

30th Council of Europe Conference of Ministers of justice
"prisons in today's Europe"
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SPEECH

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Prisons in today's Europe - the reforms in Azerbaijan

*Dear Chairman,
Ladies and Gentlemen,*

First and foremost, I would like to express my gratitude to the Council of Europe and the Turkish authorities for hosting the conference on such a vital issue. We have already witnessed an excellent organization of this important forum and enjoyed warm hospitality, for what we are deeply grateful to the Turkish Government.

Dear Colleagues,

Themes of the 30th Anniversary Conference are certainly interrelated. The efficiency of justice is the guarantor of effective enforcement of punishment while abiding human rights. Our main objective is to achieve the right balance in the application of sanctions, treatment of prisoners, protection of victims and society as a whole.

The Council of Europe has been developing standards in this area for many years. They have embodied in a number of conventions and recommendations and resolutions of the Committee of Ministers and PACE, as well as the case law of the European Court of Human Rights. The most important achievement was the creation of the European Committee for the Prevention of Torture when sovereign states opened the doors of the detention facilities for an independent international monitoring.

This is not a surprise, as prison to our view is not a place where we detain people rejected by society, for the sole purpose of retribution or retaliation. On the contrary, it should be a place where people, who have broken the law, are assisted in a process of re-socialisation and of prevention of recidivism.

This issue is relevant indeed as it was separately discussed at the 12th UN Congress on Crime Prevention and Criminal Justice, held in April this year in Brazil. The UN study also shows that the prison system needs to be improved almost everywhere.

This problem requires a clear understanding and political will. The Government of Azerbaijan having expressed this will after re-gaining independence was the first CIS country to transfer prisons inherited from the former Soviet Union from the Interior Ministry to the jurisdiction of the Ministry of Justice. A goal was set to radically reform the prison system.

In this regard, we believe that cooperation with the Council of Europe and the European Commission in this field is crucial. Therefore, within a number of joint actions the proposals on further improvement of legislation and management systems were developed and implemented as well as training sessions and activities on rehabilitation of convicts were organised. Now we are embarking on the new Joint Program supporting the reform of justice, which has modernization of the prison system as one of the major components. The program provides for improvement of the management capacity, raising awareness concerning the application of the European Prison Rules, policy development in probation area, greater participation of prisoners in sporting and educational events, etc.

We are well aware of the fact that the rights of prisoners should be given special attention. It would be very appropriate to recall here the words of Winston Churchill: "The mood and temper of the public in regard to the treatment of crime and criminals is one of the most unfailing tests of the civilisation of any country".

Therefore, it is not a surprise that the procedure of execution of punishments has been humanized significantly. The 2008 law considerably extended the benefits and rights of prisoners, including those of on education, psychological assistance, as well as increased amount of the allocated funds, number of visits and telephone calls. We also have in place the rights to long-term family visits (up to 3 days), to go out for family or sporting events outside prison and even a 7-day vacation. A Law On Social Adaptation of Persons Released from Prisons is also in place. It provides for organization of education and training, medical, social, legal and information assistance to the released persons. For this purpose, centers of social adaptation are being established. And further actions are underway.

Along with that, convicts enjoy all opportunities for obtaining high quality medical care. Thanks to such measures taken in close collaboration with the WHO and the ICRC within the last 15 years, the death rate in the jails went down by 12 times. These achievements were highly appreciated by international organizations whereas the ICRC even underlined the intention to leave Azerbaijan since it has already built up an experience to be shared. And this is what we actually do. We have already a number of delegations from various countries which visited Azerbaijan recently to study advanced experience.

Transparency is also of great importance as far as effective functioning of the penitentiary is concerned. Over 10 years we have been collaborating with the ICRC, whose representatives have the right to unhindered access to prisons and private meetings with detainees. We also work fruitfully with the European Committee for the Prevention of Torture.

Along with that, we have ourselves initiated the establishment of public monitoring over prisons. To that end a special Public Committee composed of well-known human rights defenders and NGO representatives was set up. Creation of such a body is already recognized by many foreign colleagues as a model of "good practices".

All these measures serve to ensure human rights, maintaining the rule of law. However, the achievement of these goals can be jeopardised by the overcrowding with all the subsequent negative consequences.

The construction of new prisons might be among the possible solutions. Measures related to improving detention conditions are stipulated in the specially worked out 2009-2013 State Programme for the Development of Justice of Azerbaijan. We are actively building new penitentiary facilities in line with the advanced standards. In order to study best practices in European countries the Ministry of Justice sought the assistance of the CPT. Following the Committee's recommendations we visited several prisons which CPT deemed to be better ones. By the way, we have acquainted with the Turkish experience as well, thanks to the hospitality of our Turkish colleagues. The Azerbaijani Government, despite the global financial crisis continues to raise the budget of the penitentiary system, which increased by 9 times in comparison with 2005.

By the way, the construction is mainly going on in the regions that would from one hand eliminate the need to transfer prisoners around the country and from the other hand allow them to serve sentences nearby their families. It will help the rehabilitation of the convicts. It is particularly important in terms of the Nakhchivan Autonomous Republic, which due to blockade caused by aggression of the neighbouring state and occupation of the 20% of the Azerbaijani lands has no direct connection with the country.

Attaching special importance to human rights in general and particularly rights of prisoners - who are one of the most vulnerable groups, the President of Azerbaijan H.E. Ilham Aliyev personally visited newly built Baku Pre-Trial Detention Facility in order to get acquainted

with the conditions created. Some of my colleagues also had this opportunity and highly evaluated the facility while visiting Azerbaijan.

It should be noted that efforts in this are not intended to increase the number of prisons, since we have no overcrowding problem. On the contrary, these indicators are 80% - which are the lowest in Europe. Therefore, once the new institutions are inaugurated, the old ones will be closed.

However, while speaking of ensuring the rights of convicts, one must note that construction of new prisons is not a panacea. We must seek and find alternatives to the arrest. The Plenary Session of the Supreme Court dealt with this matter in detail. At the special session the Court discussed this issue and noted the desirability of the use of arrest in exceptional cases only.

The release on parole is also effectively applied, especially in respect to women and juvenile offenders. We have recently widely discussed the improvement of the procedure with the judges, public prosecutors and prison governors.

Given that adequate legal aid facilitates greater protection of human rights, efficiency of administration of justice and reduction of the number of convicts, the number of lawyers in Azerbaijan increased by more than 2 times since 2005. And if one takes into account the associates and legal representatives this figure augmented by 5 times.

We are also thinking of further improvement of the legislation in this area. In particular consideration of introduction of probation service and electronic surveillance, as well as plea bargaining scheme is underway.

Following the ideas of humanism, pardon and amnesty are also actively used the country. Amnesty Acts adopted by the Parliament covered almost 100 thousand, while more than 5 thousand were individually pardoned by the President.

Dear Colleagues,

I am confident that the exchange of experience will allow us to share best practices in our countries, while active cooperation with the CPT will serve to the greater development of the penitentiary systems. Considerable input is also being made by the Annual Penal Statistics of the Council of Europe - SPACE.

In conclusion I would like to recall one wise saying: "Men simply copied the realities of their hearts when they built prisons". Let us open our hearts and make our prisons better for the sake of establishing a single European prison model.

Thank you for your attention