



**COMMISSIONER FOR HUMAN RIGHTS  
(OMBUDSMAN)  
OF THE REPUBLIC OF AZERBAIJAN**

**ANNUAL REPORT  
ON PROVISION AND PROTECTION OF HUMAN RIGHTS AND  
FREEDOMS IN THE REPUBLIC OF AZERBAIJAN**

**2012**

**(SUMMARY)**

**Baku – 2013**

## ***Foreword***

The main aim of the report is to provide information on the activities of the Commissioner for Human Rights of the Republic of Azerbaijan for 2012 regarding examination and evaluation of the state of human and civil rights and freedoms in the country, disclosure of positive results along with shortcomings and delinquencies, restoration of the violated human rights and prevention of their delinquencies.

The report was prepared on the basis of appeals, petitions, proposals and complaints; different cases, problems and challenges disclosed during the visits of the Commissioner and staff members of the Institute and regional centers to penitentiaries, investigatory isolators, temporary detention places, military units, orphanages, boarding schools, settlements of the refugees and IDPs, healthcare and social protection facilities, meetings with population in regions and investigations carried out there; official responses and attitudes of state agencies and authorities; proposals and recommendations submitted to state bodies; materials of national and international seminars and conferences dedicated to human rights; activities implemented within the framework of the cooperation with non-governmental organizations; as well as of the analysis of information provided by mass media.

The annual report reflects the activities of the Commissioner in the sphere of the protection of civil, political, economic, social and cultural rights of various groups of people, including their rights and freedoms, awareness-raising events on human rights, scientific and analytical work, public relations, issues of international cooperation, as well as recommendations and proposals on effective provision of their human rights and solution of problems.

According to the Article 14 of the Constitutional Law of the Republic of Azerbaijan "On the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan", this annual report was prepared to be submitted to the President of the Republic of Azerbaijan, presented to the Milli Majlis (Parliament) of the Republic of Azerbaijan, as well as to be addressed to the Cabinet of Ministers, Constitutional Court, Supreme Court and General Prosecutor's Office of the Republic of Azerbaijan.

I hope that this annual report will provide you with the picture about the situation in the field of human rights and freedoms in our country and the activities of Ombudsman, and you will share your impressions with us.

Your proposals and recommendations would be helpful in the further improving of activities of the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan in future.

**Youth faithfully,**

**professor Elmira Suleymanova**

*Commissioner for Human Rights  
(Ombudsman)  
of the Republic of Azerbaijan*

## **Introduction**

During the last 10 years the activity of the Commissioner's Institute has been directed to reliable protection of human and civil rights and freedoms, prevention of human rights violation and restoration of violated rights, entire development of human rights and, as a result, to further strengthening of governance confirming with the civil society and democracy criteria.

The achievements of the Institute have been gained with the support of the state and its competent bodies.

Systematic reforms covering all spheres, including wide scale social and economic measures, carried out in 2012 has resulted in stable increase of socially-oriented state budget as well as improvement of systems of taxes and social security. Also, the system of "single window" and "electronic government" have been applied, "ASAN service" started functioning. The implementation of state programs covering various spheres has lead to the increase of the welfare of population, enhancement of labour market, opening of new work places as well as to gradual provision of employment of population.

Elimination of bureaucratic barriers, provision of transparency and expansion of systematic and comprehensive fight against corruption served to the sustainable improvement of democratic governance.

Concluding speech of the President of the Republic of Azerbaijan Ilham Aliyev delivered at the conference dedicated to the completion of the fourth year of the implementation of the "State Program on Social and Economic Development of the Regions of the Republic of Azerbaijan for 2009 – 2013" contained tasks and recommendations for state officials to analyze and improve their work.

The following indicators demonstrate the increase of international influence of Azerbaijan: conduction of "Eurovision" song contest 2012 in Baku, achievements of our sportsmen in XXX Summer Olympic Games in London, decision on conducting European Olympic Games 2015 in Baku, one of the significant events in the independence history of our state – launch of the first "Azerspace-1" telecommunication satellite, organization of the II Baku International Humanitarian Forum and I Baku International Forum on "State and Religion: Strengthening Tolerance in Changing World" as well as the opinions of well-known foreign businessmen, notable scientists, religious servants and international experts viewing development strategy and religious tolerance in our state as a model for other countries.

Chairmanship of Azerbaijan at the UN Security Council in 2012 for the first time in the history, serious resolutions based on international legal norms and principle of solution of Armenia-Azerbaijan Nagorno Karabakh conflict only in the framework of territorial integrity of both countries adopted on NATO and "Non-Alignment Movement" Summits are also considered as political and diplomatic achievements of our country.

Nationwide March dedicated to the 20<sup>th</sup> anniversary of the most terrible and bloody tragedy of XX century – Khojali massacre was started from Azadlyq Square of Baku. Thousand people participated at the March lead by the President Ilham Aliyev. This event had huge importance from the point of paying tribute to the

victims of the tragedy and attracting the attention of the world community to the crime committed by Armenia against humanity.

Since 2003, the Gross Domestic Product has increased three times, non-oil gross domestic product has increased 2,4 times, strategic currency reserve has increased up to 28,8 times and reached 46 billion dollars.

As a result of implementation of regional social-economic development programs for 2004 – 2008 and 2009 – 2013, up to 100 industrial enterprises were launched; the level of unemployment was decreased by 5,2%; poverty level fell to 6%. Also, during 10 years, 1 million 200 thousand workplaces were created. 171 thousand workplaces, including 93 thousand permanent ones, were opened in 2012. Average monthly salary increased for 9,1% and made 391,4 manats. Furthermore, 268 schools, 62 kindergartens as well as 40 healthcare, 27 sport, 29 cultural and other social facilities were built and completely repaired.

In the reports of the World Bank Azerbaijan was given highest rate as a country for conducting business. According to the report of the World Economic Forum “Doing Business-2013”, our state was included to the group of 50 most competitive economies and ranked 46th and the 1<sup>st</sup> among CIS countries.

Development Concept “Azerbaijan 2020: vision into the future” reflects progressive and creative ideas of the President Ilham Aliyev successfully continuing development strategy founded on the base of the policy of national leader Heydar Aliyev whose 90 jubilee will be celebrated in 2013. The targets of this concept demonstrate that wide scale measures which are carried out in all spheres will ensure sustainable development of our country and improvement of social and economic state of our citizens.

The Commissioner working in cooperation with state agencies, civil society organizations and mass media as well as carrying out activity for more than ten years in the direction of restoration of human rights reflected in the Constitution of the Republic of Azerbaijan and international treaties to which our country is a party violated by state and local self-governance bodies implemented versatile activities in 2012.

It should be mentioned that last year the Commissioner participated at the 10th World Conference of the International Ombudsman Institute on “The Role of Ombudsman in XXI century” conducted in Wellington, New Zealand. In her presentation on development of human rights in our country and current situation, the Commissioner provided information about achievements attained in 10 years of her term as well as state’s support in this sphere.

Ombudsmen of foreign states and well - known international experts on human rights delivering speeches at the conference mentioned the novelties in the work of the Commissioner and gained experience as an example for National Human Rights Institutes.

The compliance of the activities of the Commissioner’s Institute of Azerbaijan with Paris Principles was once more assessed by the Subcommittee on the Accreditation of the International Coordinating Committee on National Human Rights Institutions under the UN High Commissioner for Human Rights and the Institute was re-accredited with “A” status on 26-30 March 2012 Session.

So, it was proved for the next time that the Commissioner's Institute of Azerbaijan implements its activities in accordance with the Paris Principles.

The Xth Baku International Ombudsmen Conference on "Protection of Human Rights in Emergency Situations: Problems and Opportunities" conducted with the support of the UNESCO and dedicated to 20th anniversary of Azerbaijan's membership in this organization was held on 18-20 June 2012.

Taking into consideration the Commissioner's proposals, the "National Action Program on Increasing Efficiency of the Protection of Human Rights and Freedoms in the Republic of Azerbaijan" (National Action Program) was approved in accordance with the Presidential Decree of 27 December 2011. In order to coordinate activities considered within the Program, evaluate its promotion and implementation and to prepare reports, the monitorings were conducted as well as discussions with participation of representatives of appropriate agencies were carried out. Also, a series of public hearings were realized in Baku, Ganja, Shaki, Barda, Jalilabad, Quba and surrounding regions.

By the way, in his letter addressed to the state president, the Council of Europe Secretary General T.Jagland applauded the approval of National Action Program and evaluated it as a document of highest importance. Along with that, the Council of Europe Commissioner for Human Rights mentioned National Plan for Action approved in 2006 as positive experience, comprehensive, versatile and efficient document and recommended European countries to adopt such kind of a plan.

The Commissioner has contacted with local population in regions, conducted regular meetings and consultations, carried out monitorings for ensuring human rights. Also, by means of the comments and recommendations, direct interference to the issues and attraction of local branches of central and local executive power bodies, heads of municipalities to the work on restoration of violated human rights the Commissioner served to effective provision of human rights and to the increase of influence of the country and development of governance.

The citizens could submit their appeals to the Commissioner through post and e-mail, reception rooms functioning within the Institute and its regional centers, 916 "Hotline on the problem of child rights" as well as during the visits of the Commissioner and staff members of the Institute to penitentiaries, investigatory isolators, temporary detention places, military units, orphanages, boarding schools, settlements of the refugees and IDPs and social protection facilities.

Since the establishment of the Institute the Commissioner has received 87.870 appeals in total, including 12.470 submitted in 2012. 79,6% of them were complaints, 20,3% - appeals and 0,1% - proposals.

Several changes were observed in the structure of complaints. Thus, first five groups of complaints were submitted regarding the following issues: property right (2.287), judicial protection right (1.643), right to social protection (1.045), right to appeal (906) and labour rights (887).

The complaints reflected the corruption cases occurred during assignment of addressed social aid, delivery of ID cards and other necessary documents, "self-willed" construction of buildings as well as in registry and notary offices, municipalities, housing bureaus, administrative-territorial representations of local executive power bodies, healthcare facilities (especially in maternity hospitals,

surgical interference treatment, etc.), secondary schools and kindergartens, in higher and specialized secondary education facilities, service of the State Register of Real Estate and medical-social expert commissions.

56,3% of complaints could not be observed during the following requirements of the Constitutional Law: a complaint is out of the Commissioner's competence; more than a year has passed since the date when the case of human rights violation occurred; a complaint is anonymous; a complaint is being examined within court proceedings; repeatedly submitted petitions does not contain any new information, fact and evidence.

43,7% of the appeals were accepted for examination and 65,2% of them were resolved.

Last year, during meetings with people in the Institute, regions, including settlements of refugees and IDPs, as well as during visits to penitentiary facilities, investigatory isolators, temporary detention places, military units, orphanages, facilities for old and disabled people, boarding schools 472 persons were received.

2.214 persons were received in the Institute and regional centers for the first time; 365 people were received in relation to appeals made earlier. All of them were provided with recommendations and appropriate explanations.

The Commissioner formed new principles and norms in past 10 years, conducted serious cooperation with state agencies responsible for ensuring human rights and developed them. Moreover, the Commissioner was accepted as a mediator between citizens and the state as well as the Institute – as a significant body by the whole society.

The activity of the Commissioner in the sphere of the restoration of violated human rights demonstrated that along with being independent, the Commissioner is capable to work together with state and society in a form of cooperation and network. The supreme value for the Commissioner is a person, person's rights and the protection of these rights.

The first Commissioner of the country has 10 years-long experience in the restoration of violated human rights and freedoms, prevention of human rights violations and studying the state of ensuring human rights. During this period the Commissioner has built the work on the basis of the principles of independence, openness, transparency, legality, fairness and impartiality. The Commissioner made serious change in the given sphere and could attain formation, organization and development of the Institute, achievement of trust, respect among population as well as establishment of traditions of cooperation with the state and civil society.

## Chapter I

### The Activity of the Commissioner in the Field of the Protection of Human Rights and Freedoms

#### 1.1. Protection of Civil and Political Rights

***Right to freedom.*** Ensuring the integral part of this right – the freedom of movement creates opportunities to use other human rights.

If a citizen has an ID card, he/she is provided with free movement and protected from facing restrictions while appealing to state agencies, facilities, structures and organizations and during receiving services. However, once a person does not have an ID card, the implementation of other rights become restricted what in its turn leads to difficulties.

Thus, during last year the Commissioner paid attention to the issue of provision with ID card in order to ensure the participation of citizens at the election of the President of the Republic of Azerbaijan without any obstacles.

In order to monitor the state of the implementation of measures considered in the National Action Program, the provision of citizens with ID cards was monitored within the framework of a series of public hearings conducted by the Commissioner in cities and regions of the country with participation of police officials. The results demonstrated that mostly citizens were provided with ID cards.

During last year, 89 complaints regarding ID cards and registration were submitted from cities and regions. As a result of the work conducted with regard to each complaint, violated rights were restored.

One of the obstacles causing the violation of this right was failure of appropriate internal affair agencies to take timely measures.

By the way, the centers of the State Agency on Civil Service and Social Innovations “ASAN service” carry out procedures on provision of ID card on the basis of operativeness, transparency and comfort. .

In accordance with requirements of the Decree No. 55 of 9 April 2003 adopted by the Cabinet of Ministers for the provision of the decision of the Constitutional Court on 31 January 2003 regarding provision with permanent registration and ID cards of persons having no permanent place of residence and opportunity to get temporary registration; the rights of a number of persons violated in the given sphere were restored.

During purchase and sale of a house (apartment) under a special property, a seller takes a responsibility to cancel residence registration of the whole family in the address of the sold house in accordance with the agreement and get registered on other address of residence. Nevertheless, if persons taking such responsibility do not observe appropriate requirements, new owner of the property appeal to the court and achieve the cancellation of the registration of previous owners. Thus, sellers become left without permanent place of residence.

It is important to add the provision on setting obligation for appropriate police agencies by the courts regarding compulsory registration of people (whose permanent

registration was cancelled) to the administrative building of police agency located in the area of previous place of registration of these persons to the Law of Azerbaijan Republic “On Registration According to the Place of Residence and Sojourn”.

Provision of address to residential areas without address, examination of the current state in the sphere of registration of citizens in their place of residence and acceleration of the solution of these issues are appropriate.

In our country, there are people provided with the ID cards of the Republic of Azerbaijan but actually not considered as citizens. The reason of the problem is shortcoming in documentation of appropriate state agencies.

Moreover, there are still problems in provision of citizenship of the Republic of Azerbaijan to Azerbaijanis immigrating to the country after the collapse of the Soviet Union and as a result of ethnic conflict emerging in the first years of independence as well as other similar incidents.

From this point of view, it is important to make amendments and changes to the Law of the Republic of Azerbaijan “On Citizenship” in order to simplify the process of receiving ID cards.

The adoption of the Migration Code by the Milli Majlis (Parliament) of the Republic of Azerbaijan and its application by executive power bodies would create opportunity to solve the problems of a number of Azerbaijanis, including those living in Georgia.

There is also a need in timely provision of certificates of marriage and birth in villages and settlements, activation of the work of administrative-territorial representations of local executive power bodies and local healthcare facilities for prevention of problems in the given area as well as in significant awareness-raising work.

***Visits to detention places.*** The Commissioner and the Institute’s staff members paid a number of visits to the following detention places: temporary detention places of police stations, departments and divisions of the Ministry of Internal Affairs, Administrative Detention Unit of the Main Police Department of Baku City, temporary detention isolators of the Ministry of Internal Affairs Main Organized Crime Department, also Main Passport, Registration and Migration Department Division on Struggle against Illegal Migration and Department on Struggle against Trafficking in Human Beings, as well as Penitentiary Service of the Ministry of Justice and investigative isolator of the Ministry of National Security.

The “hotline number” of the Commissioner and addresses we placed in city and regional police stations, departments and divisions.

During meetings with detainees in TDPs and investigatory isolators, personal conversations were held, detention conditions were examined, the prisoners were explained their rights, and their families were informed about detention. Also, the documents on provision of lawyer, explanation of their rights to detained suspects, prosecutor supervision during the detention period at police departments, as well as on legitimacy of the detention were observed.

Usually, the detainees stated that generally they did not face violence or rude treatment and had no complaints about treatment by police servants or staff members of Penitentiary Service. Along with that, some detained persons mentioned their



discontent regarding investigation process or decision adopted by the court on their cases.

For effective provision of human rights of persons detained in penitentiaries, investigatory isolators, guardhouses, it is important to organize meetings with lawyer in time.

For eliminating violation of laws and shortcomings revealed during visits, the comments and recommendation on taking appropriate measures were sent to the head of police bodies; in necessary cases the appeals were submitted to the General Prosecutor of the Republic of Azerbaijan as well as to the Minister of Internal Affairs or Minister of Justice.

