



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

**SUMMARY**

**of the Annual Report**

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

**on the activities in promotion and protection  
of human rights for 2016**

**Baku – 2017**

## *F o r e w o r d*

The key purpose of this Report is to evaluate the state of ensuring human and civil rights and freedoms in the country, to analyze the situation of important problems on human rights revealed in 2016, as well as to provide the information on activities conducted by the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan for the restoration of violated human rights, protection of human rights and prevention of their infringement.

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 Office to penitentiaries, investigatory isolators, temporary detention places, military units, orphanages, boarding schools, settlements of the refugees and internally displaced persons, 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; works implemented within the framework of the cooperation with non-governmental organizations; as well as of the information provided by the mass media.

The Report reflects the activities of the Commissioner in the area of the protection of human rights and freedoms, educational and awareness-raising activities regarding the given sphere, the organization of scientific-analytical work, public relations, issues of international cooperation, as well as outcomes and recommendations.

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 before the Milli Mejlis (Parliament) of the Republic of Azerbaijan, as well as to be addressed to the Cabinet of Ministers, Constitutional Court, Supreme Court and Prosecutor General's Office of the Republic of Azerbaijan.

The Annual Report will be delivered through mass media to make it publicly available.

I strongly hope that this Annual Report of the Commissioner will help you to build in your mind some image of the situation of promotion of human rights and freedoms in our country and that you will also share your relevant thoughts with us.

Your valuable thoughts and recommendations would help to the Commissioner in future in improvement of her activities in promotion of human rights freedoms.

**Elmira Suleymanova**

*Commissioner for Human Rights  
(Ombudsman)  
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## **Introduction**

The effectiveness of socio-economic policy carried out for ensuring protection of human and citizen's rights and freedoms and decent living standards of citizens of the Republic of Azerbaijan has been seen in the context of gradual improvement of population welfare within the last years.

While the whole world suffer from economic crises, the political-economic stability in our country, enables realization of new energy projects, involvement of financial resources and conduction of successful reforms.

Dynamic development of socially oriented economy, sustainability of investments, market oriented reforms, a number of important achievements on non-oil sector which is one of the priorities of national economy, transfer of oil income to development of non-oil sector, improvement of free entrepreneurship and business environment, opening of new work places, as well as taking measures aimed at reduction of unemployment and poverty, strengthening the support to development of regions due to implementation of state programs including State Program on socio-economic development of regions of the Republic of Azerbaijan for 2014-2018 years, positive changes in development of regions, as well as increasing of quality of social infrastructure, launch of new production areas, conduction of structural changes in management, usage of new technologies in old and degraded spheres, enhancement of agrarian field, farmer's and family farms contributed to sustainability of economic development, organization of special vocational trainings, effective provision and protection of human rights and freedoms in our Republic that stepped in new development phase of national progress.

Adoption of law on regulation of tax debts, prevention of groundless inspections, application of license and permit portal and other measures taken in this sphere are the clear evidences of opportunities created for entrepreneurs and support to their free and activity.

Moreover, provision of social political stability, improvement and democratisation of governance, increase of respect to human rights, rule of law, ensuring equal rights in different fields, creation of equal opportunities and elimination of discrimination, strengthening the trust of citizens to state bodies, provision of public participation in national issues, application of public control and conduction of legal awareness, strengthening of combat against corruption, adoption amnesty acts at different times, pardoning of persons deprived of liberty are of high importance.

According to the order of the President Ilham Aliyev in order to improve the penal sphere, the humanization of punishment and expanding the use of alternative measures without isolation from society, creation of Probation Service of the Ministry of Justice, and other actions in this field are very important from the point of the fact that punishment became correctional and educational are also an obvious example of state policy based on humanism and justice.

Considering modern fast growth, gradual modernization of industry, and development of non-oil areas played an important role in creation of new competitive production fields, industrial structures and facilities, opening of new work places and ensuring employment.

In the reviewed period, new schools and kindergartens, healthcare facilities, diagnostic, Olympic and sport complexes, cultural centres were built, multi-stored living buildings were reconstructed, thousands of IDP families were moved to new houses, and severe measures were taken for combating corruption. Moreover, measures taken for ensuring accessibility of ASAN services, as well as creation of “ASAN Communal” centers, “ABAD” public legal entity, also actions taken for dynamic development of the country in order to realize targets of “Azerbaijan 2020: Outlook for Future” Development Concept” were continued.

Reforms carried out in legal, economic, social fields during this period were appreciated at national and international levels.

Economic reforms carried out in our country that stepped in new era of development, were appreciated by international organizations, the country ranked the 65<sup>th</sup> place in “Doing Business 2017” report of World Bank, according to calculations of Davos World Economic Forum raised to the 37<sup>th</sup> place, preserved the 1<sup>st</sup> place on CIS, took the 2<sup>nd</sup> place on Inclusive Development Concept.

Conduction of international cultural-humanitarian forums of great social and political importance and contributing to development of human rights and freedoms and increase of legal culture, also the 7<sup>th</sup> Global and the 5<sup>th</sup> International Humanitarian Forums of UN Alliance of Civilizations, Formula 2 European Gran–Pri, the 42<sup>nd</sup> International Chess Olympics, as well as high results of our sportsmen in XXXI Summer Olympic Games held in Rio de Janeiro, Brazil, had a significant importance in strengthening of reputation and positive image of the country in international arena.

Using all opportunities at her disposal, the Commissioner whose scope of authority and functions is defined by the Constitutional Law took broad, sustainable series of measures for non-judicial protection of human and citizen’s rights and freedoms, and for restoration of violated rights during her term of Office.

The Commissioner, who is in regular contact with all layers of the society, took serious initiatives for the elimination of procrastination, bureaucratic hindrances, arbitrary actions of state officials, and negligence to the applications and challenges of citizens, outdated administration methods as serious obstacles for ensuring human and civil rights and freedoms.

In order to restore human rights and freedoms reflected in the Constitution of the Republic of Azerbaijan and in international treaties to which the country is a party also violated by state local executive powers and self governing bodies, officials and to prevent human rights violations, the Commissioner worked in cooperation with state bodies, civil society organizations (CSOs), international organizations and her foreign colleagues within the framework of her competences.

From this point of view, the Commissioner who doesn't restrict and substitute the competence of other governmental bodies and complements existing remedies, built her activities on the basis of the principles of independence, visibility, transparency, legality, justice and impartiality, in most of cases managed to restore the violated rights taking measures within the framework of her competences.

In case of violation of human rights necessary measures were taken, respective state bodies were urged, if necessary relevant instructions were given, proposals were made, consultations and recommendations were made for solution of problems.

While identifying gaps and shortcomings, along with constructively criticizing officials, the Commissioner built efficient cooperation with them.

During her term of Office, cooperating with both state bodies, and CSOs, as well as international organizations, the Commissioner held meetings with and receptions of people, organized public hearings on different issues aimed at human rights protection in the capital city and in regions, protected rights by involving local executive powers to restoration of violated rights and thus, contributed to strengthening of statehood.

The Commissioner regularly conducted monitorings of human rights both in Baku and in regions, investigated the problems and challenges citizens face, and their causes, made relevant proposals, took relevant measures for their solution, and in most cases she managed to restore the violated rights.

