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COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND
www.ohchr.org • TEL: +41 22 917 9000 • FAX: +41 22 917 9008 • E-MAIL: registry@ohchr.org

2 November 2018

Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of Azerbaijan and welcome the constructive engagement of your Government during the 30th session of the UPR Working Group in May 2018.

As the final outcome report on the review of Azerbaijan has been recently adopted by the Human Rights Council at its 39th session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office had prepared for the review of Azerbaijan – the Compilation of UN information and the Summary of Stakeholders' submissions – which I consider in need of particular attention over the next four and a half years until the next cycle of the UPR. In identifying those areas, I have also considered the statements and/or recommendations made by 77 delegations, the presentation and responses made by the delegation of Azerbaijan and the actions taken by the Government to implement the 158 recommendations it had accepted during the second cycle of the UPR. The aforementioned areas cover a range of issues and appear in the Annex to this letter.

I welcome Azerbaijan's active engagement with international human rights mechanisms, including the timely submission of periodic reports to treaty bodies, and the standing invitation extended to all Special Procedure mandate holders.

I note a number of legislative and policy measures taken by the Government of Azerbaijan aimed at protecting and promoting human rights, including presidential decrees on improving the efficiency of the penitentiary system, as well as the adoption of the National Action Plan for Open Government 2016-2018 that seeks to improve anti-corruption legislation, raise awareness of citizens in the fight against corruption, enhance the engagement of civil society organizations and develop proposals for establishing corruption-related crimes. I also note with appreciation the establishment of the National Coordinating Council on Sustainable Development in 2016 as well as efforts taken to improve the infrastructure of the courts system. I call on the Azerbaijan authorities to strengthen their efforts and coordination to turn those strategies and implementation plans into concrete results in line with international human rights norms and standards, through allocation of sufficient budget and close consultation with all stakeholders, including the national human rights institution and civil society organisations.

H.E. Mr. Elmar Maharram oglu Mammadyarov
Minister of Foreign Affairs
Azerbaijan



I encourage Azerbaijan to further develop an updated and comprehensive national human rights action plan in order to achieve concrete results in the areas contained in the annex and to facilitate the preparations of Azerbaijan for the fourth cycle of the UPR. The development of the plan should include consultations with all stakeholders, in particular the national human rights institution and civil society organizations, and, where necessary, the support of international organizations, including the Office of the United Nations High Commissioner for Human Rights (OHCHR) and other United Nations entities, under the leadership of the UN Resident Coordinator.

I welcome the establishment of a working group at the deputy minister level to serve as a national mechanism for comprehensive reporting and follow-up in relation to recommendations from international and regional human rights mechanisms and treaty obligations. I encourage Azerbaijan to continue its efforts to strengthen this national mechanism. I strongly recommend the use of the practical guide that my Office released in 2016 on this topic and which is available at: http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf.

Please kindly note that I will be sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting them with the implementation of UPR recommendations early on, following the review. An important measure that can contribute positively to follow up action is voluntary mid-term reporting. I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the UPR outcome report. In this regard, I welcome the practice by Azerbaijan to submit mid-term reports and encourage the Government to do so again on the follow-up of the third cycle of the review, by 2020.

As the Secretary-General stated in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *"The Human Rights Council's universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council's recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals."*

I look forward to discussing with you ways in which my Office may assist Azerbaijan to take action in the areas I have identified in this letter and its Annex.

Please, accept, Excellency, the assurances of my highest consideration.

Michelle Bachelet
High Commissioner for Human Rights

cc: H.E. Mr. Khalaf Khalafov
Deputy Minister of Foreign Affairs
Azerbaijan



Annex

Scope of international obligations and cooperation with international human rights mechanisms and bodies

- Ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Optional Protocol to the Convention on the Rights of the Child on a communication procedure, the International Convention for the Protection of All Persons from Enforced Disappearance, the Rome Statute of the International Criminal Court, and the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.