As a result, due to shortcomings during the work, senior police sergeant – the head of the temporary detention place of the Khachmaz RPD A.Aghayev, police majors on duty Y.Talibov and E. Eldarov, senior police sergeants – the heads of temporary detention places of Shamkir and Gadabay RPD S.Huseynov and E.Babayev were reprimanded; senior police sergeant – the head of temporary detention place of Masalli RPD A.Balakishiyev was suspended from the service; the secretary of the head of the department police colonel-lieutenant F.Aliyev and the head of public security department police senior lieutenant J.Mammadov were subjected to severe reprimand; police captain on duty M.Gozalov was given warning on non-compliance with service obligations; police senior lieutenants on duty of the Qabala RPD A.Khalilov and T.Baghirov, the head of temporary place - police senior sergeant N.Azimov, secretary on operation of the head of the Jalilabad Safar Nuriyev (due to mentioned shortcomings and non-prevention of illegal acts conducted by staff members under his supervision) as well as head operational attorney of the Group on Fight against Drugs Mehman Aghayev were subjected to disciplinary liability.

Generally, in accordance with official information of the Ministry of Internal Affairs, last year there was not registered any fact of human rights violation in penitentiaries, temporary detention places and during on-spot detention. Along with that, administrative reproach measures were taken with regard to 83 staff members serving in temporary detention places for their shortcomings.

In accordance with the requirements of the Law of the Republic of Azerbaijan on “Ensuring Rights and Freedoms of Detained Persons”, trainings will be conducted in order to enlighten and educate staff members of temporary detention places, investigatory isolators and guardhouses.

***Right to protection of honor and dignity.*** During last year, in order to resolve complaints in this sphere and restore the right to protection of honor and dignity the Commissioner submitted inquiries to appropriate bodies for conducting investigation. As a result, relevant measures were implemented and administrative punishments were imposed on the offenders.

The Commissioner recommended to *make the Article 133 (“Torture”) of the Criminal Code of the Republic of Azerbaijan compliant with the Article 1 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.*

By the way, according to the Law of the Republic of Azerbaijan “On the Amendments to the Criminal Code of the Republic of Azerbaijan” No. 405-IVQD dated 29 June 2012, the article 9.2 of the given code was amended. Complying with

this amendment, “Torture and other cruel, inhuman or degrading treatment cannot be used as punishment or criminal and legal measures applied with regard to a person committing crime”. Thus, in the Criminal Code the phrase “*with the purpose of physical sufferings or humiliation of human dignity*” was replaced with the phrase of “character or purpose” of “*torture or other cruel, inhuman or degrading treatment of humiliation of human dignity*”.

Along with the above-mentioned, the article 293 has also been amended. The amendment implies that before the given amendment was enacted, people detained in accordance with the article 132 are set free. Also, those who underwent the punishment are considered as people having no detention.

For investigation and solution of the complaints submitted with regard to violation of the right to protection of honor and dignity the Commissioner addressed appropriate state bodies. According to their responses, the cases of cruel, inhuman or degrading treatment were not affirmed. However, some staff members received disciplinary punishment.

***Activities of the Commissioner as a National Preventive Mechanism.***  
According to the Order No.244s of the Cabinet of Ministers dated 11 September 2012, 10 staff units were allocated to create the “Department on Preventing Torture” in order to implement function of national preventive mechanism against torture.

Due to allocated staff units, upon the Commissioner’s order, the “Department on Prevention of Torture” as well as “Sector of Conducting Visits” and “Sector on Legal Analysis and Reports” were created.

Along with the above-mentioned, the National Preventive Group (NPG) of 17 staff members created by the Commissioner has successfully implemented activities of NPM before establishment of the department.

The list of 240 places of deprivation of freedom, including penitentiaries, temporary detention places, social facilities, boarding homes for older and disabled people and psychiatric hospitals was defined. The list includes appropriate facilities of the Ministry of Internal Affairs, Ministry of Justice, Ministry of National Security, Ministry of Defense, Ministry of Education, Ministry of Healthcare as well as the Ministry of Labour and Social Protection of Population.

Last year, the NPM conducted 411 visits, including 322 planned and 89 adhoc regular visits to the places of deprivation and restriction of freedom. 276 of them were paid to temporary detention places; 115 – to the Penitentiary Service of the Ministry of Justice, healthcare units of prisons; 2 – to investigatory isolators of the Ministry of National Security; 5 – to disciplinary military units and guardhouses; 3 – to special education institutions, including boarding houses, special vocational school, orphanages; 2 - to assisted living facilities and houses for disabled and old people of the Ministry of Labor and Social Protection of Population; 8 – to psychiatric hospitals, hospital for mental and nervous disorders, psychoneurological children’s home and orphanages.

While conducting these visits, the NPM group representatives paid special attention to treatment of detainees, detention conditions, documentation, provision of healthcare, food quality, correctional measures imposed on detainees as well as the organization of their leisure time. It should be mentioned that the preference was given to confidential meetings with detained persons.

It should be mentioned that appropriate posters titled “Pass the information about tortures to the Ombudsman” with “hotline” number were placed in police stations, departments and divisions in all cities and regions of the country.

During visits, NPM members had private interviews with 510 persons held in temporary detention places, 1.028 people in investigatory isolators and prisons, as well as with nearly 100 persons in facilities that people cannot leave on their own will. At the same time, the NPM representatives carried out private meetings with 130 staff members of these institutions. Heads of these facilities and other officials created necessary conditions for the Commissioner and the NPM group members and took measures for implementing the recommendations as well as eliminating revealed shortcomings.

Along with positive changes mentioned during visits, a number of shortcomings were revealed. Appropriate state bodies were addressed regarding their elimination and examination. As a result, necessary measures were taken.

Due to creating obstacles for the NPM activity, deputy head of the 38th PD of Qaradagh RPO police colonel-lieutenant R.V.Sharifov, local police inspector, police lieutenant I.R.Mammadov were reprimanded; local police officer and police major E.J.Omarov as well as officer of the criminal investigation department and police chief lieutenant E.A.Damirov received severe reprimand; deputy of police officer on-duty chief sergeant B.F.Talibov were brought to administrative responsibility.

By the way, it is important to continue the work on educating staff members of law enforcement agencies and other appropriate structures on the requirements of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol.

In 2012, 83 press releases on the activities of the Commissioner as the NPM were published in Azerbaijani and English languages and disseminated; press releases translated into Russian were sent to the Council of Europe Commissioner for Human Rights.

The reports of the Commissioner “On the Activity as a National Preventive Mechanism on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment” for 2009-2010 and 2011 were published in Azerbaijani and English languages and were placed on the Institute’s website and disseminated among society and specialized international organizations. The report for 2012 has also been prepared.

***Freedom of expression and speech.*** As in a whole world, in our country the development of information technologies and their efficient promotion plays significant role for the progress of mass media. Along with published newspapers and magazines, electronic information network is being developed.

The activities on attracting journalists of the State Support Fund to Mass Media under the President of the Republic of Azerbaijan, Azerbaijan Media Council and other associated bodies to trainings and seminars aimed at increasing their professional skills were successfully conducted.

The Commissioner highly evaluates the efforts of the state taken for the support to development of mass media, especially electronic media and internet, and calls responsible state agencies, journalists unions and the whole society to perceive

as well as accept the importance of free mass media. The Commissioner recommends to support the freedom of information using all legal instruments.

In order to improve professional training of mass media representatives, especially journalists writing on human rights, and to increase their knowledge on legal issues, trainings-seminars and legal education activities were conducted upon the initiative and recommendation of the Commissioner. Mass media conferences and briefings, the events attended by experts of the Institute were also of special importance.

Within the conference organized on December 10 – International Human Rights Day, with participation of members of the Parliament as well as representatives of state agencies, NGOs, embassies of foreign countries in our Republic, international organizations and mass media, the competition of journalists' writings **on the topic** “Human Rights for Everyone” was finalized, and the winners were awarded.

On the eve of May 3 – World Press Freedom Day, the Commissioner conducted next consultation with well-known experts on the means of mass media, heads of journalists' organizations, newspaper editors and other media representatives. Mainly, the attention was paid to the protection of the freedom of expression, speech and mass media, its role in the establishment of civil society.

During the meeting, the Commissioner mentioned the importance of ensuring right of access to information of every person and creating necessary conditions for citizens, including journalists to obtain, collect and disseminate information interesting for them without obstacles.

It was also mentioned that new mass media has a number of duties in information society, and truthful objective news is the most valuable resource in a period of fundamental changes of people's need to receive correct information. Representatives of new media should take these tendencies into the consideration.

The Commissioner always attaches importance to the protection of media rights and provision of the right to expression and speech. During last year, the Commissioner has paid special attention to cruel treatment of journalists.

The Commissioner evaluated the dissemination of video records connected with the staff member of the “Azadliq Radio” Baku Office Khadidja Ismayilova in the internet as interference in her private life and addressed the General Prosecutor of the Republic of Azerbaijan regarding the issue.

During demolition of illegally constructed building in the territory of mine 4 of Sulutepe settlement, employee of “Ayna” – “Zerkalo” newspaper Idrak Abbasov was subjected to violence. The General Prosecutor and the Minister of Internal Affairs were addressed to find out persons inciting to this act and punish them in accordance with the law.

In order to prevent the cases of violence towards journalists and restriction of their work, it is important to conduct trainings and explanatory work for staff members of appropriate state agencies. Also, it is necessary to ensure rules of conduct without application of any force.

The activities on efficient protection of media rights and ensuring the freedom of opinion, speech and expression are being implemented.

Rude treatment of journalists is inadmissible. The state officials should be brought to liability in such cases.

Along with above-mentioned, journalists should also obey the law. While writing articles journalists should not interfere in private life of persons and their families, cause damage to the business reputation of people and disseminate false information about private life of persons. Moreover, representatives of mass media should improve their professional skills and provide people with correct and unbiased information.

The Commissioner proposed to refer to world experience and use alternative measures of punishments, including penalties and temporarily ban to a newspaper, with regard to journalists breaking the law.

***The freedom of access to information.*** According to the Law “On Access to Information”, the Commissioner is granted with the competence to implement control over the fulfillments of law obligations by state bodies holding information and self governance bodies. For effective implementation of obligations implied by the law, the Commissioner prepared the project on the establishment of “Department on Issues of Information Provision” within the Institute, its duties, structure and staff table. The appeal regarding the number of staff members sent to the Cabinet of Ministers was met positively. Although in 2012 appropriate instructions on resolving the matter and allocating funds were given to the Ministry of Finance, no actions have been taken yet.

Since staff units and financial-technical resources were not allotted, the Institute could not efficiently implement activities on ensuring the right to information and was criticized.

It should be mentioned that, according to the paragraph 1.3 of the “National Action Plan on the Promotion of Open Government for 2012-2015” approved by the Presidential Order No.2421 of 5 September 2012, it is planned to improve the structure of the Institute for implementing the control over the fulfillment of obligations implied by the Law of the Republic of Azerbaijan “On Access to Information”.

The Commissioner conducted consultations with well-known experts on the means of mass media, heads of journalists’ organizations, newspaper editors and other media representatives; discussed future cooperation issues.

During the meetings, the Commissioner recommended to take following measures:

- conduct joint awareness-raising trainings in the regions;
- prepare and publish appropriate educational programs and modules;
- train journalists;
- pay more attention to training and specialization of representatives of mass media, their professional skills;
- implement legal awareness-raising and advocacy activities for officials, journalists and local population in the country capital and regions;
- develop executive mechanisms for provision of information surveys;
- place broad information on the activities in the web-pages of state bodies;
- creation of electronic register in state bodies;

- improve the work of information structures as well as electronic resources in the state bodies holding information;
- conduct analysis regarding development of appropriate legislation;
- organize TV and radio programs;
- establish Working Group consisting of representatives of state bodies, mass media and journalists; prepare its regulations and action plan; define specialized speaker on information issues;
- develop sustainable cooperation;
- conduct regular meeting and work as network.

Moreover, the Commissioner recommended staff members of state bodies holding information to learn and apply provision of the appropriate law as well as provide prompt, unbiased and complete answers to the survey addressed to the given structures.

By the way, the monitoring of activities considered in the National Action Program has demonstrated that majority of state bodies holding information carried out the mentioned recommendations.

The Commissioner recommended *to cooperate and join efforts for successful implementation of the “National Action Plan on the Promotion of Open Government for 2012-2015”*.

State bodies were addressed to collect data about structural divisions working in the sphere of provision of information, their duties and staff members. On the basis of collected information appropriate list was conducted and placed on the web-site of the Institute. The brochure “Know your rights and use them!” prepared with regard to the Law of the Republic of Azerbaijan “On Access to Information” and disseminated in the regions among media representatives. The data base on press service of state bodies holding information was developed.

A series of events on the development of electronic and published media as well as digital and online journalism; improvement of professional training of journalists writing on human rights; increase of the opportunities to use contemporary information and communication technologies; provision of open and transparent information; advancement of internet resources and public relations were carried out. The opinions and views of media representatives were taken into consideration.

The Institute, efficiently working as an information holder, has paid significant attention to the relations with mass media sources, including media structures, electronic newspapers and news portals. During ten years of the activity, the press service of the Commissioner has prepared and disseminated 2.797 press releases, including 305 press releases published in 2012. These press releases were translated into English and submitted to the Council of Europe.

Along with the above-mentioned, the complaints submitted with regard to the right of access to information were analyzed. The inquiries were sent to appropriate state bodies; necessary activities were taken to solve the problems reflected in the complaints.

Last year, the Commissioner, implementing control over the fulfillment of obligations implied by the Law of the Republic of Azerbaijan “On Access to

Information”, continued to learn the experience in the sphere of obtaining information.

***Freedom of conscience.*** Azerbaijan is among the list of rare countries where main religions of the world - Islam, Christianity and Judaism - mosques, churches and synagogues, coexist in peace and tolerance. The persons from different confessions can freely perform their religious ceremonies and participate in the cultural life of the country.

The Commissioner has paid attention to the provision of freedom of conscience and religion. During last year, The Commissioner received and investigated 10 complaints regarding the violation of freedom of conscience.

It was found out that while defining the statues in secondary school and higher education facilities as well as uniform of schoolchildren, the article 48 of the Law of the Republic of Azerbaijan and paragraph 3 of the article 14 of the Convention on the Rights of the Child were not fulfilled. Thus, when the requirements and model of school uniform was approved, the right to attend the classes with the head cover (hidjab) was not taken into account.

The Commissioner delivered speech and recommendations in the events dedicated to the religious tolerance, mutual relations of people having different believes, peace culture through religion, the role of national and religious tolerance in the given sphere, development of the dialogue between cultures and cooperation between religions and education of children on religious tolerance by the attending of religious theologists.

The Commissioner has also attended the I Baku International Forum on “State and Religion: Strengthening Tolerance in Changing World”. The Forum was organized with the support of the State Committee for Work with Religious Organizations and Youth Forum Islam Conference for Dialogue and Cooperation. Deputies of the Milli Majlis (Parliament), well-known religious servants and scientists as well as representatives of state bodies, international organizations, national and international NGOs as well as of mass media were among the participants.

In her speech titled “Contemporary Tendencies in State – Religion Relations” the Commissioner mentioned that another name of changing world is the globalized world which has brought to the universe progress, development, contemporary innovation and communication technologies, advantages or contradictions in the evolvement of internet, conflicts, terror, war, genocide and unnecessary casualties. All of these were demonstrated on the example of our country.

Facts of discrimination appear in connection with nationality, ethnic origin and religion. Taking this fact into consideration, the Commissioner described religious tolerance as an important problem not only in one country or region, but in a whole world. The Commissioner informed the Forum participants on the importance of religious tolerance from the point of human rights as well as on Azerbaijan realities.

The Commissioner has also noted that more than 80 nations and ethnic groups live friendly in multiethnic and multinational Azerbaijan – the country where all necessary conditions were created for development of a small ethnic groups and religions. There was not any war or conflict on a religious basis in our country. Here,

the government ensure and protects freedom of religion as well as national and ethnic minorities.

Well-known religious servants, scientists and international experts delivering speeches in the conference viewed the success of our country in the given sphere as a model for other countries.

In accordance with the legislation, there are no obstacles for a person to express religious belief, participate at worshipping and events and to study the religion.

Along with that, while expressing or disseminating religious believes, people should not implement actions that may harm health of other people, especially children, infringe the rights and freedoms of other persons, disturb public rules, create conflict between religions, believes and communities as well as lead to discrimination. People must obey the Law of the Republic of Azerbaijan “On Freedom of Religion”.

***Freedom of assembly.*** The staff members of the Institute visited temporary detention places in police stations of Nasimi and Narimanov districts as well as Administrative Detention Unit of the Main Police Department of Baku City.