In order to establish a new form of mediation tradition in the society, the Commissioner facilitated simplification of management, responding to citizens' application to state bodies, elimination of abuse of power by officials, proper treatment of citizens by them and solution of citizens' problems, by following the transparency and impartiality.

In her cooperation with state bodies responsible before the state and a citizen, as well as before the society and the individual for ensuring human rights and freedoms reflected in the Constitution of the Republic of Azerbaijan and in other legislative acts, the Commissioner in most cases made sharp comments and recommendations regarding problems, along with showing them the way of solution tried for their elimination.

One of the effective forms of the activity is organization of reception of people, conduction of series of events in regions together with the representatives of relevant state bodies, local self-governing bodies.

Like previous years, in 2016, relevant measures were taken in case of restoration of human rights, respective state bodies were urged to, proposals were made, laws defining rights, freedoms, duties as well as boundaries of persons were explained to them, advice and proposals were made for solution of conflicts.

It should be noted for simplifying the process of appealing to the Commissioner by persons living in different regions of the country, Regional Centers in Guba, Sheki, Jalilabad and Ganja

covering 4 regions, the 24-hour hotline “916” on child rights and hotline against torture are functioning successfully.

People submitted their applications to the Commissioner by various means, including by post or email, online application form, coming to reception at the Office, regional center and via hot-lines, moreover during the visits of the Commissioner and her staff to prison facilities, investigation isolators, and temporary detention places (TDPs), military facilities, orphanages, boarding schools, settlements for internally displaced persons, health, education and social care institutions.

In general, during her terms of Office, the Commissioner received 148.750 applications out of which 18.740 were received in 2016. 70,1 % of the appeals were complaints, 29,9 % of them were applications.

In general 3,636 persons were received, consultation and explanations were provided respectively in 2016, during intensive meetings by the Commissioner and her staff members with the people at the Office and regional offices, as well as in cities and rayons of the country, IDP settlements and monitorings in prison facilities, investigation isolators, and temporary detention places (TDPs), military facilities, orphanages, boarding schools, settlements for internally displaced persons, health, education and social care institutions.

The Commissioner refused to investigate 57,4 % complaints as they went far beyond her competence; passed one year from the date on which an alleged violation of rights of the applicant; they were anonymous; or under examination of court proceedings; and they had not any new information, facts and evidence in the re-submitted petition.

42,6 % of complaints were accepted for handling, of which 63,6 % were successfully resolved.

Over the year, citizens were legally consulted during reception, by telephone and in written, in most cases they were consulted about different law remedies and/or the application procedure to different competent bodies.

Significant progress in cooperation with state bodies in the field of ensuring, protecting human rights and freedoms, restoration of violated rights are giving positive results.

The Commissioner conducted broad legal awareness events for raising legal culture that contributes to better understanding of forms and methods of human rights protection of citizens. Thus, legal awareness events contributing to dissemination and increase of legal knowledge were continued and expanded year by year.

Comprehensive work for monitoring and evaluation of coordination, promotion and implementation of, as well as for drafting reports on actions enshrined in National Plan of Action on Human Rights Protection in the Republic of Azerbaijan approved by Presidential Order dated 28 December, 2006 and in National Program for Action on Raising the Effectiveness of the Protection of Human Rights and Freedoms in the Republic of Azerbaijan, approved by the Presidential Order dated 27 December, 2011 was continued in 2016 as well,

range of regional public hearings were held in 57 cities and rayons of the country with participation of the representatives of state bodies and civil society institutions.

On 28 December, 2016, the conference entitled “Multiculturalism and Human Rights: equality, cooperation and development” dedicated to 25<sup>th</sup> anniversary of restoration of the independence of the Republic of Azerbaijan, the Year of Multiculturalism announced by President Ilham Aliyev, as well as to establishment of Ombudsman Institute after the adoption of the Constitutional Law on the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan on 28 December, 2011, at the initiative of National Leader Heydar Aliyev.

For learning the situation of ensuring the right to vote on spot, the Commissioner and her staff participated as observers in III, IV V, as well as additional elections and re-elections to the Milli Mejlis of the Republic of Azerbaijan, Presidential elections in 2004, 2009 and 2014, also elections to municipalities in 2004, 2009 and 2014, including additional, new elections, re-elections and in elections held for the first time, as well as in referendums held in 2009 and 2016 for making changes and additions to the Constitution of the Republic of Azerbaijan. With this purpose, series of events were held among population in Baku and regions with participation of representatives of relevant state bodies, Constituency and Precinct Election Commissions, civil society institutions which contributed to raising legal culture of voters, and to conduction of democratic, free and transparent elections.

Since the very beginning of her activity, the Commissioner held International Baku Conferences of Ombudspersons 13 times as a tradition; joint Declarations were adopted and disseminated in these events.

Series of events dedicated to the 93<sup>rd</sup> anniversary of birth of national leader Heydar Aliyev were held at the initiative of the Commissioner.

Every year, “Human Rights Month-Long Campaign” from 18 May to 18 June was held on the eve of the 18 June-National Day of Human Rights in the Republic of Azerbaijan.

“Peace Month-Long Campaign” was held from 21 August to 21 September aimed at promotion of peace culture; lectures were delivered by the staff for representatives of different state bodies; events were organized involving civil society institutions; programs about peace were broadcasted in TV and radio channels; articles and information were published.

Within the framework of Child Rights Month-Long Campaign, exhibitions were organized in secondary schools and child facilities in urban and rural districts of the country with participation of the representatives of Regional centers, central and local executive powers, civil society organizations (CSOs); certificates were rewarded to children who had successfully completed Program “Hierarchic Education of Child Rights”.

During the events held in different regions of the country publications on law, thematic leaflets, different journals, brochures, booklets were distributed among participants.

Lectures were delivered by the Commissioner and the staff at different high schools and training facilities; interactive discussions were held.

As a National Human Rights Institution accredited with status “A” by International Coordination Committee (ICC) of National Human Rights Institutions at the Office of UN High Commissioner for Human Rights, the Commissioner considering the importance of Universal Periodic Review (UPR), its impact on effective fulfillment of commitments of States regarding human rights, conducted awareness raising event on the essence of UPR, drafting report to Human Rights Council, involvement of state bodies, as well as CSOs in this process.

The Commissioner together with state bodies and CSOs regularly held consultations; as a result most of the recommendations were implemented.

The work carried out in the field of Office’s international relations, was also very important. The Commissioner and her representatives participated in different international events in 2016, exchanged views and experience.

In the reviewed period, fruitful cooperation with UN and its specialized organizations, as well as OHCHR, European Union (EU), the Organization for Security and Co-operation in Europe (OSCE), International Committee of Red Cross (ICRC), International and European Ombudsman Institutions, Asian Ombudsman Association and other international interstate and non-governmental organizations was continued.

