lawyers in the country given that they were small in number. Entrance exams were thus held on 28 January 2018, which resulted in an increase in the number of lawyers in the country since, from 900 to 1,500. The Bar Association regularly receives applications. Some 260 aspiring lawyers took the subsequent two exams, which were held in conjunction with the State Examination Centre of Azerbaijan. It should be noted that the number of lawyers is expected to increase to 2,000 by the end of this year. For this reason, the Bar Association has not received complaints from citizens about a shortage of lawyers in the country.

30. The Bar Association protects the interests of low-income people, including underserved vulnerable groups. The Bar Association provides free legal services every week in remote areas of the country. In areas such as Imishli, Masalli, Barda, and Gabala, the State Agency for Services and Social Innovations under the Office of the President

(ASAN) Legal Aid Centres have been established with funding from the United States State Department and the International Organization for Migration (IOM) to provide free legal assistance to the public. In addition, in Baku, the Bar Association opened a Legal Aid Centre together with the Office of the United Nations High Commissioner for Human Rights, and with the financial support of the European Union, which provides expert legal assistance to low-income people. In addition, the Bar Association stays closely focused on the activities of lawyers working in such services and takes measures to promote them.

31. Although cases of delays on the part of the authorities in ensuring access to lawyers are rare, lawyers who have encountered such situations have recourse to the Bar Association, which intervenes to resolve problems that arise. The Bar Association takes urgent action in such cases.

32. The number of bar associations in the country is increasing as part of the process of reform in the country.

33. Compared to previous periods, cases of interference in the activities of lawyers have sharply decreased. In cases where in practice there are complaints to the Ombudsman about interference in the work of lawyers, the Ombudsman immediately takes appropriate action. In general, with regard to the exercise of the right of an accused person to meet with his or her lawyer, the good offices of the Ombudsman continue to be accessible. There is a 24-hour helpline that is an effective mechanism in this area.

(c)

34. Under article 22.1 of the Act on the Rights and Freedoms of Persons Held in Places of Detention, the administration of the place of detention is to register any visible bodily injuries and any complaints of torture or inhuman or degrading treatment immediately after the person detained or remanded in custody is brought into the place of detention.

35. Furthermore, in accordance with article 22.3, complaints about torture and inhuman or degrading treatment along with written information about bodily injuries found in the course of a medical examination are immediately forwarded to the procurator responsible for ensuring due process in the preliminary investigation for the given proceedings. The Central Department of the Prison Service is specially informed of such matters.

36. According to articles 22.5 and 22.6 of the Act, persons detained or remanded in custody undergo an immediate medical examination by the medical staff in cases of illness or bodily injury. The results of the medical examination are recorded (including in the individual medical record of the prisoner) and made available to the prisoner upon their or their lawyer's request. At the request of persons in police custody or remand prisoners or their defence counsel, on the basis of a decision of the body conducting the criminal proceedings, medical examinations may be conducted by specialists from other medical institutions of the prisoner's choice. In such cases, the examination is paid for by the person detained or remanded in custody.

37. In order to monitor cases of torture, ill-treatment and violence in prisons, wounds, injuries and other cases are registered and transmitted in the form of a report to the institution's head office, and a copy is sent to the Central Medical Authority reporting to the Ministry of Justice. This authority compiles the data and transmits it to the Prison Service on the first and fifteenth of each month.

38. Every person entering penal institutions undergoes an initial medical examination; old and new injuries found during this examination are registered in a medical book and their causes are ascertained. If there is a suspicion of injury or harm from physical coercion (beating) in remand centres, the persons concerned are placed under supervision and after a few days are again examined by a doctor. When such cases arise, the information is transmitted to the procurator's office. A page has been added to the medical record books of convicted prisoners for medical examinations in cases of torture and ill-treatment, which is based on the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), along with appropriate pages to record injuries drawn up on the basis of the recommendations of

the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

39. The law contains provisions that make it possible for remand and convicted prisoners to use the services of their physicians and private medical facilities.

40. In accordance with the Penalties Enforcement Code, treatment, prevention and disease control measures in penal institutions are organized and carried out in accordance with the law and also penalties enforcement procedures and conditions. With a view to providing medical services to convicted persons in penal institutions, medical wings and health-care facilities have been set up to provide for the inpatient care and detention of persons affected by infectious disease, alcoholism, drug addiction and tuberculosis. The procedure for the provision of medical services to convicted persons, the organization and implementation of health and safety checks in penal institutions, the use of medical facilities outside the institution and the recruitment of medical staff for that purpose are prescribed in appropriate regulations.

41. During the reporting period, there were no recorded cases of mistreatment of prisoners or denial of medical examinations and thus no investigations into such cases were initiated.

42. Pursuant to article 22 of the Act on the Rights and Freedoms of Persons Held in Places of Detention, special attention is paid to protecting medical confidentiality when persons detained or remanded in custody are medically examined.

43. The medical officer conducts medical examinations in private (except where security measures are envisaged).

44. If the person detained or remanded in prison becomes ill or suffers an injury at the time of his or her detention, he or she is immediately examined by medical officers. The results of the medical examination are recorded and presented to the person detained or remanded in custody and to the person's lawyer if the lawyer so requests. By decision of the body conducting the criminal proceedings, the medical examination may be carried out by specialists at another medical institution chosen by the person detained or remanded in custody at his or her request. The costs of the medical examination are borne by the person detained or remanded in custody.

45. The introduction of provisions on compulsory medical examinations contained in the rules on medical and psychological assistance for persons detained and remanded in custody and their detention in health facilities, which were approved by decision of the Cabinet of Ministers, is a welcome legislative development.

46. There are guarantees in place to ensure that persons may submit applications to the Ombudsman or call the 24-hour helpline concerning the quality of medical services offered. For example, in practice, there have been applications made and approved for transfers to a health facility and more prompt treatment by a physician of one's choice.

(d)

47. Under articles 15.1.1 and 19.7 of the Act on the Rights and Freedoms of Persons Held in Places of Detention, persons detained or remanded in custody, once they have been delivered to the detention facility, have the right to inform family members and other persons they have legitimate reasons to contact about their detention. In accordance with article 33 of the Act, the administration of the place of detention is to ensure that, immediately after a person detained or remanded in custody, he or she may inform by telephone or by other means family members or other persons they have legitimate reasons to contact about their detention or remand in custody and place of detention; the administration of the place of detention may not provide such information on its own initiative except in cases involving older persons, minors and persons with health or mental conditions who are detained or remanded in custody. If the person detained or remanded in custody is a foreign national or stateless person, the diplomatic mission and consulate of the

State of nationality or residence or the national or international organization that has taken over his or her care are immediately notified.

48. In accordance with article 16.1 on the Penalties Enforcement Code, officials at the penal institution or body are required, with the sentenced person's consent, to provide information to members of his or her family or close relatives or the person indicated by the sentenced person about the enforcement of the penalty, the place in which the sentence is being served, the movements of the sentenced person and his or her release.

(e)

49. Persons detained or remanded in custody are to appear before an open and fair court immediately or within 48 hours and the grounds for their detention are to be examined. Complaints filed in connection with the lawfulness and validity of the pretrial detention are considered by a court of appeal.

(f)

50. Since 2000, the Prison Service of the Ministry of Justice has been operating a central database with the aim of registering and transmitting information on persons remanded in custody in penal institutions and prisoners. With respect to the introduction of new technologies in the penal system provided for in the State Programme on the Development of Justice for the period 2009–2013, within the framework of the project to establish a prisoner file management system and central electronic medical records database, since 2015, a central database and management system has been established and put into operation. An integrated communications system had been established and 38 prisons have been connected to this network.

51. All data on every remand and convicted prisoner who have entered penal institutions are immediately recorded in the system and transmitted to the central server. This includes the prisoner's personal details (name, surname, date of birth, address, names of family members, etc.), documents related to detention, court decisions (imposition of a preventive measure in the form of remand in custody, sentence, alteration of the sentence, release, move to a different kind of correctional facility, etc.), the sentence imposed, the period of deprivation of liberty, additional sentences, the beginning and end of the sentence, incentives and disciplinary measures imposed while in police custody and the serving of the sentence, transfer to other penal institutions, the date of release or death, etc.

52. Along with detailed information on persons in police custody and prisoners in the system, all documents in their personal files are kept electronically.

53. With a view to updating and further improving the information system for persons held in custody and convicted prisoners and integrating the systems of other State bodies, the Ministry of Justice (Office of Information and Communications Technology) and the Eurodesign private limited company have entered into an agreement and work in this area is currently under way.

54. By the order of the President of 10 February 2017 on improving the work in the prison system, rendering penal policy more humane and expanding the use of alternative forms of punishment and non-custodial measures, the Ministry was tasked with organizing an information system for convicted prisoners serving sentences and remand prisoners, ensuring the exchange of information between prison authorities and institutions and, when collecting data for the information system, taking account of the criteria defined by international organizations that specialize in this area.

55. The Ministry of Internal Affairs and the State Security Service maintain a centralized record of persons remanded in custody as a preventive measure who have been charged by the investigating authorities and brought to trial and of persons convicted by the competent judicial authority.

(g)

56. Under articles 233.5 and 233.5-1 of the Code of Criminal Procedure, defence counsel has the right to participate in the questioning of the accused. In cases provided for in article 92.3 (Cases where the participation of a defence counsel in criminal proceedings must be ensured) of the Code, the investigator must first ensure the participation of a defence counsel in the questioning of the accused. In cases provided for in article 92.12 (Mandatory participation of a defence counsel) of the Code, the participation of a defence counsel in the questioning of an accused person is mandatory. An accused person who has expressed a wish to receive legal aid must not be questioned before receiving such aid and the questioning must not continue without the participation of his or her lawyer.

57. Under article 233.6 of the Code, persons under 14 years of age and, at the investigator's discretion, accused persons under 16 years of age, are questioned with the participation of a teacher and, if necessary, a doctor and his or her legal representative.

Paragraph 3

58. To date, disciplinary proceedings have been initiated against 18 judges for violations of the procedure for imposing the preventive measure of pretrial detention. In view of the nature of these violations, three judges were dismissed, two were reassigned, and other disciplinary measures have also been imposed.

59. Over the reporting period, the Prison Service carried out an investigation into the situation of convicted prisoners. As a result, two officers (in 2017) were reprimanded as a disciplinary measure.

60. In the period 2018–2019, the necessary steps were taken to ensure respect for the fundamental legal safeguards for detainees provided for in national legislation.

61. For example, criminal cases were opened under article 293.2 of the Criminal Code by the procurator's office of Qaradağ district, Baku, on the basis of the information gathered in an investigation into a complaint received regarding the beating of Ali Mammad oglu Allahverdiyev by police officers in May 2018, and by the procurator's office of Sumgait, on the basis of the information gathered in the investigation into a complaint regarding the unlawful detention, beating, torture and injury of Rashad Sahavat oglu Abbasov by police officers.

62. On 16 November 2018, in a criminal case opened by the procurator's office of Qaradağ district, Baku, the deputy director of police station No. 10 in Qaradağ district, Lieutenant Colonel Aligulu Agali oglu Agalyev, was formally charged under article 293.2 of the Criminal Code. On 11 February 2019, the criminal case was referred to Baku Court, together with the indictment for serious offences.

63. On 22 December 2018, a junior inspector of the criminal investigation department of Sumgait district police department, Elnur Aydin oglu Mammadov, was formally charged under article 293.1 of the Criminal Code, and travel restraints were imposed as a preventive measure. The criminal case and the indictment were transferred to Sumgait City Court for consideration on 30 April 2019.

64. Similarly, in a criminal case opened by the Qazakh district procurator's office in connection with the deterioration of Emil Mirza oglu Akhundov's health and his death as a result of the illegal acts committed against him after he was escorted to the Qazakh district police station at 8.45 p.m. on 25 September 2018, on the basis of a complaint, the duty officer in charge at the station, Police Major İlham Murad oglu Suleymanov, was formally charged on 29 September 2018 under article 308.2 of the Criminal Code, and he was remanded in custody as a preventive measure.

65. The necessary investigative actions are currently being carried out in these criminal cases.

Paragraphs 4 and 5

66. In accordance with the Bar and Advocacy Act, lawyers are independent and carry out their work without interference. Thus, no executive or judicial authority may prosecute a lawyer through the courts, as no such legal mechanism exists. Only disciplinary proceedings may be initiated against a lawyer; they may be conducted by the Disciplinary Board of the Union of Lawyers, the members of which are all lawyers.

67. The Bar and Advocacy Act contains no provisions under which a lawyer may be disbarred for political reasons. Regardless of which body submits a complaint, the provisions of the Bar and Advocacy Act, the Code of Ethics for Lawyers and the statute of the Disciplinary Board must be respected. A lawyer may face disciplinary penalties if he or she breaks the law. The most stringent disciplinary penalty is disbarment, but the Bar does not have the authority to impose it. Disbarment decisions are taken by the courts at the request of the Presidium of the Bar Association. Once again, this is a matter for the national courts. Bar associations also regularly publish statistical information on disciplinary cases.

68. The Bar association ensures that the interests of its members are protected in the course of their professional activities, where necessary. This is one of the Bar association's obligations under its statute. The following case offers a clear example. Orhan Kengerli, a Bar association member, was recently subjected to violence by police officers while defending his client's interests at a police station in Baku. As a result of the Bar association's measures and intervention, the Ministry of the Internal Affairs dismissed officers from this police unit.

Paragraph 6

69. There were no cases in which persons held on remand at Detention Facility No. 2 were subjected to unlawful treatment, including torture, in order to extract confessions.