The aim of the visit was the examination of treatment, detention conditions and legality of detention of people arrested during actions organized on October 5 in front of the Ministry of Education.

During conversations detainees did not complained about the treatment towards them and detention conditions. In necessary cases medical service was provided. The detainees were also provided with the lawyer on their own or state budget. Appropriate recommendations and proposals were given to the heads of detention places.

The staff members visited Administrative Detention Unit of the Main Police Department of Baku City to meet with 13 people detained in administrative order during action of October 20. During the visit, each of the detainees had private conversation and was explained their rights. These detainees did not complaint about detention conditions and met with a lawyer. Some of them complained about cruel treatment during initial detention.

The staff members of the Institute also visited Administrative Detention Unit of the Main Police Department of Baku City to get acquainted with treatment towards, detention condition and documents proving the legality of detention of people arrested during the action of November 17. During conversations 10 detainees did not complained about the treatment towards them and detention conditions.

The staff member of the Institute helped some detainees to have telephone conversation with families and provided appropriate recommendations to the head of the facility.

During investigation in the Administrative Detention Unit of the Main Police Department of Baku City, it was revealed that 7 prisoners were detained on the meeting of April 8 since they did not obey legal requirements of the police to stop disseminating leaflets calling to join meeting. They were arrested in administrative order upon the court decision according to the article 310 of the Administrative Offences Code. The detainees did not complain about detention conditions or treatment and did not consider themselves guilty.



The investigation revealed that 2 persons of them were arrested on April 7 and detained for 2 days in the cabinet of operative officer at the 18th police department of the Narimanov DPS. Only on April 9 the court made decision on detention in administrative manner. Other 2 persons complained that during arrest police exerted pressure on them. One of them, taken to the 5<sup>th</sup> police department of Binaqadi DPS, stated that in the police station he was abused, forced to write explanation using Latin alphabet which he did not know. Also, the police forcibly took his mobile phone. The other detainee was threatened by police officers of 4<sup>th</sup> police department of Binaqadi DPS.

Taking this into consideration, the Commissioner appealed to the Ministry of Internal Affairs in order to investigate the case, take necessary measures and apply legal punishment.

In the response it was stated that citizens Q.Q. and F.T. (one of them was under the influence of alcohol) forcibly disseminated leaflets among people in Narimanov park calling out loud to the meeting of April 8 and violated public order. They did not obey the requirements of the police to calm down, were detained at 22.00 and brought to the 18th RPS of Narimamov district

According to the articles 398.1.1 and 399.3 of the Administrative Offences Code, they were arrested in administrative order. The appropriate protocols were conducted. The detainees were set free on April 8 at 09.30.

Afterwards, they came to the police department. On April 9, upon the decision of the Narimanov District Court Q.Q. and F.T. were found guilty in accordance with the article 310.1 of the Administrative Offences Code and detained for 3 days in administrative order. During the court, they did not complain about any illegal treatment by the police.

Besides, on April 7 a citizen Q.Z. forcibly disseminated leaflets among people in bus stop at Resulzade settlement calling out loud to the meeting of April 8 and violated public order. He did not obey the requirements of the police to calm down, was detained and brought to the 4<sup>th</sup> Police Department. In accordance with the article 310.1 of Administrative Offences Code, the protocol on administrative offence was conducted. The court found him guilty and made decision on detention for 10 days.

On April a citizen E.A. forcibly disseminated leaflets among people near “Azadliq” subway station calling out loud to the meeting of April 8 violated public order. Since he did not obey the requirements of the police to calm down, he was detained and brought to the 5<sup>th</sup> Police Department of Binaqadi DPS. The detainee wrote some notes and put his signature in an explanatory part of the administrative protocol conducted in accordance with the article 310.1 of the Administrative Offences Code regarding the case. Upon the court decision, he was found guilty and detained in administrative order for 11 days.

During service investigation, citizens Q.Q. and F.T. gave testimony that on April 8 were set free from 5th PD of the Narimanov RPS. They applied to the Ministry of Internal Affairs stating that had no complaints about police officers.

As a result of service investigation, no illegal act by police officers towards persons detained in administrative manner was revealed.

The Commissioner find inadmissible for police or any officials having the right to apply force to treat people in a degrading manner. The Commissioner recommends

*treating people in compliance with legislation without exposure to violence while preserving law and order. It is recommended to take only legal measures for attracting people causing above-mentioned disorder to responsibility.*

Trainings and seminars should be organized for police staff members in order to improve their experience of preserving law and order during meetings, street marches and pickets without exposure to violence.

At the same time, violence, conflicts and infringements of the rights of people are inadmissible while implementing the freedom of assembly. Exceptional can be cases related to restrictions implied by the national and international legislation acts, including the European Convention on Human Rights, i.e. measures taken for national security and provision of order and law, preventing unrest and crime, protection of health and morality and ensuring democracy.

***The right to appeal.*** Measures implemented by state bodies for providing electronic services, using “hotlines” and launch of “ASAN service” system are significant instruments for efficient provision of the right to appeal.

The Commissioner received 906 complaints in 2012 and 1.892 – in 2011 with regard to the violation of the right to appeal. The complaints reflected the following cases: officials did not receive citizens; the appeals were not responded on time or in a formal manner. Also, the appeals to the Commissioner contained complaint regarding red tape, cruel treatment and corruption.

It should be mentioned that in comparison with 2011, in 2012 the complaints in the given sphere were decreased in number.

As a result of researches, urgent and planned measures were taken for resolving cases reflected in complaints; informative work was implemented. Complainants were explained on the issues raised in their appeals. These steps resulted in restoration of violated rights.

In total, 1.643 complaints addressed to the Commissioner in 2012 were related to the court, 695 – to the General prosecutor’s office, 1.974 – police agencies, 156 – municipalities, and 586 – non-execution of court decisions.

There were submitted 1.271 complaints in connection with local executive bodies, including 141 complaints sent from Imishli, 76 – from Lachin, 56 – from Sabirabad, 47 – from Quba, 33 – from Absheron, 32 – from Aghdam, 31 – from Shamkir, 30 – from Agjabedi, 28 – from Kurdamir and 26 – from Qakh.

By the way, in 2012 the heads of local executive power bodies of Sabunchu district of Baku, Quba, Gadabay, Aghdash, Imishli and Kurdamir rayons as well as Mingechevir city were dismissed from their position.

As it was mentioned, sometimes due to arbitrariness of state officials and bureaucratic obstacles a citizen have to send appeal to a number of state bodies. In its turn, such situation complicates the work of other state bodies and leads to additional problems, including extra correspondence.

State officials directly responsible for provision and protection of human rights should take timely measures to solve the problems and prevent their reflection in mass media as well as their aggravation.

The Commissioner recommends *central and competent bodies to implement serious control over the activity of subordinate executive structures and take timely measures for eliminating the violations revealed.*

In a number of cases, the measures implemented by the Commissioner for restoration of violated rights resulted in indifference as well as provision of formal and false information. The inquiries which Commissioner submitted to appropriate state bodies with regard to examine cases reflected in complaints were not responded correctly. Providing formal and superficial responses these bodies put obstacles for the Commissioner to implement the activities on the restoration of human rights defined by the Constitutional Law.

In some other cases, indifference and carelessness of officials restricted the effort of the Commissioner working for revealing unbiased truth. In such situations the Commissioner had to appeal to higher instances.

As a result, a number of state servants were brought to administrative responsibility since they did not provide in-time responses to the Commissioner's inquiries. Among them are the criminal investigation officer of the Surakhani RPO R.Safarov, Chief Inspector on Traffic Control of the State Road Traffic Department of Nasimi RPO A.Qarayev, and chief local officer of the 9<sup>th</sup> PD of the Sabayil RP B.Novruzov.

Such attitude of officials violates the requirements of the Constitutional Law. This leads to restriction of the Commissioner's competence, infringement of the rights of complainants defined by the Constitution of the Republic of Azerbaijan or restriction of the activities on timely restoration of violated rights.

Indifferent attitude towards Commissioner's inquiries or formal responses are inadmissible. Thus, each official of state agencies should not neglect the competence of the Commissioner and pay serious attention to the Commissioner's **inquiries**.

***Judicial guarantee for human rights and freedoms.*** The measures on simplification of appeal to the court were continued last year. Contemporary court infrastructure has been created.

Within the "Project on Modernization of Judicial System" new buildings of Yasamal as well as Ganja city, Nizami and Gadabay rayon courts were opened. New buildings and complexes which are given for exploitation or are being constructed are divided into social and administrative zones for prevention of non-procedural relation between judges and citizens. Also, supplied with the most contemporary communication and information technology, these courts, provide citizens with the opportunity to obtain necessary information as well as let make audio and video records of trial process and conduct video conferences.

Growing quantity of claims demonstrate that the gradual increase of the number of judges plays important role for decreasing their workload, providing unbiased review of cases and raising the efficiency of appeals to the courts.

During trials of criminal cases, the courts took legal measures with regard to revealed violation of human rights and freedoms. Thus, due to violation of human rights and freedoms by a number of state officials, corresponding decisions were made and sent as intended for taking necessary steps. The above-mentioned demonstrates once more that awareness-raising work for staff members of preliminary investigation and investigation departments should be broadened in order to better ensure human rights and freedoms.

Within the frame of improving the work of courts 77 candidates were selected for the position of judges on the basis of transparent procedures and were involved in long-term educational courses.

The Judicial-Legal Council was addressed for investigation of cases reflected in a number of appeals.

According to official information, as a result of serious fight against corruption, red tape and other infringements of the law in court system, only in last 3 years disciplinary proceedings were initiated with regard to 52 judges; 5 judges were dismissed from their positions.

Last year, as a result of severe law infringements, red tape as well as corruption, the judges of the Khazar Rayon Court A. Gahramanov, Qabala Rayon Court T. Mammadov and Goychay Rayon Court E. Babayev were reprimanded. Also, due to infringement of legal requirements, the judge of Hajiqabul Rayon Court H. Azizov was reprimanded, and the judge of Sabunchu District Court S. Aghayev was rebuked. Disciplinary Proceedings were initiated with regard to the judge of Baku Court on Grave Crimes A. Babayev.

The cooperation with the Academy of Justice within the Ministry of Justice has been continued last year. The Commissioner and the staff members of the Institute were attending lectures at the Academy, delivering speeches as well as answering questions.

In past period, cases of judicial guarantee of human rights and freedoms were reflected in 1.643 complaints submitted to the Commissioner.

The analysis demonstrates that the following situations were reflected in the complaints submitted on the violation of the given right: red tape; non-provision or delayed delivery of copies of court decisions to parties; appropriate notifications regarding the time and place of hearing of a lawsuit were not delivered on time to the participants of judicial proceeding; rude treatment of citizens; non-provision of information to parties regarding rejection to send appeals and cassation appeals to higher instances or accept them; loss of submitted documents; and non-inclusion of provided documents to the case.

The Commissioner continued the cooperation with courts, took measures to restore violated rights.

It should be mentioned that as a result of analysis of a number of complaints and monitoring, the selection of arrest as a punishment measure without taking into account personality and social influence of the crime or unnecessary prolongation of such punishment measure was observed.

The conduction of systematic investigation resulted in restoration of violated rights of citizens.

In-time response to the appeals of people within a defined period could bring an end to bureaucratic correspondence.

Non-provision of information to the parties regarding the trial in a time defined by the law restricts effective implementation of the right to fair trial.

Moreover, due to non-provision of the information on the court decision in a period defined by the Civil Procedure Code citizens become not-acquainted.

It is important to conduct courses for the judges to learn the Law of the Republic of Azerbaijan “On Court and Judges”, procedure and other legislation, requirements of the Code of Ethical Conduct of Judges and precedents of the European Court.

Despite the establishment of 16 legal consultation centers in 16 districts by the State Fund for the Support of Mass Media Development under the President of the Republic of Azerbaijan, it is necessary to create free of charge legal consultations (funded by state budget) in every city and district of the country for law-income families. Along with that, the preparation of legislative act reflecting legal assistance mechanism would lead to efficient provision of the right to receive legal assistance.

In addition, it is appropriate to implement international treaties to which our country is a party in legislation, to define precisely execution mechanisms and improvement of the activities of state agencies working with the juvenal justice cases.

Foundation of juvenal justice system complying with international standards is a priority issue. The Commissioner considers that taking measures on foundation of juvenal justice system, adoption of appropriate law are significant steps. This will serve to elimination of problems occurring during criminal proceedings of the cases of juniors and better protection of their interests.

***Execution of court decisions.*** The analysis of 587 complaints submitted to the Commissioner in 2012 demonstrates that as a result of non-professional and indifferent attitude of court executive officials, a number of court decisions were not executed or delayed. This resulted in violation of the rights of citizens requiring the implementation of court decisions.

It should be mentioned that the majority of complaints were submitted with regard to non-execution or delayed execution of court decisions on payment of alimonies and wages, money and property claims. The Commissioner conducted investigation on each of the case and could reach complete or partial execution of the court decisions.

The majority of complaints regarding non-execution of court decision were related to non-payment of alimonies.

In a number of cases, despite of the execution of appropriate procedures regarding cases of alimony payment, unemployment of obliged party as well as failure to identify of property or other income creates obstacles in provision of alimonies.

By the way, taking into account that the number of divorces has increased, majority of divorced women have no work and bring up their children as well as that complaints on non-payment of alimonies has increased, the Commissioner proposes to establish “Alimony Fund”. It is appropriate to create a mechanism of payment of alimonies with the support of the State Social Protection Fund (or “Alimony Fund” financed from budget) on terms that the sum equal to alimonies will afterwards be taken from debtors in obligatory manner.

Special concern raised cases of red tape by executive officials during the execution of court decisions adopted by court instances.

Non-execution of court decisions by state agencies responsible for ensuring human rights is inadmissible.

The right of people was also violated since executive officials had not started execution work in time or neglected their responsibilities.

Intervention into the work of judges is inadmissible. They are independent while making decisions. However, in a number of cases appeals related to solution of responsibility of obliged persons deviating from execution of court judgments of executive officials are not provided. As a result, the decisions remain non-executed and the rights of citizens are continued to be violated. Cancellation of initiating criminal case as a mean of influence to obliged persons restricted execution capacity of executive official.

Being guided by the requirements of Presidential Decree of 15 July 2010 on improvement of the work on execution of court decisions, it is important to continue measures on execution of court decisions in a manner defined by law.

Further implementation of measures on professional training of civil servant, observance of execution discipline in accordance with the legislation, increase of responsibility, prevention of red tape and in-time review of execution issues may broaden the capacity to eliminate existing problems and continue activities on timely review of court decisions.

### ***Cooperation with Law-Enforcement Agencies in the Sphere of Human Rights Protection***

***Cooperation with prosecution authorities.*** In 2012, the Commissioner received 695 complaints regarding prosecution authorities. The majority of these complaints were investigated in efficient cooperation with the General Prosecutor's Office of the Republic of Azerbaijan, and necessary measures were taken to restore violated human rights.

The results of investigations conducted by the Commissioner regarding appeals submitted to the General Prosecutor's Office and local prosecutors' offices demonstrate that in comparison with previous years there is certain progress in improvement of the control mechanism of the General Prosecutor's Office over execution process, including the work of local prosecutors' offices.

According to analysis, in order to ensure human rights and freedoms the prosecutor authorities implemented activities on serious fight, creation of healthy work environment, employment to this bodies young staff members capable to work in compliance with contemporary requirements and establishment of mutual cooperation with other legal-enforcement agencies.

Along with that, sometimes, the courts make decisions on discharge of accused persons or basing on insufficient number of evidences revealed during criminal inquiry and return criminal cases to prosecutors, which carry out procedural management of preliminary investigation. Also, the decisions of inquisition and investigation agencies made on the same cases are eliminated repeatedly and in this regard the direction of investigations is changed. However, despite of the above-mentioned, no serious measures are taken about relevant prosecutors, inspectors or investigators and they are not brought to the responsibility.

In previous period, for investigation of complaints addressed to the Commissioner efficient cooperation was built with prosecutor authority. Necessary steps were taken for the protection of human rights.

It should be mentioned that as result of weak control over investigation and interrogation by some local prosecutors leading preliminary investigation, groundless decisions on cancellation of initiation of criminal case regarding collected materials were made.

Non-information of citizens about a case in a manner defined by the Criminal Procedure Code also resulted in complaints of people.

According to the official information of the General Prosecutor's Office of the Republic of Azerbaijan, in 2012, after conduction of service control, disciplinary proceedings were initiated with relation to 62 staff members due to a number of shortcomings. Thus, 11 staff members were rebuked, 16 – were reprimanded, 19 – received **severe** reprimand, 6 – were dismissed from their position, and 10 – were suspended from the service. At that period, 119 appeals were presented to the Ministry of Internal Affairs with regard to police officers violating criminal procedure requirements during interrogation of criminal cases.

