

# Council of Europe Action Plan for Azerbaijan 2018-2021

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## **Action Plan for Azerbaijan 2018-2021**

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## EXECUTIVE SUMMARY

The Council of Europe Action Plan for Azerbaijan 2018-2021 is a strategic programming instrument that aims to bring Azerbaijan's legislation, institutions and practice further into line with European standards in the areas of human rights, the rule of law and democracy. The Action Plan aims to support the country in meeting its obligations as a Council of Europe member State.

The Action Plan priorities take into account findings of the European Court of Human Rights (ECtHR), decisions, resolutions, recommendations, conclusions of reports and opinions, notably of: the Committee of Ministers (CM), the Parliamentary Assembly (PACE), the Congress of Local and Regional Authorities (Congress), the Commissioner for Human Rights (the Commissioner), the European Commission for Democracy through Law of the Council of Europe (the Venice Commission), the European Committee of Social Rights (ECSR), the European Commission for the Efficiency of Justice (CEPEJ), the European Commission against Racism and Intolerance (ECRI), the Group of States against Corruption (GRECO), the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL). It also takes into account the national reforms agenda of Azerbaijan, including the Action Plan 2016-2018 on Promotion of Open Government (APOG).

In this Action Plan, the Council of Europe and the Azerbaijani authorities have agreed to jointly carry forward, through co-operation programmes, the reforms aiming to further increase effectiveness, accountability and transparency of the judiciary and the prosecution service, to enhance the application of European human rights standards, to advance the reform of the penitentiary, to continue to strengthen fight against corruption and money laundering, to promote children's rights, to protect personal data, to fight cybercrime and to improve independence of the media. It has also been agreed to promote human rights education for young people, develop democratic and inclusive climate in schools and to enhance the dialogue between the national authorities and civil society organisations, while paying particular attention to gender equality.

The Action Plan builds on the outcomes of the previous Action Plan for Azerbaijan 2014-2017, under which developments were reported in areas such as increasing capacities of the judiciary and improving court management; fight against corruption and cybercrime; increasing training capacities of the Justice Academy; improving curricular for the students of journalism; improving management capacities of senior managers and medical staff of prisons and developing youth human rights education.

The overall budget for this Action Plan totals €8.7 million. Funding amounting to €1.6 million has been secured. Further funding is essential to address areas that have remained unfunded or were not covered by the country-specific action as well as to address emerging priorities identified in this Action Plan for 2018-2021.

The Council of Europe and Azerbaijan will continue co-operation to improve the existing legislative frameworks, to ensure the effective implementation of the legislative framework and to enhance the capacities of national institutions in bringing the country's legislation and practice closer to European standards in order to promote human rights, strengthen the rule of law and ensure democratic principles of governance.

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**LIST OF ACRONYMS AND ABBREVIATIONS**

|                      |   |
|----------------------|---|
| Action Plan          | Council of Europe Action Plan for Azerbaijan 2018-2021  |
| AML/CFT              | Anti-Money Laundering/Countering Financing of Terrorism   |
| ASK                  | Azerbaijan Entrepreneurs' Confederation   |
| ATUC                 | Azerbaijan Trade Union Confederation  |
| Budapest Convention  | Convention on Cybercrime of the Council of Europe (ETS No. 185)   |
| CCPE                 | Consultative Council of European Prosecutors  |
| CDC                  | Competences for Democratic Culture  |
| CEC                  | Central Election Commission   |
| CEPEJ                | European Commission for the Efficiency of Justice   |
| CM                   | Committee of Ministers of the Council of Europe   |
| Congress             | Council of Europe Congress of Local and Regional Authorities  |
| COP198               | Conference of the Parties under the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism |
| CPT                  | European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment   |
| ECHR                 | European Convention on Human Rights   |
| ECRI                 | European Commission against Racism and Intolerance  |
| ECSR                 | European Committee of Social Rights   |
| ECtHR                | European Court of Human Rights  |
| EDC/HRE              | Education for democratic citizenship and Human rights education   |
| ESC                  | European Social Charter   |
| EU                   | European Union  |
| FATF                 | Financial Action Task Force   |
| FCNM                 | Framework Convention for the Protection of National Minorities  |
| FMS                  | Financial Monitoring Service  |
| GRECO                | Group of States Against Corruption  |
| GRETA                | Council of Europe's Group of Experts on Action against Trafficking in Human Beings  |
| HELP                 | Council of Europe European Programme for Human Rights Education for Legal Professionals   |
| IDP                  | Internally Displaced Person   |
| Istanbul Convention  | Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210)  |
| JLC                  | Judicial Legal Council of Azerbaijan  |
| Lanzarote Convention | Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201)  |
| MONEYVAL             | Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism   |
| NGO                  | Non-governmental organisation   |
| NSC                  | North-South Centre of the Council of Europe   |
| OB                   | Ordinary budget   |
| PACE                 | Parliamentary Assembly of the Council of Europe   |
| PGG                  | European Union/Council of Europe Eastern Partnership for Good Governance Co-operation Framework   |
| RFCDG                | Reference Framework of Competences for Democratic Culture   |
| SDGs                 | Sustainable Development Goals of the United Nations   |
| The Commissioner     | Council of Europe Commissioner for Human Rights   |
| UN                   | United Nations  |
| UNDP                 | United Nations Development Programme  |
| UNESCO               | United Nations Educational, Scientific and Cultural Organization  |
| VC                   | Voluntary contribution  |
| Venice Commission    | European Commission for Democracy through Law   |



## **PART I - INTRODUCTION**

### **1.1 GENERAL OVERVIEW**

#### **1.1.1 Azerbaijan and the Council of Europe**

The Republic of Azerbaijan became the 43<sup>rd</sup> member State of the Council of Europe on 25 January 2001. Accordingly, it has entered into, and has agreed to honour, a number of specific commitments which are listed in the Parliamentary Assembly Opinion 222 (2000).

Azerbaijan accepted the obligations incumbent on all member States under Article 3 of the Statute<sup>1</sup>: compliance with the principles of pluralist democracy and the rule of law as well as respect for human rights and fundamental freedoms of all persons placed under its jurisdiction.

To date, the country has ratified 63 treaties of the Council of Europe and signed eight more and is subject to a number of the Council of Europe's mechanisms, including those of the European Court of Human Rights (ECtHR), the Committee of Ministers (CM), the PACE, the Commissioner for Human Rights of the Council of Europe (the Commissioner), the European Commission for Democracy through Law (Venice Commission), the European Commission against Racism and Intolerance (ECRI), the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), the Group of States Against Corruption (GRECO), the Conference of the Parties under the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (COP198); the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL), the European Committee of Social Rights (ECSR), the Framework Convention for the Protection of National Minorities (FCNM), the Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA), the Congress of Local and Regional Authorities (the Congress), the European Commission for the Efficiency of Justice (CEPEJ) and the Consultative Council of European Prosecutors (CCPE). Azerbaijan is also a member of the Enlarged Partial Agreement of the North-South Centre of the Council of Europe (NSC) since 1 August of 2010.

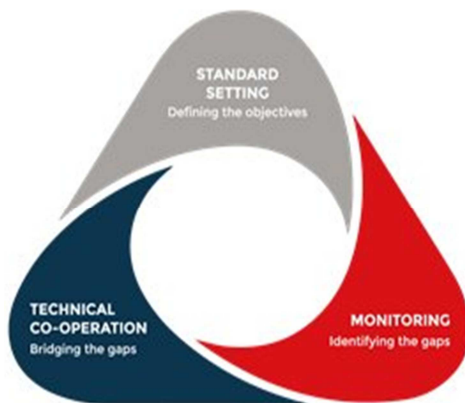
Azerbaijan has already benefited from co-operation programmes of the Council of Europe. Past programmes backed by the European Union (EU) were implemented to fight corruption, to promote efficiency of the justice system, to improve the quality of journalism education and training, to improve the role and capacity of the Justice Academy, to train legal professionals and to support reforms of the penitentiary system. Similarly, voluntary contributions of Council of Europe member States have allowed covering projects in the areas of journalist training, a youth policy project on human rights education and democratic citizenship, electoral assistance and civil society. The first Action Plan for Azerbaijan for the period of 2014-2016 has ever since provided a more strategic framework for co-operation with the Council of Europe. Considering the delay in beginning the implementation of the Action Plan, in December 2016, pursuant to the CM decision<sup>2</sup>, the Action Plan was extended until the end of 2017.

#### **1.1.2 Added value of the technical assistance programmes of the Council of Europe**

Council of Europe technical assistance programmes form an integral part of the unique strategic triangle (Fig. 1) of standard-setting, monitoring and co-operation: the development of legally binding standards is linked with their monitoring by independent mechanisms and supplemented by technical co-operation to facilitate their implementation. The Council of Europe's actions are developed and implemented in areas where the Council of Europe has strong expertise and added value.

<sup>1</sup> Council of Europe constitutional document, <http://www.coe.int/en/web/conventions/full-list/-/conventions/rms/0900001680306052>

<sup>2</sup> At 1273bis meeting on 14 December 2016



**Figure 1: Council of Europe strategic triangle**

### 1.1.3 Main findings of monitoring mechanisms and expert advisory bodies

This Action Plan builds, to a great extent, on the most recent decisions, resolutions, recommendations, conclusions of reports, opinions and findings of the Council of Europe's monitoring and expert advisory bodies in respect of the country as well as on the results of the previous Action Plan with the Council of Europe. It also takes into account the challenges identified in the Secretary General's annual reports on the State of Democracy, Human Rights and the Rule of Law in Europe. In addition, the Action Plan reflects the priorities of the reforms in the country, notably those identified in the "Action Plan 2016-2018 on Promotion of Open Government (APOG)", the National Action Plan on Fight against Legalisation of Criminally Obtained Funds and Other Properties and Financing of Terrorism 2017- 2019; the Strategic Road Maps for National Economy and Main Economic Sectors (December 2016); the Government-Civil Society Dialogue Platform on Open Government Initiative.

In developing the present Action Plan and, most specifically, when designing the technical co-operation support of reforms, the challenges identified by the following Council of Europe institutions, monitoring mechanisms and expert advisory bodies, as indicated in Appendix IV, have been taken into account.

Furthermore, relevant Council of Europe conventions and other tools of the Organisation, such as the Council of Europe's Charter on Education for Democratic Citizenship and Human Rights Education (EDC/HRE) and Council of Europe's Action Plan on Building Inclusive Societies (2016), have been used as reference for co-operation actions included in this Action Plan.