The Commissioner several times requested headquarter of International Committee of Red Cross (ICRC), to assist to release and return of citizens taken hostages and captives due to regular violation of cease-fire by the Armenian army, also to ensure that Dilgam Asgarov and Shahbaz Guliyev, who were taken hostages by Armenian soldiers in Kelbajar city of the Republic of Azerbaijan while trying to visit their homeland and who were imprisoned by the court of unrecognized separatist “Nagorno-Karabakh Republic”, are not exposed to torture, degrading treatment or punishment and are treated in compliance with international legal norms.

The Commissioner visited the families of military servants died and injured while preventing sabotage of enemy on frontline in the beginning of April, conveyed condolences to the families of the martyrs, wished speedy recovery to the injured.

Furthermore, visiting frontline villages in Aghdam, Tartar, Goranboy and Fizuli, the Commissioner witnessed houses, schools and other civilian facilities fell into disrepair after the fire large-scale and heavy artillery of the enemy's armed forces opened on them, met and talked with dwellers, answered to their questions.

According to the Presidential Order for ensuring secure living in Jojug Marjanli village which was liberated from Armenian occupation and is under the control of Azerbaijan Armed Forces and return of people to their native settlements, 4 million manats were allocated for restoration of the village and 4.3 million - for construction of road leading to the village, which is beginning of the Great Repatriation Program.



The Commissioner urging world community, influential international organizations and her colleagues, called them to make resolute efforts to stop long lasting Armenian aggression against Azerbaijan, mass violation of human rights, at the same time fraud that regularly confuses the world community, to support the just cause of Azerbaijan, to hold hearings on fair resolution of Armenian-Azerbaijan Nagorno-Karabakh conflict, withdrawal of Armenian armed forces from occupied lands, restoration the territorial integrity of Azerbaijan recognized by the UN and world community, return of refugees and IDPs to their native lands, restoration and ensuring of their violated rights, restoration of peaceful coexisting and to take specific measures in this regard.

Important measures have been taken for developing Diaspora organization abroad, strengthening relations with them as one of the priorities of state policy. Moreover, the work on protection of the rights of Azerbaijanis living in other countries also was continued. During the trip to foreign countries, the Commissioner and her staff met with the members of Azerbaijani Diasporas, our citizens living abroad, students, got familiar with their problems.

In the reviewed period, the Commissioner participating in improvement of legislation, implementation and monitoring of some plans and programs at the state level, gave her comments and recommendations, evaluated them from the perspective of human rights, took part in drafting of several programs, sent information about human rights and freedoms violation, recommendations for solution of the problems, as well as proposals for more effective ensuring and protection of human rights and freedoms to the President of the Republic of Azerbaijan, the Milli Majlis, Constitutional court, the Cabinet of Ministers, Ministries and Committees, other executive bodies.

The results of the work of the Commissioner for Human rights (Ombudsman) of the Republic of Azerbaijan once more show that this institution fully developed into a National Human Rights Institution in ensuring and protection of human and citizens' rights and freedoms, was established as an independent body by necessity and has proved itself by making tremendous progress.

## **Chapter I**

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

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

***Right to liberty.*** In the reviewed period state took regular measures for ensuring that citizens could benefit from this right.

Monitorings conducted during public hearings held in cities and rayons of the country and attended by officials of police organs, bureaucratic hindrances, other obstacles and organizational problems in issuance of ordinary passports and acceptance of documents for residence registration were eliminated.

Thorough repair, reconstruction of administrative buildings of local police agencies or construction of new ones led to improvement of working conditions.

The process of issuance of ID and ordinary passports to citizens was simplified due to the work of ASAN service centers that provided more than 200 services to people and received more than 13 million applications.

In 2016 the Commissioner received only 65 applications about ID card and registration issues from urban and rural districts of the country. As a consequence of measures taken regarding these applications, violated rights of citizens were restored.

Citizens who have not permanent residence due to some problems, were registered according to the Order 55-s of the Cabinet of Ministers and were provided with ID cards.

It is necessary to add a provision on registration of persons excluded from the permanent registration according to the court decision to the administrative building of police authority in the relevant area to the Law on Registration at the Place of Residence and Place of Stay of the Republic of Azerbaijan # 55 IQ dated 14 April, 1996.

In addition, proposals were made to speed up the process of providing residence areas with addresses, inventorying and state registering of unwarranted buildings, registering of persons living in these buildings to the place of residence.

Registration to the Place of Residence of citizens who built houses on lands given by municipalities in different parts of the country, particularly in Baku for the construction of individual houses and who already live there was among the serious problems of the reviewed period.

In the framework of her competences, the Commissioner took measures on protection of the rights of our citizens temporarily residing in other countries whose rights were violated for

mutual provision of information about and restoration of violated rights of citizens of the Republic of Azerbaijan abroad and citizens of the state party to the legal document in our Republic.

***Rights of persons detained in Temporary Detention Places (TDPs).*** Liberty and personal immunity covers inadmissibility of arrest and detention without relevant court decision.

At different times, the Commissioner and the staff held numerous monitorings in local police stations, including the TDPs of Main Organized Crime Department, of Department on Fights against Illegal Migration as well as Main Department on struggle against human trafficking of the Main Passport, Registration and Migration Department, Baku City Main Police Office Center administratively detained persons, Detention Center of illegal migrants of the State Migration Service, TDP and Investigation Isolator of the State Security Service and Penitentiary Service isolators.

During the private conversations with the detainees in those places, their general custody conditions and treatment, provision with a lawyer was monitored; they were informed about their rights. Notification of their families about their detention, provision with a lawyer, medical examination, explanation of their rights while being detained as suspects, prosecutor's oversight during the detention in police bodies were also monitored, the relevant documentation about the lawfulness of detention was checked.

Interviewed persons usually informed that they had not been subjected to degrading, ill-treatment, didn't complain about custody conditions, as well as treatment by police or Penitentiary Service staff. However, some detainees expressed their dissatisfaction about the investigation process.

Condition meeting international norms and standards was created in TDPs of local police bodies all over the country, new detention places were built, repaired and reconstructed.

As a consequence of regular monitorings held during the reviewed period measures were taken for rebuilding of TDPs in line with modern standards, in order to ensure social-medical and other needs of detained persons these places were provided with interview, meeting, pray and other subsidiary rooms, also were equipped with sophisticated alarm and security alarm system. Moreover, video surveillance was installed there to strengthen the control over the service and behaviour of detainees. At the same time, control over police staff in TDPs and behaviour of detainees in custody cells was strengthened.

Monitoring was held at TDPs and investigation isolators based on the information addressed by different persons, as well as in complaints, also given during reception or through 24 hour functioning hot-lines. If the cases of human rights violation were found, urgent measures were taken for their elimination; the National Preventive Group's work was reported in the media on a regular basis.

Through the boards placed in administrative buildings, persons brought to police and detained there, can get acquainted with rights and freedoms provided in the country constitution, as well

as with rights and duties worked out on the basis of international norms and normative documents regulating the activity of the Ministry of Internal Affairs

The Commissioner sent motions to chiefs of relevant police offices and departments, if necessary to the Minister of Internal Affairs and the Minister of Justice for elimination of violations, deficiencies and shortcomings found in the course of numerous visits held at different times since the beginning of her activities. As a consequence, in case the violation was approved, disciplinary actions were taken against respective staff, measures were taken for elimination of shortcomings, and respective police officers were punished for these acts.