In 2012, on the basis of 154 appeals to the General Prosecutor's Office the Ministry of Internal Affairs conducted examination. As a result, 49 facts of law and service discipline infringements by police officers were revealed; disciplinary proceedings were initiated regarding 84 staff members. 10 of them were suspended from the service in internal affairs agencies, 4 – were dismissed from their position, 25 – demoted, 13 – were reprimanded on non-compliance with the service position, 22 – received reprimand and 33 – received severe reprimand.

Also, 52 service examinations were conducted in General Prosecutor's Office of the Republic of Azerbaijan. Thus, due to shortcomings in their work 25 staff members of General Prosecutor's Office were brought to disciplinary liability and 1 was dismissed from the position.

For better ensuring human rights the attention should be paid to: review of citizens' appeals and their reception, increase of interest to interrogation of a complainant, civil plaintiff, accuser or their legal representatives, defenders and civil respondents.

***Cooperation with internal affairs agencies.*** 1.974 complaints were submitted to the Commissioner with regard to violation of human rights and freedoms by police officers.

Mainly, the cases reflected in these complaints were related to conduction of non-objective preliminary investigations, violation of the right to appeal, rude treatment of citizens by police officers, application of physical and moral influence, violation of the rights of people arrested as suspected persons during investigation, biased activities, non-professional attitude and corruption.

In accordance with the inquiries submitted by the Commissioner for investigating cases reflecting there, serious measures were taken with regard to police officers violating law and damaging the image of policeman, infringing ethic rules in relation to people, demonstrating disrespect and exceeding their duties.

The problem in restoration of violated rights also occurs when investigators and detectives directly responsible for ensuring human rights go unpunished for infringements of the law. Thus, each of such cases should remain under attention.

During the process of investigation of complaints, after Commissioner's motions to prosecutor authorities, a number of criminal cases were cancelled and resent to investigation; disciplinary proceedings were initiated with regard to some cases. The analyses demonstrate that the data on a number of investigatory or criminal cases were studied by prosecutors leading interrogation and investigation as well as by the Commissioner for several times.

Along with that, non-registration of criminal cases, use of physical violence by police and red tape during examination of citizens' appeals were revealed. Thus, delayed criminal case was re-examined and initiated when it was revealed that the police did not pay attention to the appeals of people and violated their rights.

Non-professional approach of some investigators and detectives or even efforts to cover up some crimes, incomplete examination of collected materials and decisions to cancel initiation of criminal case resulted in a number of complaints.

Moreover, there were cases when in police agencies despite of investigatory measures to be taken for defining suspected person in accordance with civil procedures legislation, the criminal process was terminated. As a result, the crimes could not be revealed in time.

Another serious problem attracting attention is red tape in police agencies.

Non-execution of their responsibilities to inform complainants and to send copies of adopted decisions by investigation and interrogation agencies was revealed through intervention of the Commissioner. Law infringements were eliminated.

In accordance with analyses, non-professional approach of police officers to their position leading to violation of constitutional rights as well as resulting in continued complaints is not punished appropriately. Elimination of such cases should be considered as serious preventive measures for protection of citizens' rights.

Along with the above-mentioned, in accordance with official information of the Ministry of Internal Affairs, last year upon 189 cases in total (1 of these cases was related to groundless criminal liability, 80 – rude treatment of citizens, 43 – to groundless custody, 45 – to violation of drivers' rights, 3 – violation of rights of foreigners or persons without citizenship, 17 – to other facts) 266 staff members were subjected to disciplinary liability. 15 of these staff members were suspended from service in internal affairs agencies, 20 – were dismissed from their position, 231 – underwent other disciplinary measures. Only 7 complaints submitted by the Commissioner to the Ministry of Internal Affairs were approved. As a result, 13 staff members were subjected to disciplinary measures, 2 – were suspended from the service.

***The activities on provision of road traffic safety and preventive measures on eliminating problems and shortcomings in this field were continued.*** The evaluation of 123 complaints submitted with regard to staff members of the State Traffic Police (STP) demonstrates that drivers face rude treatment by some police officers, ethic conduct is violated; police officers require money more than defined by fine, and people are subjected to red tape.



By the way, provision of driver licenses by police staff members in the center of “ASAN service” will better ensure human rights of people in this sphere and prevent submission of complaints.

Complying with analyses, traffic accidents at the road of the country, especially in Baku city, happen because of the following reasons: absence of technical control program for ensuring the safety of people and vehicles, increased car density, violation of rules on speed and overtaking, driving while being drunk, absence of driving licence at a number of drivers of public traffic, absence of traffic lights at some cross-roads, as well as bribes taken by officers of STP.

However, the reason of traffic accidents cannot be connected only with the facts that drivers do not know traffic rules or police officers have non-professional attitude to their work.

According to official information of the State Road Traffic Police Department of the Ministry of Internal Affairs, in 2012 as a result of 2.892 road traffic accidents 1.168 persons lost their lives and 2.997 people were injured. This index has raised in comparison with previous years.

During last year, upon the Commissioner’s appeals a number of measures were taken with regard to staff members of STP for groundless stopping drivers.

As a result of investigation carried out after the Commissioner’s appeal, disciplinary proceedings were initiated with regard to 694 STP officers. 67 of them were punished for corruption, 45 were suspended from the service in internal affairs agencies and 17 – were dismissed from their position.

For prevention of such cases it is important for the State Road Police Agency of the Baku Main Police Department to conduct regular monitoring and raids, strengthen control over existing area.

In order to prevent traffic accidents all around the country and increasing death cases, it is appropriate to conduct and carry out complex action plan as well as implement public control involving to this work Ministry of Internal Affairs, Ministry of Transport, relevant state agencies, NGOs and communities.

## **1.2. Protection of Economic, Social and Cultural Rights**

***Protection of Labour Rights.*** The Commissioner received 887 complaints regarding the violation of labour rights. Such cases as non-payment of salaries in time; refusal to reinstatement and payment of labour injury damages; nonobservance of the legislation during concluding and abrogation of labour contract, including the signing of labour contract not reflecting all significant labour conditions, employment without signing labour contract, indicating in contract salaries lower than paid in reality or payment of salaries in amount not complying with appropriate schedule; non-provision of annual vacation; non-compensation of unused vacation in accordance with the legislation; delay in issuance of work record card, copy of order, providing last payment and others became common while being dismissed from job.

During the investigation of appeals, concrete measures and activities were implemented for the restoration of violated rights.

The investigations were conducted in relation to the violation of some aspects of labour rights, including non-payment of salaries, dismissal from work, attraction of women having children under age 3 to extra work, non-provision of work record card and copy of order.

By the way, last year the Ministry of Labour and Social Protection of the Population provided labour contracts to 46.735 employed to implement work and services without signing labour contracts. Also, the Ministry reinstated 161 persons illegally dismissed from their positions, and fined 354 officials and legal entities for administrative offenses.

Destruction of archives during the process of privatization of state institutions (facilities) became widespread. In majority of cases archive documents kept for 50-70 years and covering information on the lives of people were destroyed because of irresponsible attitudes. This resulted in serious problems in assignment of labour pensions.

As a result of analyses and monitoring, it should be mentioned that the increase of salaries of people working in social protection facilities and mental hospitals, especially those taking care of persons with disabilities, is of outmost importance.

Due to infringement of rules of labour safety by some employers the number of accidents at workplaces increases. Non-compliance with defined requirements of labour conditions and organization leads to professional diseases, labour damages and human loss. During a year, the investigation of 212 industrial accidents demonstrated that 82 people lost their lives and 152 had various physical injuries.

In a majority of cases, non-provision of compensation for received injuries or delay in its provision derive employees from legislative provisions. The investigations regarding industrial injuries mainly have no results.

There is a necessity in further implementation of measures on ensuring labour safety for people having the right to extra vacation due to the character of labour conditions and work functions or engaged in hard work.

For effective ensuring the rights of employees to work in safe and healthy conditions, it is significant to improve the system of measures and norms on technical safety, sanitation, hygiene and prophylactics considered in legislation, collective agreements, treaties and labour contracts.

In his speech on the conference dedicated to the conclusion of the fourth year of the implementation of the “State Program on Social and Economic Development of Azerbaijan Regions for 2009 – 2013”, the state president stated that support to entrepreneurship will provide successful development to our country.

The Commissioner paid attention to the measures on ensuring labour rights of employees as well as on protection of the rights of entrepreneurs and consumers implied by the National Action Program. The Commissioner recommended to strengthen state control over ensuring the rights of entrepreneurs, prevention of their restriction and observance of labour rights of employees. At the same time, the Commissioner demonstrated the importance of preventing child labour considering legislative requirements in this field as well as its negative influence on health, physical capacity, intellectual development, education and talent of children.

The implementation of the Project “Friend to Taxes” in the Ministry of Taxes was assessed as estimable initiative.

Last year, the foundation of the “National Trilateral Social Council for Safe and Healthy Work Conditions” by the Ministry of Labour and Social Protection of Population, Azerbaijan Trade Union Confederation and National Confederation of Entrepreneur Organizations will have significance for protection of labour rights.

In 2012, within the cooperation of the Commissioner with the Azerbaijan Academy of Labour and Social Relations, the Institute’s experts delivered lectures to attendees of the courses organized for active employees of trade union organizations. Lectures were dedicated to the legislative acts on labour and social provisions as well as on trade unions.

***Right to social security.*** The measures taken for increasing welfare of the population, especially low-income groups in need of support have positive results.

Last year, 1.045 complaints were submitted with regard to the right to social security.

The problems in the sphere of pension payment have almost been eliminated. Along with that, people express discontent in relation to such issues as non-assignment of pension in time, its incorrect or delayed calculation as well as non-compliance of pensions and allowances allocated for some groups with real demands of life.

By the way, according to official information, in 2012 the departments of the SSPF discussed the situation of observing rules of ethical conduct and took appropriate measures. As a result, 8 persons were rebuked, and 39 – were reprimanded.

Although social allowances are increasing year by year, mainly their amount do not comply with daily demand, especially if taking in account the prices of products, clothing, medicines and services. From this point, it is recommended for the next year to allocate necessary finances from the state budget in order to increase the amount of allowances for mentioned groups.

Particularly, at the period of implementation of the deinstitutionalization policy it is important to take into account international experience and increase the sum paid to guardians of children who lost their parents or deprived of parents’ care. At the same time, it is necessary to give those children monthly allowances and provide

their families with lump sum allowances when children leave state educational facilities.

Considering that lump-sum allowances do not cover a huge group of people and are paid in necessary cases, it is significant to increase allowance paid for medical treatment of people injured at radiation accidents as well as for childbirth and funerals.

During the analysis of complaints, the attention was paid to the efforts taken for more effective protection of social rights of citizens. Thus, during the discussions of Milli Majlis on Draft State Budget for 2013, the Commissioner sounded her recommendations. They were also addressed to the Ministry of Finance; some of them were taken into account.

**Addressed Social Assistance.** The analysis of 470 complaints submitted with regard to the allocation of the ASA demonstrates that there are still a number of shortcomings. Each complaint was investigated, and violated rights were restored in majority cases.

The complaints were submitted with regard to the following problems: non-allocation or delay in payment of assistances; refuse to accept or review documents; red tape; appropriation of a part of allowance when being assigned; non-payment of assigned allowance in time.

Non-provision of a reference from place of living required for assignment of assistance to people registered in administrative building of appropriate police agency violates the rights of citizens to receive allowance.

By the way, according to official information, last year the Ministry of Labour and Social Protection of the Population reprimanded 42 persons, suspended from state service 5 persons, reduced salaries of 4 persons, demoted 1 person, and dismissed 6 people from their positions.

It is recommended to improve and simplify the list of documents required for assignment of ASA; not to take into consideration the things unfit for exploitation, including cars as well as land unsuitable for sowing, while preparing the list of property; during assignment of the ASA not to include the sum of allowances paid to disabled, aged and other indigent group of people (considering family's disabled and aged people as well as other invalids) of the family to total sum of the general demand criterion, as well as observe the legislative requirements.

Along with above-mentioned, measures on creation of independent public control for attracting civil society to the work of local structures as well as on increasing professional training and responsibility should be strengthened.

The assignment of state social allowance by means of "ASAN service" system would be helpful to prevent negative experience in the given sphere.

**Right to health protection.** Mainly, the appeals were submitted with regard to receiving state funded medical treatment or medical examination and being provided with medicine. The appeals of low-income families and persons in relation to the given issue attracted more attention.

Last period, the Commissioner received 510 complaints regarding the right to health protection. As a result of investigations, in majority of cases violated rights were restored. Thus, upon the Commissioner's appeal to the Ministry of Healthcare,

healthcare facilities, including local healthcare facilities as well as central city and regional hospitals were set tasks for organizing medical treatment and examination.

During previous years, dozens of hospitals, polyclinics, diagnostics and dialysis centers were for exploitation by population. Along with that, the quantity of functioning dialysis centers was not appropriate to the number of people in need of hemodialysis.

Also, appropriate measures were taken in relation to complaints on indifferent attitude to citizens' appeals in healthcare facilities and red tape while providing documents necessary for defining disability.

According to the Law of the Republic of Azerbaijan "On Health Protection of the Population", persons causing harm to health of citizens should be attracted to disciplinary, administrative or criminal liability.

Non-observance of the "Terms for Private Medical Practice by Foreigners and Persons without Permanent Citizenship in the Republic of Azerbaijan" approved by the Decree 176 of Cabinet of Ministers dated 7 November 2001 by private medical facilities and using these facilities as business source cause non-professional medical service to people, discontents, deterioration of health and disability.

Cases of bribery in state medical facilities, especially in maternity hospital were also reflected in the complaints.

Taking into account the above-mentioned situation it is recommended for Milli Majlis (Parliament) to speed up the adoption of the draft law on the protection of the rights of patients.

In accordance with official information of the Ministry of Healthcare, during examination of diplomas of middle-level healthcare workers carried out with regard to certification of medical workers, 41 false diplomas were revealed. For legal assessment of collected materials, they were sent to Department on Fight against Corruption under the General Prosecutor of the Republic of Azerbaijan.

Broad discussions were organized for attracting the attention to solution of the problems of people suffering from diabetics. It was recommended to create bank of information on children with illnesses, carry out analyses on standards, evaluate real condition of these people, and conduct monitoring for the implementation of existing Action Program. As a result of the Commissioner's intervention, the complainants were provided with medicines, medical treatment and examination.

For preventing and prophylactics of fast dissemination of AIDS, ensure the rights of AIDS infected people and increase attention towards them, a number of awareness-raising activities were conducted in the Institute and regions, as well as TV and radio programs were organized. The Commissioner submitted a number of significant recommendations to Center on Fight against AIDS of the Ministry of Health.

It is recommended to organize specialized examination and treatment of people infected with hepatitis "C" and "B", conduct methodic and prophylactic measures to prevent the spread of the disease, and found an independent scientific-research institute having specialized clinic for providing psychological assistance.

The Commissioner conducted planned monitoring jointly with the chief psychiatrist of the Ministry of Healthcare and Institute's staff members in the following institutions: Ganja city Hospital for Mental and Nervous Disorders, Qazakh

and Shaki Interregional Mental Hospital, Mingahcevir Psycho-Neurologic Dispensary, Shorsulu Interregional Hospital of Neurology of the Salyan Central Hospital and Quba Interregional Rehabilitation for Mental and Nervous Disorders. During visits the conditions and problems of these facilities were learnt. The recommendations were taken into account and had resulted in positive outcomes.

Taking into account severe frosty weather conditions, the Commissioner examined the provision of mental hospitals with food and heating. Appropriate measures were taken in these facilities, and people with mental disorders were provided with warm food.

At the same time, the Commissioner participated at regional meetings dedicated to problems in the sphere of psychiatry and organized trainings for doctors regarding provision of medical service complying with European standards to people with mental disorders.

It is important to implement the following: to take measures for protection of rights of socially-dependent people with mental disorders and the restoration of their violated rights; provide legal consultants to psychiatrists, clinical psychologist, psychotherapist, specially educated medical staff and social workers as well as people with mental disorders.

During monitoring, it was revealed that daily expenditures for food are unacceptably lower than inevitable demand.

Thus, this sum was equal to 1,16 manats in Qazakh, 1,1 manats – in Shaki, 0,8 manats – in Ganja, 4 manats – in Mashtagha Mental Hospital No.1, and 7 manats – in Baku Mental Hospital No.2. Moreover, in Azerbaijan 1 nurse is appointed to look after 20 children with mental disorders, while in Europe there are 1 nurse per 10 children in similar facilities.

Despite abolition of allowances and concession given to service staff working in these facilities, salaries have not been increased.

There is a necessity in provision of mental hospitals with proper quantity of products, medicines and medical transport. Also, it is important to review supply norms, construct specialized buildings for mentioned facilities, appoint 1 nurse for 10 children with mental disorders, increase salaries of service staff, and to allocate additional sum from the state budget for these needs.