70. Following the regular periodic visit of the delegation of the European Committee for the Prevention of Torture to Azerbaijan, from 29 March to 8 April 2016, during which a number of prison facilities were visited, and in response in particular to the outcome of the visit to Detention Facility No. 2, an internal investigation was carried out at this facility in order to give effect to the immediate observations made at a meeting held at the Ministry of Justice on 8 April 2016. Although the unlawful acts mentioned in the delegation's initial notes were not verified, several other shortcomings were identified. As a result, the director of Detention Facility No. 2 was dismissed from his post, and six staff members were disciplined.

Paragraph 7 (a)

71. The Constitutional Act on the Commissioner for Human Rights (Ombudsman) guarantees the Ombudsman's independence. The activities of the Ombudsman are financed from the State budget, and the sum allocated to the Ombudsman's work may not be reduced from one year to the next. The Ombudsman also receives permanent financial support for its work as the national preventive mechanism.

Paragraph 7 (b)

72. The Public Affairs Committee, which includes prominent human rights defenders and representatives of civil society organizations, has been operating successfully since 2006. The members of the Committee have made a total of around 750 visits to correctional facilities and provided legal assistance to over 2,800 convicted persons.

73. The members of the Committee are also actively involved in the granting of parole and transfers of convicted persons to lighter regime facilities. In 2013, a corresponding commission was established for this purpose. Its members include senior officials of

relevant subdivisions of the Ministry of Justice, including the Prison Service and members of the Public Affairs Committee.

74. Human rights defenders and other representatives of the Commission regularly visit correctional facilities, hold meetings with convicted persons, consult their personal files and learn about their behaviour during the serving of their sentences. The Commission's meetings in correctional facilities take place with the participation of the prisoners' parents and relatives and even the victims themselves. Members of the media are invited to the meetings.

75. The adoption of the Public Participation Act served to further enhance cooperation with civil society organizations. In 2014, in accordance with the Act, the rules governing the activities of the Public Committee to monitor penal institutions were amended in order to further expand its powers. The amendments included an increase in the Committee's period of operation (from one to two years) and provision for the Committee's active participation in areas of the justice system beyond the prison system.

76. Under the agreement signed in 2000 between the Government of Azerbaijan and the International Committee of the Red Cross (ICRC), representatives of the Committee regularly visit places of detention and penal institutions unhindered, hold private meetings with convicted persons and help to improve the situation in this area.

77. As the agreement serves to guarantee the rights of convicted and accused persons and to prevent torture and other forms of ill-treatment, on 5 February 2018, the Government of Azerbaijan and the Committee signed a protocol to extend the agreement of 1 June 2000. This protocol was approved by presidential decree on 4 April 2018.

78. Pursuant to a Constitutional Act of 24 June 2011, the Constitutional Act on the Commissioner for Human Rights (Ombudsman) was amended to endow the Ombudsman with the functions of the national preventive mechanism. The Penalties Enforcement Code, the Act on the Rights and Freedoms of Persons Held in Places of Detention and the internal regulations of remand centres and penal institutions have been brought into compliance with these legislative provisions. The manner in which the Office of the Ombudsman and the body set up under the Office to act as the national preventive mechanism, known as the National Preventive Group, monitor the activities of penal institutions has been specified in the internal regulations of penal institutions.

79. The Ombudsman, members of the National Preventive Group, the United Nations Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ICRC and the Azerbaijan Committee against Torture may enter temporary detention facilities unhindered at any time, and without prior notice, in order to meet and talk with prisoners or any other persons who are able to provide relevant information, either alone or with the participation of a specialist or an interpreter, consult all documents confirming the legality of the detention of those held there and the conditions of their detention, receive copies of these documents, file a report and record the progress and results of the measures implemented, give recommendations to police bodies and receive responses to these recommendations within the prescribed time limits.

80. Over the last three years (2016–2018), no violations of human rights and freedoms were uncovered during the 582 monitoring visits carried out in temporary detention facilities. Temporary detention facilities have been equipped with video surveillance systems. In order to facilitate the reporting of torture and other incidents, the telephone numbers of the helpline operated by the Ombudsman and the Azerbaijan Committee against Torture have been displayed in the corridors of temporary detention facilities, and special telephone sets have been installed.

81. As part of its activities as the national preventive mechanism, the Office of the Ombudsman carries out over 300 visits per year. In 2016, the Office carried out 337 visits (254 scheduled and 83 unannounced), 341 in 2017 (251 scheduled and 90 unannounced) and 334 in 2018 (220 scheduled and 123 unannounced).

82. Information about the visits carried out is regularly made available to the media, subject to confidentiality rules. Moreover, this information sometimes touches on incidents

of ill-treatment, which underscores the transparency and independence of the Ombudsman's work.

Paragraph 7 (c)

83. Number of complaints of torture and ill-treatment received by the Central Department of the Prison Service:

<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>	<i>2018</i>
43	25	22	19	18

Paragraph 8

84. Guidelines (indicators) for the identification of victims of trafficking in persons, which show the mechanisms for determining whether a person is a victim of trafficking in persons, were approved by Cabinet of Ministers Decision No. 131 of 3 September 2009. The guidelines cover the legal aspects of victim identification; the techniques, criteria and methodology for identification; and interviewing and assessment interviews. They include further supporting materials.

85. A checklist (list of indicators) is used to identify victims of trafficking in persons, including child victims. The checklist (list of indicators) for the identification of victims is set out in the guidelines: general criteria, child victims, sexual exploitation, labour exploitation and exploitation in domestic service.

86. Paragraph 3.1.2 of the guidelines for the identification of victims of trafficking in persons sets out the characteristics of child victims of human trafficking.

87. With the organizational and informational support of the Ministry of Internal Affairs, as part of the Consolidation of Migration and Border Management Capacities in Azerbaijan Project, the IOM office in Azerbaijan prepared a handbook aimed at ensuring the rational implementation of the guidelines on the national referral mechanism for victims of human trafficking.

88. In accordance with the Trafficking in Persons Act and the guidelines on the establishment, financing, operation and monitoring of special institutions for victims of trafficking in persons, which were approved by Cabinet of Ministers Decision No. 203 of 9 November 2005, shelters and assistance centres at which victims of trafficking in persons may stay on a temporary basis were established as special institutions in order to protect victims of trafficking in persons.

89. The Ministry of Internal Affairs has established shelters in order to ensure decent living conditions for victims of trafficking in persons, guarantee their safety and provide them with food, medicine and urgent medical, psychological, social and legal assistance.

90. In coordination with the Ministries of Finance, Internal Affairs, Health, Education, and Youth and Sport, the Ministry of Labour and Social Protection has established assistance centres for victims of trafficking in persons in order offer guidance regarding the administrative and legal procedures currently in place to protect their rights and interests, provide them with medical, psychological and other necessary assistance and ensure their social rehabilitation.

91. In some regions of the country (Ganja, Lankaran and Quba), parcels of land have been allocated for the establishment of assistance centres for victims of trafficking in persons, and it has been proposed that the Ministry of Finance should allocate financial resources for the construction of the facilities.

92. In addition, the Assistance Centre for Victims of Trafficking in Persons attached to the State Social Welfare Fund under the Ministry of Labour and Social Protection has opened a regional office in Goychay district.

93. Over the period 2016–2018, 239 victims of trafficking in persons were identified, and 236 of them received a one-off payment of 400 Azerbaijan manats under the relevant Cabinet of Ministers decision. In addition, 223 victims of trafficking in persons, 16 presumed victims, and the 2-year-old child of one victim were placed in a temporary shelter for victims of trafficking in persons that reports directly to the Central Department for Combating Trafficking in Persons under the Ministry of Internal Affairs. They were all provided with medical care and essential clothing. Moreover, 127 persons received referrals to vocational courses, 78 persons were given work, 19 victims were assisted in obtaining identity documents, 17 in receiving inpatient treatment in a hospital and 5 in undergoing surgical procedures, 1 person was placed in a social service institution for persons of retirement age, under the Ministry of Labour and Social Protection, and 178 persons were returned to their families.

94. With regard to measures to prevent domestic violence, it should be noted that, over the previous three years (2016–2018), 4.8 per cent of crimes committed against women in the country (3,532 out of 79,105), or every twentieth crime, involved domestic disputes.

95. In accordance with paragraph 7.4 of the “Azerbaijan 2020: Looking to the Future” development framework and paragraph 3.5.2.1 of the action plan (2011–2015) for the implementation of the State Programme on Poverty Eradication and Sustainable Development for the period 2008–2015, approved by Presidential Decree No. 1578 of 28 June 2011, it was proposed that a mechanism (system) to monitor gender-based violence and violence against children, including domestic violence, should be established. For this purpose, in accordance with orders issued by the heads of all executive bodies, teams of representatives of local executive bodies have been formed to monitor gender-based violence and violence against children. The monitoring teams are tasked with assessing the situation on the ground, verifying the effectiveness of the measures implemented, identifying and supporting families at risk, identifying and analysing the causes of violence, especially in cases of severe violence, and protecting and assisting those who have been subjected to violence. In the period 2018–2019, the Committee and monitoring teams carried out exercises to prevent domestic violence and early marriage in 43 of the country’s districts.

96. In order to protect the rights and interests of victims of trafficking in persons, provide them with medical, psychological and other forms of assistance and ensure their social rehabilitation and reintegration into society, the Assistance Centre for Victims of Trafficking in Persons has been operating under the Ministry of Labour and Social Protection since 2009.

97. In 2018, the Centre registered 124 applications from potential victims of trafficking in persons, in respect of which 92 persons received a referral from the Central Department for Combating Trafficking in Persons under the Ministry of Internal Affairs and 32 from non-governmental organizations (NGOs). All persons who approach the centre receive the necessary legal, psychological and medical assistance, those in need are accommodated in a specialized shelter, and careers guidance services and employment are provided.

98. In 2018, the Assistance Centre for Victims of Trafficking in Persons organized and carried out awareness-raising activities in more than 30 city (or district) vocational academies, colleges, residential educational facilities and schools attached to the Ministry of Education and gave relevant recommendations to school leaders on the prevention of discrimination against child victims of trafficking in persons who are studying in secondary schools.

99. In addition, activities have been carried out in 22 general education schools and 4 youth and sports departments in Baku and in various regions of the country to raise awareness of combating trafficking in persons.

100. The Centre’s employees hold regular meetings with persons detained in the correctional facilities of the Prison Service under the Ministry of Justice whose period of detention is coming to an end. During the meetings, these persons receive essential information on the concept of trafficking in persons, the types and forms of combating trafficking, the risks of becoming a victim of trafficking in persons, ways of preventing such cases and specialized shelters for women and child victims. These persons are given

visual aids, such as booklets, pamphlets and CD-ROMs containing public service video clips on the topic, and receive answers to their questions.

101. As part of the measures implemented, the Centre's employees held meetings with persons in the shelter for victims of trafficking in persons attached to the Ministry of Internal Affairs and held relevant educational and psychological discussions on the reintegration of such persons into society.

102. In cooperation with IOM, trainer training sessions were held in seven cities and districts for specialists involved in providing medical and educational assistance to victims of trafficking in persons.

103. In accordance with a Cabinet of Ministers order, two social service institutions were established under the State Social Welfare Fund of the Ministry of Labour and Social Protection: a social shelter and rehabilitation institution for persons in a street situation, single persons and persons in difficult circumstances; and a social shelter for persons aged over 18 years with no place of residence. These institutions were established in order to ensure the social rehabilitation of such persons for the duration of the period specified by law and to provide them with everyday, social and legal and other services, including training in vocational and labour skills. The appropriate measures are taken in these institutions to ensure the social, psychological and legal rehabilitation of child victims of domestic violence. The activities of these institutions also help to prevent persons who live in the shelters and belong to vulnerable groups from becoming involved in forced labour, sexual violence and other unlawful acts.

104. In 2018, 39 minors were admitted to the social shelter and rehabilitation institution for persons in a street situation, single persons and persons in difficult circumstances, and 107 persons were admitted to the social shelter for persons aged over 18 years who have no place of residence. They were provided with essential services.

105. The Ministry of Labour and Social Protection prepared a draft national strategy for the development of social services in Azerbaijan over the period 2019–2025, which sets out national policy regarding the establishment and development of a system of social services and mechanisms for regulating social development. In accordance with this project, it has been planned that centres and shelters for victims of domestic violence will be established under the Ministry in Lankaran and in Goychay and Quba districts. The activities of these centres will include the provision of legal, medical, psychological, social and other types of assistance, research into the underlying causes of domestic violence in the country, the development of recommendations and programmes aimed at preventing domestic violence and educational activities.

106. The Ministry of Labour and Social Protection carries out its activities in cooperation with specialized NGOs. An important aspect of cooperation with NGOs is the award of public contracts to NGOs and non-profit organizations for the provision of social services. In 2018, a project to establish a centre for the provision of assistance to child victims of domestic violence was carried out under public contract. The aim of the project was to provide social rehabilitation services and legal, social and psychological assistance to children and parents who are victims of domestic violence or potential victims of trafficking in persons. Over the last year, the appropriate services were provided to 180 women and children who had been subjected to domestic violence.

107. Cooperation with NGOs occupies a central place among the measures taken to prevent gender-based violence. Every year, the specialized body in this area, the Council for State Support of NGOs under the President, announces a competition to award grants to several NGOs active in this field. Their work is focused mainly on education, situation analysis, legal and psychological assistance to victims and the placement of victims in NGO shelters.

108. Over the period 2015–2019, 49 national projects were funded (12 in 2015, 12 in 2016, 9 in 2017, 11 in 2018 and 5 in the first half of 2019). The Council also provided advice and methodological and organizational assistance to these NGOs.