### Main results of the previous Action Plan

The present Action Plan takes into account the outcomes of the first Action Plan for Azerbaijan 2014-2017:<sup>3</sup>

- Court management was improved on the basis of the CEPEJ indicators and methodology - five pilot courts now demonstrate clearance rates close to 100% for all categories of cases and no backlog could be identified; Disposition times are now remarkably short;
- University curricula on "Journalism Ethics" and "Media and Freedom of Expression", including four textbooks, were developed; 250 journalists from different regions of Azerbaijan were trained on freedom of expression and right to privacy offline and online; gender equality and media; and media coverage of elections;
- Civil Society Dialogue was established to discuss the challenges for the operation of NGOs in Azerbaijan, including opportunities for civil participation in decision-making processes in line with Council of Europe guidelines;
- Capacity of the Justice Academy was significantly increased: a pool of 38 new national trainers delivered human rights training to 679 advocates, 260 judges and 79 human rights lawyers and defenders (including 212 women) and 126 judge candidates on the application of human rights standards;

<sup>3</sup> Council of Europe Action Plan for Azerbaijan: 2014-2016, extended until 2017 (ODGProg/Inf(2014)2-rev)



- New provision into the Criminal Procedure Code of Azerbaijan concerning criminal liability of legal persons<sup>4</sup> was adopted;
- The "Action Plan 2016-2018 on Promotion of Open Government (APOG)" was adopted. It includes anti-corruption measures and a monitoring system (software monitoring tool) that has been made accessible to all relevant stakeholders;
- Tailor-made training of the Prosecutor General's Anti-Corruption Directorate and the national law enforcement agencies' staff on fighting complex economic crime, including plea bargaining and mutual legal assistance in asset recovery was delivered;
- 26 trainers, selected medical staff of prisons and of the Main Medical Department of the Ministry of Justice advanced their knowledge on health promotion and prevention activities in prisons, relevant European standards and principles of medical ethics. They are expected to cascade the acquired knowledge to their peers throughout the prison system;
- 40 senior managers of the Penitentiary Service and prisons increased their knowledge of modern European prison management standards and approaches, leadership and management in a prison context and on creating healthier prison environment.

### Consultation process

This Action Plan has been prepared following in-depth consultations with the authorities of Azerbaijan. Consultations with international partners, especially the EU, have also taken place in the process of preparation of this document.

On 22 June 2017, representatives of the Council of Europe Secretariat and Azerbaijan authorities held a Steering Committee meeting in Baku in order to assess the implementation of the previous Action Plan. On 14 November 2017, the CM examined the final report<sup>5</sup> on the implementation of the Action Plan, took note of its outcomes and paved the way for the new Action Plan for Azerbaijan 2018-2021.

### 1.2 ACTION PLAN GOALS

The present Action Plan is a strategic programming instrument for the period between 1 January 2018 and 31 December 2021. Its **goal** is to support the reforms in Azerbaijan which will bring Azerbaijani legislation, institutions and practice further in line with European standards in the areas of human rights, the rule of law and democracy, and therefore support its efforts in meeting its obligations as a Council of Europe member State. In meeting its objectives, this Action Plan will also contribute to the implementation of the UN 2030 Agenda for Sustainable Development.

The Action Plan **areas of co-operation** are the following:

- The Council of Europe will continue to support the authorities of Azerbaijan in progressing with (and completing where possible) the reforms undertaken in strategic areas, notably:
  - improving implementation of the ECHR and the ECtHR case law at the national level and strengthening mechanisms of execution of judgments of the national courts;
  - improving the criminal justice system;
  - increasing effectiveness, accountability and transparency of the judiciary and the prosecution service;
  - improving detention conditions;
  - enhancing information security and personal data protection;
  - improving women's access to justice;
  - strengthening the capacities of the anti-corruption and anti-money laundering bodies;
  - enhancing dialogue between government and civil society institutions;
  - strengthening youth participation and building capacities for human rights and citizenship education with young people;
  - building capacities of mass media.

<sup>4</sup> The Law on the Amendments to the Criminal Procedure Code was adopted in November 2016.

<sup>5</sup> Council of Europe Action Plan for Azerbaijan 2014-2017 Final Report (31 May 2014 – 30 June 2017) GR-DEM(2017)21

- The Council of Europe and the authorities of Azerbaijan jointly identified new areas of co-operation on the basis of the more recent work carried out by the Council of Europe institutions, monitoring mechanisms and expert advisory bodies, notably:
  - preventing and combating gender-based violence;
    - promoting and enhancing gender equality;
    - protecting and promoting children rights;
  - developing democratic culture and an inclusive democratic climate in schools;
  - developing youth work and quality standards for youth houses/ /centres.

The Action Plan will cover all three pillars of co-operation, providing expert and technical assistance in the effective implementation of the Council of Europe standards in priority areas and in enhancing the capacity of relevant national institutions to function effectively. This includes the capacity to address gender issues and facilitate constructive dialogue between the authorities and civil society.

Promoting gender equality is a priority of the present Action Plan. Gender mainstreaming, based on European standards and Council of Europe recommendations, will help to better address the needs of individuals living in Azerbaijan without discrimination and enhance quality and effectiveness of the Action Plan implementation.

## **PART II - PROPOSED ACTIONS FOR 2018 TO 2021**

What follows are the actions proposed per pillar of action as defined by the Programme and Budget 2018-2019.

### **2.1 HUMAN RIGHTS**

Azerbaijan accepted the jurisdiction of the European Court of Human Rights (ECtHR) in 2001 when the country became a Council of Europe member State. The country undertook the commitments in various areas, including alignment of legislation and national practices with European standards. The Council of Europe was instrumental in supporting Azerbaijan in these efforts since accession. There is a need to reform legislative and institutional frameworks and increase the capacity of relevant institutions to conduct reforms. This requires, inter alia, improving the effectiveness of the ECHR system at national level, ensuring the right to freedom of assembly, preventing and combating gender-based violence and protecting and promoting children's rights, promoting gender mainstreaming as well as assisting in the realisation of social rights in line with the European Social Charter (ESC) and the decisions and conclusions of the European Committee of Social Rights (ECSR).

#### **2.1.1 Protecting Human Rights**

Technical co-operation in this area has been designed taking into consideration the reports and conclusions of relevant Council of Europe monitoring mechanisms and expert advisory bodies. To date, a number of judgments of the ECtHR against Azerbaijan have not yet or only partially been implemented. While some progress can be noted in the execution of judgments related to IDPs, efforts are still needed with regard to the implementation of certain groups of judgments, in particular concerning ill-treatment, arrest and pre-trial detention (including use of such measures for illegitimate purposes), violations of the right to a fair trial, freedom of expression and freedom of assembly and association, and the control of lawfulness of elections.

##### **➤ Enhancing the effectiveness of the ECHR system at the national level**

One of the pre-conditions for achieving an effective national implementation of human rights requires that all actors in the justice chain (judges, prosecutors and lawyers and also future practitioners) are familiar with the ECHR and other human rights standards, and are able to apply them in practice. Under the previous Action Plan for Azerbaijan 2014-2017, a good foundation has been built for future improvements for training legal professionals. Activities strengthening the implementation of European human rights standards in Azerbaijan focused on supporting national training capacities in view of targeted training on specific human rights standards. Co-operation with the key institutional actor – the Justice Academy - led to the development of training capacities, skills and knowledge. Analysis of the case law and discussions on particular issues among the legal professionals served as a basis to avoid repeated procedural and substantive violations in the future and thus to improve application of the ECHR at the national level as well as to contribute to execution of judgments of the ECtHR. Special attention will be paid to raising awareness on the Protocol No.16<sup>6</sup>, which entered into force on 1 August 2018, and its practical application.

The Action Plan, through the Council of Europe European programme for Human Rights Education for Legal professionals (HELP), will assist in strengthening the application of human rights at the national level. New training modules will target judges, advocates and human rights lawyers and prosecutors. The capacity of the already selected pool of national trainers to deliver trainings to their peers will be increased. The Council of Europe will support the efforts of national authorities to improve the justice system by providing analysis and recommendations on how to modify the national legislation and practice in the light of the case law of the ECtHR and other human rights protection mechanisms. The Organisation will contribute to improving human rights implementation in Azerbaijan by providing assistance to national training institutions in order to align the teaching methodologies and practices with European standards.

<sup>6</sup> CETS No. 214, Protocol No. 16 to the Convention for the Protection of Human Rights and Fundamental Freedoms;

The new challenges faced by the Bar Association of Azerbaijan following legal changes and the demand in an increased number of Bar licensed lawyers necessitate additional support. The Council of Europe will support the Bar by enhancing the capacity of members in their ability to promote and protect human rights.

Moreover, existing free legal aid frameworks should be improved as a demand for free legal aid services is significant due to a great number of vulnerable and disadvantaged groups (IDPs, disabled persons, children, pensioners, etc.) that face financial and other barriers in access to professional legal representation and advice. The Council of Europe also intends to strengthen the capacity of the legal clinic of the Justice Academy and clinics functioning under the law faculties of the universities to provide qualified free legal consultations on human rights/ECHR issues by seconding the lawyers from the trainers' pool in Baku and the regions who will also conduct daily coaching of the interns working in the clinic.

### ➤ **Freedom of Assembly**

The realisation of the right to freedom of assembly remains in the spotlight of Council of Europe monitoring bodies, in particular as regards the lack of predictability and precision of the legislation governing public assemblies. The Law on Freedom of Assembly in Azerbaijan, adopted in 1998 and amended in 2008, took into account most of the recommendations of the European Commission for Democracy through Law (Venice Commission) as to the required textual amendments. To this end, the Council of Europe stands ready to assist the Azerbaijani authorities to implement these recommendations in practice and bring the national legislation on public assemblies in line with the requirements of Article 11 of the ECHR.

#### **Expected outcomes:**

##### *Enhancing the effectiveness of the ECHR system at national level:*

- ✓ Functioning of the criminal justice system is analysed, and recommendations are made on how to align the legislation and practice with Council of Europe standards;
- ✓ The system of adoption of general and individual measures for national implementation of the ECtHR judgments is analysed and improved;
- ✓ The role and capacity of the Justice Academy to train legal professionals including through the application of HELP methodology, also taking into account gender perspective is increased;
- ✓ The competence and skills of legal professionals (lawyers, judges, prosecutors, assistants to judges, independent practitioners) to effectively apply the ECHR is strengthened;
- ✓ National human rights capacity of existing frameworks that provide free legal aid services, including to women and other vulnerable groups, including submitting the applications to the ECtHR, is enhanced.

**Main national partners: Ministry of Justice, Presidential Administration, the Parliament, Constitutional and Supreme Courts, Justice Academy, Training Centre of General Prosecutor's Office, Bar Association, academics with involvement of civil society groups.**

##### *Freedom of Assembly:*

- ✓ The national legislation on public assemblies is brought in line with the requirements of Article 11 of the ECHR.

**Main national partner: Ministry of Justice.**

## **2.1.2 Promoting Human Rights and Dignity**

### ➤ **Gender equality**

Gender equality is mainstreamed throughout Council of Europe co-operation projects, in line with the Gender Equality Strategy of the Council of Europe and in accordance with the Council of Europe Guidelines on gender mainstreaming as well as other available tools.

The Council of Europe strategic documents in the field of gender equality (the Gender Equality Strategy 2018-2023) specifically focus on preventing and combating violence against women and domestic violence and on guaranteeing equal access of women to justice. The Committee of Ministers of the Council of

Europe (CM) has adopted a Plan of Action on Strengthening Judicial Independence and Impartiality. Under Action 2.4, member States are asked to introduce measures to tackle the harmful impact of stereotyping on judicial decision-making.