During the discussion of the State Budget at the Milli Majlis (Parliament), the Commissioner sounded the above-mentioned recommendations as well as addressed then to the Minister of Finance. By the way, funds allocated in order to improve financial and technical supply as well as provision with medicines to specialized medical facilities have additionally been increased to 3 million manats.

***Right to education.*** Last year, 112 complaints were submitted with regard to the right to education. The analysis of complaints, monitoring and on-spot investigations raised concerns connected with problems in the sphere of education.

The main problems are related to pre-school education facilities. Poor financial and technical base of the majority of these facilities, non-allocation of necessary funds to this sphere, settlement of IDPs in kindergartens, inappropriate level of staff training and low salaries, functioning of kindergartens in village areas in buildings adapted for this education facility as well as need in repair works make the main part of the concerns.

Privatization of kindergartens and afterwards use of these education facilities for purposes other than education due to incompliance with requirements implied by the legislation further complicate the situation.

Wide-scale measures should be taken in order to build contemporary education system; create necessary conditions for intellectual, physical and psychological development of children and formation of their personality; to renew the content of education process.

In 2012, 268 school buildings were built or thoroughly repaired; the construction and repair works in a number of buildings are being continued.

The Heydar Aliyev Foundation has a special role in renovation of school infrastructure. In previous years, a number of new schools were built, repaired and provided with new equipment.

Along with that, there are still unsafe school buildings not appropriate for organization of educational process. Last year, the Commissioner has also applied regarding to unsafe school buildings and in need of repair.

It should be mentioned that student-student and student-teacher relations get deteriorated since in majority of secondary school there are no professional psychologists, the level of training in courses for raising qualifications is unsatisfactory, as well as subject teachers completing special courses of professional training are appointed as psychologists at schools.

In 2012, the Commissioner has also paid special attention to the issues of education and social protection of children in educational facilities, especially boarding schools.

Provision of children leaving boarding schools upon reaching 18 years with further place of residence is still a serious matter of concern.

The Hierarchic Education Program started upon the Commissioner's initiative in cooperation with the Ministry of Education has been successfully continued last year. The Program covers twenty four educational facilities, including fourteen - in Baku and its rural areas, eight secondary schools selected in regions of the country last year and other schools in villages and cities.

It is recommended to provide addressed scholarships to students entering higher education or facilities of specialized secondary education upon state order but not accommodated in hostels and in need of financial assistance for paying rent fee and transportation fee as well as for obtaining books.

It was revealed that some private universities set payment for education higher than defined by the SSAC for the next school year and thus violate the right of students to education and property.

Moreover, the SSAC took into account the recommendation of the Commissioner to conduct exams entrance examinations for graduates suffering from diabetes in separate rooms and consider the time of medical treatment to them. The SSAC agreed to provide such conditions in case if necessary documents regarding the health are submitted by graduates.

At the same time, students who get education abroad and returning to the country as specialists should be provided with work.

It is of outmost importance to increase attention to science, provide young and experienced scientists with legacy, expand financial opportunities for staff

members working in all spheres of the science, including humanitarian, nature and technical sciences. Moreover, social protection of scientific brainpower and implementation of national strategy for the development of science are significant issues. For attaining these targets appropriate funds should be allocated.

It is recommended to broaden and implement education and awareness-raising activities on human rights in compliance with “Awareness-raising on Human Rights” and “Education on Human Rights” declared by the UN General Assembly, the World Program on Human Rights Education of the Office of the UN High Commissioner for Human Rights as well as by decades of the UNESCO “Education for Sustainable Development”.

The measures taken for organization of education and training of staff in accordance with contemporary standards should be agreed with contemporary and perspective economic development, scientific and technical process as well as bring changes to educational sphere.

***Right to housing.*** Last year, the Commissioner received 448 complaints regarding the right to housing. The following problems were reflected in these appeals:

- provision of housing, including resettlement of people living in old and unsafe buildings to new ones;
- speeding up the provision of housing to families who lost their places of residence due to natural catastrophes;
- provision of mortgage loans;
- failure to perform duties by housing units.

In comparison with 2011, last year the quantity of complaints submitted regarding the right to housing was lower. A number of complaints were resolved upon the intervention of the Commissioner.

Cost of newly-built apartments does not comply with financial capacity of people in need of housing. Low-income families are deprived of this opportunity.

The formation of housing policy compliant with interests and real capacity of the population, improvement of mechanisms of people’s provision with places of residence through privileged long-term society-directed mortgage loans without initial installment appropriate to the earnings of low-income families will play a crucial role in providing thousands of families with apartments.

Among these measures are the following: provision of housing for free from the state budget; obtaining apartments through long-term credits without charge for interest (or with low interest or with privileges) and initial payment; sale of relatively inexpensive apartments. Non-allocation of funds from the state budget complicates the issue; however, the number of people in need of housing is increasing.

An effective tool for solving housing problem can be construction of relatively low-cost contemporary buildings in the places with high population density, especially Baku, Sumqayit, Ganja and other cities, including city-type settlements. Implementation of such measures will solve housing problem of many families in need of home.



The Commissioner recommends once more *to conduct and implement State Program reflecting complex approach to provision of citizens with housing and resettlement of people living in old and unsafe buildings.*

In previous years, one of the serious problems faced by the population was complete or partial destruction of houses and farms as a result of natural disasters, including streams, landslides, earthquakes as well as floods on Kura and Araz rivers.

The Ministry of Emergency Situations examined 4.109 private houses in Sabirabad, Salyan, Kurdamir, Hajiqabul, Saatli and Neftchala rayons. It was defined that 800 houses should be rebuilt, 599 – restored and reinforced and 1.204 – repaired. During 2012, 587 private houses were constructed and provided to families.

In total, from September 2010, 4.107 private houses covering the area of 419.110 square meters were built in Sabirabad, Salyan, Saatli, Imishli, Zardab, Kurdamir, Hajiqabul, Neftchala, Beylaqan and Fizuli rayons as well as in Shirvan city which suffered from floods. 106 houses are still being constructed.

18,5 million of compensation were paid to 14.760 families for damage to their houses, and 6,2 million – to 13.178 families for damage to their sown areas.

For eliminating the consequences of earthquake there should be carried out certain construction works. Thus, 3.545 private houses, including 3.003 ones in Zaqatala, 327 – in Qakh, 215 – in Balakan and 3 multi-apartment communal residence building should be built. Also, there is a necessity in constructing 35 school buildings, including 20 – in Zaqatala, 10 – in Qakh, 3 – in Sheki, and 2 – in Balakan.

By the way, in previous years, the Commissioner traveled to the regions affected by natural disasters and met with victims of these catastrophes, discussed their complaints and proposals. Recommendations on taking urgent measures submitted by the Commissioner to responsible state agencies were taken into consideration while eliminating the consequences of natural disasters.

The complaints of people who suffered from natural disasters (houses are unfit for living) were investigated. Unfortunately, newly built roads and houses were not named or numbered.

During 10 years, the Commissioner has proposed to solve the problem reflected in complaints of thousands people and review the issue of technical inventory of residential areas where these houses were built as well as register the rights to these constructions. The increase of population in this region requires speeding up the implementation of the measures.

*Development of communal services is one of the main factors influencing the increase of welfare of the population.* The Commissioner received 363 complaints regarding communal services. Mainly, there were connected with shortage in provision of natural gas, drinking water and electric energy. However, upon the Commissioner's intervention almost all rights violated in this sphere were restored.

A number of complaints were submitted to the Commissioner with regard to non-issuance of appropriate documents by administrative-territorial representations of local executive power bodies and housing-communal facilities, red tape and non-implementation of functions by these agencies.

Organization of housing communal services in a very low level results in complication of existing problems. The population also meets with justified sense of anxiety due to serious problems occurring as a result of the following circumstances:

- housing wastes are not removed on time;
- the necessary means for stabilization of sanitary situation in the areas are not carried out;
- the heating systems in the majority of houses do not function;
- elevators are in poor condition;
- as well as when housing – communal facilities do not fulfill their duties on repairing and renovating buildings.

From this standpoint, the Commissioner proposed and considered it necessary to provide structural reforms in housing communal services system, to liquidate housing operational units and passing of their duties to municipalities.

***Cooperation with municipalities in the sphere of the protection of human rights protection.*** The analysis of on-the-spot investigations and 156 complaints submitted with regard to municipalities demonstrates the necessity in the implementation of the following measures:

- to carry out monitoring of the activity of municipalities;
- to improve appropriate normative and legal basis;
- to conduct educational activities on raising legal knowledge of the population and learning international experience;
- to implement interconnected, systematic and sustainable work in these directions;
- to increase financial aid to municipalities;
- to mobilize the capacity of municipalities.

Municipalities should better learn the legislation, improve their activities, and conduct work with the aim to gain higher achievement in good governance. In this regard, it is necessary to organize trainings and seminars for staff members of newly elected city and region municipalities.

By the way, a few years ago under the guidance of the Commissioner, appropriate manual was prepared for raising legal knowledge of municipalities.

Taking into account the importance of improving the activity of municipalities in examining citizens' complaints and expanding the cooperation with people living in the area of related municipality, it is recommended to organize regular regional meetings.

Generally, it is important to take measures on elimination of shortcomings in the work of the municipalities through conducting analysis. These measures should be aimed at bringing quality changes to the work of municipalities.

The people complained that municipalities had left unanswered the appeals regarding lack of place of residence, improvement of housing conditions and construction of houses.

The complaints show that at the time when the provision of housing is among the most significant issues to be resolved, the municipalities demonstrate negligent attitude towards people in need of assistance, subject them to red tape and demand bribe for solving their problems.

At the moment, the budget of municipalities is formed of income from local taxes and sale of land related to their fund. This condition does not allow opening

new work places, building houses and developing infrastructure. Thus, there is a necessity to provide preferential credits for reviving weak municipalities.

***Right to property.*** Last year, the complaints submitted to the Commissioner regarding the right to property increased to 2.287 in comparison with 1.818 complaints received in 2011.

Such issues as acquisition of land to public purposes, non-provision of compensation or any other reimbursement defined by the law instead of property, non-issuance of state act on land share provided for special property during reform process or non-replacement with new act instead of taken one, incorrect calculation of area in the state act on land share, as well as red tape regarding documentation of house owned by a citizen were the main problems raised in the complaints.

During 2008 – 2012, 305 complaints were submitted to the Commissioner regarding resettlement of Baku citizens from their homes. According to the Constitutional Law, the 150 were refused to be reviewed. Appropriate inquiries were sent to state agencies regarding conducting investigation and measures on other appeals.

According to responses, the citizens were resettled from their places of residence due to the following reasons:

- construction of buildings in the territory of main pipelines, high-voltage network, secured area of transport and infrastructure facilities;
- construction of buildings in the areas of facilities for development of oil and gas fields;
- building were unsafe for living;
- renovation of the city and roads.

Also, the Commissioner was informed that citizens were provided with appropriate reimbursement: apartments, payment or land compensation.

Every complainant appealing to the Commissioner regarding the mentioned issues received written well-grounded responses.

The Commissioner considers that demolition of private property without appropriate decision by executive power agencies is inadmissible. For preventing and eliminating dissatisfaction on the issue, it is recommended to provide compensation equal to the sum of the property, including land.

In a number of complaints it was indicated that addressing local and regional departments of the State Register Service under the State Committee on Property Issues, people faced red tape, were not provided with extracts from state registers on their special properties, including house, apartment and land. The Commissioner took appropriate measures for the restoration of violated rights.

The investigations were also carried out regarding the complaints on non-issuance of state act on land share provided for special property during reform process or non-replacement with new act instead of taken one, incorrect area calculation in the state act on land share. The violated rights were restored.

In spite of that a long period had passed since the provision of land share to citizens as a result of agrarian reform, a number of citizens complained about

incorrect determination of their shares and allocation of land share without actual measuring in its area. After on-the-spot investigations, the problems were resolved

Taking into account numerous appeals as well as level of social-economic development and financial state of the country, it was proposed to take measures for gradually returning deposits of former USSR Savings Bank saved up to 1 January 1992 to country citizens, primarily older persons.

The process started according to the «Rules on provision of lump-sum payments to the citizens of the Republic of Azerbaijan who are the depositors of the Bank of Azerbaijan Republic of the Savings Bank of the former Soviet Union” is being continued.

### 1.3. Protection of the Rights of Population Groups

*Protection of the rights of refugees, internally displaced persons (IDPs) and migrants.* Almost 25 years the Republic of Azerbaijan has supported nearly one million of refugees and IDPs on its own efforts and resources.

Armenia does not fulfill the requirements of the well-known resolutions of the UN Security Council and General Assembly and continues its aggression and terrorism policy towards Azerbaijan.

The activities on restoration of the rights of IDPs have been continued. Thus, last year 582,2 million mantas, including 261,2 million allocated from state budget, 300 million – from State Oil Fund and 24 million – from international humanitarian and development organizations.

New settlements and blocks of flats were built in several regions of the country. Thus, 9 five-stored residential buildings with 525 flats were constructed in Goranboy rayon and residential buildings with 423 flats – in Shaki. 1.410 families temporarily settled in the building of military units of the Ministry of Defense in Mushviqabad settlement of Baku city and 195 families in Barda were provided with housing. Settlement of 325 private houses was built in Imishli. 871 families making 4.355 persons were resettled in new buildings in Absheron rayon.

In 2012, 1.938 of IDPs were provided with permanent work, 1.858 IDPs – with temporary work, 570 IDPs received status of unemployed, 605 - were provided with allowance for unemployed. More than 14 thousand IDPs are unemployed and continue to receive average salary. Also, 22,6 advantageous credits were given to 874 IDP entrepreneurs what resulted in opening of nearly 2000 new workplaces.

Last year, the commissioner received 683 complaints from refugees and IDPs. For investigation of the complaints, state bodies, including the State Committee for Refugees and IDPs Issues, State Migration Service were addressed. Measures were taken for solving housing, labour and unemployment problems.

As every year, the Commissioner paid visits to Horadiz city of Fizuli, a number of villages as well as “Qayidish” settlement. Also, the Commissioner together with rayon officials visited secondary school and kindergarten in Kerimbeyli village, hospital equipped with contemporary medical equipments in Zobujuq settlement, met with staff and provided recommendations.

The Commissioner got acquainted with works at Heydar Aliyev Center and Youth and Cultural Center in Horadiz, participated at launch of provision with natural gas in Qarabagh and Bala Bahmanli villages, met with local population in Qayidish settlement. In Qayidish settlement she participated at holiday of school No.1 and presented gifts. The Commissioner also met with visually impaired Jeyhun Mustafayev in Babi village. The people living in the settlements and the elderly expressed their gratitude to the Commissioner for paying visits and providing support.

During meetings with population, expressed their content for conditions created for them; construction of social and cultural facilities, including diagnostic center, new hospital, Olympic and Mugham Centers, new schools and kindergartens; opening of new work places; as well as attention paid to solution of their problems.

Last year, the Commissioner attached special importance to the cooperation with Office of the UN High Commissioner for Refugees.

Furthermore, the Commissioner sent the statements regarding the Khojaly genocide and violence towards Azerbaijanis committed by Armenians at the Nagorno-Karabakh and surrounding areas to the UN Secretary-General, UN High Commissioner for Human Rights, UN High Commissioner for Refugees, Council of Europe, OSCE, International and European Ombudsman Institutions, Asian Ombudsman Association and Ombudsmen-members of this establishments, the Azerbaijan embassies in foreign countries and foreign countries' embassies in Azerbaijan as well as Azerbaijan Diasporas functioning in various states.

At every international event and during the business trips to foreign countries, the Commissioner and the Institute's staff workers distributed the literature, statements and disks on these tragedies faced by our nation.

***Protection of prisoners' rights.*** The work on improving detention condition in facilities of the Penitentiary Service was continued last year. Dormitories, clubs, lavatories, meeting and phone rooms, canteens, kitchens, storehouses, quarantine constructions, penalty isolators and walking area of a number of prisons were repaired. Wooden boards was laid on floor; heating devices were installed; heating lines were renewed; suspended ceilings were installed for improving ventilation; bathrooms and sanitary areas were repaired; roves, water and sewerage pipeline were replaced; car roads to some prisons were repaired.

The work on construction of prisons of joint regime in Shaki, Ganja and Lankaran, prison for women in Zabrat settlement and facilities for underage children and prison in Umbaki settlement are being finalized. Renovation works in Baku Investigatory Isolator are being continued.

Amendments made to the Code on Execution of Punishments broadened the right of prisoners including to talk by phone.