National human rights framework

- Harmonization/alignment of national legislation in conformity with international human rights law and standards.
- Continuing the measures to strengthen the capacity of national human rights protection mechanisms, including through creating the conditions and securing adequate resources for the Ombudsman's Office to develop its full capacity and fulfil its mandate.
- Design of a comprehensive, long-term national human rights action plan, and adoption of a national action plan to promote women's rights.
- Continuing efforts regarding human rights education and training.
- Establishing/strengthening national mechanisms for reporting and follow-up in line with elements identified in the 2016 OHCHR guide on national mechanisms for reporting and follow-up.

Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

Equality and non-discrimination

- Revision of its legislation in line with international human rights norms and standards, in order to combat and eliminate discrimination based on any grounds, including sexual orientation and gender identity.
- Taking appropriate steps to counter racial discrimination, including introduction of a definition of racial discrimination in national legislation, as well as ensuring that the Criminal Code fully complies with international norms.
- *Development, the environment, and business and human rights*
- Continuing efforts to promote human rights in achieving the Sustainable Development Goals (SDGs).
- Continuing efforts to combat corruption.
- Implementation of the United Nations Guiding Principles on Business and Human Rights, taking into account the recommendations received from the Working Group on Business and Human Rights.



B. Civil and political rights

Right to life, liberty and security of person

- Taking measures to eradicate torture, ill treatment and arbitrary arrests in line with international human rights norms and standards.
- Improvement of the conditions in prisons and detention centres.
- Continuing efforts to combat human trafficking, including protection and support of victims, particularly women and children victims.
- Prohibition of corporal punishment against children.

Administration of justice, including impunity, and the rule of law

- Ensuring the independence, impartiality and transparency of the judicial system, and improve access to justice.
- Taking further steps to ease legal representation rules, refraining from any undue interference in the work of lawyers, in particular those working on human rights, and ensuring the effective independence of the Bar Association, including through the amendment of the Law on Advocates and Advocates' Activities to remove executive and judicial representatives from the Qualification Commission of the Bar Association, and ensuring transparent criteria and procedures for admission, suspension and dismissal from the Bar Association.
- Investigation of all allegations and prosecution of perpetrators of torture and ill-treatment.

Fundamental freedoms

- Taking steps to implement its international obligations on freedom of expression, including decriminalization of defamation, and creating an environment conducive to the free and independent media.
- Ensuring that human rights defenders, lawyers and civil society actors are able to carry out their activities without fear or threat of reprisal, obstruction, legal or administrative harassment.
- Ensuring that all legal proceedings meet international standards especially with respect to fair trial and due process guarantees.
- Guaranteeing the full exercise of the rights to freedom of assembly, expression and association, including by ensuring a free and enabling environment for the work of the civil society and journalists, including those working online, in accordance with international standards. Review of the current provisions on registration and funding of NGOs.

C. Economic, Social and Cultural Rights

Right to work and to just and favourable conditions of work

- Strengthening access of women to employment, by eliminating wage inequalities between men and women, and promoting collective bargaining between trade unions and employers.

Right to an adequate standard of living



- Continuing efforts to strengthen social security measures, including those aimed at combating poverty and social exclusion.

Right to health

- Increasing easy and equal access to health care services between urban and rural areas, including through ensuring adequate budget for health expenditure, improving health care infrastructure and promoting skills of health service providers.
- Adoption of the Law on reproductive health and family planning.

Education

- Continuing to invest in State spending on public education, in particular in the rural areas to promote equal access to education.
- Addressing the issues of the low secondary school attendance rate among girls in rural areas, the dropout rate of girls at the secondary level of education, the lower admission rate of women to undergraduate study programmes, and stereotypical choices of educational fields and gender stereotypes in educational materials.

D. Rights of specific persons or groups

Women

- Continuing efforts to promote women's participation both in the public and private sectors.
- Increasing the efforts to eliminate violence and discriminatory practices against women, including through strengthening the measures aimed at combating domestic violence and violence against women.

Children

- Strengthening ongoing efforts to eliminate child marriages.
- Inclusion of provisions in the Criminal Law that expressly prohibits child pornography.

Persons with disabilities

- Ensuring the compliance of the recently enacted Law in May 2018 on the Rights of Persons with Disabilities with the Convention on the Rights of Persons with Disabilities.