109. During each grant competition, NGOs that assist victims of trafficking in persons and forced labour also receive grants for projects on relevant topics. Over the period 2015–

2019, the Council funded 63 NGO projects focused on combating trafficking in persons (8 in 2015, 8 in 2016, 24 in 2017, 15 in 2018 and 8 in the first half of 2019).

110. Over the period 2015–2019, funding was awarded to 26 projects focused on the maintenance of shelters for victims of domestic violence and trafficking in persons (6 in 2015, 6 in 2016, 5 in 2017, 5 in 2018 and 4 in the first half of 2019).

111. Over the period 2015–2019, funding was awarded to 11 projects focused on the protection of the rights of detainees, including those under investigation, the monitoring of places of detention, the resocialization of prisoners and their reintegration into society, and education for detainees and employees of places of detention (4 in 2015, 1 in 2016, 2 in 2017, 2 in 2018 and 2 in the first half of 2019).

Article 3

Paragraph 9

112. Foreign nationals and stateless persons who have been seriously threatened or persecuted in their country of permanent residence or citizenship because of their race, ethnicity, religion, membership of a particular social group or political opinion apply to the State Migration Service for refugee status. Such persons may submit applications at border checkpoints, as well as through State bodies (the Ministry of Internal Affairs, the State Security Service, the State Border Guard Service and local authorities) and their sections. In this case, central and local authorities refer the foreign national's application to the State Migration Service within three working days. Under the Internally Displaced Persons Act of 21 May 1999, foreign nationals and stateless persons who apply for refugee status may under no circumstances be sent or forcibly returned to a country where their life or freedom would be threatened. Pursuant to the Act, a person who has entered Azerbaijan illegally from another State and applied as quickly as possible to the appropriate authority is to be exempted from liability under national law by reasoned decision of that authority.

113. Under article 15 of the Act, a person who has submitted an application for refugee status may not be sent, transferred or forcibly returned to another country until the State Migration Service has taken a decision on his or her case. The decision to expel, transfer or forcibly return a refugee or a person wishing to obtain refugee status to another country is taken by the courts on the basis of an application by the State Migration Service.

114. Persons of Chechen origin who are citizens of the Russian Federation and have been accepted, *prima facie*, as refugees by the Office of the United Nations High Commissioner for Refugees (UNHCR) in Azerbaijan live in the country with humanitarian status. More than 50 per cent of these persons enjoy the protection of their country and regularly make short- or long-term visits to the Russian Federation, despite being mandate refugees. As citizens of the Russian Federation of Chechen origin have no legal grounds for regularization in Azerbaijan, the UNHCR office in Azerbaijan also provides them with some financial assistance, and they prefer to remain under its care. The Government of Azerbaijan acts towards them in a spirit of tolerance.

115. Unlike in previous years, applications from persons who have re-entered Azerbaijan and intend to obtain refugee status are considered by the State Migration Service itself. Such persons are provided with the relevant certificate with due regard to the administrative or judicial deadlines for appealing against decisions taken. Applications for refugee status are considered from all persons without exception, and regardless of their ethnic background, including citizens of the Russian Federation of Chechen origin.

Paragraph 10

116. In 2016–2019 (up to April 2019), the State Migration Service registered 748 applications for refugee status (or 1,445 if family members are included), in respect of which 14 persons were awarded refugee status (or 51 if family members are included).

Paragraph 11

117. Number of accused persons brought to Azerbaijan and transferred to foreign countries:

2014		2015		2016		2017		2018	
Admitted	Extradited	Admitted	Extradited	Admitted	Extradited	Admitted	Extradited	Admitted	Extradited
22	22	27	21	30	26	31	25	16	26

118. Azerbaijan has signed agreements on the readmission of persons residing without authorization with the European Union, the Kingdom of Norway, the Swiss Confederation and the Republic of Montenegro. To date, under the readmission agreements that Azerbaijan has signed, one national of Germany has been returned.

Articles 5 and 7–8 Paragraph 12

119. Since the Committee's consideration of the country's previous report, Azerbaijan has not rejected any request by a State for the extradition of an individual suspected of having committed torture and has not instituted criminal proceedings against such an individual.

Article 10 Paragraph 13

120. Over the reporting period (2014–2018), several events were held at the Academy of Justice. For example, lectures on the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, its meaning and the obligations of States parties were delivered after being included in the curricula for initial training, mandatory training and advanced training courses for candidates for the position of judge, new recruits to the judicial bodies or procuratorial authorities, recruits to the Forensics Centre of the Ministry of Justice, new recruits to the procuratorial authorities of the Nakhichevan Autonomous Republic, employees of the Forensics Centre, and candidate members of the Bar association.

121. It should be noted that electronic versions of the lectures were uploaded to Moodle, the e-learning platform of the Academy of Justice. They are openly available and accessible to readers.

122. At the Academy of Justice, over the period 2014–2018, lectures on the Convention, its meaning and the obligations of States parties were included in the curricula for mandatory training and advanced training courses for mid-level recruits to the Prison Service, recruits to the Central Medical Authority under the Ministry of Justice and employees of the Authority. A total of 600 persons participated in these training courses.

123. Ministry of Justice officials took the training courses:

	2014	2015	2016	2017	2018	Total
Academy of Justice (Mandatory training course)	60	38	47	201	96	442
Training Centre						
Initial training	336	304	160	195	162	1 157
Further training	–	–	–	115	127	242
Total	396	342	207	511	385	1 841

124. Employees of the Ministry of Justice who take the initial training courses at the Academy of Justice receive instruction on such topics as the Convention for the Protection

of Human Rights and Fundamental Freedoms, the Convention against Torture, its meaning and the responsibilities of States parties and conducting internal investigations in the prison system. The Training Centre runs a training course on the concept and importance of international standards for the treatment of prisoners, the European Prison Rules, human rights in the area of national legislation and human rights in international law, including the Istanbul Protocol.

125. In addition, the following topics are included in the training course held annually for all employees of the Central Administration of the Prison Service: the rules for carrying out internal investigations and the Convention for the Protection of Human Rights and Fundamental Freedoms and protocols thereto. In addition, all employees of correctional facilities receive instruction on such topics as the Convention against Torture and the activities of the Committee against Torture and the concept and importance of international instruments on the treatment of prisoners.

126. Steps are regularly taken to improve the skills and professional training of the employees of the Ministry of Internal Affairs in the area of combating torture and other cruel, inhuman or degrading treatment or punishment. In addition, in the past three years, more than 50 internal affairs officers have participated in international events held in the country and abroad as part of efforts to combat torture and other cruel, inhuman or degrading treatment or punishment.

127. Every year, professional development, training and education are provided through relevant courses and workshops. At the State Migration Service, specialists undergo training and employees receive further education. In 2016–2019, 69 employees of the State Migration Service took training courses on human rights, the prohibition of inhuman treatment and measures to be taken in this area, preventing torture, violence and inhuman treatment and improving effectiveness in this area, the investigation and prevention of domestic violence, and the Convention against Torture and the obligations under the Convention. These courses were all organized by the Training and Education Centre attached to the Service.

128. In addition, over the reporting period, employees of the State Migration Service participated in training events, visits and seminars organized by several international organizations. Examples include: the training organized by the IOM office in Azerbaijan as part of the Consolidation of Migration and Border Management Capacities in Azerbaijan Project for specialists of detention centres for illegal migrants and asylum seekers; the training organized on the topic of improving asylum mechanisms, in conjunction with the UNHCR office in Azerbaijan, the Office of the Ombudsman and the State Migration Service, with the support of the Cabinet of Ministers, as part of the Asylum Systems Quality Initiative in Eastern Europe and South Caucasus for border guards working at the Heydar Aliyev International Airport, the southern (Lankaran) and northern (Quba) border regions and other law enforcement officials; regional training events and joint border checkpoint visits focused on improving asylum referral mechanisms, organized in Yevlakh, Zaqatala and Ganja; the training organized as part of the Consolidation of Migration and Border Management Capacities in Azerbaijan Project at Heydar Aliyev International Airport; a seminar on methods and practices relating to the implementation of readmission agreements as part of this project; and an event to launch the Azerbaijani translation of the Handbook on European law relating to asylum, borders and immigration.

129. At the Ombudsman's initiative, topics relating to the treatment of prisoners, conditions of detention and the prevention of cases of torture and ill-treatment were added to the education programme of the Police Academy under the Ministry of Internal Affairs and the Academy of Justice under the Ministry of Justice.

130. In 2018 alone, at detention facilities, activities were conducted to educate 3,114 persons on a one-to-one basis and some 600 employees of the facilities. Every year, around 200 law enforcement officers participate in the training sessions held.

131. The curricula for the training courses for new recruits to the procuratorial authorities and trainees at the Academic Training Centre under the Office of the Procurator General cover many topics relating to the protection of human rights and freedoms in this area. The aim is to develop the habit of respect for human rights and freedoms among employees

recruited to the procurator's offices and to ensure that they are fully aware of the rights that employees of procurator's offices guarantee in this area.

Paragraph 14

132. Courses are regularly held for employees on how to document injuries in detail and ensure that doctors' opinions are fully reflected. Opportunities are also being taken for joint projects with international organizations in this area.

133. As in previous years, during the period 2014–2019, 114 employees of the Central Medical Authority attended classes on various topics included in the thematic curricula of the Academy of Justice and the Training Centre of the Prison Service, including classes on the forensic medical examination of thermal injuries caused by torture and injuries inflicted with sharp or cutting implements, the types of injuries and describing them in detail in medical documentation and other related topics.

134. Within the framework of the Support for Prison Reform in Azerbaijan Project, which was implemented by the Council of Europe and the European Union in 2017–2018, international experts held training seminars for 26 medical workers on the strengthening of measures to prevent suicide in prisons.

Article 11

Paragraph 15

135. Deaths among convicted and remand prisoners in pretrial detention facilities and penal institutions of the Prison Service:

<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>	<i>2018</i>
104	105	122	109	99
(2 suicides)	(7 suicides)	(4 suicides)	(12 suicides)	(4 suicides)

136. No deaths as a result of violence or following the use of special means of restraint by staff or prisoners were recorded during the reporting period.

137. Over the past three years, 5 suicides and 47 incidents of self-harm have been recorded. The procuratorial authorities instituted criminal proceedings in each case and found no instances of criminal offences committed by police officers in the course of their duties or any causal link between the deaths and torture or ill-treatment.

138. However, following internal investigations carried out by the Ministry of Internal Affairs of dereliction of duty, such as the duty to monitor detainees, 10 officials of temporary detention facilities were dismissed from the service of the internal affairs authorities, 2 were relieved of their current positions and 50 received other administrative penalties.

139. In the cases raised by the Committee, please note the following information:

(a) Mehman Huseyn oglu Qalandarov was charged with an offence under article 234.1 of the Criminal Code by the Investigation Division of the Police Department in Nasimi District, Baku. On 9 February 2017, Nasimi District Court ordered that he be detained for three months as a preventive measure and he entered Baku Pretrial Detention Facility on 10 February 2017. During his time in custody, he was not subjected to torture or inhuman treatment and his rights were not violated. On 28 April 2017, Mr. Qalandarov ended his life by hanging in the exercise room of a detention cell at Baku Pretrial Detention Facility. The findings of forensic psychiatric assessment, No. 16483 of 16 July 2017, show that, in the period running up to his suicide, the late Mr. Qalandarov was in a state of frustration (overwhelming dissatisfaction with the circumstances he faced, which were beyond his endurance limit). His individual mental traits included several signs of psychogenic or reactive depression, which manifested in his suicide. The findings of forensic toxicology assessment, No. 430 of 13 March 2017, ordered as part of the criminal

investigation of Mr. Qalandarov under article 234.1 of the Criminal Code, showed that he had dependence syndrome as a result of alcohol abuse and alcoholism and that he required involuntary treatment for alcoholism. The forensic diagnosis was mechanical asphyxia with compression of the neck structures under the weight of the body. The procurator's office of Sabunçu District in Baku initiated criminal proceedings under article 125 of the Criminal Code. The proceedings were overseen by the Investigation Department of the Baku city procurator's office. The investigation did not show that any cruel or degrading treatment or incitement to suicide through intimidation had occurred with respect to Mr. Qalandarov, nor did it determine that a criminal offence had been committed in connection with his suicide. Based on articles 39.1.1, 46.5.1, 85, 87.5, 129.4, 132, 144, 145, 146, 280, 281 and 282 of the Code of Criminal Procedure, the criminal proceedings were terminated.

(b) The investigation into the case of Mr. R.A. Mehdiyev did not conclude that he was beaten or subjected to physical violence, torture or inhuman treatment by anyone, including the police.

(i) Tamkin Nizamioglu entered Pretrial Detention Facility No. 2 on 9 May 2017; owing to health problems he was transferred on the same day to Ministry of Health Teaching Hospital No. 3 in Ganja, where he died on 13 May 2017. The forensic diagnosis was acute respiratory failure caused by diffuse purulent haemorrhagic pneumonia in both lungs.

Paragraph 16

140. The Public Committee, which is made up of representatives of specialized human rights organizations has been in operation since 2006 for the purpose of increasing transparency in the correctional system, preventing unlawful treatment of prisoners and strengthening public oversight of ill-treatment and torture. The Public Committee, whose membership changes every two years, has free access to penal institutions for monitoring purposes, meeting with prisoners, checking detention conditions, examining inmates (to detect cases of ill-treatment or torture), raising awareness among prisoners and personnel, preparing prisoners for life after prison and other activities. The NGOs that are members of the Public Committee also receive financial assistance from the Presidential Council on State Support for NGOs.