In 2012, the Commissioner received 1.833 complaints from prisons. The complaints raised the following issues: discontent about court decisions, pressure to prisoners by staff members, non-observance of appeals submitted regarding treatment and examination, non-provision of medicines, overheating of cells in summer, and non-allocation of allowances to persons released from a prison.

The Commissioner and the Institutes staff have regularly appealed to investigatory isolators and prisons of the Penitentiary Service of the Ministry of Justice, paid visits to Qobustan closed prison, met with detained people and prisoners, learned their problems, and addressed the Ministry of Justice regarding revealed shortcomings. As a result, a number of shortcomings were eliminated and people who violated the rights were punished.

Thus, due to revealed shortcomings in their work, E.Akbarov temporarily executing the duties of the head of unit type prison No.14 was suspended from justice agencies; head of medical-sanitary unit of prison No.5 E.Ismaylov, head of prison No.13 B.Asgerov, head of operational department M.Mehdiyev and chief inspector J.Aslanov, the head of a group in unit type prison No.14 Z.Hasanov and chief inspector A.Musayev received "severe reprimand", head of the department in prison No.13 H.Quliyev and head assistant R.Quliyev "were rebuked for incompliance with their duties"; the head of unit type prison No.5 E.Mannadov received serious reprimand; staff members of the prison No.13 F.Aliyev, R.Sultanova and S.Qarayev

“were reprimanded”, assistant to head on duty of unit type prison No.3 Sh.Javadov and chief supervisor V.Sharifov were brought to disciplinary responsibility.

The visits demonstrate that there is necessity in improvement of provision with food, medical assistance and medicines. Along with that, it should be mentioned that during these visits, no torture case was revealed.

Considering that correction of prisoners through physical work is appropriate, it is important to create new plant for attracting them to socially useful labour.

The state policy founded by national leader Heydar Aliyev and successfully continued by the President Ilham Aliyev is based on humanism and justice principles as well as respect to rights and freedoms of citizens. The result of this policy is adoption of 9 amnesty acts and signing 54 decrees on pardoning prisoners, including 4 granted last year.

626 complaints submitted by prisoners and their family members were investigated, the Commission on Pardoning under the President of the Republic of Azerbaijan was solicited for numerous times. During the activity of the Commissioner, 391 prisoners were pardoned, including 40 prisoners pardoned last year.

The Commissioner participated at events on implementation of decrees on granting pardon, congratulated people set free from prisons and provided them with necessary advices.

There is a necessity to attract society and NGOs to the correctional work of detained people.

The Commissioner considers that using labour, religious and education methods for strengthening correctional work of prisoners is of outmost importance.

***Protection of the rights of military servants.*** The Commissioner and Institute’s staff members have regularly visited military units in frontline and other regions of the country, delivered speech to officers and soldiers, learned the state of military servants, especially temporary military servants on the spot, and conducted monitoring.

During meetings in military units, officers, ensigns, and temporary military servants provided proposals to the Commissioner as well as the Institute’s staff members.

The Institute’s staff members visited administrative military unit of the Ministry of Defense and guardhouses of garrisons, addressed the Ministry of Defense with appeals on eliminating revealed shortcomings. As a result, repair works were carried out in guardhouses of garrisons in Ganja and Barda, and shortcomings were eliminated.

Last year, the Commissioner received 695 complaints from military servants and their family members as well as from reserve and resigned military servants.

Mainly, the complaints were submitted with regard to the following cases: provision of military servants with housing; calculation of increase in pension to servants in reserve; non-execution of court resolution by the Ministry of Defense; release of servants from military service in time; non-provision of responses by military management bodies; non-issuance of documents and red tape; non-provision of military service record cards and the “war veteran” status, violations during defining the eligibility for military service.

Negligent attitude of local structures (former military commissariats) of the State Service for Mobilization and Conscription to citizens' appeals as well as non-provision of responses to inquiries and appeals submitted to the Central Archive of the Ministry of Defense for a long period of time restricted the opportunities of military servants and persons in reserve (or resigned persons) to exercise their rights sufficiently.

Such infringements as on-authorized relations between military servants which sometimes lead to serious consequences, humiliation of honor and dignity as well as application of force has negative influence on martial spirit and psychological state, provision of service compliant with legislation and charters.

Concerns were also raised in relation to the complaints of parents whose children serving in the army faced health problems. Such cases had negative impact to the formation of correct social attitudes towards military service.

The analysis of complaints submitted by military servants, their family members as well as persons discharged from the army demonstrates that the measures on the improvement of Armed Forces serve above all to the formation of positive social attitude toward the military service.

The investigations of complaints assisted to restore the rights of a number of military servants.

Efficient provision of the rights of military servants serves to the increase of influence of Armed Forces and of public confidence in military service.

The cases demonstrated with regard to the violation of the rights of temporary military servants require public control over conscription process and military service.

For implementation of joint activities directed to reveal, eliminate and prevent the infringements of rights of military servants, the Commissioner recommends once again to broaden sustainable cooperation with the Chief General Prosecutor's Office, Ministry of Defense, State Border Service and Internal Troops of the Ministry of Internal Affairs as well as with the heads of appropriate state agencies having military units.

***Protection of women's rights and ensuring gender equality.*** Problems of women, protection of their rights and ensuring gender equality are among the priority issues of the Commissioner's activity.

The Commissioner cooperated with state agencies and civil society organizations for ensuring the equal participation of women in all spheres of public and political life, especially in the decision-making process.

This created broad conditions for improving the state of women, establishment of efficient national mechanisms on ensuring gender equality, monitoring of the legislation and conducting of open dialogue on gender equality.

The complaints on social, family and domestic violence, reproductive health and other issues were investigated. The measures on the restoration of violated rights were taken.

Upon the Commissioner's initiative, along with the subject on human rights, the subject on "Introduction to Gender" was integrated to the curriculum of the Law Faculty of the Baku State University. The lectures on "Gender and Ensuring Equal Opportunities", "International and National Legislation on Gender Equality",



“Cultural, Economic and Social Aspects of Gender” and other topics were delivered to students.

Along with that, the lectures on contemporary aspects of human rights and gender problem were delivered to persons responsible for gender policy and active members of trade union organizations at the Academy of Public Administration, Academy of Justice and Academy of Labour and Social Relations.

The existing legislation on improving gender equality mechanisms was analyzed, and expert evaluation was conducted.

The activities within the National Action Program for prevention of gender-based violence and efficient coordination were strengthened.

Within the implementation of the National Action Program, the Commissioner organized systematic events on the provision and promotion of the right of women to education, protection of their health, including reproductive health, and prevention and elimination of violence against women. Also, there were conducted the discussion on the best strategy for different management methods between women and men, better carrier models for women and men, elimination of cases of violation of gender equality principles in research and innovations as well as provision of equal opportunities for women and men in every spheres.

The Commissioner and the Institute’s staff members together with the representative of civil society organized educational seminars and trainings on women entrepreneurship, gender equality, domestic violence, human trafficking and early marriages. As a result, thousands of women received information on their rights what in its turn lead to the increase of their activity.

Regular visits were paid to the prison for women of the Penitentiary Service. The legal educational events were organized here. Moreover, their problems, living and detention conditions, health, psychological state were studied; complaints were reviewed. The Commissioner attached importance to the issue of pardoning detained women. During previous years, women were also among pardoned prisoners.

The UN Treaty Bodies, Universal Periodic Review, Council of Europe and other international organizations highly appreciate the activities of the Commissioner in the sphere of women’s rights and as positive experience.

In 2012, the OSCE Office for Democratic Institutions and Human Rights published the Handbook for National Human Rights Institutions on Women’s Rights and Gender Equality. Women’s rights and development strategy, cooperation with civil society, increase of the opportunities of women’s rights protection in member state and other issues were reflected in the book. Information on the activities of the Commissioner for the protection of women’s rights and ensuring gender equality, systematic work of the Resource Center for Older Persons, including the protection of the rights of refugee and IDP, detained, disabled and lonely women as well as those facing domestic violence and legal, medical and psychological aid provided to them, were demonstrated as positive experience.

The Commissioner participated at the II European Gender Summit conducted in the European Parliament in 29 – 30 November 2012 with participation of more than 400 experts on gender working in the spheres of science, technology, innovations, industry, healthcare and education. The Commissioner provided the

information on positive experience in the sphere of gender equality, activities conducted in accordance with the UN education program and future work.

Taking into the consideration obligations implied by the International Labour Organization “Convention on Maternity Protection” of 2000 and “Convention concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities” of 1981, it is of outmost importance to take measures for better protection of women workers’ rights.

***Protection of child rights.*** In its concluding recommendations provided in February 2012 regarding the last periodical report of Azerbaijan, the UN Committee on the Rights of the Child highly appreciated the work of the Institute and recommended to create the department on the protection of child rights within the Institute.

The Commissioner received 515 complaints regarding the child rights. A number of them were submitted via the 916 “hotline”. The complaints reflected the following issues: ineffective appeals to police, non-payment of alimonies, non-provision of addressed social aid, healthcare, incorrect assignment of lump-sum allowances, non-assignment of the level of disability, education, domestic violence, and non-issuance of the ID cards. The investigations were carried out with regard to complaints. The complainants were consulted on the issues.

It is of outmost importance to adopt the law “On Protection of Children from Corporal Punishment” prepared by the Commissioner with the support of the UNICEF and submitted to the Milli Majlis (Parliament). Also, it is recommended Parliament to accelerate the ratification of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse signed by Azerbaijan on 17 November 2008 upon the initiative of the Commissioner.

During the visit to the Boarding school No.7 for mentally disabled children of the Ministry of Labour and Social Protection of the Population located in Saray settlement, it was revealed that a number of shortcomings mentioned at last visit were eliminated.

120 surveys and 24 interviews were conducted in cooperation with the UNICEF in Qaradagh, Sabayil, Ganja, Qadabay, Khachmaz, Siyazan, Astara and Yardimli for monitoring as well as eliminating the cases of violence against children. During the investigation, healthcare and social protection facilities, legal-enforcement and local executive power bodies were monitored; experts representing NGOs and those responsible for violence against children and their exploitation were interviewed and asked to participate at quality survey.

On the eve of Qurban Bayram, the visit was paid to the Boarding school No.3 for children with mental retardation. The condition, food provision, bedrooms, training rooms as well as other premises were examined.

Within the joint project implemented in accordance with the Action Plan for 2012-2013 signed with the UNICEF, the Institute conducted survey among children with disabilities, their parents, disabled people, teachers of secondary schools, representatives of executive power bodies and heads of commercial enterprises. The main aim of the survey was to study the state of disabled people, including children with disabilities. The research covered 35 cities and rayons as well as 2.223 people.

In order to study the state of implementation of the “State Program on Deinstitutionalization and Alternative Care for 2006-2015”, the Institute conducted monitoring with the support of the UNICEF. During the monitoring, the Institute’s staff members conducted meetings, surveys and interviews with the children returned to their biological families and their family members. The monitoring was carried out in 17 cities and rayons of the country.

Within the framework of the mentioned Program, the Commissioner’s Institute prepared proposals and recommendations on elimination of problems occurred while returning children to their biological families or relatives and submitted them to responsible agencies.

The UNICEF has supported the implementation of the research on the cases of torture and rude treatment against underage children in conflict with the law. The Commissioner has addressed inquiries to the General Prosecutor’s Office, the Ministry of Education, the Ministry of Justice and the Ministry of Internal Affairs regarding the quantity and essence of the complaints submitted during the research as well as decisions taken on complaints. Along with that, surveys and interviews were conducted among 86 children in conflict with the law and 25 heads of the facilities where these children are settled.

As a result of the research, the cases of violence against children in conflict with law were reduced in number. The main reasons are the activities conducted by the Commissioner’s NPM group: monitoring in police offices, penitentiary facilities and boarding schools, in time detection, and elimination of such cases, active participation of the NGOs in this process, trainings carried out by the Commissioner, as well as appeals submitted to the state agencies with regard to staff members applying violence.

Within the Project implemented in accordance with the Action Plan signed with the UNICEF, monitoring was conducted in Youth Resource Centers located in 22 cities and rayons of the country. For improving study groups on child rights, the Institute organized trainings on child rights and healthy lifestyle in Youth and Children’s Creativity Center situated in 11 cities and country rayons.

The provisions of the National Action Program on effective protection and promotion of child rights were discussed jointly with non-governmental organizations.

The Commissioner and the Institute’s staff members delivered lectures on “Ensuring Child Rights in Azerbaijan: Legislation and Implementation Mechanisms” for executives at the course on improvement of their professional skills.

During 20 October – 20 November, on the eve of the anniversary of the adoption of the Convention on the Rights of the Child the “Month-Long Campaign on the Child Rights” under the motto “Let’s take care of every child!” was conducted. The central and local executive power bodies, facilities and organizations were addressed in this regard. Various events, competitions and exhibitions were organized in secondary schools and facilities for children all over the country.

Within the month-long campaign, 8 paintings of rayon and city schoolchildren, including the members of the Commissioner’s resource center – Azerbaijan Child and Youth Peace Network, were sent to the 17<sup>th</sup> Kanaqava World Child Paintings Exhibition.

With the support of the UNICEF the Commissioner carried out Hierarchic Child Rights Education Program in 24 secondary schools of the country. 1.025 schoolchildren were trained as trainers on the promotion of child rights and skilled to conduct such trainings at their schools.

The Commissioner and the Institute’s staff members delivered speeches on the following events: seminar organized within European Partnership project of the European Union in France; the 16<sup>th</sup> conference and General Assembly of the European Network of

Ombudspersons for Children (ENOC) in Cyprus; and “Monitoring on Torture and Rude Treatment within the Juvenal Justice Context” organized with the support of the Regional Office for Eastern, Central Europe and CIS countries and European Union in Kyrgyzstan.

The following should be taken into account: temporary settlement of children in need of care and included to risk group; creation of shelters and rehabilitation centers for providing social and psychological assistance to them; development of legal base for foundation of the social order system; provision of parents of disabled children with allowances equal to the sum allocated for bringing up one child in appropriate state facilities; implementation of structural reforms in connection with police inspectors on children and establishment of a structural unit for organizing the work on children within the internal affairs agencies; as well as the amendments made to the Family Code for prevention of early marriage. Considering the above-mentioned, the Article 152 of the Criminal Code (Article 152. The Sexual relations or other actions of sexual nature, committed by a person who has reached 18, with the person who has not reached 18 (excluding cases implied by the Family Code - when upon the decision of the executive power bodies marriage age is diminished for 1 year and appropriate certificate of marriage is provided) is punished by restriction of freedom for the term of up to three years) must be edited.

***Protection of old persons’ rights.*** The Commissioner has paid attention to the state of older persons and the issues on protection of their rights. Necessary measures were taken for solving their problems.

In order to solve social problems of older persons and properly provide domestic services, the Commissioner recommended to increase the number of employees of social service, place wider beds in the Bilgah Assisted Living Facility for Disabled War and Labour Veterans, as well as build new section. At the moment, the measures are being taken in this regard. New building complying with contemporary requirements has already been constructed.

The Commissioner recommends to take into account real demand of the population as well as existing consumption prices and to increase the basic part of minimal monthly salary as well as age-related pensions up to living minimum of population able to work defined in 2012. It will lead to elimination of disparity.

The Ministry of Labour and Social Protection of the Population was appealed regarding the importance of organization of quality social domestic services for improving social state of older persons under the state support.

The Resource Center for Older Persons created upon the Commissioner’s initiative has successfully continued its activities.

The draft “State Program for the Protection of Older Person’s Rights” prepared by the Commissioner and discussed with non-governmental organizations will be submitted to the Ministry of Labour and Social Protection of the Population. Adoption of the Program will lead to ensuring the rights of older persons to labour, rest, social security and others implied by the European Social Charter as well as will result in increase of population’s attention towards them.

By the way, the Development Concept “Azerbaijan 2020: vision into the future” considers adoption of the “State Program on Strengthening Social Protection of Older Persons for 2014 – 2020”.

As everybody, older persons should have an opportunity to choose their place of residence: where to live and whom to live with. Thus, it is important to examine the state of older persons applying to the state social facilities for permanent living of the elderly and waiting their turn to be accepted there. Also, it is necessary to put a legal burden on persons

who refuse to take care of their ill and older parents or those who have reluctant attitude to the issue.

Along with the above-mentioned, it is recommended to allocate social allowances to people looking after lonely older persons who are not able to take care of themselves.

***Protection of rights of disabled persons.*** Various measures were taken with regard to improving social-legal state and resolving problems of such people.

The Commissioner has conducted various events for protection of rights of disabled people and provided recommendations to appropriate bodies. In majority of cases these appropriate measure were take regarding the recommendations.

Last year, the Commissioner and Institute's staff members conducted regular monitoring in the facilities of the Ministry of Labour and Social Protection of the Population, Ministry of Health, Ministry of Education and the Ministry of Justice, interested in the state of disabled people, and took measure on improving their Prosecutor living conditions, social problems, and provision of the rights to health and education.