Thus, there were cases when respective officials of Police Offices, Departments and Units didn't create or refused to create necessary condition for meeting and conducting private talk with detainees in TDPs, to get acquainted with documents approving detention, as well as the registration book of persons brought to the facility. Also there were cases when draft protocol on detention was not developed, and the names of persons brought to the unit were not added to the registration book.

While conducting series of monitorings in TDPs it was found that sometimes the number of persons detained exceeded the limit, protocols on detention was not confirmed with official seal in a specified manner, comments on this issue were reported, these shortcomings were eliminated.

Observance of legality during arrest, detention and implementation of accountability measures by the Ministry of Internal Affairs were under the daily control, necessary condition was created for observers of governmental and non-governmental organizations as well as of the Commissioner to conduct unlimited monitoring in TDPs.

According to the official information, due to shortcomings in performances 28 employees of TDPs were brought to disciplinary responsibility, three of them were dismissed from the law-enforcement agencies, 25 staff members were subjected to disciplinary measures.

The Commissioner considers it appropriate to apply lighter sanctions of punishment for crimes not leading to greater public danger, or alternative punishment, to create conditions for persons committed crime for the first time, who are regretting to return to society and to a healthy lifestyle.

***Right to dignity and honor.*** During public hearings held in each city and rayon of the country for monitoring of implementation and application of NAP, the Commissioner met with administration of rayon (city) police bodies, awareness raising work was carried out for them, the importance of ensuring human rights and freedoms was conveyed to them, cooperation in this regard was discussed, publication of the Office, teaching aids, posters on hot-lines were presented to them. It was recommended to learn also use these materials in training and in practice.

691 applications were received by the Commissioner about the violation of this right in 2016. The corresponding bodies were requested to investigate those applications, some complaints

were solved on the spot, relevant measures were taken and persons in charge of violations were punished in an administrative manner.

Responses to the Commissioner regarding the results of investigation of applications indicate that any behaviour or treatment of torture had not been registered.

In order to prevent violations of the right to dignity and honor already committed or may be committed by employees of relevant state force bodies, particularly by law-enforcement bodies, the Commissioner proposed to conduct regular awareness raising events for officials.

It should be noted that such awareness raising events contribute to improvement of citizen-officials relations, strengthening of trust to law-enforcement bodies.

***The work of the Commissioner as a National Preventive Mechanism for prevention of torture and other cruel, inhuman or degrading treatment or punishment.*** As a National Preventive Mechanism (NPM) the Commissioner carried out her activities in four directions – preventive monitoring, legal analysis, legal education and public relations and international cooperation in compliance with national and international experience and recommendations of international treaty bodies.

The Commissioner as a NPM and her National Preventive Group (NPG) set the list of 240 places of detention and deprivation of liberty, including penitentiary facilities, TDPs, educational, healthcare, social, migration and state children's facilities. The list includes corresponding facilities of the Ministries of Internal Affairs, Justice, Defence, Education, Health, as well as of Labour and Social Protection of Population, State Security and State Migration services, also of Rayon (city) executive powers.

In 2016, in general 337 visits without prior notification were conducted to places which persons can not leave on their will; 254 of them were planned, whereas 83 were ad-hoc.

Thus, 204 of these visits were held to TDPs of the Ministry of Internal Affairs TDPs, 65 visits to investigation isolators, prison facilities, penal colony settlement, health facility of the Penitentiary Service of the Ministry of Justice, 4 visits to Investigation isolator and TDP of the Ministry of National Security, 1 visit to Disciplinary military unit and guardhouse of the Ministry of Defence, 2 visits to Detention Center of illegal migrants of the State Migration Service, 27 visits to special education, boarding facilities and special vocational school under the Ministry of Education, 6 visits to boarding and care houses for the elderly and the disabled persons under the Ministry of Labour and Social Protection of Population, 23 visits to psychiatric clinics, neuropsychiatry dispensaries, psychoneurotic child house, as well as child and babies' houses of the Ministry of Health and 5 visits to children's houses under the subordinate of the local executive bodies.

The purpose of the visits was to investigate treatment, custody and living conditions, medical service, food quality and its ration, as well as the state of the programs aimed at them and organization of their leisure time on spot. Moreover, private meetings were held with persons detained and living in those facilities by ensuring confidentiality.

During the monitoring, 691 private conversations were held in TDPs, 497 in investigation isolators and penitentiary facilities; also, private conversations with 800 persons in places which persons can not leave on their own will; legal awareness conversations were made with 500 staff members in those facilities. During the monitoring all favourable conditions for NPG members were created by the administrations of the facilities and persons in charge, their recommendations for elimination of shortcomings were taken into consideration.

During planned and ad-hoc monitoring held each year in places which persons can not leave on their own will, along with private and confidential meetings with persons who appealed, their applications were received and investigated on spot. Necessary measures were taken on the applications submitted to NPG, legal consultation was provided and they were taken for proceeding.

In the course of monitoring investigations were held based on applications sent to the Office and hot-lines by persons detained or living in those facilities, their family members and lawyers, as well as human rights defenders. Also numerous persons were received following the urges of NGOs and International Red Cross Committee (ICRC) to the Commissioner.

Relevant investigations were held regarding these applications, in case of necessity Prosecutor General's Office, the Ministry of Internal Affairs, the Ministry of Justice and other corresponding bodies were sent motions for investigation. Appealed persons were informed about the results of the investigations, officially, in time and in written, in any case.

Relevant advertisements including the numbers of hot lines were monitored and it was ensured that these advertisements were displayed everywhere.

As an NPM the Commissioner gave recommendations to corresponding bodies for strengthening measures in prevention of rude treatment within the framework of her activities, and cooperated with Public Council at the Ministry of Justice.

It was found that monitored facilities either had been built recently or reconstructed. Persons detained in those facilities didn't complain about the treatment by facility staff.

During monitoring, alongside with positive work, shortcomings were also found, the Prosecutor General's Office, as well as other corresponding bodies were urged for elimination of shortcomings and investigating the conditions.

In 2016, 93 official press releases on the activity of the Commissioner as a NPM were distributed, placed on web-site of the Commissioner, published in mass-media and sent to international organizations.

NPM Reports on activities of the NPM for preventing Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment for 2009-2010, 2011, 2012, 2013, 2014 and 2015 were published in the Azerbaijani and English languages and placed on website of the office, sent to specialised international organizations, as well as to the UN Subcommittee on Prevention of

Torture (SPT), the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) and Association for Prevention of Torture (APT) and other institutions. The seventh drafted report for 2016 is being translated and will be sent to the mentioned addresses.

The Commissioner fulfilling the functions of NPM paid close attention to building international cooperation in this field in 2016. Necessary work was carried out for increasing theoretical and practical knowledge of NPM members.

For effective organization and improvement of work of NPM, meetings were held the views were exchanged with representatives of international organizations, including CPT and ICRC.

***Freedom of thought and speech.*** Actions for ensuring freedom of thought and speech, developing free media, increasing their financial and technical capacity, strengthening social protection of journalists were continued.

The Commissioner considers it appropriate to eliminate writings degrading honour and descent, damaging professional and business reputation, also national moral values in accordance with law.