Azerbaijan has made specific commitments to improve gender equality, ensure women's equal access to justice and combat violence against women, including under the European Convention on Human Rights (ECHR), the (Revised) European Social Charter (ESC) and the Convention on Action against Trafficking in Human Beings. Azerbaijan has so far not signed the Council of Europe Convention on Preventing and Combatting Violence against Women and Domestic Violence (Istanbul Convention). The Council of Europe will continue raising awareness of the Istanbul Convention among the Azerbaijani national authorities.

Azerbaijan has adopted legislation and policies to advance gender equality such as the Law on Prevention of Domestic Violence (2010); amendments to the Criminal Code outlawing trafficking in human beings and forced marriage (2011); amendments to the Family Code setting the minimum age of marriage at 18 for both women and men (2011) and amendments to the Civil Procedure Code dealing with protection orders in cases of domestic violence (2011).

Effective institutional mechanisms to co-ordinate and monitor the implementation of gender equality policies and measures to combat violence against women need to be further developed. In previous years, the Council of Europe provided assistance to Azerbaijan to address gender inequality through a regional initiative to improve access of women to justice<sup>7</sup>. A country study on women's access to justice in Azerbaijan identified the main legal, procedural, socio-economic and cultural barriers and provided recommendations. The capacity of the Justice Academy of Azerbaijan was strengthened to implement curricula for judges and prosecutors on violence against women, family law and labour law, including through a series of pilot trainings on the ECHR and the Istanbul Convention<sup>8</sup> to test the new Council of Europe Training Manual for Judges and Prosecutors on Ensuring Women's Access to Justice, completed in November 2017. Further regional co-operation work in 2018 will build on previous work and focus on "Strengthening access to justice for women victims of violence", by: (i) developing a free online e-learning course on Women's Equal Access to Justice on the platform of the Council of Europe European Programme for Human Rights Education for Legal Professionals (HELP); (ii) making accessible key Council of Europe resources in national languages by translating standards, reports and documents dealing with access to justice for women and violence against women; and (iii) organising a regional conference focusing on access to justice for women victims of violence to take stock of progress and existing challenges in the Eastern Partnership countries, including Azerbaijan.

In the framework of a new Action Plan for Azerbaijan 2018-2021, the Council of Europe will develop country-specific action to address needs identified jointly by the Council of Europe and national authorities. The main focus will be on:

- Assessing the institutional capacity to prevent and combat violence against women and domestic violence in Azerbaijan;
- Providing technical assistance to promote the signature of the Istanbul Convention by Azerbaijan;
- Strengthening capacity of justice sector officials to respond to cases involving violations of women's rights through gender-sensitive and victim-centred approaches;
- Providing expertise to the State Committee for Family, Women and Children's Affairs and the Ministry of Justice with a view to amending existing legislation in line with Council of Europe standards;
- Raising awareness on relevant Council of Europe standards among decision-makers, legal professionals and the general population, including on the ECHR, the ESC and the Istanbul Convention.

<sup>7</sup> European Union/Council of Europe Partnership for Good Governance project "Project on Improving women's access to justice in six Eastern Partnership Countries" (2015-2017)

<sup>8</sup> In co-operation with the Justice Academy of Azerbaijan, two training seminars took place in Baku in 2017, with the participation of 107 men and 39 women judges; as well as six men and nine women prosecutors. The trained professionals were judges from courts of appeal, district or city courts, courts on grave crimes, and administrative-economic courts. Two further seminars took place in 2016 (in May and September).

## ➤ Children's Rights

Azerbaijan signed the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201, hereinafter Lanzarote Convention) in November 2008. The main goal of the Council of Europe remains the ratification by Azerbaijan of the Lanzarote Convention.

Building on the relevant recommendations of international monitoring bodies with respect to children's rights<sup>9</sup>, and taking into account the legal and policy framework in Azerbaijan as well as the on-going reform agenda related to the rights of the child, the Council of Europe will assist the authorities to protect and prevent children from sexual exploitation and abuse, including where facilitated by information and communication technologies. In particular, the Council of Europe will support the authorities in their efforts to:

- provide technical assistance to the ratification of the Lanzarote Convention by Azerbaijan;
- put in place strategies for the prevention and protection of children from violence, sexual exploitation and sexual abuse both online and offline;
- strengthen capacities of professionals in dealing with child sexual exploitation and abuse.

### Expected outcomes:

#### *Gender equality:*

- ✓ Effective prevention and protection standards and mechanisms to address violence against women and domestic violence have been introduced;
- ✓ The Istanbul Convention is promoted and the awareness of the Azerbaijani authorities about its provisions is raised;
- ✓ Raised awareness on the rights of women victims of violence and remedies available to them;
- ✓ Gender perspective is mainstreamed in the justice sector resulting in a more gender-responsive system;
- ✓ Increased capacity of legal professionals, including judges, prosecutors and lawyers to address cases of gender-based discrimination, violence against women, and other women's human rights violations.

**Main national partners: Ministry of Justice, State Committee on Family, Women and Children Affairs, Justice Academy, legal professionals and civil society organisations supporting women victims of violence.**

#### *Children's Rights:*

- ✓ Azerbaijan ratified the Lanzarote Convention;
- ✓ Strategies for the prevention and protection of children from violence, sexual exploitation and sexual abuse both online and offline are put in place;
- ✓ Capacities of professionals in dealing with child sexual exploitation and abuse are strengthened.

**Main national partners: State Committee on Family, Women and Children, Ministry of Justice, Ministry of Labour and Social Protection of Population, Ombudsman, Justice Academy.**

### 2.1.3 Ensuring Social Rights

Azerbaijan ratified the (Revised) European Social Charter (ESC) on 2 September 2004, accepting 47 of its 98 provisions. The respect of the accepted provisions is monitored by the European Committee of Social Rights (ECSR) through the reporting procedure. Therefore, one of the main objectives is the acceptance of additional provisions and of the Collective Complaints procedure. Efforts should also be made to reduce non-conformity with the provisions of the Charter. ECSR conclusions relating to thematic group 2 "Health, Social security and Social protection" show that none of the examined situations was in conformity with the provisions of the Charter.

<sup>9</sup> See GRETA's Report and Government's Comments, published 23 May 2014 and Recommendation of the Committee of the Parties, adopted 7 July 2014; European Social Charter (January 2016, Conclusions 2015); UN Committee on the Rights of the Child, Concluding recommendations ([http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fAZE%2fCO%2f3-4&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fAZE%2fCO%2f3-4&Lang=en))



Due to the high number of deferrals for lack of information, training activities should be organised for the authorities involved in the reporting procedure. Furthermore, the Council of Europe will work to raise awareness of economic and social rights among parliamentarians, public authorities, employers and employees' organisations and will support major non-governmental organisations (NGOs) specialised in the protection of human rights to integrate the social rights dimension into their activities. In particular, round tables will be organised with the Ombudsman on the ESC in general and on the collective complaints procedure, seminars for each of the four thematic groups of provisions of the ESC will be held with the Government and other stakeholders (parliamentarians, Ombudsman, social partners, civil society) and study visits with a view to learn from the experience of other countries in the implementation of the provisions which could be accepted by Azerbaijan will be organised for civil servants and parliamentarians, including the Chair of the Social Affairs Committee. The most important decisions of the ECSR will be translated into Azerbaijani.

#### **Expected outcomes:**

- ✓ Azerbaijan has accepted additional provisions of the ESC and the Collective Complaints procedure;
- ✓ The quality of national reports to the ECSR is improved;
- ✓ NGOs specialised in the protection of human rights have integrated social rights dimension in their activities;
- ✓ The most important decisions of the ECSR are available in Azerbaijani.

**Main national partners: Ministry of Labour and Social Protection of Population, Ministry of Economy, the Parliament, Ombudsman, Azerbaijan Trade Union Confederation (ATUC), Azerbaijan Entrepreneurs' Confederation (ASK), NGOs.**

## **2.2 RULE OF LAW**

The Council of Europe will continue to support the efforts of Azerbaijan to increase trust in the justice system (judiciary, prosecution and penitentiary), to improve relevant legislative and institutional frameworks in accordance with European standards, to facilitate implementation of existing legislative and normative acts for a functional independence and accountability of the justice system and to improve enforcement of the national courts decisions as well as the execution of the European Court of Human Rights (ECtHR) judgments. It will assist the authorities in continuing the reform of penitentiary for safer and more humane detention conditions. Likewise, further efforts are needed to protect freedom of the media, ensure its pluralism and to improve protection of personal data.

### **2.2.1 Ensuring Justice**

#### **➤ Independence and Efficiency of Justice**

A number of legislative changes were introduced in Azerbaijan by the December 2014 Law on the Judicial Legal Council (JLC) and the December 2014 Law on Courts and Judges, both promulgated in February 2015. In October 2016, the Ethics Code of Judicial Conduct was amended to ensure that all of its provisions were taken into account in the regular evaluation of judges' performance. In November 2016, the JLC was granted exclusive power to determine the respective territorial jurisdictions of the courts. In-service trainings of judges are organised taking into account the case law of the European Court of Human Rights (ECtHR), including cases against Azerbaijan.

The workload of judges remains high. Although some improvements at the technical level can be noted in Azerbaijan following the project that supported the introduction of tools and methodology developed by the European Commission for the Efficiency of Justice (CEPEJ), further efforts are needed to disseminate these practices throughout Azerbaijan.

The guarantees and mechanisms for strengthening independence of the lawyers and the role of the Bar in representation and defence of the interest of its members need to be strengthened in line with the Council of Europe and international standards. In recent years the number of lawyers has slightly increased according to the CEPEJ European Judicial Systems evaluation (2014), but the lack of lawyers, principally outside of the capital city, remains a problem. Azerbaijan has recently launched the reform of the Bar and relevant amendments to the Civil Procedure Code and the Law on Advocates and Advocate Activities were made. In view of these changes, there is also a need to strengthen the capacity of the Bar Association for ensuring smooth entry into profession, providing adequate and quality initial and continuous training,

streamlining the disciplinary proceedings and adherence to the code of ethics. Furthermore, the capacity of the Bar Association to set up and provide free legal aid services through its offices and clinics will be supported and strengthened.

Azerbaijan is one of the countries where the right to conditional legal aid is a procedural right protected by the Constitution.<sup>10</sup> There is however no law on free legal aid, establishing a proper free legal aid system (both for the preliminary and secondary legal aid) that guarantees access to justice for people in vulnerable situations, in line with the Council of Europe recommendations. It is also important to address the issue of court representation and pre-trial advice and assistance to the most vulnerable population in civil and family law cases specifically. It is important to strengthen the work of the Regional Offices of the Ministry of Justice and of the Bar Association, also with a purpose of increasing the legal literacy of vulnerable population and their awareness on legal rights.

### ➤ Prisons and police

Azerbaijan has recently undertaken steps to reform the penitentiary. This reform was initiated through an Executive Order of the President “On improvement of operation of penitentiary, humanisation of penal policies and extension of application of alternative sanctions and non-custodial procedural measures of restraint”. The reform foresees improving conditions of detention, notably the modernisation of penitentiary infrastructures, strengthened control over prison conditions, training of staff, increasing transparency and preventing corruption. More than 300 legislative changes were introduced to domestic laws with the aim to improve the penal policy and expand the range of applicable non-custodial sanctions. New prison facilities are being built to replace already obsolete buildings. With the Presidential Decree of 7 November 2017 the Probation Service was established within the Ministry of Justice.