(a)

<i>Institution</i>	<i>Capacity</i>	<i>1 January 2015</i>	<i>1 January 2016</i>	<i>1 January 2017</i>	<i>1 January 2018</i>	<i>1 January 2019</i>
Penal institution 1	1 200	1 063	1 022	1 037	1 154	989
Penal institution 2	1 200	1 337	1 373	1 372	1 374	1 214
Specialized treatment facility	1 100	514	449	480	464	408
Penal institution 4	350	418	449	503	476	398
Penal institution 5	1 100	806	925	995	945	1 030
Penal institution 6	1 200	1 240	1 311	1 354	1 388	1 230
Penal institution 7	1 050	832	812	845	856	774
Penal institution 8	400	165	175	180	174	159
Penal institution 9	350	227	234	241	272	263
Penal institution 10	1 200	930	910	956	1 028	903
Penal institution 11	1 100	932	916	1 061	1 111	983
Penal institution 12	1 100	1 108	1 173	1 025	1 061	877
Penal institution 13	1 050	930	1 017	1 188	1 198	1 159
Penal institution 14	1 050	739	990	900	834	924
Penal institution 15	1 050	752	801	797	847	797

<i>Institution</i>	<i>Capacity</i>	<i>1 January 2015</i>	<i>1 January 2016</i>	<i>1 January 2017</i>	<i>1 January 2018</i>	<i>1 January 2019</i>
Penal institution 16	1 050	470	682	647	746	827
Penal institution 17	1 050	749	849	793	845	790
Prison	700	563	585	624	628	593
Treatment facility	650	298	337	397	406	439
Young offenders' institution	200	41	38	24	46	45
Şäki prison	900	855	886	932	923	848
Baku pretrial detention facility	2 500	2 284	2 692	2 653	1 936	2 315
Pretrial detention facility 2	700	612	737	746	550	533
Pretrial detention facility 3	1 050	918	1 071	1 106	951	824
Open prison 1	150	562	682	502	504	391
Open prison 2	150	218	195	141	159	128
Open prison 3	150	20	21	102	128	114
Open prison 4	150	170	167	132	178	105
Open prison 5	150	265	236	147	189	147
Open prison 6	150	91	75	58	117	110
Open prison 7	150	836	776	270	198	119
Open prison 8	150	82	67	81	135	120
Open prison 9	150	46	26	66	100	125
Open prison 10	150	859	804	504	499	373
Open prison 11	150	144	114	73	148	114
Open prison 12	150	187	178	150	295	293
Open prison 13	150	87	160	160	310	296
Open prison 14	150	176	145	69	84	104

141. The detention capacity of the temporary holding facilities of the Ministry of Internal Affairs for arrested persons, remand and convicted prisoners, including those held in administrative detention, is 1,954 persons (1,434 places for accused persons and 288 for administrative detainees) nationwide. Baku also has an administrative detention centre with a capacity of 232 persons.

142. In accordance with articles 148.5, 148.6 and 150.3 of the Code of Criminal Procedure, persons arrested on suspicion of having committed an offence are placed in temporary holding facilities for no longer than 48 hours, based on a record of arrest drawn up by the agency responsible for the criminal proceedings. In the cases stipulated in article 148.7 of the Code, this time period may be extended by court order for a maximum of 48 hours.

143. If a court imposes remand in custody as a preventive measure, the person is transferred to a pretrial detention facility of the Ministry of Justice within 24 hours.

144. In the cases provided for by article 8.1 of the Act on the Rights and Freedoms of Persons Held in Places of Detention and on the basis of a reasoned judicial decision, a remand prisoner may be transferred from a pretrial detention facility to a temporary holding facility for a period not exceeding 10 days. Upon the request of the remand prisoner, this period may be extended until the end of judicial proceedings by a reasoned judicial decision.

145. In 2018, a new block of the administrative detention centre meeting modern standards was built and opened, while major repairs were carried out on the old administrative building.

146. The necessary conditions are in place to meet the social, medical and other needs of detainees, including a television in each cell.

(b)

147. The Office of the Procurator General has analysed the use of pretrial detention as a preventive measure and found that, in some cases, the investigating agencies apply to the courts for this type of preventive measure without paying sufficient attention to the accused person's character, the severity, nature and circumstances of the alleged acts, other causes and circumstances leading to the person's detention or the suitability of pretrial detention as a preventive measure.

148. In light of the above, to harmonize practices regarding pretrial detention as a preventive measure and ensure more effective use of the options available under criminal procedural law, on 23 May 2016, the Office of the Procurator General produced a list of articles of the Criminal Code covering minor offences and less serious offences for which special approval is required in order to apply pretrial detention as a preventive measure. The list was then sent to all procurators with procedural responsibility for pretrial investigations and to the heads of the investigative agencies of the executive branch.

149. Presidential Order No. 2668 of 10 February 2017 on improving the prison sector, rendering penal policy more humane and expanding the use of alternative forms of punishment and non-custodial measures has a great impact on the effective organization of efforts by law enforcement agencies to uphold human and civil rights and freedoms during criminal prosecution.

150. Paragraph 8 of this order contains a requirement for strict compliance with criminal procedural law on the grounds for the choice of remand as a preventive measure by the preliminary investigation authorities and the courts and to expand the use of alternative forms of punishment and procedural coercive measures so as to meet the targets for non-custodial sentences and preventive measures. Paragraph 10 requires the implementation of other important measures regarding the decriminalization of certain offences, including economic offences, further restriction of the grounds on which remand can be used as a preventive measure for minor and less serious offences and the introduction of a more humane penal policy.

151. To implement the order, almost 300 amendments were made to the Criminal Code by a law of 20 October 2017, pursuant to which, along with a number of other significant amendments, 15 offences were decriminalized and removed from the Code, the limits of liability for another 3 offences were increased fivefold and alternatives to deprivation of liberty were introduced as a penalty for 158 offences.

152. Pursuant to the amendment of article 159 of the Code of Criminal Procedure, in order to prevent lengthy periods of detention during the preliminary investigation phase of criminal proceedings owing to the exceptional complexity of the case and the high volume of evidence gathered during the pretrial proceedings, because the investigation is delayed or because the case becomes complex owing to the high number of accused persons, applications to extend the use of remand as a preventive measure are placed under the authority of senior officials at the appropriate higher-level procurator's office.

153. Order No. 10/41, signed by the Office of the Procurator General on 31 May 2017 and amending several previous orders of the Office pursuant to the Presidential Order of 10 February 2017 on improving the prison sector, humanizing penal policy and expanding the use of alternative forms of punishment and non-custodial measures, stipulates the following requirements:

- Procurators with procedural responsibility for a pretrial investigation must thoroughly examine when considering applications to extend remand as a preventive measure whether the grounds for holding the person in custody remain valid, whether such an extension is necessary and whether there are sufficient grounds to grant it. If it is determined that it is not advisable to extend the period of remand, no new grounds for continued detention of the accused person are indicated or the

grounds for extending the period are insufficient, remand must be replaced with another preventive measure and the pretrial investigation into the criminal case concluded as quickly possible.

- If the alleged offence for which the accused person is remanded in custody as a preventive measure based on the grounds set out in article 155 of the Code of Criminal Procedure is related to material damage and this damage has been compensated during the remand period, or if the grounds given when the preventive measure was taken no longer obtain, an application must be made to a court to revoke the pretrial restraining order and, if the order is revoked, appropriate action to apply non-custodial preventive measures must be considered.

154. The same tasks were set in a letter from the Procurator General of 12 March 2019 to the heads of department of the Office of the Procurator General, the head of the Central Anti-Corruption Department under the Office of the Procurator General, the military procurator of Azerbaijan, the procurator of the Nakhichevan Autonomous Republic, the military procurator of Baku, all the district, municipal and regional military procurators and the heads of the investigative agencies of the executive branch.

155. On 3 April 2019, the President signed a decree on deepening reforms in the legal system. The decree provides for the drafting of new bills and the implementation of a number of important measures to improve the justice system and make penal policy more humane based on international experience.

156. Outcomes of the introduction of new legislation and the use of electronic tagging:

Year	Total number of detainees in the service	Number of convicted persons	Breakdown of convicted prisoners according to place of detention	
			In closed institutions	In open prisons
2015		20 911	17 265	3 646
	24 080	(87 per cent)	(83 per cent)	(17 per cent)
2016		20 209	17 754	2 455
	23 311	(87 per cent)	(88 per cent)	(12 per cent)
2017		20 876	17 832	3 044
	23 257	(90 per cent)	(85 per cent)	(15 per cent)
2018		19 255	16 716	2 539
	21 861	(88 per cent)	(86.8 per cent)	(13.2 per cent)
2019 (as at 1 May 2019)	21 563	18 743	16 293	2 450

(c)

157. Although most penal institutions in Azerbaijan were built during the Soviet period, in recent years some steps have been taken to repair and rebuild them and bring them up to international standards.

158. Measures were taken to ensure a reliable electricity supply to the prison in Qobustan. In addition, the internal water pipes were renovated and a new gas line was laid down. A generator was installed in the kitchen as a backup power supply for preparation of the prison inmates' daily meals. The dormitory kitchen, residential units, visiting rooms, assembly hall (recreation room) and library were renovated, as was the 60-tonne backup water tank. A 15-tonne and 4-tonne backup water tank for firefighting was constructed and is now in operation. Repair, maintenance and landscaping work was carried out on the grounds.

159. At the specialized treatment facility, the roofs of the wards, visiting rooms, administrative building and food stores were repaired. A two-storey treatment block, a three-storey up-to-date laboratory and a 24-bed block with 10 cells for persons serving life sentences were built and put into operation. A modern ventilation system was installed in

the facility and new water and gas pipes were laid down. The necessary measures were taken and the inoperative parts of the power lines were replaced.

160. At penal institution No. 6, the security guards' building and the checkpoint were renovated and a new guard control station was built and put into operation. Repair work is in progress on the recreation centre, the rooms used for long and short visits to prisoners, all the corridors of the residential buildings, the rooms used to store inmates' possessions and the dining room. A new dormitory for prisoners working in the housekeeping and maintenance services was built and put into operation. All the electric wiring in the utility rooms was replaced, 11 water valves were installed at the fire safety points, asphalt paving was laid down in the grounds and the artesian well was overhauled to improve the water supply to the facility. Capital repairs were carried out in all dormitories and measures were taken to improve the conditions of detention.

161. At penal institution No. 14, repair work was carried out in the visiting rooms, dormitories and disciplinary and quarantine cells and the water pipes were renovated. A new telephone room for the institution was constructed and made available to the prisoners. The perimeter fences were repaired, the outdated electrical wiring replaced and a new lighting system installed. Ramps and seats were installed in the dormitories, corridors, toilets, bathrooms and other locations to make them suitable for persons with disabilities. Work was carried out on the classroom of the on-site vocational college and posters and teaching materials acquired.

162. At pretrial detention facility No. 2, major repairs were completed on the blocks, the dormitory for prisoners involved in housekeeping and maintenance work, the storage room for possessions, the lobby and the administrative building; the cells are now supplied with hot water and the electrical wiring has been replaced. The building previously used as the recreation centre now accommodates women after a major overhaul including the construction of bathrooms and an infirmary. The water, gas and sewage pipes of the building were modernized. The previous electric motor of the artesian well providing the drinking water supply was replaced. The asphalt paving of the facility's access area and checkpoint and of the accommodation for the prisoners engaged in housekeeping and maintenance work was replaced.

163. At pretrial detention facility No. 3, several cells and the telephone room were refurbished, the sewerage system was renovated, the ventilation system was replaced with new fans installed and the wiring faults were remedied. In block No. 3, a new exercise room for prisoners and a two-ward infirmary for eight persons were constructed and are now in use. The reception area, the quarantine rooms and the bathroom for remand prisoners were fully renovated and the power lines and sewerage system were brought up to date. The cell windows were replaced in blocks No. 1, 2 and 3 and the administrative building. New drinking water supply piping was laid down in the facility, a sports hall was opened and the recreation centre was fully refurbished. The diesel generator is in good working condition. A flag square was built in the grounds of the facility; flowers were planted and other landscaping work was carried out. To improve detention conditions in the facility and for the benefit of persons with physical disabilities, special seats and handles were installed in the bathrooms of the cell blocks and wheelchair access ramps were installed in stairways. Fire safety equipment was appropriately installed throughout the facility, in all cell blocks, administrative buildings and other areas.

(d)

164. To step up the fight against corruption and abuse of official capacity in the correctional system, the web page of the Prison Service includes a section referring to documents related to anti-corruption rules and codes of ethics. Timely reporting to management, prompt reactions to information in the media about the work of the Service, the taking of action based on an investigation and, as a rule, the issuance of detailed reports ensure a full and comprehensive investigation of complaints and critical decision-making with regard to corruption and other negative phenomena.

165. The Prison Service website allows citizens to send statements and complaints by email. The Prison Service web page (www.penitensiar.justice.gov.az) and a hotline have been established to provide electronic services that facilitate modern and flexible management, increased transparency, the elimination of the factors leading to corruption and public satisfaction. A special new section has been created on the website to display the telephone numbers to call for the consideration of complaints. The related logbooks include the separate registration of complaints made over the telephone hotlines and over the Internet. Moreover, the telephone numbers and information about the web version of the hotline are displayed by the entrances of Prison Service facilities and in prominent locations in prisoner living areas. At the same time, the official website of the Prison Service has been upgraded and a mobile version has been developed and released. The website now includes sections for frequently asked questions, polls, suggestions and initiatives, public involvement, documents on codes of ethics and anti-corruption rules and the option for citizens to send statements and complaints by email through the web page.