Development of free press at a time when internet is fully free and more than 75% of population are internet users is very important. Not only persons expressing free thought but also a person about whom views were expressed has the right to use legal ways to get compensation for moral damage and loss of reputation.

Increasing the professionalism of journalists is an essential tool in elimination of the mentioned shortcomings. Moreover, support to mass media reflecting different views and ideas, which has an independent opinion, is praiseworthy.

During the reviewed period at the initiative of the Commissioner, different events dedicated to National Press Day and World Press Freedom Day were held with participation of representatives of mass-media, discussions were held on protection of freedom of thought, speech and press, proposals and recommendations were sent to competent authorities.

On her motion to the Press Council on the occasion of 3 May-World Press Freedom Day, the Commissioner congratulated the staff of the Council and all representatives of media, expressed her confidence that media representatives would actively participate in highlighting vital problems of our nation, delivering the Azerbaijani realities to the world community, formation of healthy moral values and will continue to contribute to realization of human rights and to raising country's reputation in the world.

Active participation of mass media representatives in highlighting national priorities, in delivering information about dynamic process in the country, as well as vital problems and realities of Azerbaijan to the world community, in supporting justice, as well as demonstrating knowledge, capacities and professionalism in ensuring the freedom of speech and press, though pluralism, effective protection of human rights and freedoms is very important.

The Commissioner paid close attention to raising awareness of journalists writing about human rights, as well as to their initiatives; held awareness raising events and traditional competitions of journalists' writings.

At the conference traditionally held each year on the occasion of 10 December-International Human Rights Day with participation of the members of the Parliament, state bodies, civil society organizations and international organizations the competition of journalists' writings entitled *Rights for Everybody* was concluded, winners were rewarded. In the end, the importance of protection of freedom of thought, speech as well as press, its role in formation of civil society was highlighted.

Organization of workshops for mass –media representatives and journalists in the capital and in regions, to designing and publishing appropriate educational programs and modules, creation of Working Group consisting of media representatives and journalists, training of journalists, raising the professionalism and specialization of mass-media representatives are of particular importance.

Series of events on development of electronic and printed media, digital and online journalism, improvement of professionalism of journalists, as well as media representatives writing on law, increasing the opportunities to use modern information-communication technologies, information publicity and transparency, improvement of internet resources, public relations; views and comments of media representatives are taken into consideration.

Like every year, in 2016 also the Commissioner who pays close attention to protection of mass media representatives' - journalists' rights, ensuring of freedom of thought, speech and expression, kept under the control rude treatment of journalists, was attentive to their situation and intervened if necessary.

For protection of the rights of press representatives and journalists, effective ensuring of the freedom of thought, speech and expression, the Commissioner always stated inadmissibility of rude treatment of journalists, moreover recommended to bring to the responsibility of persons, as well as officials doing so according to the law.

Thus, during her term of Office, the Commissioner who always focused attention on the use of alternative measures to reproach of mass media representatives for their offensive acts in comply with the international experience, urged the Prosecutor General's Office, the Ministry of Internal Affairs of the Republic of Azerbaijan for conduction of unbiased, comprehensive investigation of any violation against journalists, finding persons who committed rude treatment and punishment of these persons as prescribed by law. She recommended to conduct training for employees of respective state bodies, carry out explanatory work among them and to follow the rules of conduct without using inadequate force.

The Commissioner and her staff members according to her instructions, regularly paid visits to penitentiary facilities and TDPs, monitored custody condition of condemned journalists, nutrition, state of health and treatment, learned their needs, explained them their rights and took other measures within the framework of their competences.



It is noteworthy that several international organizations, including PACE President P. Agramunt appreciated release of journalists and civil society activists from jails in recent years.

***Freedom of information.*** Expansion of free and independent press borders, as well as of scope of the internet, development of electronic mass media resources has become the most valuable and gained great importance.

The rapid integration of the country to the universal electronic world was ensured as a result of the reforms taken in the field of information and communication technologies (ICT), necessary actions were taken towards the establishment of an e-government, information security and elimination of other impediments.

Azerbaijan is among top ten countries for development dynamics in the Measuring the Information Society Report, of the International Telecommunication Union. In Global Information Technologies - 2016 report, of World Economic Forum the Republic of Azerbaijan was awarded the 53<sup>rd</sup> place among 129 countries according to Network Readiness Index.

Expansion and intensification of ASAN service centers, as well as formation of e – governance are of particular importance in this regard.

Empowering the Commissioner to monitor the execution of the Law on Access to Information by the information owners-state bodies and municipalities and their officials, extension of her mandate and competences lead to better promote her independence as it is specified by the relevant Constitutional Law.

The paragraph 1.3 of the Open Government Initiative National Action Plan for 2012-2015, reflects improvement of the structure of the Ombudsman Office in 2012-2014, involvement of relevant employees to the specialized training. Moreover, paragraph 2.1 of the Open Government Initiative National Action Plan for 2016-2018 says that measures should be taken for enhancing the resources of the Commissioner to monitor fulfillment of duties arising from the Law on Access to Information, recommends providing information about the resources allocated for implementation of the plan and measures to be taken in this regard.

In her annual reports, as well as in her motions to the Cabinet of Ministers and the Ministry of Finance the Commissioner stressed the necessity to speed up the execution of this measure.

In the reviewed period series of consultations were held with the representatives of state bodies, CSOs, well known media experts, perspectives of future cooperation with state bodies, NGOs and mass media for ensuring the right to obtain information was discussed.

Applications received regarding the right to obtain information were analyzed, inquiries were sent to relevant bodies, measures were taken for solution of those applications within the framework of competences, in most cases they were resolved. Nevertheless, there are still problems in responding to the information request of citizens.

Now it is important to foster the culture of information security and to carry out wide legal awareness events in this regard. Thus, the Commissioner who monitors the execution of duties by the information holding state bodies, municipalities and state officials in accordance with the requirements of the Law of the Republic of Azerbaijan on Access to Information, organized awareness raising events for learning and promoting best practices in the field of obtaining information.

At the initiative of the Commissioner different events contributing to effective protection of the freedom of information, as well as development of electronic and print media, digital and online journalism, raising the professionalism of press representatives writing on human rights and development of public relations, their views and comments were taken into consideration.

The Commissioner paid close attention to delivery of online services by state bodies as reflected in NAP, creation and development of web sites of state bodies working in the field of human right.

The meeting of Steering Committee for discussion of work plan for 2017 of the joint EU/CoE project “Freedom of Expression and Media Freedom” of Eastern Partnership Programmatic Cooperation Framework was held in Baku, planned activities in this regard were discussed and it was noted that such projects would be continued in future as well.

In the reviewed period guideline entitled “Know and Enjoy Your Rights” on Law on Access to Information was prepared, distributed among media representatives, data base of press services of state bodies that are information holders was set up.

***Freedom of conscience.*** Azerbaijan is among rear countries where mosques, churches and synagogues are functioning in the atmosphere of religious tolerance, cooperation and believers of different religions don't face any discrimination.

For strengthening religious education and promotion of national moral values in the Republic state provided financial assistance to religious communities, and funded reconstruction of mosques, Russian orthodox, catholic and Alban churches, as well as synagogues.