The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) conducts regular visits to Azerbaijan. In July 2018, the reports related to six CPT visits to Azerbaijan – 2004, 2012, 2013, 2015, 2016 and 2017 – together with the responses of the Government of Azerbaijan were made public. With their publication, all reports of CPT visits to Azerbaijan are now public. This constitutes an important basis for further co-operation with Azerbaijan in this field.

Under the previous Action Plan, the Council of Europe launched actions aimed at providing support to the Azerbaijani authorities in reforming the prison management system and health promotion and prevention (on the basis of pilot prisons). This assistance will be continued. Additional actions might be developed to assist in drafting of the necessary legislative framework for a comprehensive reform of the penitentiary as well as building capacities of the newly established Probation Service.

#### **Expected outcomes:**

##### *Independence and Efficiency of Justice:*

- ✓ The efficiency and quality of judicial services are improved through the application of the methodology and tools developed by the CEPEJ on judicial time management and quality of justice; the quality of judicial statistics is improved;
- ✓ The training methodology and curricula for judges (initial and in-service) of the Justice Academy are further improved in line with European standards and good practice;
- ✓ The CEPEJ tools and guidelines on efficiency and quality of justice are integrated in the programmes for initial and continuous training of judges and court managers/staff;
- ✓ The capacity of the Bar Association to ensure smooth entry into profession, to provide adequate and quality training, to streamline the disciplinary proceedings and adherence to the code of ethics is strengthened;
- ✓ Regulatory frameworks pertaining to the provision of free legal aid services are enhanced;
- ✓ The capacity of the Bar Association to set up and provide free legal aid services is strengthened.

<sup>10</sup> Article 61 of Constitution guarantees the right for legal advice: I. Everyone has the right for obtaining qualified legal advice. II. In specific cases envisaged by legislation legal advice shall be rendered free, at the governmental expense.

**Main national partners: the Judicial Legal Council, Ministry of Justice, the Judge's Selection Committee, the Academy of Justice, the Bar Association.**

*Prisons and police:*

- ✓ Primary healthcare services and data management in prisons more closely aligned to international standards and best practices;
- ✓ Wider range of non-pharmacological mental health services introduced to prison medical staff;
- ✓ Operating standards of security, rehabilitation and human rights in prisons moved towards European standards and best practices.

**Main national partners: Ministry of Justice, Ministry of Healthcare.**

## 2.2.2 Strengthening the Rule of Law

### ➤ **Constitutional Justice**

In the framework of the previous Action Plan, the Constitutional Court of Azerbaijan participated in a regional project that benefited from the existence of the network of judicial stakeholders and from improved peer networking among constitutional courts, including reporting cases to the CODICES database and referencing foreign and international law in constitutional courts' judgments. The CODICES database is an important tool to disseminate constitutional court decisions and practices. Azerbaijan has recently added six contributions to the CODICES database and used this system in preparation of its own cases. The Council of Europe will aim at strengthening the level of independence of the Constitutional Court of Azerbaijan and providing the necessary legislative support to encourage the Constitutional Court to reflect European standards in its decisions.

### ➤ **Data protection**

In the framework of previous co-operation activities at the regional level, the respective national authorities in Azerbaijan reached an understanding of the importance of sound data protection legislation.

The Council of Europe underlines the importance of a specific data protection legislation complying with the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108) to which Azerbaijan is Party. In particular, the establishment and effective operation of an independent dedicated supervisory authority is a crucial element of the protective system.

The Council of Europe will provide legal expertise of the legislative framework in view of its enhancement, including with regard to the setting up of a supervisory authority.

Activities will also include maintaining enhanced dialogue with national authorities, emphasising the importance of strong data protection for individuals as well as for international data flows.

### ➤ **Media**

In Azerbaijan, the need to continue bringing the national legislation and practice in line with European standards in the area of the freedom of media remains pertinent. To date, the necessary amendments to the law on defamation have not been introduced. Furthermore, new Criminal Code provisions criminalising defamation online were adopted in November 2016. The Council of Europe will continue to raise public awareness and mediate a multi-stakeholder dialogue on how to improve the national legislation on defamation and journalistic practice.

The Council of Europe will continue to provide legal and expert assistance to the national authorities in reviewing media and freedom of expression legislation and regulation to bring these in line with the European standards. The activities will also address the need to implement the Council of Europe recommendations on media regulation and freedom of expression. The Council of Europe will continue to support building capacity of Azerbaijan's Press Council and will help to develop new effective self-regulatory mechanisms in the country's media environment.

Building on good results of previous Council of Europe actions on promoting ethical standards for media professionals, new activities will cover gender mainstreaming in the media. Women remain largely underrepresented in media ownership, in information production and journalism, in newsrooms and management posts. Women's visibility, both in terms of quality and quantity, in media content is low, the rare use of women as experts and the relative absence of women's viewpoints and opinions in the media<sup>11</sup>. The Code of Ethics for journalists developed by the Azerbaijan's Press Council does not reflect any provisions on gender equality and media coverage of gender equality issues. Only two out of 22 members of the Board of Azerbaijan's Press Council are women. Although there are no official statistics on women's employment in the media sector, one can observe that their representation remains limited, especially in regions. Issues related to gender equality, and the promotion of gender awareness, are hardly covered by mass media. The curriculum on journalism education in Azerbaijan does not include any teaching course on media freedom and gender equality.

To enhance the gender equality perspective in the media, the Council of Europe has developed a comprehensive set of standards and guidelines<sup>12</sup> on gender equality and media. These include a handbook on the implementation of Recommendation CM/Rec(2013)1 of the Committee of Ministers of the Council of Europe (CM) on gender equality and media, and the Report on Media and the Image of Women<sup>13</sup> for its member States and the media actors, based notably on the European Convention on Human Rights (ECHR).

#### **Expected outcomes:**

##### *Constitutional justice:*

- ✓ Judges and staff of the Constitutional Court of Azerbaijan have enhanced their knowledge about constitutional justice, in particular through participation in regional conferences;
- ✓ Number of references, in the CODICES database, to the case law of other courts, such as the European Court of Human Rights (ECtHR), as well as the opinions of the European Commission for Democracy through Law (Venice Commission) has increased.

#### **Main national partners: the Constitutional Court of Azerbaijan**

##### *Data protection:*

- ✓ The enjoyment of the right to private life and data protection is improved through the revision of the relevant legislation and the definition of the necessary legislative action;
- ✓ Legislation complying with the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108) is enacted;
- ✓ A dedicated supervisory authority is established and operational.

#### **Main national partners: Presidential Administration, , Ministry of Transport, Communications and High Technologies, Ministry of Foreign Affairs, Ombudsman, Parliament and civil society representatives.**

##### *Media:*

- ✓ Institutional capacities to ensure freedom and independence of media and safety of journalists are improved;
- ✓ The revised Code of Ethics for journalists is adopted by the Azerbaijan's Press Council and made available;
- ✓ The number of female members of the Board of Azerbaijan's Press Council is increased;

<sup>11</sup> Recommendation CM/Rec(2013)1 of the Committee of Ministers to member States on gender equality and media

<sup>12</sup> Recommendation CM/Rec(2013)1 of the Committee of Ministers to member States on gender equality and media, Recommendation CM/Rec(2007)2 of the Committee of Ministers to member States on media pluralism and diversity of media content, Recommendation 1931 (2010) and Resolution 1751 (2010) on Combating sexist stereotypes in the media of the Parliamentary Assembly, Resolution 1557 and Recommendation 1799 (2007) on the image of women in advertising of the Parliamentary Assembly

<sup>13</sup> Report of the 1<sup>st</sup> Conference of the Council of Europe Network of National Focal Points on Gender Equality, Amsterdam, 4-5 July 2013

- ✓ The course on “Gender equality and media freedom” is included in the curriculum of Master programme of the Faculty of Journalism at Baku State University and Baku Slavic University;
- ✓ The general public has increased opportunity to access more information on gender equality through media;
- ✓ Legal professionals enhanced their knowledge about Council of Europe standards and case law of ECtHR on dealing with cases concerning freedom of expression and access to information;
- ✓ Effective self-regulatory mechanisms developed.

**Main national partners: Ministry of Education, State Committee for Family, Women and Children, the Parliament, Press Council of Azerbaijan, Azerbaijan University of Languages, Baku Slavic University, Baku State University, Union of Journalists of Azerbaijan, Women Journalist Network of Azerbaijan.**

### 2.2.3 Countering Threats to the Rule of Law

#### ➤ **Fight against corruption and money laundering**

Azerbaijan remains active in fighting corruption and in initiating measures to ensure transparency. National authorities continue to express readiness to tackle corruption and have undertaken some legislative reforms and initiatives.

In 2016, Azerbaijan adopted two strategic documents setting up priorities and measures to fight and prevent corruption and money-laundering - the National Action Plan on Open Government Promotion 2016-2018 and National Action Plan on Fight against Legalisation of Criminally Obtained Funds and Other Properties and Financing of Terrorism 2017- 2019. In further developments, on 31 May 2017, Azerbaijan’s Parliament ratified the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (CETS No.198).

Further efforts are needed to improve the following areas: strengthening the effectiveness of integrity and accountability measures, introduction and enforcement of an asset declarations system, strengthening the oversight of political party funding, and ensuring operational efficiency and autonomy of the specialised anti-corruption bodies.

While Azerbaijan has made progress on certain technical elements of anti-money laundering and countering financing of terrorism (AML/CFT), the 2014 mutual evaluation of the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL) questioned the effectiveness of many aspects of the AML/CFT regime. There is a need to enhance regulatory and operational regimes on transparency of beneficial ownership and recovery and management of proceeds of crime. The operational capacities, independence and autonomy of the Financial Monitoring Service (Financial Intelligence Unit of Azerbaijan) need to be further supported in line with MONEYVAL recommendations and Financial Action Task Force (FATF) standards.

Under the previous Action Plan, the Council of Europe facilitated the anti-corruption policy process by ensuring public input and expert advice for the development of national anti-corruption action plan and monitoring of its implementation, supported the development and integration of ethics and anti-corruption training into civil service and higher education sector, and contributed to building professional capacities for investigation and prosecution of economic crimes.

#### ➤ **Cybercrime**

Azerbaijan ratified the Council of Europe Convention on Cybercrime (ETS No. 185, Budapest Convention) in March 2010. In the framework of the previous Action Plan for Azerbaijan, the country actively participated in the Council of Europe regional action on fighting cybercrime, aimed at strengthening the capacities of both the mutual legal assistance authorities and 24/7 point of contact in the Eastern Partnership countries. The Azerbaijani country team contributed to country-specific recommendations for improving international co-operation and the development of standard templates for mutual legal assistance requests and data

preservation requests under the Budapest Convention as well as to the online resource on international co-operation on cybercrime and electronic evidence. Azerbaijan also took part in the regional project focusing on public-private co-operation on cybercrime and electronic evidence, by contributing to identification of challenges for such cooperation, ensuring on-going dialogue with the Internet industry and improvement of criminal procedure law, through multi-stakeholder participation of policy makers/law drafters, criminal justice authorities, communications regulatory authorities, cyber security experts and Internet service providers.