166. Information about government procurement (calls for tender) is available on the website of the Competition Policy and Consumer Rights Protection Service of the Ministry of Economic Affairs (tender.gov.az). A special section has been created on the Prison Service web page for information taken from tender.gov.az. Any future information about public procurement will be made available in this section.

167. Number of complaints received by the Central Department of the Prison Service regarding cases of corruption:

<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>	<i>2018</i>
29	37	13	13	13

168. Moreover, the legislation stipulates that the Ombudsman, members of the Ombudsman's National Preventive Group, representatives of the Public Committee under the Ministry of Justice and ICRC may freely make unannounced visits to correctional institutions at any time, in order to uphold the rights and prevent the ill-treatment of prisoners.

169. The leadership of the Prison Service places a special focus on increased transparency and monitors and thoroughly examines allegations and complaints involving abuse of official capacity, corruption or ill-treatment of convicts. The complaints of corruption received by the Prison Service during the reporting period were examined. Internal investigations failed to substantiate the incidents and facts recounted in these communications.

(e)

170. In accordance with article 17 of the Penalties Enforcement Code, if a court orders the involuntary medical treatment of a prisoner on grounds of a mental disorder, without prejudice to capacity, such measures are applied by the institutions or authorities enforcing the penalty during the period of the sentence. If it is established during this period that the prisoner is suffering from a mental disorder, without prejudice to capacity, the institution or authority enforcing the penalty applies for a court order of involuntary medical treatment for the person in question. For persons sentenced to a specific term of imprisonment or to life in prison, involuntary treatment measures are applied in accordance with the relevant legislation and the Penalties Enforcement Code.

171. In accordance with article 22 of the Act on the Rights and Freedoms of Persons Held in Places of Detention, detained persons undergo a medical examination by the medical staff of the place of detention within 24 hours of their arrival. A record is made of the results of the examination. Complaints of torture or inhuman or degrading treatment as well as written information about bodily injuries identified by a medical examination and supposed to have been caused by torture or inhuman or degrading treatment are promptly referred to the procurator with procedural responsibility for the preliminary investigation

for conduct of the necessary inquiries. On the request of a person detained or remanded in custody or his or her lawyer and, based on a decision of the agency responsible for the criminal proceedings, the medical examination may also be carried out by specialists of the person's choice. In this case, the person detained or remanded in custody pays for the medical examination.

172. Psychiatric and tuberculosis care in the country's correctional facilities are accessible to all prisoners and are equivalent to the health care provided by the Ministry of Health.

173. All penal institutions have an infirmary that provides health-care services. Infirmaries offer initial examinations, periodic check-ups and outpatient treatment. All infirmaries (apart from those in young offenders' institutions) have inpatient wards, where patients not requiring long-term inpatient care can receive treatment. The infirmaries have dental clinics equipped with up-to-date medical equipment. The infirmaries of most penal institutions have been modernized and renovated. A new type of infirmary has been constructed at Baku pretrial detention facility and at Şäki prison. Construction is currently being completed on a new women's prison and a young offenders' institution. Addiction psychiatrists working in infirmaries provide primary psychiatric care.

174. Persons who require inpatient psychiatric treatment are treated in the psychiatric unit of the treatment facility and, if necessary, are seen by psychiatrists from the Ministry of Health, who oversee their future treatment. In penal institutions, Prison Service psychologists work alongside psychiatrists from the medical service.

175. The treatment plan for the provision of inpatient psychotherapy to persons with mental illnesses includes directives to adopt an individual approach for each patient, use non-pharmacological treatment methods and involve a clinical psychologist in the treatment process. For this purpose, an occupational therapy room has been set up in the psychiatric unit.

176. The psychiatric unit of the treatment facility also has a room for the incarceration of persons in cases of acute mental disorders who pose a sudden risk of harming themselves and others. With input from Council of Europe experts, instructions have been drafted and disseminated at the facility on standards for restrictive measures in the legal regulation of detention.

177. The Central Medical Authority reporting to the Ministry of Justice makes use of joint projects with international organizations to improve the quality of psychiatric care and implement modern approaches.

178. As part of the ongoing projects of the Council of Europe and the European Union to support prison reform in Azerbaijan (SPERA-1 and SPERA-2), international experts are providing training on various subjects, including mental disorders, the prevention of suicidal behaviour and psychoactive substance dependency, management of emergencies in psychiatry and international standards on drug dependence treatment.

179. Under the project, in May 2017, two officials involved in the organization and management of the psychiatric service travelled with other medical service employees for an experience-sharing visit to penal institutions in Madrid, Spain, to study European practices regarding non-pharmacological treatment methods.

180. In 2017, ICRC and the Central Medical Authority launched a joint project for mental health protection in penal institutions. As part of the project, an ICRC psychologist began work with officials from departments responsible for mental health issues to establish and reinforce practical skills for the active identification of mental and psychological problems in all persons entering pretrial detention. The aim is to support persons in whom the initial medical examination revealed injuries or signs of injuries, regardless of the time they were inflicted, organize a psychiatric consultation and, if no mental illness is diagnosed, enable an extended conversation with a psychologist. Furthermore, in line with the proactive nature of the project, training seminars for psychiatrists and other qualified doctors working in penal institutions are held regularly. This project is ongoing.

181. The Ministry of Justice has established infrastructure and a medical service in line with current medical requirements for the early detection and treatment of tuberculosis in penal institutions.

182. Tuberculosis among prisoners is tackled according to the standards recommended by the World Health Organization (WHO). In the correctional facilities of Azerbaijan, which have applied a harmonized model in this area, there are a wide range of possibilities for the early detection and timely treatment of tuberculosis. Along with daily examinations by doctors working in the infirmaries, mass examinations and laboratory testing are carried out twice a year in correctional facilities, with the assistance of two mobile teams. Persons with suspected tuberculosis are referred for tuberculous examinations and additional follow-up and, if diagnosed, are treated in accordance with the particularities of the disease in a specialized treatment facility.

183. The work carried out has led to a fall in the number of tuberculosis cases identified in penal institutions and in the number of persons with drug-resistant or destructive forms of tuberculosis, the number of tuberculosis infections that occur inside correctional facilities and the number of deaths from tuberculosis. The proportion of successful treatment cases increases every year and is higher than the recommended WHO indicators. A package of measures made these achievements possible, centred on the improvement of work for the early detection of tuberculosis based on: the targeted screening of new arrivals at penal institutions, the treatment of existing inmates and routine periodic mass testing at such institutions; the introduction of innovative technologies, equipment and systems for the rapid diagnosis of tuberculosis; the earliest possible start of treatment for persons diagnosed with tuberculosis; strict compliance with infection control measures and regular awareness-raising among staff; monitoring of the subsequent treatment of released patients; and regular refresher training for medical staff.

184. Tuberculosis control measures taken at the penal institutions of Azerbaijan have been commended by credible international organizations and experts. After the tuberculosis control work in the correctional system of Azerbaijan was held up as an example for countries in the region at the sixty-first session of the WHO Regional Committee for Europe, 20 experience-sharing tours were held between 2012 and 2019 for 146 delegates from 12 foreign countries, including the United Kingdom, the Philippines, Iraq, China, Turkey and Kazakhstan. The best practices compilations published in 2013 and 2015 by the WHO Regional Office for Europe on the tuberculosis control experience of countries in the region include presentations of the tuberculosis control work in the prison system of Azerbaijan, experience of follow-up of treatment for released prisoners, the experience of the international training centre on tuberculosis and other topics.

185. The country's efforts to tackle tuberculosis were rewarded with a prize for excellence in 2013 by the International Corrections and Prisons Association of the United States of America.

186. The special session on tuberculosis in prison led by the medical service of the Ministry of Justice at the forty-fifth annual conference of the International Union against Tuberculosis and Lung Disease held in Barcelona in October 2014 and the inclusion on the agenda of the forty-sixth conference, which was held in Cape Town at the end of 2019, of a joint session with the United States Centers for Disease Control and Prevention can be considered a result of the high international opinion of the work done in Azerbaijan.

187. In May 2014, the WHO Regional Office for Europe granted the training centre of the specialized treatment facility the status of WHO collaborating centre on prevention and control of tuberculosis in prisons, thereby helping professionals from other countries learn about the experience of the prison sector of Azerbaijan in combating tuberculosis.

188. Between 2015 and 2016, six international training courses were held in the centre for 107 participants from 20 countries (Italy, North Macedonia, Mongolia, the Philippines, South Africa, Belarus, Ukraine, the Republic of Moldova, Georgia, Sri Lanka, El Salvador, the Russian Federation, Bangladesh, Iraq, China and the countries of Central Asia).

189. The WHO Director-General, Tedros Adhanom Ghebreyesus, and his party visited the international training centre on a trip to Azerbaijan from 4 to 6 July 2018. The visitors

learned about the work of the centre, its modern conditions, the training rooms and the organization of remote training by videoconference. Dr. Ghebreyesus commended the country's achievements in combating tuberculosis, congratulating Azerbaijan on this and stressing the strong political will of the State to achieve such positive results. He also praised the country's productive partnership in this area with international organizations, including WHO, remarking that the standards applied by Azerbaijan to address tuberculosis constitute best practices, and noted the importance of disseminating the best practices of Azerbaijan across the world.

190. To improve the quality of the medical services provided in correctional facilities and ensure that they are equivalent to national health-care services, leading establishments and specialists of the Ministry of Health are involved in the follow-up and treatment of remand and convicted prisoners and the technical and human resources of the national health-care system are widely used in complex clinical and diagnostic situations. Doctors working in prison medical facilities and prisoners are able to consult specialists from general medical centres through the Central Medical Authority and receive their assistance in the follow-up and treatment of the prison population. From 2014 to 2019, more than 1,500 prisoners received imaging tests, consultations, surgery and other medical procedures in the general medical sector. More than 580 of these prisoners underwent computed tomography, magnetic resonance tomography, ophthalmology and various other tests, including endoscopies, bronchoscopies and electroencephalograms. Moreover, leading national specialists held consultations in the treatment facility and performed surgery.

191. The above-mentioned facts and research on infectious diseases show that the health care provided to remand and convicted prisoners is of a sufficiently high level.

(f)

192. Sustained efforts to help prisoners adapt to and reintegrate into society are ongoing in penal institutions. In line with the relevant legislation, namely the Act on the Social Adaptation of Persons Released from Penal Institutions and the Penalties Enforcement Code, convicted prisoners due for release because it is three months before the end of their sentence or on other grounds are issued with legal explanations and a list of these persons is sent to the social protection centres serving their registered addresses. Released prisoners meet with representatives of the Ministry of Labour and Social Protection, who consider their needs and provide social monitoring after their release from a penal institution.

193. Prisoners with category I or II disabilities and male and female prisoners of pensionable age are referred to homes for persons with disabilities or older persons if they so request and make the relevant application to the administration of the penal institution.

194. When juvenile prisoners who have lost their parents or are deprived of parental care and have no place of residence are released, they are sent to residential schools in line with the procedure stipulated by law and are fully provided for by the State.

195. Persons are provided with food and travel to their place of residence upon their release. If such persons are not able to acquire appropriate seasonal clothing and footwear, this will be provided and paid for by the State. They may also receive a one-off cash payment. In 2018 alone, 2,210 released prisoners received travel assistance, 1,982 were given clothing and footwear and 656 received a one-off payment.

196. In addition, the Ministry of Labour and Social Protection has taken measures to provide financial assistance to persons released from penal institutions, sign them up to vocational training courses and help them find employment. Eight vocational schools are currently in operation at penal institutions, providing vocational education to 1,120 prisoners in 61 groups, 10 professional fields and 17 specializations.

197. Research was carried out on the professions most in demand in industry and measures have been taken to involve prisoners in short vocational training courses in order to help them find work as soon as possible after release.

198. According to the rules agreed by the Ministry of Justice with the Ministry of Education, general secondary schools are currently in operation in six Prison Service institutions (penal institutions No. 1, No. 2, No. 7, No. 10 and No. 11 and the young offenders' institution). An online shop has been established to sell the handicrafts made by prisoners.

199. For the effective organization of prisoners' leisure time, the authorities responsible for educational work prepare and run individual and group activities of various kinds. For this purpose, the institutions have recreation centres, libraries, computer rooms, sports halls and exercise yards. Persons working for both government agencies and NGOs are involved in activities with prisoners. Sporting, intellectual, musical and other competitions are regularly held in penal institutions.

200. To further add to the collection of books, which plays a major role in the success of educational work, the penal institutions organize and operate electronic libraries as well as constantly updating the collections of existing libraries. The overall stock of all penal institution libraries consists of 117,345 books.

201. To ensure freedom of conscience and religious ethics for prisoners of different faiths, space is put aside in penal institutions for prayer rooms and areas, which are furnished with religious literature and other items, and the conditions have been set in place for representatives of officially registered religious organizations to visit. The State Committee for Work with Religious Organizations has held events on the following subjects: "Our religion and spirituality"; "Relations between religion and the State"; "The role of religious values in society"; and "Radical religious movements". Furthermore, awareness-raising discussions are held with prisoners on freedom of conscience and religious ethics.

Paragraph 17

202. In accordance with article 72.1 of the Penalties Enforcement Code, convicted juveniles are held separately from convicted adults and women from men in penal institutions. Juvenile prisoners sentenced to deprivation of liberty for a specified period serve their sentences in general or high-security young offenders' institutions. The young offenders' institution where convicted juveniles are held is regularly visited by the Ombudsman, the Public Committee under the Ministry of Justice and international NGOs, none of whom have identified unlawful treatment of the prisoners. Conditions in the young offenders' institution are also continuously monitored by relevant personnel from the Ministry of Justice and the Prison Service.

203. Persons serving their sentences at the young offenders' institution receive general secondary and vocational education. The institution also has a sculpture club and three-month courses on computing and automotive repairs.