As a National Human Rights Institute implementing functions of the independent monitoring mechanism in accordance with the requirements of the Article 33.2 of the UN Convention on the Rights of Persons with Disabilities, the Commissioner is continuing the work of using the best international experience for carrying out necessary activities.

Along with that, the Commissioner recommends to make necessary changes in the Constitutional Law and establish appropriate structural division within the Institute for more efficient implementation of mentioned functions.

According to the joint Action Plan for 2011-2012 of the Commissioner and the local Office of the UNICEF in Azerbaijan, the cooperation was launched for increasing necessary knowledge and skills for monitoring the Convention and preparing complementary report. Also, the survey was carried out for studying the state of disabled persons in the country, and appropriate report was conducted.

Complying with the appeal of the UN Office of the High Commissioner for Human Rights, the Commissioner, in accordance with the resolution 19/11 on the Rights of Persons with Disabilities of the UN Human Rights Council, prepared necessary information on the employment of disabled people and submitted to the Council.

During public hearings, conducted for evaluating the state of implementation of the National Action Program as well as its promotion among the population and state agencies, the issues on the rights of disabled people were also discussed. Several medical social expert commissions were monitored and provided with appropriate recommendations.

The Commissioner together with the American Bar Association, USAID, Scientific-Research Institute on Human Rights of the Azerbaijan National Academy of Science and Union of Organizations for Disabled People conducted the Conference on "Legal Status of Persons with Disabilities: existing problems and social protection" dedicated to "May 5 – Day of the Protection of Disabled Persons' Rights". Moreover, in cooperation with local office of the UNICEF the Commissioner organized the Conference on "Rehabilitation and Social Protection of People with Disabilities: Problems and Perspectives".

The Commissioner and the Azerbaijan Diabetes Community organized round-table discussion on "Support to Ensuring the Rights of People with Diabetes" dedicated to "November 14 – World Diabetes Day". Chief Endocrinologist of the Ministry of Health and representatives of non-governmental organizations specialized on the issue were among the participants of the discussion.

Recommendations set forward as a result of these activities were generalized and submitted to responsible state agencies.

## **Chapter 2**

### **Activities of the Commissioner in the Field of Legal Education, Scientific-Analytical Work and International Relations, Cooperation with Civil Society and Mass Media**

#### **2.1. Education on human rights**

Various trainings, seminars, conferences, round-table discussions and publications prepared in accordance with international conventions and domestic legislation serve for awareness-raising of population, increase of attention towards them and solution of their problems.

The Institute organized wide-scale and planned events addressed to the issues of children, disabled people, women, older persons, military servants, refugees and IDPs as well as those promoting the fight against AIDS and drug addiction.

A series of events with involvement of local and central executive power bodies, civil society institutions, mass media, facilities and organizations were conducted within the framework of the following month-long campaigns: “Human Rights Month” carried out from May 18 to June 18, “Peace Month” - from August 21 to September 21, and “Child Rights Months” - from 20 October to 20 November.

Also, a range of public hearings were conducted in regions for monitoring and evaluation of the state of implementation of the National Action Program.

As an important part of legal awareness-raising the education on human rights was developed in higher and secondary education facilities and schools.

The subjects “Human rights” and “Introduction to Gender” are being taught at bachelor and master classes of the Law Faculty at the Baku State University. The staff members are trained at the master degree of this faculty.

The “Hierarchic Education Program on Child Rights” was started upon the initiative of the Commissioner on the basis of provisions of the National Action Program, “Awareness-raising on Human Rights” and “Education on Human Rights” declared by the UN General Assembly and decades of the UNESCO “Education for Sustainable Development”. It has been implemented for four years with the cooperation of the Ministry of Education and is expanded in Baku and country regions.

In accordance with outcomes of this Program and positive experience achieved during its implementation, the centers of “Child Rights Education” were formed in secondary schools of Baku and country regions. The foundation of legal education addressed to children was laid on the basis of specially prepared educational materials.

Special attention is paid to the cooperation with legal clinics functioning in higher education facilities, provision of legal services to the population free of charge, and development of legal culture. Upon the Commissioner’s initiative, the “Child Rights Clinic” created in cooperation with the international organizations and NGO Alliance for Child Rights is functioning successfully.

Students of the law and international relation faculties of the Baku State University, the Public Administration Academy under the President of the Republic

of Azerbaijan, Caucasus University, Baku Slavic University and Azerbaijan Language University regularly have internship in “Short-term education network in the field of human rights” which was created within the Institute for increasing professional skills and training in the field of human rights.

The awareness-raising of children, teenagers and young people on human rights was continued in the “Leadership school” functioning within Azerbaijan Children and Youth Peace Network – the Commissioner’s resource center on child rights.

Systematic legal awareness-raising activities as well as meetings with local population were organized in cities and rayons, settlements and villages covered by regional centers of the Commissioner located in Ganja, Shaki, Quba and Jalilabad.

On “May 5 – European Day on the Protection of Human Rights of Persons with Disabilities” and “December 3 – International Day of Persons with Disabilities”, appropriate events were conducted in assisted living facility for war veterans and rest-house for young people with disabilities.

Children’s paintings competition on the topic “Me and my rights” was carried out in connection with “December 10” – International Human Rights Day. The winners were awarded with certificates and presents.

Discussions regarding the priority issue of the European Union – “Business and Human Rights” were conducted with the participation of state agencies and non – governmental organizations. During discussions, the state of ensuring labour and free entrepreneurship rights were analyzed, recommendations were prepared, and joint working group was formed. This experience was positively assessed at the II European Parliament Ombudsmen Summit.

At the same time, discussions were organized on such topics as gender equality, violence against women and domestic violence.

Educational work was continued in settlements of IDPs. Events in school and pre-school facilities were conducted, meetings were organized.

During visits to military units and unions, meetings with staff members and awareness-raising activities were conducted. Recommendations were provided to young soldiers taking oath.

The activities covering prisoners were the following: visits to penitentiary facilities, including meetings with women and underage detainees, personal conversations with detained people, explanation of their rights to prisoners, and provision of legal consultations.

In order to increase the efficiency of legal education, the Institute prepared various publications on human rights, thematic leaflets, journals, brochures, booklets and reminder cards and disseminated them among population.

Informational bulletins were prepared and placed at the official website due to the work of Editorial-Publication Council functioning at the Commissioner.

For educating children on child rights basing on human rights, such educational materials as “Selected Topics of Hierarchic Education on Child Rights” and “Child Rights for Everyone” were published and provided to educational facilities. “ABC book on Child Rights” was reedited, and the material titled “Convention on Child Rights” was prepared.

The work on preparation of Azerbaijan-Russian-English and English-Russian-Azerbaijan dictionaries of legal terms, words and phrases is going on. They will be soon presented to the attention of users.

Furthermore, the collections of lectures delivered at the Baku State University during teaching the courses on “Human Rights” and “Introduction to Gender” were also prepared.

The Office of the UN High Commissioner for Human Rights supports the translation to Azerbaijani and publication of the material “Human Rights: Methodological Resource for Judges, Prosecutors and Lawyers”.

Upon the Commissioner’s initiative, more than 20 books, manuals and textbooks were translated from foreign languages into Azerbaijani and disseminated as a practical resource among wide audience of readers as well as specialized libraries.

## **2.2. Scientific-analytic work**

The Commissioner closely participated in development of State Programs on Strengthening Social Protection of Older Persons and on Development of Inclusive Education for 2012-2015 as well as in preparation of National Action Plans for Open Government and Fight against Corruption.

International Convention for the Protection of All Persons from Enforced Disappearance, European Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse and European Convention on Preventing and Combating Violence against Women and Domestic Violence were evaluated. The state was recommended to ratify these international treaties.

Scientific-analytic speeches, lectures and statements of the Commissioner and Institute’s staff members were included to the list of official documents of international events.

Moreover, the Criminal, Criminal Procedure, Civil, Civil Procedure, Administrative Offences, Labor, Family and Housing Codes as well as legislative acts connected with penitentiary sphere, citizenship, labour pension and social service were monitored. Also, the recommendations on amendments and additions to appropriate legal norms were prepared.

The review and recommendations on Draft Laws on “Health and Rest of Children” and “Rights of the Patient”, “List of Paid Information Services”, “Rules on Payment for Preparation and Provision of Information”, “Cases of Provision of Information Paid in Advance”, “Terms for Possible Concessions Made during the Payment” and “Terms and Conditions on Provision of Informational Inquiry through a Contract” were conducted and provided to appropriate bodies.

The surveys were sent to the Constitutional Court for examining the compliance of Articles 107.4, 419.14, 427.10 and 448.5 of the Criminal Procedure Code, the Article 421-2.1 of the Civil Procedure Code and the Addendum 1 to the “Internal Rules of Discipline in Prisons” approved on 19 November 2010 by the order 16-T of the Ministry of Justice with the Constitution of the Republic of Azerbaijan.

## **2.3. Cooperation with Civil Society and Mass Media**

*Public relations and cooperation with NGOs.* In order to achieve more advantageous and goal-oriented cooperation with civil society organizations, seminars, round-table-discussions and meetings were conducted within the Institute with the participation of independent Expert Council consisting of representatives of state bodies and non-governmental organizations. The Council evaluated the problems of civil, political, economic, social and cultural rights, women’s rights and gender equality, rights of refugees,



IDPs, migrants, older persons, people with disabilities, youth, children, prisoners and military servants and developed recommendations.

The Commissioner continued the cooperation for improvement of the work of the Patronage Council (Institute's staff members are also represented in this Council) functioning in disciplinary facility of the Penitentiary Service. The measures on medical-sanitary provision, food, organization of educational process, solution of social protection issues as well as provision with labour and accommodation upon the termination of punishment were taken.

Non-governmental organizations, mass media sources and communities were involved in public hearings conducted for promotion and monitoring of the state of implementation of the National Action Program.

Along with state bodies, civil society organizations, communities and public representatives were among active participants of discussions carried out regarding various issues of human rights. They have also delivered their speeches and recommendations.

The problems of people with disabilities, one of the population groups in need of support, were discussed with representatives of the American Bar Association, USAID, Scientific-Research Institute on Human Rights of the Azerbaijan National Academy of Science and Union of Organizations for Disabled People.

The meetings were carried out in settlements of IDPs, including "Qayidish" settlement in Fizuli and residential areas situated in Bilasuvar, Mingachevir, Goranboy, Yevlakh and other rayons. During these events, their social rights, domestic conditions, difficulties, organization of medical service and the state of education of children in refugee and IDP families were discussed.

**Cooperation with mass media.** The Commissioner's press service has conducted its work in close connection with published and electronic mass media sources, including National TV and Radio Council, Press Council, State Support Fund to Mass Media, Public TV and Radio Council and new journalist organizations. Press releases on main directions of Institute's activities and events were prepared and sent to various newspapers and magazines, TV and radio channels, information agencies and online news portals.

Close cooperation was created with correspondents of newspapers published in the capital and various regions of the country as well as with central and local TV and radio channels. Representatives of regional mass media sources published wide information on the Commissioner's meetings with local population, public hearings, discussions, consultations, visits to regions as well as seminars and trainings.

The Institute gave preference to publicity and efficient cooperation with journalists. A number of press conferences and briefings were conducted. The attention of media representatives were directed to the activity of the Institute.

The Commissioner conducted a series of consultations with representatives of mass media, well-known experts on media rights, representatives of state bodies holding information and heads of media services regarding new responsibilities connected with the control over implementation of obligations implied by the requirements of the Law of the Republic of Azerbaijan "On Access to Information".

During previous years, press service published 2.797 press releases, including 305 prepared in 2012. These press releases were translated into English and

submitted to the Council of Europe. There were prepared 88 information bulletins, including 12 published last year.

9.037 articles and information about the Institute were published in total. 457 of them are related to 2012. Also, nearly 260 programs on the Institute's activities were broadcast via TV or radio. Two documentaries about the Commissioner's comprehensive work and films named "The First" and "For the Sake of Justice" produced by the AzTV were shot and demonstrated.

Throughout the Institute's activity, the Commissioner has prepared 45 statements, including those written in 2012 in connection with the tragedy of 20 January, Khojaly Genocide, anniversary of Shusha occupation and "31 March – Azerbaijanis' Genocide Day", and submitted them to various international organizations.

The journalist competition on the topic "Human Rights for All" was conducted in connection with "December 10 – International Human Rights Day". The winners received certificates and money awards.

Responsible state agencies were addressed with regard to protection of rights of detained journalists: chief editor of "Khural" newspaper A.Zeynalov, journalist F.Allakhverdiyev, chief editor of "Tolishi shado" newspaper H.Mammadov, staff members of Quba television "Khayal" V.Qonaqov and Z. Quliyev and the member of the Institute of Freedom and Safety of Reporters M.Huseynov.

## **2.4. International Relations**

The study of international practice in the sphere of efficient provision and promotion of human rights and research of its application at the state level is one of the main directions of the Commissioner's activity.

During 10 years of the activity, the Commissioner has built successful cooperation with foreign colleagues and along with learning international experience has promoted the positive experience gained in the country in the sphere of human rights at the international level.

The Subcommittee on the Accreditation of the International Coordinating Committee on National Human Rights Institutions under the Office of the UN High Commissioner for Human Rights once more assessed the work of the Commissioner's Institute as compliant with Paris Principles and on 26-30 March 2012 reaccredited the Institute with the highest "A" status.

Global issues on human rights protection were discussed during international events conducted upon the Commissioner's initiative. Thus, on 18-20 June 2012, the Xth Baku International Ombudsmen Conference on "Protection of Human Rights in Emergency Situations: Problems and Opportunities" dedicated to the 10<sup>th</sup> anniversary of the Commissioner's activity and 20 years of membership of our country to the UNESCO was conducted with the support of the UNESCO. 52 foreign guests from 20 countries of Europe, Asia and America – ombudsmen and their representatives as well as the representatives of national human rights institutions, well-known scientists in the sphere of human rights and international experts, responsible representatives of International and European Ombudsman Institutes and Asia

Ombudsman Association to which the Institute is a member, were among the participants of the Conference.

Methodological seminar on monitoring of detention places and skills of report preparation within the National Preventive Mechanisms was organized on 26-27 April in cooperation with the OSCE Baku Office. During the event, the participants conducted live discussions and shared with their experience. Also, work on cases and role plays were carried out.

On 16 February 2012, the embassy of Azerbaijan in Hungary together with the Fund for Prevention of Genocide and Mass Slaughter at International Level located in Budapest conducted international conference on “Role of International Jurisdiction in West Balkans and South Caucasus” dedicated to 20<sup>th</sup> anniversary of Khojaly Genocide. During the conference, the Commissioner provided broad information regarding Khojaly Genocide and crimes committed by Armenian armed forces jointly with motor rifle division No.366 of the former Soviet Union located in Khankendi towards peaceful population living in Khojaly city of Azerbaijan.

The Commissioner was also an active participant of Twinning, TAIEX and Eastern Partnership projects and Programs of the European Union. The Commissioner and Institute’s staff members participated in a number of events conducted within the European Partnership Program, learnt new experience and shared their own.

Within the frame of this program, the Commissioner delivered a speech at the international conference on “Role of Ombudsman in Development of Human Rights and Governance” conducted on 9-11 May in Paris within the framework of Eastern Partnership Program of the European Union. The participants positively assessed the experience and activities of the Commissioner.

As in previous years, in 2012, the Commissioner worked in mutual cooperation with the UN and its treaty bodies, Council of Europe, European Union and Organization for Security and Cooperation in Europe.

As an institutional member of the International Ombudsman Institute, European Ombudsman Institute and Asia Ombudsman Association, the Commissioner’s Institute actively participated at the events conducted by the mentioned organizations, exchanged their experience and contributed to the work of these organizations through sharing the information on gained achievements.

Last year, upon the Commissioner’s initiative the Meeting of Board of Directors of the Asia Ombudsman Association was conducted in Baku for the first time. The perspectives of joint cooperation in the sphere of human rights were discussed at the event. Along with that, upon the Commissioner’s initiative the meeting of representatives of International Ombudsman Institute, European Ombudsman Institute and Asia Ombudsman Association were carried out within the framework of the Xth Baku International Ombudsmen Conference. The Commissioner raised the issues of strengthening the relations between the institutes, exchange of experience and broad usage of internet opportunities.

At the meeting of the OSCE Human Dimension Committee carried out in the capital of Austria – Vein, the Commissioner made broad presentation of the National Action Program. The representatives of member states, ambassadors, diplomats and experts on human rights participating at the event provided comments and addressed

numerous questions regarding the presentation. Chairman of the OSCE Human Dimension Committee, permanent representative of Sweden to the OSCE, Ambassador Thomas Greminger expressed deep gratitude to the Commissioner for broad and comprehensive presentation as well as for conduction of interesting dialogue.

