**CONSTITUTIONAL LAW
OF THE REPUBLIC OF AZERBAIJAN**

**On regulating of implementation of human rights and liberties in the Republic of Azerbaijan**

This Constitutional Law is adopted with an aim to bring the implementation of human rights in the Republic of Azerbaijan in conformity with the Convention for the protection of human rights and fundamentalliberties.

**Article 1. Basic conditions for implementation of human rights and fundamental liberties**

1.1. None of the provisions of the Constitution and the present Constitutional Law of the Republic of Azerbaijan can be interpreted or perceived as a provision creating a legal ground for activity or action of the state bodies, organizations or different persons aimed at abolishment of human and citizen’s rights and liberties or greater limitation than it is in the Constitution and the present Constitutional Law of the Republic of Azerbaijan.

1.2. No one shall abuse his/her rights and liberties.

**Article 2. Non-derogated human rights**

The rights provided for by article 27 (except the cases of death as a result of war conducted in accordance with the law), part I of article 28, part III of article 46, article 63, article 64 and part VIII of article 71 of the Constitution of the Republic of Azerbaijan are non-derogated rights and no reservations are applicable to them.

**Article 3. Conditions for limitation of human rights and liberties by law**

3.1. Human rights and liberties provided for by the Constitution of the Republic of Azerbaijan and international treaties the Republic of Azerbaijan is a party to, can be limited only by law.

3.2. The law that restricts human rights and liberties shall contain a reference to the right or liberty, as well as relevant article of the Constitution of the Republic of Azerbaijan which is subjected to limitation.

3.3. The limitations of human rights and liberties  shall not affect the substance of those rights and liberties .

3.4. The limitations of human rights and liberties shall pursue the legitimate aim envisaged in the Constitution of the Republic of Azerbaijan or the present Constitutional Law and shall be proportionate to the goal pursued.

3.5. Alongside with the grounds provided for by part III of article 71 of the Constitution of the Republic of Azerbaijan, human rights and liberties can be restricted with an aim to ensure the implementation of human rights and  liberties of others and to protect them.

3.6. Alongside with other grounds provided for by the Constitution of the Republic of Azerbaijan, the rights and liberties envisaged in part III of article 28, articles 32, 33, 49, 50, 51 and 58, as well as the freedom of speech envisaged in article 47 can be limited in the interests of national security, for protection of health and morals, rights and liberties of others, and for prevention of a crime; the rights and liberties envisaged in articles 32, 33, 49, 50 and 58 as well as the freedom of speech envisaged in article 47 of the Constitution can be limited for prevention of mass disorder; the rights and liberties envisaged in part III of article 28, articles 49, 50 and 58 and the freedom of speech envisaged in article 47, as well as part II of article 48 of the Constitution ensuring the right to determine his/her attitude to religion, to express and spread one’s beliefs concerning religion can be limited for protection of public order; the rights and liberties envisaged in part III of article 28, articles 32 and 33, as well as part II of article 48 of the Constitution ensuring the right to determine his/her attitude to religion, to express and spread one’s beliefs concerning religion can be limited for ensuring public order and the rights and liberties envisaged in articles 32 and 33 of the Constitution can be also limited for interests of economic welfare of the country; freedom of speech envisaged in article 47 and freedom of information envisaged in article 50 of the Constitution can be limited  for ensuring interests of state territorial integrity, protection of reputation or rights of others, for prevention of disclosure of secret information or for ensuring reputation of a court and its impartiality; part II of article 48 of the Constitution ensuring the right to define his/her attitude to religion, to express and spread one’s beliefs concerning religion can be limited with an aim to protect health or morals or rights and liberties of others.

**Article 4. Limitations as to apprehension, detention or arrest of a person**

4.1. No one shall be deprived of his/her liberty save in the following cases and in accordance with a procedure prescribed by law:

4.1.1. the lawful detention of a person after conviction by a competent court;

4.1.2. the lawful arrest or detention of a person for non-compliance with the lawful order of a court or in order to secure the fulfilment of any obligation prescribed by law;

4.1.3. the lawful arrest or detention of a person effected for the purpose of bringing him/her before the competent legal authority on reasonable suspicion of having committed an offence or when it is reasonably considered necessary to prevent his/her committing an offence or fleeing after having done so;

4.1.4. the detention of a minor by lawful order for the purpose of educational supervision or his/her lawful detention for the purpose of bringing him/her before the competent legal authority;

4.1.5. the lawful detention of persons for the prevention of the spreading of infectious diseases, of persons of unsound mind, alcoholics or drug addicts or vagrants;

4.1.6. the lawful arrest or detention of a person to prevent his/her effecting an unauthorized entry into the country or of a person against whom action is being taken with a view to deportation or extradition.

4.2. Everyone arrested or detained in accordance with the provisions of paragraph 4.1 of this article shall be brought promptly before a judge who is competent to study the case or to release before trial. This person shall be entitled to trial within a reasonable time or to be released before trial.

4.3. Everyone who is deprived of his/her liberties by arrest or detention shall be entitled to take proceedings by which the lawfulness of his/her detention shall be decided speedily by a court and his/her release ordered if the detention is not lawful.

4.4. Release of a person who is deprived of his/her liberties by arrest or detention may be conditioned by guarantees to appear for trial.

4.5. Everyone who has been the victim of arrest or detention in contravention of the provisions of article 4.1 of the present Law shall have an enforceable right to compensation.

4.6. No one shall be arrested, detained or deprived of his/her liberties merely on the ground of inability to fulfil a contractual obligation.

 **Article 5. The right of a person to file a complaint before the Constitutional Court against the decisions of the legislative, executive and judicial bodies and acts of municipalities that violate human rights and liberties**

Everyone who claims to be the victim of a violation of his/her rights or liberties by a decision of the legislative, executive and judiciary or by one of the municipal acts set forth in the items 1-6 and 8 of section III of Article 130 of the Constitution of the Republic of Azerbaijan may appeal, in accordance with the procedure provided for by law, to the Constitutional Court of the Republic of Azerbaijan withthe view of the restoration of his/her violated rights and liberties.

**Article 6. The rights of the courts to apply to Constitutional Court**

In accordance with the procedure provided by the laws of the Republic of Azerbaijan, courts may apply to the Constitutional Court of the Republic of Azerbaijan for an interpretation of the Constitution and the laws of the Republic of Azerbaijan with regard to issues arising out of the implementation of rights and liberties of a person and citizen*.*

***Heydar Aliyev
President of the Republic of Azerbaijan***

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