204. Leisure is effectively organized in the young offenders' institution, including through the availability of an exercise yard and a well-stocked library.

205. To bring detention conditions for convicted juveniles into line with international standards, a new young offenders' institution is under construction in Zabrat settlement, Baku.

206. Voluntary organizations actively contribute to the adjustment, rehabilitation and social reintegration of convicted juveniles. In accordance with legislation, the young offenders' institution has a guardianship council consisting of representatives of government agencies, the Ombudsman and civil society organizations. The operation of the council is governed by Cabinet of Ministers Decision No. 16 of 15 January 2001. The council helps the management of the young offenders' institute to organize education, improve facilities, resolve social welfare issues and assist released inmates with employment and living conditions. Moreover, in accordance with the rules approved by the Ministry of Justice, the young offenders' institution has a parents' committee consisting of parents and other close relatives of the inmates. The main task of this committee is to increase the impact of educational measures among inmates and help the management of the young offenders' institution to implement reforms. Both these voluntary institutions

actively participate in the social integration and rehabilitation of inmates and the effective organization of their leisure.

207. Furthermore, pursuant to amendments made to the Penalties Enforcement Code on 24 June 2008, convicted juveniles accompanied by an employee of the young offenders' institution may be rewarded for exemplary behaviour, good attitudes to work and education, active involvement in inmates' organizations and educational activities by attending sporting, cultural or other events outside the young offenders' institution. This is a commonly used practice. These trips outside the institution play an important role in the social reintegration of convicted juveniles. Over the reporting period, 44 detainees went on such trips.

208. In accordance with article 19.1 of the Act on the Rights and Freedoms of Persons Held in Places of Detention, arrested and detained persons have the right to meet and speak confidentially with a lawyer or legal representative with no restriction on the number or duration of meetings from the time of their arrest or announcement of the decision to remand them in custody as a preventive measure. In line with legal requirements, their correspondence is sent on to the address indicated without censorship.

209. Pursuant to the Act on the Social Adaptation of Persons Released from Penal Institutions, legal, economic, organizational, social and psychological measures are taken for the adaptation of persons released from prison into society, to uphold their rights, freedoms and legitimate interests and counteract the risk factors behind juvenile offending. An in-house psychologist works with prisoners to this end.

210. Based on the sustainable development principle of "leaving no one behind", the Ministry of Youth and Sport has taken a number of measures to improve the physical health of young offenders, promote moral values among them and effectively organize their leisure in the prisons of the Prison Service. For example, in 2018 and 2019, meetings with young people were held in the Prison Service young offenders' institution where persons under the age of 18 serve their sentences to celebrate 2 February, which is Youth Day in Azerbaijan. During the meetings, entertainment was laid on for the convicted juveniles, who received sports clothing and other gifts. To promote a healthy lifestyle among inmates, help prevent bad habits and effectively organize their leisure a play called "Playing with life" was performed in 11 correctional facilities.

211. According to the plan of action for joint work by the Baku Central Department of Youth and Sport, which reports to the Ministry of Youth and Sport and to the Prison Service, the following events were held in 2018:

- Chess tournaments were held on 27 and 28 February 2018 in penal institutions No. 10 and No. 2. The tournaments had 80 participants. The winners were given certificates and souvenirs by the Central Department.
- A futsal tournament took place on 20 March 2018 in the young offenders' institution. The tournament had 20 participants. The winners were given certificates and souvenirs by the Central Department. The balls and goal nets used were given to the young offenders' institution.

212. On 5 March 2019, a number of amendments were made to the Youth Policy Act. A new definition of "young persons in an at-risk group" was added to the Act, stipulating that they are persons released from penal institutions who have been victims of violence, trafficking in persons or forced labour. The amended Act also provides that the State takes measures for the social adaptation of young persons in an at-risk group.

213. The State Youth Programme for 2017–2021, approved by a presidential order of 15 September 2017, provides for the establishment of an advisory and referral system for the social, psychological and legal support of young persons in an at-risk group. Pursuant to this provision, the young persons' homes reporting to the Ministry of Youth and Sport are in the process of establishing such systems.

Paragraph 18

214. Article 15 of the Act on the Rights and Freedoms of Persons Held in Places of Detention defines the basic rights of persons detained or remanded in custody. In accordance with article 15.1.23 of the Act, detained persons have the right to challenge decisions that concern them made by the administration of the place of detention.

215. Pursuant to article 18.3 of the Act, all forms of retaliation against persons detained or remanded in custody for making suggestions, statements or complaints are prohibited. The perpetrators of such retaliation face legal consequences for their actions.

216. In accordance with article 39 of the Act on the Rights and Freedoms of Persons Held in Places of Detention, disciplinary measures are applied based on a reasoned decision of the director or deputy director of the place of detention. The detained person is promptly provided with a copy of the decision and informed of his or her right to appeal. A record is made of this. Detained persons have the right to appeal against the measures to a higher official or in court. In the event of an appeal, upon application by the person in question or on the initiative of the appellate body itself, the appellate body immediately considers whether to suspend application of the measure being challenged and takes the appropriate decision. The disciplinary measure may be revoked if there are grounds to do so.

217. In accordance with paragraph 5.12 of the internal regulations for pretrial detention facilities, if remand prisoners make a written request to be placed in a one-person cell or the director or deputy director of the facility makes a reasoned decision for the purpose of countering a risk to the life and health of the inmates, they are placed in a one-person cell. Remand prisoners held in one-person cells are subject to reinforced monitoring and supervision. The decision to place a remand prisoner in a one-person cell or extend the period of detention in a one-person cell is notified in writing to the detainee, who signs the notification. This decision is reviewed by the director of the pretrial detention facility within one month. The detainee has the right to challenge the decision on transfer to a one-person cell to a higher authority or in court. These rules apply to all detainees, including juveniles and persons with disabilities.

218. Under article 107.2 of the Penal Enforcement Code, in the event of malicious violation of the penal enforcement rules, punitive measures may be imposed. These may take the form of the transfer of male convicts held at ordinary and strict regime institutions to high-security disciplinary units for 1 to 6 months, of convicts held at special regime institutions to solitary confinement cells for 1 to 6 months, or of convicts held at prisons to strict incarceration regimes for 2 to 6 months. Such penalties may be imposed only on convicts subject to the penalties provided under articles 107.1.1–107.1.3 of the Code.

219. Also, articles 109.3 and 109.5 of the Penal Enforcement Code provide that convicts transferred to cell-type rooms and solitary confinement cells are to be informed of the length of such punishment. Convicts who are not subject to a new penalty within a year are considered to have a clean slate.

220. In accordance with articles 110.4 and 110.6 of the Code, with the exception of cases involving injuries that are self-inflicted by convicts in punishment cells, high-security disciplinary units or solitary confinement cells, any time spent when transferred to medical establishments or penal institutions' infirmaries is counted as part of the sentence served. During a calendar year, detention may not exceed 60 days in a punishment cell and 6 months at high-security disciplinary units or in solitary confinement.

Paragraph 19

221. Foreigners and stateless persons who have been granted refugee status or who apply for refugee status in Azerbaijan may be voluntarily placed in a State Migration Service detention centre, in accordance with a procedure established by the Migration Code, until they find work or a place of residence, but for no more than three months. Moreover, a foreigner or stateless person who has obtained refugee status or who has applied for refugee

status in Azerbaijan does not need a work permit to engage in gainful employment in the country.

222. Article 5 (1) of the Status of Refugees and Forcibly Displaced Persons (Persons Resettled in Azerbaijan) Act establishes that persons who have illegally entered the country and who, as soon as possible, have submitted an application with the relevant authorized body are exempted, by a reasoned decision of such a body, from the liability for illegal entry established under the country's legislation. At the same time, persons who are refugees for the reasons specified in article 1 (1) of the Act (race, nationality, religion, membership of a particular social group or political opinion) may under no circumstances be sent or forcibly returned to a country where their life or freedom would be threatened.

223. Among foreigners and stateless persons who applied for refugee status (including those who entered the country illegally), none were placed in detention during examination of their documents.

Articles 12 and 13, paragraph 20

224. Submissions relating to torture and ill-treatment are investigated by the Department of Internal Investigations of the Prison Service. The Department is a structural unit of the Prison Service's Central Administration. In its activities, the Department is guided by the Constitution and the laws and other normative enactments that have entered into force, the international treaties of Azerbaijan, the Rules for carrying out service verifications in the justice system, the Prison Service Regulations and also Ministry of Justice orders, decrees, instructions and job descriptions that govern the activities of the Prison Service. The Department ensures that disciplinary violations committed by employees of the Prison Service are detected and that disciplinary action is taken against the perpetrators. It carries out its activities jointly with other bodies and divisions of the Ministry. One of the Department's main tasks is to detect cases of violations by staff of the rights and legal interests of convicted or detained persons held in prisons, as well as of those who have committed disciplinary offences, and to apply the relevant legal provisions against the perpetrators of such violations.

225. At temporary detention facilities of the Ministry of Internal Affairs, the Ministry carries out internal departmental administration in accordance with the procedure established by law, and extradepartmental administration is carried out by judicial authorities and procurators' offices.

226. As part of their duties, the police carry out verifications of complaints and information concerning violations of human rights and freedoms from media sources and they take the necessary measures in response.

227. When the elements of an offence have been established, the case file is sent to the investigative body with jurisdiction so that it can take a decision in accordance with the requirements of the law. The investigation of crimes committed by police officers is carried out by the procurators' offices, in accordance with the requirements of the criminal procedure law. Relevant investigations are also carried out by the courts and the Ombudsman within the limits of their legally established powers.

Paragraph 21

228. We can provide the following information about the cases raised by the Committee:

(a) Mr. Yalchin Dzhamil oglu Imanov, the lawyer for Taleh Baghizada and Abbas Mamedbagir oglu Guseinov, who are serving their sentences in prison, has sent an electronic submission to the Prison Service and the Ombudsman, and information has been published in the press on illegal acts committed against those convicts at the establishment in question. The investigation carried out at the prison concluded that the information on illegal acts committed against the convicts Abbas Guseinov and Taleh Baghizada could not be confirmed. They were subjected to no illegal physical pressure. In accordance with the requirements of the law, the necessary conditions were established for them to serve their

sentences. The measures provided under the law were applied to them for their responsibility for repeatedly violating the prison regime.

(b) Bayram Mammadov was arrested on 10 May 2016 by the Baku Central Police Department and was found guilty under articles 234.4.1 and 234.4.3 of the Criminal Code. He was sentenced to 10 years of deprivation of liberty on 8 December 2016. He was released on 17 March 2019, in accordance with Presidential Pardon Order No. 1049 of 16 March 2019.

(c) Giyas Ibrahimov was arrested on 10 May 2016 by the Baku Central Police Department and was found guilty under articles 289.2, 66.5, 234.4.1 and 234.4.3 of the Criminal Code. On 18 December 2017 the Yasamal District Court sentenced him to 10 years and 3 months of deprivation of liberty. He was released on 17 March 2019, in accordance with Presidential Pardon Order No. 1049 of 16 March 2019.

(d) Elgiz Gahraman was arrested on 12 August 2016 by the Central Organized Crime Control Department of the Ministry of Internal Affairs, and on 16 January 2017 the Baku Court found him guilty of serious crimes under article 234.4.1 of the Criminal Code and sentenced him to 3 years of deprivation of liberty. He was released on 17 March 2019, in accordance with Presidential Pardon Order No. 1049, of 16 March 2019.

(e) Afghan Sagidov was arrested by the Jälilabad District Court on 23 November 2016 and on 12 January 2017 the court found him guilty under article 127.1 of the Criminal Code and sentenced him to 1 year and 6 months of deprivation of liberty. On 23 May 2018 he was released after serving his sentence.

(f) On 25 November 2016 the Sumgait Municipal Court found Ikram Rahimov guilty of offences under article 147.2 of the Criminal Code and sentenced him to 1 year of deprivation of liberty. The Sumgait Court of Appeal issued a decision on 1 March 2017 commuting the sentence handed down on 25 November 2016 by the Sumgait Municipal Court to 9 months of punitive deduction of earnings, with confiscation of 20 per cent of his monthly salary. In accordance with article 68.3.1 of the Criminal Code, he was recognized as having served his sentence and was released in the courtroom.

(g) Fikrat Faramazoglu was arrested on 30 June 2016 by the Central Organized Crime Control Department of the Ministry of Internal Affairs, and on 14 June 2017, the Baku Court found him guilty of serious crimes under articles 182.2.1 and 182.2.2 of the Criminal Code and sentenced him to 6 years of deprivation of liberty. He was released on 17 March 2019, in accordance with Presidential Pardon Order No. 1049 of 16 March 2019.

(h) The persons mentioned above, while under arrest and serving their sentences, were not subjected to ill-treatment, their rights and legitimate interests were not restricted, and they were visited by representatives of international and non-governmental organizations on several occasions.

(i) The Qazax District Court on 22 May 2017 issued a decision imposing 30 days of administrative detention on Nijat Amiraslanov for failure to comply with a police order. He was released after the expiration of the period of detention.

Paragraph 22

229. Substantial measures have been taken in the past to increase the effectiveness of the justice system and citizens' trust in the courts and to improve the work of the judiciary.

230. Most recently, in the context of the measures taken to strengthen the judicial branch, and taking into account international experience, the powers of the Judicial Council have been broadened every year. The Council's mandate now includes ensuring the independence of the judiciary and judges. Proposals have also been made for the Council to designate court presidents. The territorial jurisdictions of the courts have been defined and the exclusive powers to issue opinions regarding the budgets of first instance and appellate courts have been transferred to the Council. The Council has been given important powers to prevent interference by judges outside their fields of competence and its role in the early termination of judges has been enhanced.