Under the new Action Plan, the Council of Europe will continue providing assistance to the Azerbaijani national authorities with the aim to further bring domestic legal framework on cybercrime in line with the Budapest Convention. Particular attention will be paid to developing a national strategy on fighting cybercrime and improving cybercrime reporting mechanisms. Work will also continue to establish viable public-private partnerships between law enforcement and the private sector, explore possibilities for search, seizure and confiscation of online crime proceeds, make specialised cybercrime units more operational both in domestic investigations and international cooperation, and to generally increase capacities of criminal justice institutions in handling cybercrime and electronic evidence.

#### **Expected outcomes:**

##### *Fight against corruption and money laundering:*

- ✓ Improved legislative framework and institutional capacities to fight and prevent economic crime;
- ✓ Increased application effectiveness of international anti-money laundering standards; increased capacities of Azerbaijani institutions to effectively apply these standards;
- ✓ Visible progress measures in Azerbaijan's compliance with anti-money laundering/terrorism financing standards (MONEYVAL);
- ✓ Increase in the quality and quantity of economic crime related prosecutions and increase in the use of AML investigative tools;
- ✓ MONEYVAL recommendations are implemented according to international standards with project support;
- ✓ Improved regulatory framework on asset recovery.

**Main national partners: Commission on Combating Corruption; national Financial Intelligence Unit; Anti-Corruption Directorate under the General Prosecutor's Office; Azerbaijan Anti-Corruption Academy (AZACA), other relevant authorities.**

##### *Cybercrime:*

- ✓ National strategy on fighting cybercrime is developed;
- ✓ National legislation on cybercrime is in line with the Budapest Convention;
- ✓ Public-private partnerships between law enforcement and private sector are in place;
- ✓ Specialised cybercrime units employ more operational capacities and better reporting systems;
- ✓ Cybercrime and financial investigations/intelligence authorities cooperate for handling the challenge of online crime proceeds.

**Main national partners: General Prosecutor's Office; State Security Service; Ministry of Transport, Communications and High Technologies, Ministry of Interior, Ministry of Justice, National communications regulatory authorities; Personal data protection authorities; Internet service providers (including international providers); Cyber security experts.**

## **2.3 DEMOCRACY**

Maintaining the dialogue between the state institutions and civil society and bringing national legislation on non-governmental organisations (NGOs) in line with Council of Europe standards remain key priorities of the new Action Plan. The Council of Europe will continue to facilitate the integration and further development of Education for democratic citizenship/Human rights education (EDC/HRE), promote the Competences for Democratic Culture (CDC) set by the 2016 Council of Europe Reference Framework of Competences for Democratic Culture (RFCD) and increase the capacities of youth NGOs and public authorities working with young people in Azerbaijan to foster youth participation. Further efforts are needed to reform the electoral system.



### 2.3.1 Strengthening Democratic Governance and Fostering Innovation

#### ➤ Electoral issues

Issues pertaining to the electoral reform remain important. Further efforts are needed to address the concerns previously identified by the European Commission for Democracy through Law (Venice Commission)<sup>14</sup>. Shortcomings were identified in past election observation reports<sup>15</sup> as well as in relevant European Court of Human Rights (ECtHR) judgments and related resolutions and decisions of the Committee of Ministers of the Council of Europe (CM) in the framework of the supervision of their execution. They relate to the content of the Election Code and its implementation, and concern *inter alia* registration of candidates, election commission's composition, rights of observers, and complaints and appeals procedures.

Transparency of party financing is another issue that it is to be aligned with the Council of Europe standards. In March 2017, the Group of States Against Corruption (GRECO) adopted its Second Addendum to the Second Compliance Report on Azerbaijan for the Third Evaluation Round.<sup>16</sup> With regard to transparency of party funding, some improvements had been made (for example, by ensuring that political parties keep proper books), but GRECO remained concerned that in various areas no new initiatives had been taken. In this context, it noted that the composition of the Central Election Commission (CEC) and election commissions at lower level was a particularly important issue, which remained to be addressed in order to ensure effective and impartial supervision of political financing. GRECO recommended that the reform process is pursued in order to further strengthen the transparency of political financing and to foster the role of political parties as a fundamental element of the democratic system and an essential tool of expression of the political wishes of citizens.

The Council of Europe will assist national authorities in developing institutional and leadership potential of women elected to local municipalities. Other capacity-building actions, including on candidate registration and party financing, might be envisaged following the request of the national authorities.

#### **Expected outcomes:**

##### *Electoral issues:*

- ✓ Electoral legislation of Azerbaijan, including political party financing, is brought in line with the Council of Europe standards;
- ✓ Institutional and leadership potential of women elected to local municipalities is increased.

#### **Main national partners: Central Election Commission.**

### 2.3.2 Promoting Participation and Diversity

#### ➤ Civil Society

The actions implemented within the Council of Europe-EU joint project "Civil Society Dialogue in Azerbaijan" were instrumental in starting and maintaining a dialogue between the government and civil society. The project opened the way for constructive discussions between government representatives and civil society organisations.

The Council of Europe will continue to promote the constructive dialogue between the authorities and civil society organisations. This will include bringing the legislation on functioning of non-governmental organisations (NGOs) in line with the Council of Europe standards, as well as the improvement of practices related to civil participation in decision-making processes.

<sup>14</sup> The Venice Commission and the OSCE/ODIHR issued two joint opinions on the draft amendments to the Election Code of Azerbaijan in 2008. The Election Code was further amended in June 2010, April 2012 and April 2013. The Venice Commission also issued opinions on the legislation on political parties (2011).

<sup>15</sup> E.g. PACE election observation report "Observation of the early presidential election in Azerbaijan (11 April 2018)" published on 25 June 2018

<sup>16</sup> GrecoRC3(2017)4.

As part of the Enlarged Partial Agreement of the North-South Centre of the Council of Europe (NSC), Azerbaijan contributes to encourage a bottom-up dialogue between civil society and other democratic governance actors to promote North-South dialogue and to spread the universal values upheld by the Council of Europe in Europe and beyond, responding to four priority areas: global development education, youth cooperation, women empowerment and migration.

### ➤ **Education for Democracy**

Azerbaijan has taken a series of positive steps in strengthening the capacity of its education system to boost democratic culture within its broader efforts at educational modernisation. A report prepared within the regional European Union/Council of Europe project “Project on Education for Democratic Citizenship and Human Rights in the six Eastern Partnership countries” (2015-2017) points out that “education in democratic and human values has become one of the formal goals of education policy in the Republic of Azerbaijan”.<sup>17</sup> Since 2016, Azerbaijan benefits – through the NSC - from the joint programme with the European Union “Intercultural Learning Exchange through Global Education, Networking and Dialogue (iLEGEND)”. The project fosters peaceful and inclusive societies promoting human rights, intercultural dialogue and democratic citizenship as essential dimensions of global development education in formal and non-formal settings. Additionally, the Council of Europe will promote equality, tolerance and active citizenship values in education, including through inclusive education. Work will be carried out to promote efficiency and quality in education.

Recently, the Council of Europe has paid ever greater attention to the role of formal education in tackling radicalisation and intolerance. Education for democratic citizenship and human rights education (EDC/HRE) and Competences for Democratic Culture (CDC) are therefore increasingly important in addressing discrimination, prejudice and intolerance, thus preventing and combatting radicalisation in a sustainable and proactive way.

However, for these efforts to result in greater resilience to radicalisation, strengthened commitment to democracy and civic engagement, further efforts are necessary both for the educational input – curricula, teaching materials, textbooks, and the education practice – teacher practices, pedagogies, teacher training. Opportunities for youth to practice democratic competences and skills in their schools and outside of the formal education system, in their communities and on digital platforms, need to be created for these values to be fully embedded in individual mindsets and in the society.

### ➤ **Youth for Democracy**

The co-operation between the Council of Europe and the Ministry of Youth and Sports of the Republic of Azerbaijan was launched under the previous Action Plan for Azerbaijan 2014-2017. The efforts of both partners were consolidated to highlight the importance of human rights education in youth work and youth policy with the purpose of creating an informal network of youth trainers able to work with young people using non-formal and human rights education approaches. These measures also served to support youth NGOs in their role as stakeholders in the implementation of the Council of Europe’s Charter on EDC/HRE.

The youth project in the present Action Plan builds on this previous experience in the work with youth workers, youth leaders and young people on the integration of human rights education into youth work. It will include training activities and the provision of educational resources in Azerbaijani language for promoting human-rights education and democratic youth participation and for supporting the implementation of Recommendation CM(2016)7 on Access to rights for young people and Recommendation CM(2015)3 on Access of young people from disadvantaged neighbourhoods to social rights.

A new dimension in the project engages youth policy stakeholders in the implementation and dissemination of the Recommendation CM(2017)4 on youth work. One of the focal points is the support to the building of a value-based youth policy in Azerbaijan through the promotion of an inclusive approach towards different

<sup>17</sup> A report on EDC/HRE in the six Eastern Partnership Countries, Council of Europe, 2015

groups of young people and gender mainstreaming. Representatives from youth NGOs, youth workers and other staff of youth houses and centres will be the main target group of the planned projects.

➤ **Intercultural dialogue**

The 27 May 2011 decree of the President of Azerbaijan stipulates the organisation of the Baku World Forum on Intercultural Dialogue every two years. The aim of the so-called "Baku Process", which was launched at the Council of Europe Conference of Ministers responsible for Culture held in Baku on 2-3 December 2008, is to establish a platform in which today's challenges can be discussed in the spirit of intercultural dialogue and universal values. The Baku Process is a platform for open and respectful exchange of views between individuals and groups with different ethnic, cultural, religious and linguistic backgrounds and heritage, living on different continents, on the basis of mutual understanding and respect. The Council of Europe will continue to support the Baku Process, notably through the North-South Centre of the Council of Europe.

**Expected outcomes:**

*Civil Society:*

- ✓ Domestic legislation on NGOs, including registration procedures, is closer to the Council of Europe standards;
- ✓ The Civil Society Dialogue is supported.

**Main national partners: Presidential Administration, Ministry of Justice, the Council of State Support to Non-Governmental Organisations under the Auspices of the President of the Republic of Azerbaijan; Civil Society Organisations, Parliament.**

*Education for Democracy:*

- ✓ The main actors (educational policy-makers and practitioners, students and representative of local community) have increased awareness and understanding of the role of EDC/HRE in preventing radicalisation and promoting religious tolerance;
- ✓ Young people are provided with opportunities to engage in the decision making processes in their schools and in projects reaching out to their communities;
- ✓ Recommendations to promote CDC in the upper secondary subject curricula and pre-service training of teachers have been developed.

**Main national partners: the Ministry of Education of the Republic of Azerbaijan, National Educators' Professional Development Institute and Azerbaijan State Pedagogical University.**

*Youth for Democracy:*

- ✓ Youth organisations and practitioners of non-formal learning in Azerbaijan have access to the Council of Europe standards and resources for human rights education and know how to apply them;
- ✓ Youth leaders have developed their capacity to participate in youth policy related decision-making processes and to strengthen co-operation between different stakeholders of the youth field at local, regional and national level for further development of youth policy;
- ✓ Council of Europe standards in the fields of youth policy and youth work are introduced in policy and practice on local and national level.