The Commissioner paid close attention to the processes in the country in the field of ensuring and protection of the freedoms of conscience, religion and belief, investigated all received applications, if needed urged Prosecutor General's Office, Ministry of Internal Affairs, State Committee on Religious Affairs.

Events were conducted both within the framework of public hearings in cities and rayons of the country and other times at the initiative of the Commissioner who paid special attention to the importance of actions to be taken for continuing local and international events on fostering inter-religious and inter-cultural dialogue, as well as religious tolerance along with other issues reflected in paragraph 4.11 of NAP.

During the events it was said that along with rights for ensuring freedom of conscience and religion, several limitations also are considered both in national legislation and international

law, including the Article 9 of European Convention on the Protection of Human Rights and Fundamental Freedoms. Thus, freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.

Cooperation with special rapporteur on freedoms of religion and belief of the UN Human Rights Committee was continued, relations were maintained with international network Religion for Children in order to foster religious tolerance in children and the youth.

The Commissioner considered it necessary to continue religious and inter-cultural cooperation, peace dialogue, to work as a network for promoting tolerance policy of the Republic of Azerbaijan in the world, to involve state bodies, NGOs, public, religious communities, national cultural centers and to enhance activity in this regard.

At events dedicated to freedom of conscious and belief, initiated and held by the Commissioner and attended by theologians and religious scholars, discussion were held on religious tolerance, mutual relations of people who have different religious views, peace culture through religion, the role of national and religious tolerance in this regard, development of intercultural dialogue and inter religious cooperation, fostering religious tolerance in children and young people, proposals and recommendations were made.

Every year different events, as well as open classes are held for students at the initiative of the Commissioner and within the framework of 16 November- International Day for Tolerance and World Inter-faith Harmony Week.

The Commissioner and her staff took part in international events on freedom of religion, belief and conscience, as well as development of legislation system, judicial and non-judicial mechanisms for prohibition of incitement to national, racial or religious hatred in different countries, promotion and usage of best practices.

At these events it was noted that favourable condition was created for ensuring legal functioning of religious communities, there is a tolerance in our multicultural country, human rights and freedoms are protected and ensured, norms of responsibility are defined in relevant legislative acts for propaganda provoking national, racial, religious, social discord and enmity, also for other violations and that the Commissioner carried out work in this regard.

The requirements of national legislation and international legal documents to which Azerbaijan is a party on freedom of belief were explained during meetings with members of religious communities, it was noted all religious communities function legally under the same equal rights and respect the law.

The Commissioner who met with members of religious communities and national minorities living in different regions of the country paid close attention to events for supporting enjoyment of freedom of conscious, as well as the use of national moral values by ethnic groups, listened

to their views, proposals and requests, provided legal assistance within the framework of her competences.

It was proposed to set up Tolerant Society Network involving members of state bodies, CSOs, religious confessions and communities for solution of possible problems in the field of freedom of conscious, also on religious ground, prevention of conflicts and disputes due to differences in approaches.

Establishment of the culture of peace network of religious communities of the country through the religion; involvement state and local self-governing bodies, civil society institutions and communities to intercultural dialogue, inter-religious cooperation; creating favourable condition for peace, stability, mutual understanding, sustainable development, support and collaboration by fostering religious tolerance covering children and youth as well and teaching world religions in education establishments were among proposals.

Declaring 2016 the Year of Multiculturalism in Azerbaijan according to the Presidential Decree issued for the maintenance the multiculturalism traditions, better development and wide campaigning are also an evidence of a real indicator that the multiculturalism became a way of lifestyle without alternatives in the country.

Decision on conduction of the 7<sup>th</sup> Global Forum of the UN Inter Civilizations Alliance in Baku in 2016 is the real sample of the approach of world countries to the tolerance in Azerbaijan.

At the initiative of the Commissioner the conference entitled Multiculturalism and Human Rights: Equality, Cooperation and Development dedicated to the Year of Multiculturalism was held together with Azerbaijan National Commission on UNESCO, moreover, series of events on Multiculturalism and Human Rights, Azerbaijan Multiculturalism from the perspective of Human Rights, Multiculturalism and Protection of Human Rights, Political-Scientific Aspects of Azerbaijani Multiculturalism were conducted in Baku and regions.

Actions for protection of national moral values in Azerbaijan are taken according to the norms reflected in the country constitution and contribute to regulation of relations among different religious confessions, people with different racial and ethnic backgrounds, preservation of friendship and coexistence of nations, thus to effective protection of human rights.

***Right to vote.*** On the eve of referendum held on 26 September, 2016 on draft Referendum Act of the Republic of Azerbaijan “Additions and Amendments to the Constitution of the Republic of Azerbaijan”, awareness raising events were organized together with Central Election Commission for representatives of local executive powers, Constituency and Precinct Election Commissions of Cities and Rayons, municipalities and CSOs. The participants were informed about conduction of voting in accordance with the provisions of Code of Election, the requirements of Presidential Orders dated 11 May and 25 October 2005 for ensuring the fulfilment of the duties of the executive authorities at the election process.

Great importance was given to preparation work on the eve of the referendum, monitoring of ensuring of the right to vote, as well as preparation to voting during public hearings held in each rayon of the country on implementation of actions reflected in NAP.

In the course of monitoring in different precincts no violation of election legislation and requirements of instructions and regulations defined by Central Election Commission was found, it was observed that preparation work to the referendum had been organized in accordance with the electoral legislation, web-cameras, new voting booths and other technical equipments had been installed, voters' lists had been defined, the number of fixed and mobile ballot boxes had been increased, voters had been sent notifications, and draft Referendum Act.

On the day of Referendum the Commissioner and her staff members participated in voting as observers in 363 polling stations in 87 constituencies in Baku and 52 rayons of the country and observed the voting in IDPs communities, several military units, also in several jails and investigatory isolators of the Penitentiary Service of the Ministry of Justice.

The Commissioner, who observed elections in a number of precincts and received information from her staff members who participated in voting in different regions as observers, summarized all the results of observations and regularly passed it to Central Election Commission, Election Information Center and to the public.

According to the results of the observations in general the voting on referendum was democratic, free, transparent, fair, self-discipline was demonstrated as prescribed by law, no case of interference by local executive powers and police staff in the voting process was found.

Reflection of proposals in Constitution of the country put to the referendum at the legislative initiative of the country President contributed to enrichment of this document, which is supreme legal tool from the perspective of human rights, as well as to development of our Republic as a democratic, legal state.

Thus, the referendum which was a step forward in development of the country, once more proved that the Republic of Azerbaijan is loyal to principles of legal and democratic state building, ensuring of human rights, democratization of the society, development of governance, national legislation, election technologies, strengthening of national statehood traditions.

***Right to appeal.*** Use of modern information-communication technologies ensured easier access of people to different services; the quality and effectiveness of these services increased the level of protection of the right to appeal.

Successful work of ASAN Service centers which were created for delivering high-quality, convenient, unified services to citizens by using modern innovations and gradually expansion of its network played an important role in protecting the right to appeal.