231. In order to improve the quality and effectiveness of the justice system, a presidential decree was issued on 3 April 2019 on the deepening of reforms in the judicial and legal system.

232. The main objective of the decree is to speed up the process of forming a justice system in line with the needs of the times and one that enjoys the respect of the public, to improve the quality and effectiveness of the system, to build confidence in the judiciary as a whole and to increase accessibility and transparency in its activities. This decree, which sets strategic priorities for the further development of the justice system and the courts, is also a crucial road map that sets out the path to be followed in the future.

233. The decree contains instructions laying down specific, rigorous measures to improve mechanisms preventing interference in the work of the courts, to increase responsibility for such interference, to ensure that treatment that is at variance with established procedure is inadmissible, to secure the material situation of judges and to strengthen the independence of the judiciary, the effectiveness and accessibility of the justice system and the satisfaction of citizens.

234. The Judicial Council has set up hotlines to ensure the independence of judges and prevent interference in the work of the courts. Appropriate monitoring has been carried out in the courts. As a result, shortcomings that led to treatment inconsistent with procedure and that elicited public discontent have been eliminated.

235. At the same time, to ensure the independence of judges, relevant draft laws are now being drawn up on the basis of the decree to improve mechanisms for preventing interference in the work of the courts and to increase responsibility for such interference.

236. These drafts are mainly related to the creation of new, specialized courts to deal with disputes related to business activities, the improvement of mechanisms for preventing interference in the work of the courts, the unification of court practice, the digitalization of court activities, the strengthening of social protection of judges and judicial staff, improvement of the effectiveness of forensic expert assessments and the execution of court decisions, among other questions. At the same time, in order to provide a systematic framework for enactments regulating the execution of court decisions, a draft code on the execution of decisions has been drawn up for the first time. It is now the subject of negotiation among the relevant bodies.

Paragraph 23 (a)

237. According to the amendments to the Penalties Enforcement Code of 24 June 2008, convicted persons have the right to express their opinions on decisions relating to the execution and serving of their sentences or to appeal against them, and they are also entitled to file complaints about the application of punitive measures, either with the Ministry of Justice or before a court. In accordance with the amendments made to the Code on 17 May 2016, when a complaint is filed, the complaints body, at the request of the affected person or acting on its own initiative under its official duties, is immediately to consider suspending the punitive measure in question and to take the appropriate decision.

238. The same act of 17 May 2016 introduced amendments to the Act on the Rights and Freedoms of Persons Held in Places of Detention. The internal disciplinary regulations at remand centres and correctional facilities have been brought into line with these legal requirements.

239. At the same time, under article 83.5, proposals, applications and complaints addressed to bodies supervising penal institutions, the Ombudsman, the National Preventive Mechanism and the European Court of Human Rights are not subject to censorship and are forwarded, as appropriate, within one day (with the exception of weekends, election days, which are considered public holidays, and the Day of National Mourning).

240. On 28 June 2010, the Procurator General's Office issued Order No. 10/70, aimed at increasing the effectiveness of procurators' procedural management of pretrial investigations, strengthening supervision of initial inquiries and pretrial investigations and

further improving related activities. The Order establishes that district and municipal procurators are to regularly check on the legality of decisions by district procurators to hand people over to district police departments and to verify that their detention at temporary holding facilities is legal. This is checked by officials of the corresponding units of the Procurator General's Office responsible for supervising initial inquiries and pretrial investigations, with the appropriate documentation, during their on-site visits.

241. During these inspections, staff of the procurator's office meet with citizens and examine the legality and justification of their transfer to police stations and of their detention at holding facilities.

242. Furthermore, in accordance with the laws currently in force, everyone has the opportunity to contact the relevant State bodies, in writing or orally and directly and without hindrance, about the use of torture or ill-treatment and about the adoption of relevant measures. This may be done through the media, communication channels or the Internet, as well as by other means not prohibited by law.

243. Article 14.1 of the Act on the Rights and Freedoms of Persons Held in Places of Detention of 22 May 2012 specifies that persons who are under arrest or in detention enjoy the rights and freedoms set forth in the Constitution, the Code of Criminal Procedure, the Act and other laws, and are to carry out the obligations set therein.

244. Under articles 18.1–18.3 of the Act, proposals, applications and complaints sent by persons under arrest or in detention to investigators, prosecutors in charge of pretrial investigations, courts, bodies supervising holding facilities, the Ombudsman, United Nations human rights bodies, the European Court of Human Rights or the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment must be immediately forwarded to the body in question. Such proposals, applications and complaints and the responses to them are not subject to censorship.

245. Replies from investigators or procurators in charge of the procedure for preliminary investigations or from courts or bodies supervising the work of detention facilities to the proposals, applications and complaints are announced to the persons in detention or under arrest, with delivery against receipt. The originals of the replies are attached to their personal files, and copies are included in the criminal case file. Copies of the replies are presented to the persons in detention or under arrest, upon request.

246. Persons in detention or under arrest may not be subjected to persecution of any kind for filing suggestions, applications or complaints. Anyone allowing such persecution is subject to liability in accordance with a procedure established by law.

247. Article 27 of the Act states that persons who are in detention or under arrest may not be subjected to torture or inhuman or degrading treatment or punishment under any circumstances. They may not be held at places of detention in conditions that are degrading to human dignity.

248. Also, according to article 22.3 of the Act, the administration of the place of detention must immediately forward for appropriate investigation complaints relating to torture or inhuman or degrading treatment or punishment, and also written reports of injuries detected during medical examinations allegedly caused by such treatment or punishment, to the procurator responsible for the pretrial investigation procedure.

249. Under the provisions of the laws in force, everyone, including persons deprived of their liberty, has access to an independent and effective complaint mechanism. Such complaints are investigated thoroughly and comprehensively under existing procedures, and depending on the outcome of the investigations, reasoned decisions are taken.

(b)

250. On 26 December 2018, during a general search and inspection, while serving his sentence at correctional facility No. 14, Mehman Huseynov failed to obey legal orders issued by Justice System Lieutenant Ali Aladdina oglu Abdalov, a senior inspector of the facility monitoring department. In resisting, the convict turned violent and injured him, and

also committed other illegal acts. The Qaradağ district procurator in Baku initiated a criminal case, as 461 manats were found in the convict's pocket. At the same time, an internal investigation conducted by the Prison Service ascertained that Mr. Huseynov was not subjected to any illegal acts at the correctional facility. On 22 January 2019 the Qaradağ district procurator in Baku issued a decision terminating the criminal case in connection with Mr. Huseynov's actions. He has since been released, after serving his sentence.

Article 14

Paragraphs 24 (a) and 26 (article 15)

251. Between 2018 and 2019, 19 persons were prosecuted for allowing the use of torture or other illegal acts. These persons were deprived of their liberty for 3 to 10 years.

(b)

252. Article 15.1.22 of the Act on the Rights and Freedoms of Persons Held in Places of Detention and article 10.2.9-1 of the Penal Enforcement Code establish that convicted persons have the right to psychological assistance. Psychologists are employed at prisons and also in the Central Department of the Prison Service in order to provide such assistance. Psychological assistance for convicted persons is governed by the rules for the provision of medical and psychological care to detained or arrested persons and for their custody at medical facilities, which were approved by Decision No. 67 of the Cabinet of Ministers on 18 April 2013. Under articles 6.2.3 and 6.2.4 of the new Psychological Assistance Act, persons who are in detention or have been convicted are entitled to receive free psychological assistance.

253. If there is a need for professional psychological assistance, such assistance is provided, with the authorization of the administration of the place of detention, by representatives of specialized organizations. Psychological assistance is provided at detention facilities in special rooms assigned for this purpose, on an individual basis. The necessary conditions are being established at prisons for the effective use of psychological assistance. Persons at risk, including those who may attempt to commit suicide, inflict injuries on themselves or escape, persons prone to conflict, and minors are monitored by psychologists, who regularly hold interviews with them.

254. Breakdown of psychological assistance work with persons in detention and convicts who attempted to commit suicide, inflicted injuries on themselves or refused to eat, 2014–2018:

	<i>Year</i>				
	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>	<i>2018</i>
Suicide attempts	30	47	28	49	22
Attempts at self-inflicted injury	243	346	275	253	216
Hunger strikes	15	26	46	63	38

255. The aim of the psychological assistance is the early detection and prevention of extreme situations in which problems may arise at prisons owing to the deprivation of liberty, the psychological profile of individuals, the personal attitudes of the inmates themselves towards other inmates or society and their attitude to punishment, as well as other circumstances.

256. Psychology seminars and training sessions have been held at prisons on the prevention of conflicts, self-inflicted injuries and suicide among inmates, and also on the right of inmates to receive psychological assistance.

257. In 2016 alone, psychoneurological clinics were built in the cities of Kyurdamir and Lenkoran', two new wings of National Psychiatric Hospital No. 1 were built and the

Gubinskaya Psychoneurological Hospital was renovated. The psychiatric hospitals in Gandja and Sheki are nearing completion and will be commissioned by the end of 2019.

Paragraph 25

258. With regard to the cases in question – *Mammadov (Jalaloglu) v. Azerbaijan* (compensation paid on 29 June 2007), *Muradova v. Azerbaijan* (compensation paid on 15 September 2009) and *Garayev v. Azerbaijan* (compensation paid on 29 November 2010) – compensation has been paid in full.

Article 16

Paragraph 27

259. By a decision of the Supreme Court of 28 March 2019, the sentence of I. Mammadov was commuted to 5 years, 6 months and 9 days. In view of his detention during this period, he was considered to have served his sentence and was released.

Paragraph 28

260. Under the Social Services Act, children with special needs and persons who, due to disability, are unable to care for themselves or who do not have relatives of working age or legal representatives able to care for them fall within the category of persons in difficult situations. Under the Act, in order to solve the social problems of this category of persons and to implement comprehensive measures for their equal participation in public life, such persons are also provided with inpatient social services at specialized establishments. The Ministry of Labour and Social Protection currently has two establishments providing social services for children with disabilities and three psychoneurological institutions providing social services.

261. The social service establishments for children admit children with disabilities who are not students and are between the ages of 5 and 18. Psychoneurological social service institutions admit persons with relatively mild types of chronic mental illnesses, such as schizophrenia in the prepsychotic symptomatic stage, patients with epilepsy having fewer than five seizures per month and persons with intellectual disabilities resulting from cerebro-cranial injuries or infections such as encephalitis, tubercular meningitis, meningoencephalitis, neurosyphilis, and other disorders. On 1 June 2019, there were reportedly 341 children at social service establishments for children and 405 children at psychoneurological social service institutions.

262. The placement of persons with disabilities and children with special needs belonging to the above category is carried out in accordance with Cabinet of Ministers Order No. 320 of 5 November 2013 on the rules for placement of persons and families in difficult situations in State social service institutions.

263. Under article 2.4 of the Order, persons and families unable to care for themselves, those who do not have relatives of working age or legal representatives capable of providing them with care or the relatives or legal representatives (or successors or guardians) of such persons, and municipalities and non-governmental organizations, as well as other persons to whom such persons have given their consent, may file applications with the city or district offices of the State Social Protection Fund under the Ministry of Labour and Social Protection for their placement at State social service institutions. Within 20 days of the request for placement at a social service institution, a social worker assesses the need to place the person or family in an institution, and a corresponding decision is then taken on whether to admit the person or refuse admission.

264. Under article 22.1 of the Psychiatric Care Act, the basis for placement at a psychiatric hospital is the existence of a mental disorder in the patient and a psychiatrist's conclusion (in a psychiatric expert opinion) that an inpatient examination and treatment are required, and in cases of involuntary hospitalization, a court order. Under article 36 of the

Code of Civil Procedure, relatives, successors or guardians may file an application with the court of the place of residence, as may the head of the psychiatric establishment at the place of treatment, for the compulsory placement of an individual at a psychiatric hospital. The submission must specify the grounds provided by law for compulsory placement at a psychiatric hospital. In cases where the application is submitted by the head of the psychiatric institution, a reasoned conclusion of the psychiatric board must be attached.

265. Within five days of taking on a case, the judge must consider the application for the compulsory placement of the person at the psychiatric institution. The person against whom the case is being considered may attend the court hearing, provided the mental state of the person concerned does not render this impossible. In considering the case on the merits, the judge may decide to reject the application or to accept it for consideration. If it is determined that a person has been placed in a psychiatric hospital without justification, the person is discharged from the psychiatric hospital on the basis of a court order discontinuing the hospitalization.

266. However, it should be noted that the social service institutions mentioned above that operate under the Ministry of Labour and Social Protection are not psychiatric hospitals. These facilities are institutions designed to provide social services to persons over 18 with disabilities owing to acute or chronic mental illness and to children with special needs (under 18 years of age).

267. Persons with intellectual disabilities placed in institutions and children with special needs are provided with an appropriate place to live and receive services and care in accordance with an established regime and with appropriate cultural and educational support. They are provided with habilitation and rehabilitation on the basis of an individually developed plan and receive food in accordance with their food allowance and dietary needs, as per their age and condition of health. When necessary, primary medical assistance is given and medical consultations are held with qualified medical specialists. In addition, when necessary, they are transferred to therapeutic and preventive medical facilities. The rights and interests of persons with disabilities placed in institutions are upheld and the necessary measures are taken for their social protection.

268. A major renovation was carried out at Social Services Psychoneurological Institution No. 1 in order to improve living conditions and rehabilitation there. The facility subsequently resumed operating in February 2019. There are plans to carry out repairs at Social Services Psychoneurological Institutions Nos. 2 and 3 in 2019.