*Intercultural dialogue:*

- ✓ Council of Europe values and best practices in this area are disseminated, including through the participation in the Baku World Forum.

**Main national partners: Ministry of Youth and Sport of the Republic of Azerbaijan, National Assembly of Youth Organisations of Azerbaijan (NAYORA), Ministry of Culture of the Republic of Azerbaijan, Baku International Multiculturalism Centre.**

## PART III – IMPLEMENTATION

### 3.1 METHODOLOGY

The overall co-ordination of technical co-operation implemented by the Council of Europe falls within the remit of the Office of the Directorate General of Programmes (ODGP) which steers the programming of and fund-raising for co-operation actions whilst ensuring the good functioning of Council of Europe Offices in the field.

Action Plan projects are implemented by the Council of Europe's Major Administrative Entity responsible for the relevant area of expertise. The Council of Europe's Office in Azerbaijan<sup>18</sup> plays a key role in coordinating and supporting the implementation of the projects in the field in accordance with the decentralisation policy applying to co-operation. As of 16 February 2018, the Office's human resources amounted to 15 staff members.

The implementation of Action Plan projects involves, as necessary, needs assessments, legislative expertise, capacity-building, awareness-raising and peer-to-peer reviews. The methodology followed aims to reinforce the ownership of national stakeholders and to ensure the sustainability of the outcomes, in line with the Project Management Methodology of the Council of Europe.

In addition, the co-operation designed by the Council of Europe follows a “multi-institutional approach”, which allows different Council of Europe's institutions and bodies to target governmental stakeholders, parliaments, independent governance institutions such as the Ombudsman, local and regional authorities, and civil society, in order to create a unique leverage for comprehensive, inclusive, successful and sustainable reforms.

Gender equality is taken into account in all Council of Europe projects in accordance with the Guidelines on gender mainstreaming in Council of Europe's co-operation activities<sup>19</sup>. The gender mainstreaming approach will be defined as the actions associated with the Action Plan are developed. It will already be applied to actions regardless of the field of co-operation. For example, the standards for gender equality and women's rights will be taken into account when the various pieces of legislation and national frameworks are revised in the light of European standards. The issue of gender equality will also be incorporated into training and programmes. The impact of gender will be analysed when projects are designed and implemented. In addition to gender mainstreaming, specific actions will be considered in order to promote gender equality. The Action Plan will contribute to the Sustainable Development Goals (SDGs) of the United Nations, especially to the goals 5, “Achieve gender equality and empower all women and girls” and 16, “Promote just, peaceful and inclusive societies”. The actions to enhance gender equality and prevent and combat gender-based violence contribute to the target 5.1, “End all forms of discrimination against all women and girls everywhere”, and target 5.2, “Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation”. Activities foreseen to put in place strategies for the prevention and protection of children from violence, sexual exploitation and sexual abuse and to strengthen capacities of professionals in dealing with child sexual exploitation and abuse contribute to the target 16.2 “End abuse, exploitation, trafficking and all forms of violence against and torture of children”. Action plan's support to women's access to justice is in line with the target 16.3 “The promotion of the rule of law at the national and international levels and ensure equal access to justice for all”.

The Council of Europe promotes the active participation of civil society in project activities. Inclusiveness is approached in accordance with the Guidelines on civil society organisations participation in Council of Europe's co-operation activities<sup>20</sup>.

The present Action Plan takes into account the **lessons learned** during the implementation of the Action Plan for Azerbaijan 2014-2017, including:

<sup>18</sup> <https://www.coe.int/en/web/baku>

<sup>19</sup> <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680656cf0>

<sup>20</sup> <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680656cef>

- A human rights-based approach to co-operation, which uses the Council of Europe standards and principles both as means and goals of technical assistance, can significantly contribute to the realisation of those rights;
- Technical assistance for comprehensive reforms requires long-term funding and effective co-ordination mechanisms among national and international partners;
- Action Plan-level funding that allows flexibility for allocating funds where they are most needed;
- Development of capacities of national partners remains an important element of the technical assistance programmes;
- The Council of Europe can play an important bridging role between various state and non-state actors.

Due to the nature of its mandate, the Council of Europe has to operate at times in complex and unstable environments which expose it to risks. The analysis of risks relevant to implementation of the Action Plan as well as possible mitigation strategies are identified in Appendix II of the present Action Plan on the basis of the Council of Europe risk management guidelines.

### **3.2 CO-ORDINATION**

Co-ordination to ensure an efficient use of resources and the relevance of the Council of Europe's actions is performed at different levels and in different forums, including the Committee of Ministers of the Council of Europe.

The Council of Europe's actions are worked-out and implemented in areas where the Organisation has strong expertise and added value. Joint co-operation with the Azerbaijani authorities is developed on the basis of a thorough analysis of the objectives followed by other international organisations and actors in the field and their work, as well as actions implemented and/or planned to achieve these objectives.

To ensure the relevance of its actions, the Council of Europe works in close co-ordination with development agencies of the Council of Europe member States. Co-ordination is also ensured with other international organisations and stakeholders present in the country.

Where appropriate, co-ordination platforms with other international organisations are set-up and joint activities undertaken. The Council of Europe Office in Baku participates in the Donor Coordination meeting and co-chairs its subgroup on democracy and governance.

### **3.3 FUNDING**

The overall budget of the Action Plan is approximately €8.7 million. Funding amounting to €1.6 million (18% of the total budget) has been secured.

Projects in the Action Plan are to be funded from multiple sources, including Joint Programmes with the EU, voluntary contributions from donor countries and international organisations, as well as the ordinary budget.

From 2015, Azerbaijan benefits from participation in the European Union/Council of Europe Partnership for Good Governance (PGG)<sup>21</sup>, which currently covers following areas: fight against corruption and money-laundering, effective application of the ECtHR case law, cybercrime, data protection, access of women to justice and constitutional justice.

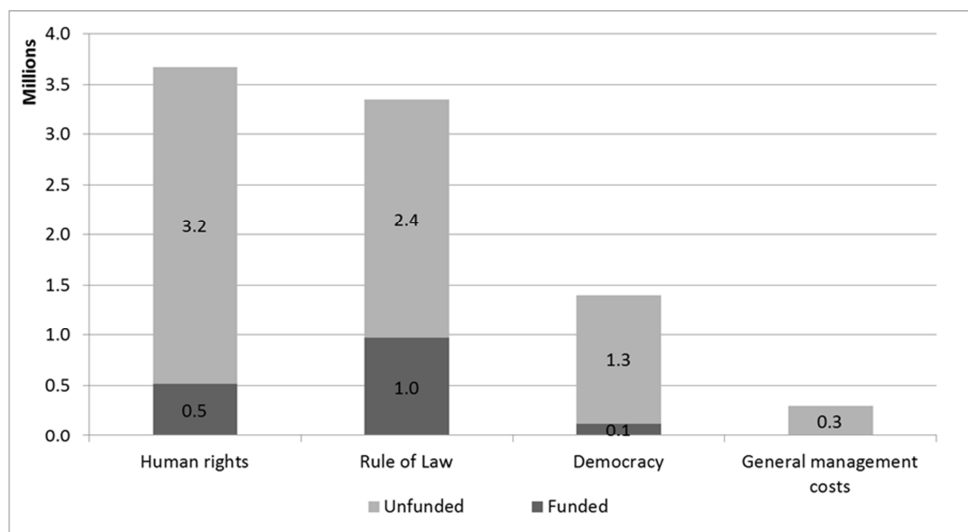
The co-ordination of the Action Plan implementation is carried out with the help of general management costs amounting to maximum 7% of the Action Plan's direct costs.

In line with the Council of Europe resource mobilisation strategy, fundraising efforts are co-ordinated by the Office of the Directorate General of Programmes and concentrate on the Action Plan as a whole.

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<sup>21</sup>Former Partnership Co-operation Framework (PCF).

The present Action Plan structure from 2018 to 2021 is aligned with the structure of the Programme and Budget of the Council of Europe and with its two biennial cycles in order to increase coherence, complementarity and co-ordination between activities within the ordinary budget of the Council of Europe and extra-budgetary technical assistance for Azerbaijan.



**Figure 2: Estimated budget per theme of the Council of Europe Action Plan for Azerbaijan 2018-2021 (in euros)**

### 3.4 GOVERNANCE

The Committee of Ministers of the Council of Europe (CM) is responsible, through its Group of Rapporteurs on Democracy (GR-DEM) for the overall assessment of the Action Plan implementation.

The Council of Europe will provide regular updates on the progress and outcomes of the Action Plan. To this end, the Office of the Directorate General of Programmes (ODGP) will submit interim and final reports to the CM as follows:

- oral report - 12 months after the adoption of the Action Plan, to present the state of advancement after the Action Plan's official launching;
- comprehensive mid-term Progress Review Report, 24 months after the adoption of the Action Plan;
- final Progress Review Report at the end of implementation of the Action Plan.

Progress made under the Action Plan will be jointly assessed by the Council of Europe and the Azerbaijani authorities. For this purpose, an Action Plan Steering Committee is established, composed of representatives of the Ministry of Foreign Affairs and other national stakeholders involved in the implementation of the Action Plan as well as of representatives of the Council of Europe.

This Steering Committee will assess the implementation of approved projects, discuss relevant proposals for future co-operation and challenges faced, and recommend any measures to improve the effectiveness of the Action Plan. Meetings will take place 24 months after the adoption of the Action Plan, to assess the mid-term implementation, and before the end of the Action Plan, to assess the overall implementation. In terms of constituting the Steering Committee members, a good gender balanced representation shall be ensured to the extent possible given the requisite sectorial knowledge and experience limitations.

In addition, the ODGP will address annual Action Plan Reports to those donors contributing at the level of the Action Plan, in line with reporting requirements.



**Action Plan contacts**

Office of the Directorate General of Programmes (ODGP)

Council of Europe

F-67075 Strasbourg Cedex

Tel: + 33 (0)3 90 21 56 54

Fax: + 33 (0)3 90 21 46 31

E-mail to: [odgp@coe.int](mailto:odgp@coe.int)

[www.coe.int/programmes](http://www.coe.int/programmes)

Council of Europe Office in Baku

Marine Plaza

62 Uzeyir Hajibeyli Street

1010 Baku

Azerbaijan

E-mail to: [fieldbaku@coe.int](mailto:fieldbaku@coe.int)

[www.coe.int/baku](http://www.coe.int/baku)

## APPENDIX I: LOGFRAME

**Gender equality and civil participation** in decision making as transversal topics:

- **Gender equality** is mainstreamed throughout the Council of Europe's projects in accordance with the Guidelines on gender mainstreaming in Council of Europe's co-operation activities;
- **Civil participation** is promoted by the Organisation in line with the Guidelines on civil society organisations participation in Council of Europe's co-operation activities.

**Overall goal:** To support the reforms in Azerbaijan which will bring Azerbaijani legislation, institutions and practice further in line with European standards in the areas of human rights, the rule of law and democracy, and therefore support its efforts in meeting its obligations as a Council of Europe member State.

| Human Rights  |  |
|---|--|
| Thematic outcome: Equality and the human rights protection are enhanced through the well-structured and coordinated implementation of human rights standards, including those on gender equality, and an improved effectiveness of the ECHR system at national level.   |  |
| Outcomes  | Indicators   |
| <p><b>1.1. Protecting Human Rights</b></p> <p>Functioning of the criminal justice system is analysed, and recommendations are made on how to align the legislation and practice with Council of Europe standards; The system of adoption of general and individual measures for national implementation of the ECHR judgments is analysed and improved; The role and capacity of the Justice Academy to train legal professionals including through the application of HELP methodology, also taking into account gender perspective is increased; The competence and skills of legal professionals (lawyers, judges, prosecutors, assistants to judges, independent practitioners) to effectively apply the ECHR is strengthened; National human rights capacity of existing frameworks that provide free legal aid services, including to women and other vulnerable groups, including submitting the applications to the ECtHR, is enhanced; The national legislation on public assemblies is brought in line with the requirements of Article 11 of the ECHR.</p> | <ul style="list-style-type: none"> <li>• Extent to which good practices relating to application of European human rights standards are introduced and further promoted in the country;</li> <li>• Level of knowledge about human rights standards and extent of their application by legal professionals;</li> <li>• The institution's level required capabilities and professional knowledge in relevant fields, such as human rights or the administration of justice;</li> <li>• Institutional mechanisms and structures are in place and/or operational to effectively protect against ill-treatment, specifically by law enforcement and military, as well as to investigate ill-treatment in compliance with the European standards and requirements of the ECtHR judgments;</li> <li>• Functioning free legal aid system;</li> <li>• Relevant national training organisations have strengthened capacity to sustainably train their target groups on human rights standards.</li> </ul> |

|   |  |
|---|--|
| <p><b>1.2. Promoting Human Rights and Dignity</b></p> <p>Effective prevention and protection standards and mechanisms to address violence against women and domestic violence have been introduced; The Istanbul Convention is promoted and the awareness of the Azerbaijani authorities about its provisions is raised; Raised awareness on the rights of women victims of violence and remedies available to them; Gender perspective is mainstreamed in the justice sector resulting in a more gender-responsive system; Increased capacity of legal professionals, including judges, prosecutors and lawyers to address cases of gender-based discrimination, violence against women, and other women's human rights violations; Azerbaijan ratified the Lanzarote Convention; Strategies for the prevention and protection of children from violence, sexual exploitation and sexual abuse both online and offline are put in place; Capacities of professionals in dealing with child sexual exploitation and abuse are strengthened.</p> | <ul style="list-style-type: none"> <li>• Extent to which national legislation is in place and/or amended in line with European Human Rights standards (criminal justice, non-discrimination, children's rights, gender-based discrimination, violence against women);</li> <li>• Functioning Ombudsman's institution;</li> <li>• Level of knowledge about human rights standards and extent of their application by relevant professional groups in their work;</li> <li>• The quality of the judicial response in violence against women cases and access to justice for victims of violence;</li> <li>• Enhanced media reporting on human rights and dignity.</li> </ul> |
| <p><b>1.3. Ensuring social rights</b></p> <p>Azerbaijan has accepted additional provisions of the ESC and the Collective Complaints procedure; The quality of national reports to the ECSCR is improved; NGOs specialised in the protection of human rights have integrated social rights dimension in their activities; The most important decisions of the ECSCR are available in Azerbaijani.</p>  | <ul style="list-style-type: none"> <li>• Extent to which the relevant legislation is in place or amended in line with European standards on social rights;</li> <li>• Level of co-operation and exchange between professional associations and NGOs.</li> </ul>  |

| <b>Rule of Law</b><br><b>Thematic outcome:</b> Existing legislative and institutional frameworks are improved in line with European standards; independence and accountability of the justice system is strengthened; the enforcement of the national courts decisions and the execution of the ECtHR judgments are facilitated.  |  |
|---|--|
| <b>Outcomes</b>   | <b>Indicators</b>  |
| <p><b>2.1. Ensuring Justice</b></p> <p>The efficiency and quality of judicial services are improved through the application of the methodology and tools developed by the CEPEJ on judicial time management and quality of justice; the quality of judicial statistics is improved; The training methodology and curricula for judges (initial and in-service) of the Justice Academy are further improved in line with European standards and good practice; The CEPEJ tools and guidelines on efficiency and quality of justice are integrated in the programmes for initial and continuous training of judges and court managers/staff; The capacity of the Bar Association to ensure smooth entry into profession, to provide adequate and quality training, to streamline the disciplinary proceedings and adherence to the code of ethics is strengthened; Regulatory frameworks pertaining to the provision of free legal aid services are enhanced; The capacity of the Bar Association to set up and provide free legal aid service is strengthened; Primary healthcare services and data management in prisons more closely aligned to international standards and best practices; Wider range of non-pharmacological mental health services introduced to prison medical staff; Operating standards of security, rehabilitation and human rights in prisons moved towards European standards and best practices.</p> | <ul style="list-style-type: none"> <li>• CEPEJ tools and methodology are integrated in the courts' working methods;</li> <li>• Level of implementation of CEPEJ tools on quality of justice in selected courts;</li> <li>• In service training programme reflecting human rights is introduced into the existing training programme;</li> <li>• Increased capacity to comply with the judgments of the ECtHR through establishing relevant framework for general and individual measures.</li> <li>• Increased accessibility and quality of the free legal aid;</li> <li>• Functioning of the Bar association;</li> <li>• Extent to which primary healthcare services, including mental health, and data management in prisons are close to European standards;</li> <li>• Level of application of operating standards of security, rehabilitation and human rights in prisons.</li> </ul> |
| <p><b>2.2. Strengthening the Rule of Law</b></p> <p>Judges and staff of the Constitutional Court of Azerbaijan have enhanced their knowledge about constitutional justice, in particular through participation in regional conferences; Number of references, in the CODICES database, to the case law of other courts, such as the ECtHR, as well as the opinions of the Venice Commission has increased; The enjoyment of the right to private life and data protection is improved through the revision of the relevant legislation and the definition of the necessary legislative action; Legislation complying with Convention ETS No. 108 is enacted; A dedicated supervisory authority is established and operational; Institutional capacities to ensure freedom and independence of media and safety of journalists are improved;</p>   | <ul style="list-style-type: none"> <li>• Enhanced capacity of the Constitutional Court to deal with constitutional complaints;</li> <li>• References in CODICES database;</li> <li>• Extent to which national legislation is in place and/or amended in line with European Human Rights standards on data protection; Data protection legislation and rules are implemented and respected;</li> </ul>  |

|   |   |
|---|---|
| <p>The revised Code of Ethics for journalists is adopted by the Azerbaijan's Press Council and made available; The number of female members of the Board of Azerbaijan's Press Council is increased; The course on "Gender equality and media freedom" is included in the curriculum of Master programme of the Faculty of Journalism at Baku State University and Baku Slavic University; The general public has increased opportunity to access more information on gender equality through media; Legal professionals enhanced their knowledge about Council of Europe standards and case law of ECtHR on dealing with cases concerning freedom of expression and access to information; Effective self-regulatory mechanisms developed.</p>   | <ul style="list-style-type: none"> <li>• Extent to which the knowledge on gender equality and the media is promoted and applied in practice;</li> <li>• The application in practice of the revised Code of Ethics;</li> <li>• References to the ECHR standards as regards the freedom of expression in the updated court case law database.</li> </ul>  |
| <p><b>2.3. Countering Threats to the Rule of Law</b></p> <p>Improved legislative framework and institutional capacities to fight and prevent economic crime; Increased application effectiveness of international anti-money laundering standards; increased capacities of Azerbaijani institutions to effectively apply these standards; Visible progress measures in Azerbaijan's compliance with anti-money laundering/terrorism financing standards (MONEYVAL); Increase in the quality and quantity of economic crime related prosecutions and increase in the use of AML investigative tools; MONEYVAL recommendations are implemented according to international standards with project support; Improved regulatory framework on asset recovery.</p> <p>National strategy on fighting cybercrime is developed; National legislation on cybercrime is in line with the Budapest Convention; Public-private partnerships between law enforcement and private sector are in place; Specialised cybercrime units employ more operational capacities and better reporting systems; Cybercrime and financial investigations/intelligence authorities cooperate for handling the challenge of online crime proceeds.</p> | <ul style="list-style-type: none"> <li>• Existing legislative and institutional frameworks and practices to fight and prevent economic crime, money laundering and cybercrime are in line with the European and international standards;</li> <li>• Extent to which Azerbaijani institutions have capacity to apply these international standards in particular as regards money laundering;</li> <li>• Implementation of MONEYVAL recommendations;</li> <li>• Extent to which balance between the interests of law enforcement and respect for fundamental human rights and principles of rule of law is ensured while effectively fighting cybercrime;</li> <li>• Increased level of international co-operation in criminal matters related to fight against cybercrime.</li> </ul> |

|  |  |
|--|--|
| <p><b>Democracy</b></p> <p><b>Thematic outcome:</b> Democratization of society is fostered through enhanced dialogue between the state institutions and civil society, strengthened competence of democratic institutions, electoral system and increased participation of young people in democratic processes.</p>   |  |
| <p><b>Outcomes</b></p> <p><b>3.1. Strengthening democratic governance and fostering innovation</b></p> <p>Electoral legislation of Azerbaijan, including political party financing, is brought in line with the Council of Europe standards; Institutional and leadership potential of women elected to local municipalities is increased.</p>   | <p><b>Indicators</b></p> <ul style="list-style-type: none"> <li>• Electoral legislation in line with the Council of Europe standards;</li> <li>• Increased number of women elected in Parliament and local authorities and their professional capacities increased.</li> </ul>   |
| <p><b>3.2. Promoting participation and diversity</b></p> <p>Domestic legislation on NGOs, including registration procedures, is closer to the Council of Europe standards; The Civil Society Dialogue is supported; The main actors (educational policy-makers and practitioners, students and representative of local community) have increased awareness and understanding of the role of EDC/HRE in preventing radicalisation and promoting religious tolerance; Young people are provided with opportunities to engage in the decision making processes in their schools and in projects reaching out to their communities; Recommendations to promote CDC in the upper secondary subject curricula and pre-service training of teachers have been developed; Youth organisations and practitioners of non-formal learning in Azerbaijan have access to the Council of Europe standards and resources for human rights education and know how to apply them; Youth leaders have developed their capacity to participate in youth policy related decision-making processes and to strengthen co-operation between different stakeholders of the youth field at local, regional and national level for further development of youth policy; Council of Europe standards in the fields of youth policy and youth work are introduced in policy and practice on local and national level; Council of Europe values and best practices in the area of intercultural dialogue are disseminated, including through the participation in the Baku World Forum.</p> | <ul style="list-style-type: none"> <li>• Dialogue between public authorities and civil society maintained;</li> <li>• Extent to which adopted legislation related to NGOs is in line with European standards;</li> <li>• Number of measures on strengthening ethics, transparency and integrity in higher education, that are introduced by universities across the country;</li> <li>• Number of educational programmes (formal and non-formal) introduced in the selected institutions and regions in line with Education for Democratic Citizenship and Human Rights Education (EDC/HRE) standards;</li> <li>• Extent to which the recommendation on the role of democratic citizenship and human rights education (in particular in preventing radicalisation and promoting religious tolerance) has been implemented throughout the education system;</li> <li>• Extent to which youth leaders and activists are able to influence decisions on youth policy at field at local, regional and national levels;</li> <li>• The level of dissemination and application of Council of Europe standards in the fields of youth policy and democratic citizenship.</li> </ul> |