Reception of citizens by heads of central executive bodies in different cities and rayons of the country was evaluated as a best practice and appreciated by people.

Instalment of regional terminals of electronic applications for effective ensuring the right to appeal was of a great importance.

Regular meetings of heads of local executive powers and local branches of central state bodies with people, getting acquainted with their problems on spot helps to resolve shortcomings and problems on time and to prevent possible violations.

The Commissioner received 259 applications regarding the violation of the right to appeal in 2016. Urgent and planned measures were taken with regard the problems and issues reflected in these applications in accordance with the requirements of legislative acts, the problems of citizens were investigated, respective state bodies, offices and organizations provided answers to the applications, moreover, informative and explanatory work was carried out, violated rights were restored.

According to Article 5.5 of the Law of the Republic of Azerbaijan on Applications of Citizens, the procedure of appealing to the Commissioner on violation of human rights and investigation of these applications is regulated by the Constitutional Law. Thus, as it is reflected in Article 12.1 of the Constitutional Law *while investigating the circumstances indicated in a complaint on violations of human rights, the Commissioner shall receive observations as to that complaint from the body or official complained of.*

The results of analysis, monitoring and investigations on spot show that the reason why citizens appeal to central state bodies is non performance by officials of relevant state bodies or other officials their duties as necessary, negligence to applications, non reception of citizens in relevant state bodies, as well as non-provision of necessary explanations.

The main task of state bodies and officials is to ensure human rights and freedoms. They are obliged to provide support to citizens as specified in law, and to approach to fulfillment of their duties with responsibility and professionally. From this perspective heads of central executive powers should keep under the control the work of structures under their subordination, should take measures for detecting and eliminating violations.

Despite the direct instructions and tasks of the country President, also punishments, as well as improvement of governance and the establishment of new standards of official-citizen relations, there are still the cases of abuse of power and rude treatment by officials, moreover some officials don't justify the trust of citizens, don't approach their problems and concerns closely. Negligence of such officials to fulfillment of their duties, as well as bureaucracy cases hinder identification and solution of problems on time.

This happens due to failure of some civil servants and officials in charge to follow the requirements of legislation, who don't respond to citizens' application on time, neglect their problems. Such cases don't meet the requirements of regular actions aimed at valid protection of human rights and of sustainable development in the country, moreover cause discontent of citizens.

In his final speech in a conference dedicated to the outcomes of the year of implementation of the State Program on Social –Economic development of Regions in 2014-2018, the President Ilham Aliyev said: "...Officials are for the people, not vice versa. Officials are servants of the nation, they should serve, assist a citizen; should not be arrogant; should not make any illegal demand; should be modest. He/she and family members should be a sample; should not engage in corruption and robbery.

Analysis show that a citizen who hopes for reaction to his/her complaint by numerous bodies in reality can not determine to which body the complaint belongs.

Responses to state bodies with regard to verification task by the Commissioner on received applications, indicated the cases like the complaint was written in anger, with mistakes, the applicant is unaware of the text because lack of literacy as a result he or she was not complaining in the course of investigation, asked the application to be considered invalid which causes doubt on an objective investigation of complaints also doesn't exclude the fact that these applications were written under the influence or the pressure.

It is necessary to continue reforms carried out for ensuring objectiveness, responsiveness and transparency in reception and investigation of applications with the purpose of valid protection of the right of citizens to appeal.

***Due process of law.*** The measures aimed at creation and fostering of modern judicial infrastructure as well as the facilitation of access to courts were continued.

Cooperation of the Commissioner with the Academy of Justice under the Ministry of Justice were continued in 2016, the employees of the Office delivered lectures for Academy listeners, as well as candidates for judges, answered to their questions.

During public hearings held by the Commissioner in cities and rayons of the country for monitoring of promotion and implementation of NAP and attended by judges as well, challenges citizens face in court proceedings, problems in execution of court decisions and the ways of their solution were discussed, relevant proposals and recommendations were made.

2.281 applications about due process have been received. The applications were mainly about bureaucracy in courts, failure to give or delay the copies of the judicial decisions, failure to notify the parties about the time and place of court hearings also about the appeal and cassation appeals, failure to pass the court decisions to execution, and failure to respond to appeals. In case during the investigation violation of law was detected, measures were taken for its restoration.

Analysis shows that the fact that citizens don't know the law and some court officials abuse it didn't let citizen to enjoy their rights.

Within a month after adoption of court decision, the decision should be sent to parties with registered mail or should be submitted after taking the receipt. The analysis of appeals to the Commissioner show that sometimes the court decisions were not sent to the parties on time

which led to ignorance of citizens and results in violation of citizen's right to appeal to high instance court against the decision. In general failure to notify the citizen on time about the progress of the court proceedings is not only a bureaucracy, but it also restricts the access to legitimate rights.

Failure to inform citizens at all or in time whether complain against the decision of the first instance court were sent to the Court of Appeal or not also caused complains.

Measures were taken for ensuring the rights of persons suffered from procrastination by courts and bureaucratic approach of court officials, investigated was conducted on other cases caused discontent of citizens regarding court proceedings. All these measures resulted in a way as specified in law.

One of the priority issues in the country is creation of juvenile courts. In most of the world countries these courts serve to prevention of the problems of juveniles that arise in practice during criminal court proceedings and to better ensuring of their interests.

As creation of juvenile courts that meet international standards in Azerbaijan is one of the priorities, it requires implementation of international treaties in national legislation, also clarification of execution mechanisms, improvement of work of state bodies dealing with issues of juveniles, strengthening of control and conduction of awareness raising events in this regard.

For elimination of shortcomings in criminal court proceedings of juveniles in her annual reports the Commissioner made proposals on adoption of the Law on juvenile justice, identification of its execution mechanism in the mentioned law, applying alternative forms of punishment, and conduction of wide discussion on formation of mediation institute that will serve to decrease the number of prisoners.

Taking into consideration that creation of juvenile justice in Azerbaijan will serve for effective protection of child rights and their legal interests, it is proposed to speed up the process of adoption of the Law on juvenile justice.

Considering the analysis we can say that the measures for detection and prevention of shortcomings and violations should be continued regularly.

Along with the work carried out by the Commissioner for ensuring the rights of different groups of population, searching for ways to ensure the access to courts, to improve the activity for assisting persons subjected to violations and to draft recommendations in this regard were also very important.

Drafting the legislative act envisaging the mechanism of legal assistance, as well as creation of free of charge legal consultation offices in urban and rural places of Baku and regions considering the financial situation of law income families would be a great support to effective ensuring of the right to receive legal assistance.



## **Cooperation with the law-enforcement bodies in the field of protection of human rights**

***Cooperation with prosecutors' offices.*** Measures were continued on improving the work of prosecutors' offices and their structure, capacity building of employees, increasing their professionalism, hiring young staff, further strengthening of procedural management of investigation carried out by internal affairs, state security and other relevant government bodies, strengthening the material-technical base of the prosecutor's offices, and improving the social protection of employees.

The Commissioner received 872 applications about the activities of the prosecutors' offices. The applications reflected the cases like biased conduction of investigation, failure to respond to applications and to inform a citizen about the investigation process.