269. Appropriate monitoring is regularly conducted in order to verify compliance of the above institutions with the law and established standards and to improve the quality and effectiveness of social services. Measures are taken on the basis of the monitoring's results to address detected problems and shortcomings. When there are changes in the state of health of persons with disabilities and children with special needs who have mental health problems and are placed in social service institutions, and such changes prevent them from staying at such institutions, they are discharged and are sent to an appropriate therapeutic and preventive care facility, or if close relatives request that they be discharged, they are allowed to leave the facility in their care.

Paragraph 29

270. On 17 September 2017, from approximately 3 p.m. to 5 p.m., the National Council held a legal rally at the stadium of the Sports and Recreation Complex in Yasamal district. Security measures were in place during the demonstration and the activity ended at 5 p.m. Afterwards, 54 people were arrested for attempting to disrupt public order and were taken to the Yasamal district police station. Of these, 41 were released with a warning and reports were filed against 12 others on the basis of article 535.1 (Wilful failure to comply with the lawful demands of a police or military officer) of the Code of Administrative Offences. On 18 September 2016, the case files were all sent to the Yasamal District Court. One person was issued an administrative fine.

Paragraph 30

271. In September 2017, numerous complaints were received about disruptions of public order and violations of public safety by persons committing administrative offences, including loitering, petty theft or begging, as well as by members of sexual minorities engaging in acts of open disrespect for society in the central part of Baku by offering paid intimate services to local citizens and tourists during the evening hours. The perpetrators were in groups, and were insulting and provoking fights with persons who refused such services.

272. Such illegal activities, which became continuous in nature, and specifically violent crimes, including muggings and robberies committed by members of sexual minorities against citizens and foreigners on the streets of Baku, were the subject of strong disapproval among the victims of such actions and among persons living near the gathering places of the sexual minorities.

273. In this connection, during preventive measures taken by the Baku police in the period from 15 to 30 September, penalties were applied to about 600 persons for administrative offences against public order and public security. Also, out of the hundreds of members of the sexual minorities gathered in different parts of the capital, 83 who committed serious violations of the law, petty hooliganism and malicious disobedience of a police officer's legal request, were arrested and their offences were recorded, in accordance with the legally prescribed procedure.

274. The offences committed by those who were arrested were confirmed in court, and consequently 56 persons were subjected to the penalty of administrative arrest for 5 to 30 days under articles 510 (minor hooliganism) and 535.1 (malicious disobedience of a lawful request of a police officer or serviceman) of the Code of Administrative Offences (46 persons on 16 September, 5 on 18 September and 5 on 26 September); 18 persons were fined and 9 received warnings.

275. At the request of their lawyers, the arrested persons were sent for examination to the relevant medical institutions. According to the results of the medical and laboratory research, it was determined that 32 of them had various sexually transmitted diseases, including 16 with syphilis, 6 with AIDS, 6 who were HIV-positive, 2 who had acute urethritis, candida albicans and trichomoniasis, and 2 others who had the hepatitis C virus.

276. At the same time, applying the principle of humanism for the treatment of these persons, and in view of the fact that the time in remand custody of another 24 persons who were not found to have sexually transmitted diseases had been sufficient, on 2 October the courts ordered their early release from administrative detention.

Paragraph 31

277. Article 46 (3) of the Constitution establishes that no one may be subjected to torture. No one may be subjected to treatment or punishment that is degrading to human dignity.

278. Under article 12 (5) of the Rights of the Child Act, cruel treatment of children, the use of physical or psychological violence against them and violations of children's rights by parents and other persons are punishable by deprivation of parental rights and administrative or criminal liability.

279. Under article 28 (2) of the Act, the State, using social, legal, economic, medical and educational means, protects children against all forms of exploitation, heavy, harmful and dangerous work and the effects thereof, psychological violence, sexual exploitation, alcoholism, begging, gambling, prostitution and drug and substance abuse. The use of children for criminal purposes is punishable in accordance with the provisions of the law.

280. Under article 133.2.4 of the Criminal Code, the infliction of physical or mental suffering through systematic beatings or other forms of violence committed against a person known to be a minor or a person known to the perpetrator to be in a helpless situation is punishable by deprivation of liberty for periods ranging from 2 to 5 years.

281. We should also point out that articles 126, 127, 128 and other articles of the Code establish criminal liability for carrying out acts that are harmful to a person's health. Also, under article 61.1.7 of the Code, the commission of crimes against minors is an aggravating circumstance.

General information on other measures and improvements related to the implementation of the Convention by the State party

Paragraph 32

282. On 10 February 2017, the President of Azerbaijan signed an Order on the humanization of penalties and the more extensive use of alternatives to incarceration.

283. The Order establishes a new approach to penalties and serves as a road map for State bodies responsible for implementing policy in this field. It sets out three main areas of action: improvement of the criminal law and criminal procedure law; implementation of institutional reforms to allow convicted persons to undergo correction without incarceration; and additional measures for the development of penitentiaries.

284. For the implementation of this Order, in October 2017, about 300 amendments were made to the Criminal Code, 15 types of offences were decriminalized, the amounts triggering liability under three articles of the Code were increased and the acts in question were removed from the criminal category and placed in the category of administrative offences. Thus, decriminalization was carried out not only by repealing articles, but also by increasing the amount of damage required to establish that a crime has taken place.

285. In addition, there has been an improvement in the system of exemption from criminal liability through conciliation with victims. New rules have been established providing for exemption from criminal liability for crimes committed against property and in economic activities.

286. To reduce the use of deprivation of liberty, a new type of punishment unrelated to incarceration has been established by law, and the penalties provided under 158 articles have been supplemented with alternatives, including a new type of penalty, restriction of liberty. The penalties involving deprivation of liberty have been reduced for 36 crimes.

287. The relationship to people suffering from drug addiction has also been humanized. Such persons, when their actions do not include another offence, are exempt from criminal liability if they are fully rehabilitated as a result of compulsory inpatient medical care.

288. At the same time, the legislation has been improved to ensure the effective application of the penalty of community service. As part of measures to prevent the abusive enforcement of penalties as community service, the Code of Administrative Offences was amended by an Act of 20 October 2017 with a new provision that establishes that officials are liable if they fail to perform their duties when enforcing penalties in the context of community service or administrative penalties.

289. A law amending the Code of Criminal Procedure was jointly drafted with the Office of the Procurator General and adopted on 1 December 2017. It created additional opportunities to increase the requirements to be met in order to use detention as a preventive measure, to make the procedures for the extension of detention more rigorous and to establish effective monitoring mechanisms.

290. In addition, in accordance with the above-mentioned order, in late 2017, a Probation Service was set up at the Ministry of Justice to facilitate the effective enforcement of non-custodial sentences. Urgent steps were taken to organize the Service, such as a study of best practices in some 10 countries, including Norway, Latvia and Croatia. Special training sessions were held at the Judicial Academy.

291. The relevant legal and regulatory framework was quickly established. Probationary supervision was introduced into the Penal Enforcement Code, a procedure for serving the new type of penalty – restriction of liberty – was set up, the procedures for the serving of

other alternative sentences were improved and administrative liability was even established for officials who improperly implemented sentences. The regulations and structure of the probation service were approved.

292. Electronic bracelets have for the first time been put to use in the country as a monitoring mechanism in order to ensure a more effective execution of alternative sentences. Various models were developed and tested and local production was set up for the bracelets that were considered most acceptable, taking on board the best ideas from international practice.

293. An electronic monitoring centre was established in the probation service. It has been equipped with the most modern equipment and operates 24 hours a day, 7 days a week, tracking persons on probation. The number of persons on probation has already reached 1,600 in six months. Though the country's use of the electronic monitoring system is quite recent, its experience in this field is already in demand in the international arena.

294. The State Programme for the Development of the Judicial System 2019–2023 was approved by an order of the Head of State on 18 December 2018 in order to ensure the sustainability of reforms in the administration of justice and to improve the activity of judicial bodies and the courts.

295. The Programme calls for proposals to be drawn up to improve legislation in order to better ensure the rights of persons who have been convicted or detained, taking into account international standards and principles, including the recommendations of international organizations. It is aimed inter alia at strengthening the material and technical basis of the system, concluding the construction and commissioning of new prisons, expanding the assignment of persons deprived of their liberty to work that is beneficial to society, restoring and creating new production units at places of detention and improving medical services for persons in detention.

296. The presidential decree mentioned above on the deepening of reforms in the judicial and legal system, dated 3 April 2019, is an integral part of the comprehensive reforms implemented in our country. The decree defines strategic priorities for the development of the justice system and also serves as an important road map for law enforcement agencies.

297. The decree sets important tasks for developing entrepreneurship, further expanding access to justice, preventing interference in judicial activity, improving the efficiency of production, eliminating red tape and reducing the workload of judges.

298. The decree also includes instructions to continue work on the humanization of criminal policy. In that connection, a joint working group that includes representatives of the Ministry of Justice, the Office of the Procurator General and the Supreme Court has drawn up a draft law to amend the Criminal Code, including 204 amendments, some of which would decriminalize more than a dozen offences. This decriminalization will be done by eliminating liability for certain acts or by increasing the amount of damage required for the criminalization of such acts.

299. At the same time, innovations are envisaged in the criminal procedure law. These include such new concepts as plea bargains and simplified judicial processes, subject to the consent of the accused.

300. The country's legislation has been amended to improve migration procedures in accordance with modern requirements to better meet the needs and ensure the well-being of citizens, foreigners and stateless persons and migrant workers and to ensure that foreigners with family ties and those with business relations in the country are able to freely make use of such services.

301. In addition to the amendments made to the Migration Code to simplify general migration procedures, a chapter was added to the Code on 16 December 2016 entitled "Procedure for the accommodation and maintenance of foreigners and stateless persons in detention centres for illegal migrants". The chapter inter alia sets out the grounds and time limits for placing foreigners and stateless persons in detention centres for illegal migrants; the procedure for their placement at such facilities; the specific rules for keeping them there; the regime at the facility; the internal rules and regulations; the rights of foreigners and

stateless persons forcibly or voluntarily placed at such centres; their protection at the centre; and the monitoring of their detention at such facilities.

302. Pursuant to an amendment made on 24 June 2016 to the Citizenship Act, persons who have obtained refugee status and have resided continuously and permanently in Azerbaijan for the past five years have the right to apply for Azerbaijani citizenship.

303. Taking into account the recommendations of the UNHCR office in Azerbaijan, and in order to ensure that the State, in accordance with the law, provides for and protects the rights and interests of foreign and stateless applicants for refugee status under the age of 18 or who have been left unaccompanied after arrival in the country, Presidential Decree No. 1257 of 23 February 2017 amended the procedure for consideration of applications for refugee status. The amendments treat unaccompanied children on an equal footing with children in Azerbaijan who have lost their parents or are deprived of parental care. Their social protection is guaranteed by the State and their rights and interests are protected in accordance with the law.

304. Presidential Decree No. 1411 of 18 May 2017 amended the procedure for considering applications for refugee status, with the aim of improving the exercise of refugees' rights and the protection of their interests under the law. Pursuant to these amendments, when a refugee certificate is issued, the State Migration Service simultaneously registers the place of residence of the person in question. Persons who have not been granted refugee status and do not have a place of residence are registered at the State Migration Service's detention centres until a place of residence is found.

305. On 28 December 2018, the Population Registry Act was amended in order to allow for the collection, constant updating and provision, to State and local government bodies and individuals, of information on the place of settlement in the country of foreigners and stateless persons who have obtained refugee status and on scales and trends in migration. In accordance with the changes, foreigners and stateless persons who have obtained refugee status were included in the "population" category.

306. With the introduction on 7 December 2018 of amendments to the Status of Refugees and Internally Displaced Persons Act and the Rights of the Child Act, foreigners and stateless persons who have refugee status in the country have the opportunity to study at all educational levels in the country, in accordance with the legislation.

307. In light of the important role played by public oversight in improving the implementation of measures, and in line with the activities of the State Migration Service, a Public Council composed of seven non-governmental organizations was set up in the Service and has begun operation.

308. The Public Council holds regular meetings with and receives migrants, studies their proposals and problems and resolves complaints in coordination with the State Migration Service. It supports the activity of the State Migration Service in educating migrants about the legislation in force and about amendments and additions made to the legislation in such fields as migration and the regulations relating to migration.

309. At the same time, Azerbaijan is unable to fully implement its international obligations in the area of human rights protection nationally, in the territories of Azerbaijan occupied by Armenia, due to the longstanding Nagorno-Karabakh conflict between Armenia and Azerbaijan.

310. During its armed aggression against Azerbaijan, the Armenian side has committed gross violations of the standards of international humanitarian law and of human rights. There have been numerous cases of extrajudicial executions and mass shootings and torture and other cruel and inhuman treatment and punishment of the civilian population.

311. According to the State Commission on Prisoners of War, Hostages and Missing Persons, as at 1 May 2019, there were 3,888 persons on the list of missing citizens of Azerbaijan. According to numerous sources, they are being illegally detained by Armenia and are systematically subjected to torture and other cruel and inhuman treatment and punishment. According to our data, 554 citizens of Azerbaijan have died as a result of torture in Armenian captivity. In this regard, the fate of two Azerbaijanis, Dilgam Askerov

and Shahbaz Guliyev, who were taken hostage by the Armenian side in July 2014, continues to be a matter of serious concern for the Government of Azerbaijan. The Azerbaijani side calls on the Committee to pay particular attention to the inhuman treatment, systematic torture and violence perpetrated by the Armenian authorities against these two hostages, as well as to their other illegal actions carried out in the occupied territories of Azerbaijan.