## APPENDIX II: RISK REGISTER

| Risk description   | Mitigation actions  |
|--|---|
| Political related risk   | Political related risk  |
| <p>Political instability in various forms, but also military or other conflicts.</p>   | <p>The Council of Europe has significant experience of working in environments where there are risks of political and economic instability. This results in a risk assessment that is manageable, except in extreme situations.</p>   |
| <p>Lack of political will to reform the legislation, where needed, to align its implementation with European standards and to engage in constructive dialogue and consultation with civil society.</p>                                     | <p>Close monitoring of political situation and use of Council of Europe political channels. The activities and the recommendations made during the implementation of the Action Plan will be based on established best European practice and on the commitments of Azerbaijan as a Council of Europe member State, while taking into account the country-specific political, economic and social context.</p>   |
| <p>Significant changes in the authorities' approaches to reforms and their willingness to adapt their standards in the fields of Human Rights and democracy in line with the European Union and Council of Europe norms and standards.</p> | <p>The membership of Azerbaijan in the Council of Europe allows it to build the actions on a wider political basis and through closer political and technical contacts, thus minimising risks;</p> <p>Support national authorities to ensure compliance of legislative and regulatory frameworks with the standards of the Council of Europe;</p> <p>Facilitate contacts and co-operation between supporters of the reforms within different branches of the power and within civil society;</p> <p>Awareness-raising among target groups to sensitise them on importance of application of the standards of the Organisation;</p> <p>Discuss mitigation strategies with international partners (EU in particular).</p> |

| <b>Project/programme delivery related risks</b>  |  |
|--|--|
| Lack of sufficient funding for implementation of the Action Plan.  | <p>Increase resource mobilisation efforts in coordinated manner within the country and from headquarters;</p> <p>Allocate funding for programmes which have strong potential for synergy with each other, scheduling available resources in the most effective manner;</p> <p>Continue to address feedback from partners and donors to improve project design, implementation, results-based monitoring, and reporting practices to attract and maintain donors.</p> |
| Lack of effective co-ordination mechanisms with national and international partners to avoid overlaps and to ensure synergies among programmes.  | <p>Increased number of joint activities with international partners with whom co-ordination of plans is already achieved and in order to strengthen common message, achieve economic efficiency and increase acceptance of the reforms.</p>  |
| Problems in identification of NGOs as partners which lead to delays in implementation of activities.   | <p>Additional consultations with the national stakeholders could be held to address this risk. Transparent selection process of NGO partners, involvement of authorities in all stages should help to build confidence and to secure the effective implementation.</p>   |
| High turnover of governmental and non-governmental staff and key partners during the Action Plan life-span and as a result loss of know-how and networking contacts, may affect the delivery of outputs. | <p>Close monitoring by Council of Europe Baku office staff of changes and immediate re-establishment of contact;</p> <p>Stakeholders to build confidence and ensure sustainability, ownership and leadership of the project activities by the beneficiaries.</p>   |
| Overlap of projects' interventions with other donors.  | <p>Monitoring of activities of other international donors in the country;</p> <p>Meaningful donor and stakeholder co-ordination;</p> <p>A careful needs assessment at the time of writing of the Action Plan, which has taken into account the sector donor map and activities.</p>  |
| Key beneficiaries have different views on both expected outcomes ('what needs to be achieved') and specific activities ('how').  | <p>Close contacts maintained with the national authorities and discussions carried out.</p>  |



| <b>Communication related risks</b>   |   |
|--|---|
| <p>Lack of knowledge among main international and national partners, target groups and general population about Council of Europe contribution to the reforms in the country.</p>        | <p>Every programme develops its communication strategy to foster interest in the activities of the Organisation among major stakeholders; increase professional and public awareness of the Organisation contribution to the reforms; and increase the speed at which information is exchanged.</p> |
| <p>National authorities and Council of Europe staff do not establish effective working relationships which could lead to delays in processing recommendations regarding legislation.</p> | <p>Regular meetings of the Council of Europe staff and representatives of the stakeholders to assess progress and appropriate actions to be taken (with clear roles for each partner).</p>  |

**APPENDIX III: FINANCIAL TABLE**  
(amounts in euros)

| Sectors   | AP budget        | Funded OB      | Funded EU*     | Funded VC      | Total funds secured | Unfunded         |
|---|------------------|----------------|----------------|----------------|---------------------|------------------|
| <b>Human rights</b>   | <b>3 668 334</b> | <b>43 965</b>  | <b>230 818</b> | <b>243 551</b> | <b>518 334</b>      | <b>3 150 000</b> |
| 1. Protecting Human Rights                                      | 468 334          | 35 965         | 188 818        | 243 551        | 468 334             | 0                |
| 2. Promoting Human Rights and Dignity                           | 1 650 000        | 0              | 0              | 0              | 0                   | 1 650 000        |
| 3. Ensuring Social Rights                                       | 1 500 000        | 0              | 0              | 0              | 0                   | 1 500 000        |
| Regional PGG  | 50 000           | 8 000          | 42 000         | 0              | 50 000              | 0                |
| <b>Rule of Law</b>  | <b>3 349 502</b> | <b>358 528</b> | <b>610 973</b> | <b>0</b>       | <b>969 502</b>      | <b>2 380 000</b> |
| 1. Ensuring justice   | 791 200          | 11 200         | 100 000        | 0              | 111 200             | 680 000          |
| 2. Strengthening the Rule of Law                                | 1 350 000        | 250 000        | 0              | 0              | 250 000             | 1 100 000        |
| 3. Countering Threats to the Rule of Law                        | 950 000          | 56 000         | 294 000        | 0              | 350 000             | 600 000          |
| Regional PGG  | 258 302          | 41 328         | 216 973        | 0              | 258 302             | 0                |
| <b>Democracy</b>  | <b>1 398 719</b> | <b>68 567</b>  | <b>25 000</b>  | <b>26 879</b>  | <b>120 446</b>      | <b>1 278 273</b> |
| 1. Strengthening Democratic Governance and Fostering Innovation | 47 355           | 14 022         | 25 000         | 8 333          | 47 355              | 0                |
| 2. Promoting participation and diversity                        | 1 351 364        | 54 545         | 0              | 18 545         | 73 091              | 1 278 273        |
| Regional PGG  | 0                | 0              | 0              | 0              | 0                   | 0                |
| General management costs  | 300 000          | 0              | 0              | 0              | 0                   | 300 000          |
| <b>TOTAL</b>  | <b>8 716 555</b> | <b>471 061</b> | <b>866 791</b> | <b>270 430</b> | <b>1 608 282</b>    | <b>7 108 273</b> |

\*Includes regional EU/CoE joint programmes

## APPENDIX IV: SOURCES/RELEVANT DOCUMENTS

### COUNCIL OF EUROPE DOCUMENTS

1. Technical co-operation with Azerbaijan
  - Council of Europe Action Plan for Azerbaijan 2014-2016 (extended until 2017) ([https://www.coe.int/en/web/programmes/documents#{%2226530095%22:\[2\]}](https://www.coe.int/en/web/programmes/documents#{%2226530095%22:[2]}))
2. European Court of Human Rights
  - ECtHR case law in respect of Azerbaijan;
3. Commissioner for Human Rights of the Council of Europe  
Annual Activity reports (CommDH(2018)1; CommDH(2017)3; CommDH(2016)7; CommDH(2015)4);
4. Committee of Ministers of the Council of Europe
  - Decisions of the Committee of Ministers in respect of Azerbaijan;
5. Congress of Local and Regional Authorities of the Council of Europe
  - [https://search.coe.int/congress/Pages/result\\_details.aspx?ObjectId=09000016807197a3](https://search.coe.int/congress/Pages/result_details.aspx?ObjectId=09000016807197a3)
  - Recommendation 326 (2012) on Local and regional democracy in Azerbaijan
6. Parliamentary Assembly of the Council of Europe
  - PACE Resolution 2184 on the functioning of democratic institutions in Azerbaijan, October 2017
  - Resolution 2096 How can inappropriate restrictions on NGO activities in Europe be prevented? January 2016
  - Azerbaijan's Chairmanship of the Council of Europe: what follow-up on respect for human rights?
  - PACE Resolution 2085 Inhabitants of frontier regions of Azerbaijan are deliberately deprived of water, January 2016;
  - PACE Resolution 2095 Strengthening the protection and role of human rights defenders in Council of Europe member States, January 2016;
  - PACE - Doc. 14584 (2018) - Observation of the early presidential election in Azerbaijan (11 April 2018)
7. Monitoring and expert advisory bodies
  - European Committee of Social Rights Conclusions 2017
  - European Commission against Racism and Intolerance Country Report on Azerbaijan, 2016
  - GRECO compliance report on corruption prevention in respect of members of parliament, judges and prosecutors in Azerbaijan, 4<sup>th</sup> evaluation round (adopted on 2 December 2016)
  - CEPEJ Evaluation Exercise, 2016 Edition
  - Second addendum to the Second Compliance Report on Azerbaijan, Incriminations ETS 173 and 191, GPC 2, Transparency of Party Funding, adopted on 24 March 2017
  - CDL-AD(2016)029 Opinion on the draft modifications to the Constitution submitted to the Referendum of 26 September 2016, endorsed by the Venice Commission at its 108th Plenary Session (Venice, 14-15 October 2016)
  - GRETA's Report and Government's Comments, published 23 May 2014 and Recommendation of the Committee of the Parties
  - A report on EDC/HRE in the six Eastern Partnership Countries, Council of Europe, 2015

## 8. Guidelines

- Guidelines on gender mainstreaming in Council of Europe's co-operation activities
- Guidelines on civil society organisations participation in Council of Europe's co-operation activities
- Guidelines for civil participation in political decision-making

### National Policy Documents of Azerbaijan

- Action Plan 2016-2018 on Promotion of Open Government (APOG)
- the National Action Plan on Fight against Legalisation of Criminally Obtained Funds and Other Properties and Financing of Terrorism 2017- 2019
- the Strategic Road Maps for National Economy and Main Economic Sectors (December 2016)
- the Government-Civil Society Dialogue Platform on Open Government Initiative



[www.coe.int](http://www.coe.int)

**Council of Europe  
Office of the Directorate General of Programmes**

Avenue de l'Europe  
F-67075 Strasbourg Cedex  
E-mail: [odgp@coe.int](mailto:odgp@coe.int)  
[www.coe.int/programmes](http://www.coe.int/programmes)

**Council of Europe  
Office in Azerbaijan**

Marine Plaza  
62 Uzeyir Hajibeyli Street  
1010 Baku, Azerbaijan  
Tel: +994 12 599 11 62 or 63 or 64 or 65  
Fax: +994 12 599 05 30  
E-mail: [fieldbaku@coe.int](mailto:fieldbaku@coe.int)  
[www.coe.int/baku](http://www.coe.int/baku)

The Council of Europe is the continent's leading human rights organisation. It comprises 47 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.