Motions were sent to prosecutors' offices about those applications, proposals were made for resolution of issues, most of the applications were jointly investigated with General Prosecutor's Office, and necessary measures were taken for restoration of violated rights. Moreover, the fact that General Prosecutor's office sent 33 motions out of the ones sent by the Commissioner to Republic Military Prosecutor's Office under supervision over the process, is a sign of attention to these motions and protection of human rights.

In some cases it was concluded that there had not been crime content of gathered materials, lawfulness of the decisions not to proceed with the criminal case was checked, in case it was failed to conduct thorough investigation the decisions were abolished, instructions were given to investigating authorities of internal affairs bodies by local prosecutors' offices carrying out the procedural oversight of investigation to conduct additional investigation of the case.

Strengthening control over inquiry or investigation by local prosecutors' offices which are carrying out the procedural oversight of the preliminary investigation, not only prevents violation of criminal – procedural legislation, but also enables effective protection of human rights and freedoms during criminal prosecution.

Written recommendations given to local prosecutor's offices, by the Commissioner during the investigation process carried out by her for ensuring objectiveness of examination of the case and protection of human rights, consideration of those proposals in time contributes to the increase of trust of citizen to prosecutor's offices, also to the decrease of complaints in this field.

Furthermore, in 2016 49 staff members of the prosecutors' offices was brought to disciplinary responsibility due to the deficiencies and shortcomings in their performances found as a result of the relevant investigations.

Official information of Republic Military Prosecutor's Office provided to the Commissioner says that according to 23 service inspections held on the basis of application of citizens on criminal proceedings undergoing initial investigation in 2016 and other materials on criminal

prosecution, special decisions of military courts, inquires of Offices and Departments of Republic Military Prosecutor's Office and area military prosecutor's offices, 9 employees were brought to disciplinary responsibility due to the deficiencies and shortcomings in their performances.

It is necessary to take measures for effective protection of human rights, as well as for improving examination of citizen's applications, reception of citizens, informing the victim, the civil plaintiff, the defendant, suspects or accused persons, their legal representatives, advocate, civil defendant about the investigation process by prosecutors' offices.

***Cooperation with judicial authorities.*** The Commissioner worked in close cooperation with judicial authorities. Measures taken to improve the work of judicial system, as well as notary and registration activities taken by the Ministry of Justice for effective ensuring human rights and freedoms were continued.

State registration of acts on citizenship status, organization of notarial work, a number of issues in execution of court decisions, as well other cases reflected in applications were investigated jointly, in case the violation had been found, measures were taken for its elimination.

A number of court decisions were not executed or remained unexecuted for a long time due to unprofessionalism and negligence of executive officers which resulted in violation of rights.

According to the official information, despite the progress in execution, a number of serious shortcomings were found in the activities of executive bodies, under the relevant Orders of the Ministry, 28 employees were brought to the disciplinary responsibility, 2 of which were dismissed from the judicial authorities and 5 of which were dismissed from their jobs, materials about 1 were sent to the General Prosecutor's Office due to serious shortcomings in their performances.

1.145 applications were received about failure to execute judicial decisions whereas 449 of which were about failure to execute the decisions about alimony. As a result of measure taken regarding applications on non execution of court decisions on payment of debt on alimony, property and salary, in several cases execution of court decisions were ensured, violated rights were restored.

Considering that debts on alimony reached a critical level, it is necessary to identify the number of debtors and total amount of debts.

It is necessary for state bodies responsible for ensuring human rights to develop and use a relevant mechanism in order to resolving of problems in payment of debts to citizens according to court decision.

In order to ensure the execution of court decisions, professionalism of officials should be increased, the control over their work should be strengthened, the discipline of execution should be observed as specified in law, the feeling of responsibility should be increased, the cases of

bureaucracy should be eliminated, the work for ensuring human rights and freedoms during execution process should be strengthened.

***Cooperation with law-enforcement bodies.*** Law-enforcement bodies exercising their powers in protecting stability, ensuring the public order in the country, preventing and detecting crimes, took the principal position in combating all forms of criminality, took necessary measures for ensuring fundamental right of citizens to life freely and safely.

In 2016 the Commissioner received 2.698 applications about law enforcement bodies. These applications were about conducting biased preliminary investigation and inquest, failure to inform about the results of inquest and investigation, groundless rejection to proceed a criminal case, failure to proceed a criminal case according to the fact, unjustified termination of criminal case or the suspension of the proceedings, bureaucracy, failure to make a procedural decision on the complaint, failure to answer the application, rude treatment by police staff.

In the course of investigations held upon the Commissioner motions, disciplinary penalties were imposed on police staff who violated the law, took actions that harm the reputation of the police, failed to follow the rules of ethical behaviour, also violated the requirements of Code of Ethical Behaviour of Law Enforcement Bodies' employees, demonstrated disrespect to the citizens and exceeded authority, including employees violating ethical behaviours in relation to taxi drivers and having shortcoming in their performances were sometimes subjected to disciplinary actions, measures were taken for improvement of the work in the mentioned field.

According to information, due to measures taken in 2016, the rule of law and discipline significantly strengthened in law enforcement bodies, violation of human and citizens' rights by police officers decreased by 10,9%, including arbitrary detention by 33.3%, rude treatment of citizens by 41.3%, arbitrary arrest by 5.7%, violation of taxi drivers' rights by 5,9%.

In general, under the internal control of the office, facts not related to arbitrary arrest and detention, also rude treatment were comprehensively and objectively investigated within the framework of procedural legislation and legal decisions were made on each of them. In 2016 according to 253 facts that were found (74 facts out of them were about rude treatment, 47 facts of arbitrary arrest and detention, 64 facts of violation of the rights of taxi drivers, 9 facts of groundless criminal charges, 3 facts of violations of aliens and stateless persons rights, and 54 - relating to other facts), 330 employees were brought to the disciplinary responsibility. 44 out of them were dismissed from the law-enforcement agencies, 31 staff members were dismissed from their jobs, whereas 255 staff members were subjected to other disciplinary measures.

Conduction of incomplete examination of gathered materials and procedural violations by some investigators and interrogators resulted in complaints. In such cases, in order to prevent violations she found, the Commissioner sent motions to prosecutors' offices conducting procedural oversight on the investigation, consequently decisions on rejection of commence of criminal case were terminated, violated rights of citizens were restored.

Analysis show that materials on some inquests and criminal cases were examined by prosecutor's conducting procedural oversight on the investigation upon the motions either of the Commissioner, or of citizens.

While examining the reasonableness of the judicial decision regarding the criminal case, sometimes during additional investigation, the case was returned to the investigation body for further investigation by terminating the relevant decision on not to proceed with the case because the decision of the case was not fully executed.

As a result of the conducted inspections, the decision to suspend the proceedings was terminated, returned again to the investigation under the written instruction of prosecutor responsible for procedural oversight on the investigation in cases of failure to fulfil comprehensive and objective investigation, to ensure the execution of investigation necessary for the case, and to comply with procedural legislation.

In order to strengthen protection of human rights and freedoms by police officers it is continued to ensure transparency in these bodies and to develop healthy relations with citizens.

## **1.2. Protection of economic, social and cultural rights**

***Right to labour.*** