

while their cases are being investigated and that many victims of ill-treatment are reluctant to make official complaints about the abuse for fear of reprisals. The SR concurred with concerns expressed by the Committee against Torture, doubting the effectiveness of provisions to safeguard people in police custody. The cases transmitted to the government involved individuals alleged to be members of a clandestine armed group within the opposition Armenian Revolutionary Federation party known as "DRO", as well as several lawyers involved with the "DRO". The cases involved allegations of beatings and other ill-treatment in a facility run by the Ministry of Security, for the purpose of coercing confessions during pre-trial detention, as well as beatings by persons wearing military uniforms who were either public officials or were acting at the instigation of such officials. Other cases involved 19 devotees of the Hare Krishna religious organization, including four women and four children; they were reportedly beaten, some with iron bars, at the group's premises by 20 to 25 men, some of whom were wearing military fatigues. The information indicated that the beatings were ordered by the Ministry of Defence because it had mistakenly believed that the Hare Krishna religion obliged devotees to refuse military service. Another case involved a man who had been arrested in connection with a murder and died as a result of beatings suffered at the police station.

#### **Mechanisms and Reports of the Sub-Commission**

**Freedom of movement, Working Paper:** (E/CN.4/Sub.2/1997/22, paras. 24, 30, 32)

The working paper comments on the emergence of new states following the break up of the Soviet Union and notes laws affecting the right to freedom of movement in the region. With regard to Armenia, the report refers to the laws on the state language and the legal status of foreigners. Reference is also made to the distinction between external and internal migrants and, in terms of the latter, that migration may be caused by natural or environmental reasons such as the earthquake in Armenia. The impact of the conflict is also noted as one of the causes of a significant wave of refugees from the country.

#### **Other Reports**

**National institutions, Report of the S-G to the CHR:** (E/CN.4/1997/41, para. 8)

The report of the Secretary-General summarizes the response of the government in which Armenia emphasized that the independence of national institutions was of utmost importance. It suggested that national institutions should be granted special UN consultative status to enable them to participate independently and in their own right at meetings such as those of the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

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## **AZERBAIJAN**

**Date of admission to UN:** 9 March 1992.

### **TREATIES AND REPORTS TO TREATY BODIES**

**Land and People:** Azerbaijan has submitted a core document (HRI/CORE/1/Add.41/Rev.2) for use by the treaty

bodies. The report prepared by the government contains demographic and statistical data as well as information on the general political structure, the juridical framework within which human rights are protected and legal remedies for violations.

The legal framework for the protection of human rights is established by the Constitution which states that Azerbaijan subscribes to the Universal Declaration of Human Rights, the Helsinki Final Act and other generally recognized international instruments. All rights and freedoms set out in these instruments are respected and may be exercised without discrimination based on sex, race, nationality, religion, social origin, political convictions or any other ground. The protection of rights is provided through a number of legal measures, including the Criminal and Civil Codes and codes related to labour, marriage and family, housing and land. Remedies for violations may be sought through the judicial system which includes the Supreme Courts of the Azerbaijani and Nakhichevan Republics, the Baku City Court, district people's courts, military tribunals, and the High Court of Arbitration. The creation of a Constitutional Court is under way.

#### **Economic, Social and Cultural Rights**

Acceded: 13 August 1992.

Azerbaijan's second periodic report is due 30 June 1999.

Azerbaijan's initial report (E/1990/C/Add.30) was considered by the Committee at its November/December 1997 session. The report prepared by the government provided information, much of it of a general nature, on both legal and administrative measures related to the rights set out in the Covenant, including: employment, education, women, trade unions, children, social security, housing, poverty, and environmental safety and security. The report also includes information on the rights of foreign nationals and stateless persons in the areas addressed by the Covenant.

The Committee's concluding observations (E/C.12/1/Add.20) noted the existence of a relatively advanced industrial sector and the rich agricultural and oil resources in Azerbaijan. The Committee welcomed: progress made in developing or enacting laws, *inter alia*, in the areas of labour, social insurance, refugees and stateless persons, and education; the work by the State Employment Service to find jobs for applicants and provide counselling and vocational training; the generally high level of education; provision of ten years of free, compulsory education; the participation of women in institutions of higher learning; and, the measures being taken to provide education to members of minorities and refugees.

Among the factors hindering implementation of the Covenant, the Committee noted: rapid changes in development and socio-economic difficulties arising from an economy in transition; the dramatic decline in national production and income since 1991; and, as the government admitted, the fact that nearly the entire population is living in poverty. The Committee also referred to the fact that a large proportion of resources necessary to finance social programmes is diverted by corruption, and the flight of capital and emigration of specialists as a result of such difficulties. The effect of the armed conflict with Armenia is also noted as creating difficulty, particularly with regard to the large