The Commissioner has built close cooperation with Ombudsman institutes of Turkish speaking countries and for the first time proposed the idea regarding establishment of network of Ombudsmen of these countries.

The Commissioner highly evaluated the election of the first Turkish Ombudsman and was the first to send congratulations on this occasion. As an answer, Ombudsman of Turkey Mehmed Nihad expressed a wish to use the experience of the Commissioner's Institute gained during 10 years of its activity.

The Commissioner has actively participated at the process of the Universal Periodic Review. In accordance with the appropriate resolution of the Human Rights Council, the complementary report on the UPR mechanism reflecting positive experience in the sphere of ensuring human rights and existing shortcoming was submitted to the Office of the UN High Commissioner for Human Rights.

The Commissioner received newly elected Council of Europe Commissioner for Human Rights Nils Muiznieks and discussed mutual cooperation relations.

The Commissioner received a number of foreign guests, including ambassadors of foreign countries accredited to Azerbaijan, representatives of international organizations in our country and foreign experts in the Institute. The guests were provided with the information on the work of the Commissioner and were involved to the discussions about cooperation perspectives.

## *Conclusion and recommendations*

During last ten years, the Commissioner has conducted activities with novelties and initiatives. As a result of these activities, the attitude of state agencies, officials, communities and individuals towards the significance of human rights and their provision has positively changed, their legal sense and culture has formed in a new way, and the governance has improved.

The reforms in every sphere of our country have been continued, wide-scale social and economic projects have been implemented. Also, the application of new and contemporary systems in social provision, taxes and other spheres as well as implementation of state programs covering various directions has guaranteed gradual increase of welfare state of the population.

Consecutive, systemized and comprehensive fight against corruption carried out all over the country lead to gradual solutions of problems disturbing people.

During the meeting of the Cabinet of Ministers dedicated to results of social-economic development of 2012 and obligations for 2013, in his concluding speech the President of the Republic of Azerbaijan Ilham Aliyev stated: “The fight against corruption and bribery should be stricter. Great success has been achieved in this sphere during latest years. This policy will be implemented in goal-oriented manner”.

As an integral part of mentioned achievements, the application of “single window” and “electronic government” systems in a number of spheres, appropriate measures taken for provision of electronic services by state agencies, using the capacity of “hotlines”, launch of “ASAN service” played an important role in ensuring the right of citizens to appeal and provision of other rights and freedoms.

From this point, it is important to apply legally defined public control over the activities of appropriate executive bodies responsible for ensuring human and civil rights and freedoms.

The allocation of addressed social aid via “ASAN service” system will prevent negative cases in this sphere.

The increase of attention to ensuring the rights of citizens to free entrepreneurship in business management will contribute to economic development of our country.

At the same time, it should be mentioned that achievements reached during the short period of our independence are the indicators of huge development potential of our country. Openness, mutual trust in state-citizens relationship, new innovative initiative in governance as well as application of new technologies and innovations will serve for future increase of welfare state of the population and influence of our country.

Along with the above-mentioned, it is important to take the following measures: serious implementation of obligations defined by the legislation, strengthening the control of central bodies over local agencies, observance of the rules of ethical conduct by staff members, prevention of negligent and indifferent attitudes towards citizens and increase of professional training and sense of responsibility.

The competence and functions of the Commissioner are defined by the Constitutional Law. The Commissioner uses existing resources, does not limit or

replace responsibilities of other state bodies, complements means of legal protection and provides extrajudicial protection of rights. The activity of the Commissioner is based on the principles of independence, openness, transparency, legality, fairness and impartiality. Carrying out activities within defined legal competence, the Commissioner could reach the restoration of violated human rights in majority of cases.

The cooperation relations with state bodies were built and developed. Carrying out the mission of mediator between state agencies and citizens, the Institute was accepted as effective extrajudicial legal protection mechanism by the society and each individual.

Participating at improvement of legislation, realization of a number of plans and programs carried out at the state level as well as at monitoring process, the Commissioner set forward her initiatives, views and recommendations. At the same time, the Commissioner got involved to the development, monitoring and implementation of draft state programs, provided necessary recommendations and assessed them from the point of ensuring human rights and freedoms.

In the cooperation with state and civil bodies responsible for ensuring rights and freedoms implied by the Constitution of the Republic of Azerbaijan and other legislative acts as well with state agencies answering to society and each individual, the Commissioner noted and provided recommendations regarding the problems, took efforts for demonstrating the ways of their solution and elimination.

As a result of assessment of the International Coordinating Committee on National Human Rights Institutions under the UN High Commissioner for Human Rights, last year the Commissioner was successfully accredited for the second time with "A" status active for five years and proved once more complete compliance of the activities with Paris Principles.

In order to coordinate the implementation of activities implied by the National Action Program, monitor and evaluate the state of its implementation and promotion as well as for preparing reports to treaty bodies, the Commissioner as the head of the Working Group conducted comprehensive work, continued public hearings in regions and successfully concluded two monitorings covering all executives.

The results of events and public hearing carried out regarding the Program demonstrated that the capacity of appropriate state agencies should be mobilized, achieved results should be broadly promoted with involvement of civil society organizations, and the activities in this sphere should be continued.

Considering that 2013 is a year of election of the President of the Republic of Azerbaijan, it is of outmost importance to strengthen awareness-raising work for effective provision of the right to election and active participation in the election, process to define the list of voters, ensure provision of citizens with ID cards, and take other necessary measures.

There is a necessity to ensure strict observance of the requirements set in the legislation, strengthen the control over the work of state bodies, including local structures, increase professional training and sense of responsibility of state servants, carry out activities on ensuring correct treatment of citizens, conduct sustainable awareness-raising, and apply public control in all spheres.

For efficient ensuring and protection of human and citizen's rights and freedoms, the Commissioner set forward recommendations in annual reports and submits a number of proposals to state bodies. Unfortunately, there are still recommendations and problems which have not found their solutions. The following are among them: speed up ratification of appropriate articles of the "European Social Charter" and Optional Protocol to the "International Covenant on Economic, Social and Cultural Rights"; join the International Labor Organization Social Security (Minimum Standards) Convention No.102; establish the "Alimony Fund"; application of compulsory insurance; carry out structural reforms in the system of housing and communal services; resolve the registration issues of self-willed construction.

Along with the above-mentioned, the Commissioner proposes the following recommendations for resolving a number of problems of population groups in need of care, including women, older persons, children, people with disabilities, refugees, IDPs, migrants, people detained in prisons and facilities of restriction of freedom, imprisoned persons and military servants:

- *Sign and ratify of the European Council "Convention on Preventing and Combating Violence against Women and Domestic Violence";*
- *Ratify the 3<sup>rd</sup> Optional Protocol to the Convention on the rights of the Child;*
- *Speed up the ratification of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse;*
- *Apply legally defined public control over the activities of appropriate executive bodies responsible for ensuring human and civil rights and freedoms;*
- *Speed up the adoption of the Migration Code;*
- *Speed up the adoption of the Law "On Defamation";*
- *Speed up discussion and adoption of draft law regarding the protection of patients' rights;*
- *Speed up the adoption of the Law "On Protection of Reproductive Health;*
- *Adopt the draft Law on "On Protection of Children from Corporal Punishment" submitted to the Milli Majlis (Parliament) by the Commissioner;*
- *Prepare legal act on mechanism of provision of legal support;*
- *Conduct regular trainings and seminars for police staff members in order to improve their professionalism on preserving rule of law during meetings, street marches and pickets without exposure to violence;*
- *Strengthen the awareness-raising work for efficient provision of the right to vote; check up and specify voters' list;*
- *Carry out measures on examination and solution of issues regarding the state of registration of citizens at their places of residence for conduction of organized 2013 presidential election in a democratic conditions and with active participation of citizens as well as jointly with the Ministry of Internal Affairs to monitor the provision of every voter with ID card until the election day;*

- *According to the paragraph 1.3 of the “National Action Plan on Promotion of Open Government for 2012 – 2015, improve the structure of the Commissioner’s Institute, provide staff units and financial-technical resources for the formation of the “Department of Information Provision”;*
- *Considering the provision of the Commissioner with the functions of independent monitoring mechanism implied by the Article 33.2 of the UN Convention on the Rights of Persons with Disabilities, to make necessary changes in the Constitutional Law and establish appropriate structural division within the Institute for more efficient implementation of mentioned functions;*
- *Take into account the concluding observations on Azerbaijan by the UN Committee on the Rights of the Child and to establish structural division on child rights within the Commissioner’s Institute*
- *Form separate structural division within state agencies for answering surveys of mass media sources, create information collection (register) regarding informational surveys, broaden the information in internet resources, further improve electronic resources;*
- *Conduct systematic awareness-raising trainings on access to information for staff members of appropriate structural division of state agencies holding information and civil society in the capital and regions;*
- *Conduct educational courses and seminars for state officials in order to study appropriate normative and legal acts and improve their professional skills and training;*
- *Conduct trainings on rules of ethical conduct with citizens for police officers;*
- *Prepare and apply the programs of technical review for ensuring the safety of means of transports and people;*
- *Prepare and apply control mechanism over the implementation of measures on ensuring labour safety for people having the right to extra vacation due to the character of labour conditions and work functions or engaged in hard work, including the work in construction sector;*
- *Increase the sum of allowance paid to children under 18 years for their age, disability, loss of head of the family; children of temporary military servants; low-income families having infants; guardians of children who lost their parents or deprived of patronage; persons injured at radiation accidents for annual medical treatment; as well as paid for the birth of a child.*
- *Allocate monthly allowance to children who lost their parents or deprived of parental care as well as provide lump-sum allowance during the return (deinstitutionalization) of children from education facilities to families;*
- *Solve the problem of further accommodation and employment of children leaving boarding schools upon reaching 18 years;*
- *Add the provision considering the allowances “for persons taking care of children under 18 having I disability degree or health-related disabilities” to the Article 4.0.1 of the Law the Republic of Azerbaijan “On Social Benefits”*



- *during assignment of the ASA not to include the sum of allowances paid to disabled, aged and other indigent group of people (considering disabled and aged people in the family as well as other invalids) of the family to total sum of the general demand criterion, as well as observe the legislative requirements.*
- *Improve the Law of the Republic of Azerbaijan “On State Addressed Social Aid”; improve and simplify the list of documents required for assignment of ASA; not to take into consideration the things unfit for exploitation, including cars as well as land unsuitable for sowing, while preparing the list of property; during assignment of the ASA not to include the sum of allowances paid to disabled, aged and other vulnerable groups to the total sum of the general demand criterion;*
- *Conduct state funded medical services and consultations free of charge for pregnant women, mothers and infants; restore patronage service; prepare programs on the protection of reproductive health;*
- *Improve “Criteria on Defining Disability” for early identification of diabetes, creation of appropriate data base and advancing social state;*
- *Advance living conditions and treatment of mentally diseased patients through reaching compliance with the European Minimum Standards; speed up the construction of new buildings for these persons apart from residential areas; organize departments, isolators and rehabilitation departments in accordance with the level of disease within these hospitals; supply the hospitals with necessary food, medicines and medical transport; review food standards;*
- *Increase the number of medical staff within these hospitals and their salary;*
- *Reorganize and advance the network of preschool education facilities;*
- *Wide-scale conduction of Hierarchic Education on Child Rights in secondary schools;*
- *Adopt state program covering the issue of provision young people who received education in foreign countries with work;*
- *Create equal financial opportunities for staff members working in all spheres of science; strengthen their social protection; fund existing sphere for implementing national strategy on improvement of the science;*
- *Inventory buildings constructed on the areas provided for construction of private houses since the launch of the work of municipalities; take urgent measures for solving the issue;*
- *Registering the address of residential areas having no address;*
- *Increase competitive capacity of women at labour markets; improve entrepreneurship and employment among women; conduct business trainings in Baku settlements and regions for broadening activities of women in this sphere;*
- *Make necessary amendments to appropriate legal act for reorganizing the work, structure and responsibilities of commissions on the affairs of underage children and protection of their rights functioning at the local executive power bodies;*

- *Add provisions on ensuring inclusiveness of the education to the Law of the Republic of Azerbaijan “On Education”;*
- *Organize sport and health zones in cities and rayons of the country for ensuring the health of older persons;*
- *For preventing divorces and domestic violence, to conduct specialized psychological aid for carrying reconciler mission in conflicting families;*
- *Allocate social allowances to people looking after lonely older persons who are not able to take care of themselves;*
- *Creation of gerontology center and gerontology services in cities and rayons, training of specialized doctors gerontologists;*
- *Declare 2014 as the “Year of People with Disabilities”, adoption and implementation of appropriate action plan;*
- *Conduct comprehensive medical examination, treatment and rehabilitation of new-born children suffering from poor hearing;*
- *Cancel payment of educational fees for studying at paid higher and secondary education facilities for invalids of Karabagh war and their children;*
- *Make public transport infrastructure, signals of traffic lights installed at cross-roads of metro and tunnel passages compliant with the standards to ease the traffic; installation of rampant for disabled people in public squares, parks, rest areas, administrative buildings, museums, education facilities, libraries, trade and other cultural facilities in order to increase safety and ease the traffic.*
- *Broaden the activities on provision of legal, psychological and other assistance to IDPs, establishment of pre-school education facilities and rehabilitation centers for children living in these settlements;*
- *Increase funds for improving the provision of persons detained in prisons with food, medical assistance and medicines;*
- *Considering the importance of directing physical working power to the labour in the process of their correction, to create industrial areas for involvement of prisoners to community services;*
- *Establish shelters and resource centers for people discharged from prisons but having no place of permanent residence, victims of human trafficking, persons subjected to violence including domestic violence; develop mechanisms on their employment;*
- *Strengthen ideological work in the army; legally define the mechanism of public control over the army;*
- *Increase cash compensations paid to officers, ensign and long-term military servants and to persons having the same rights up to real demands; consider transportation fees of military servants living far from the place of service; free them from payment of income taxes regarding their salary and other incomes, increase pocket-money allowance provided to soldiers and sergeants.*
- *Increase the sum of cash compensation provided for expenses on temporary rent of apartments to military servants, married students of military education facilities, including retired officers or officers moved to reserves*

*due to age, disease, reduction of staff (served minimum for 5 years), family conditions, ensigns, midshipman, long-term military servants (served for 15 or more years);*

- *Consider the capacity of low-income citizens, to create state funded legal consultation centers functioning free of charges in Baku, other cities and rayons of the country.*

The above-mentioned demonstrates once more that serious process in the direction of systematic and consequent development, including the establishment of democratic institutes and precedents, is going on. Thus, the cooperation between state bodies and civil society should be developed in order to efficient ensuring and protection of human and citizens' rights and freedoms. This activity should serve to the prosperity of the country and welfare of the society.

The public hearings conducted for the implementation of events implied by the National Action Program has demonstrated that the following measures should be taken: the capacity of state bodies should be mobilized; the activities should be continued with involvement of civil society and through promotion of success; the public control should be applied in all spheres, especially regarding executive power bodies, social allowances and services system, education and healthcare as well as army; ideological work should be strengthened; and out-of-charter relation should not be allowed.

By the way, during the meeting of the Cabinet of Ministers dedicated to results of social-economic development of 2012 and obligations for 2013, in his concluding speech the President of the Republic of Azerbaijan Ilham Aliyev stated: "Public control should be conducted in a better way. The transparency should be provided to the maximum level".

As the life develops on its way, new norms in the sphere of human rights and shortcomings revealed during their implementation are observed.

The Commissioner evaluates information received during meetings with population, existing process, appeals, public hearings, researches and visits as well as takes efforts to eliminate revealed shortcomings.

More serious attention should be paid to calls to the fight against corruption and human trafficking as well as those relating to business and human rights. Also, appropriate state bodies should take necessary measures, eliminate problems through joint efforts for the sake of the protection of our independence, building of legal democratic state and ensuring sustainable development.

For efficient ensuring and protection of human rights, elimination of existing shortcomings, solution of priority issues and problems, sustainable improving the governance, observing the freedom of speech and assembly in accordance with the legislation, the Commissioner invites for the next time deputies, state bodies, civil society organizations, communities, mass media resources and all representatives of the society to the cooperation.

In his concluding speech delivered at the conference dedicated to the completion of the fourth year of the implementation of the "State Program on Social and Economic Development of the Regions of the Republic of Azerbaijan for 2009 – 2013", the President of the Republic of Azerbaijan Ilham Aliyev stated: "...A citizen

of Azerbaijan should be respected everywhere. State agencies should treat them appropriately without threat or insults. Every state official should carry out its duties with dignity, serve to people and be modest”.

The Commissioner serves just to these aims on the basis of principles of independence, openness, transparency, legality, justice and impartiality.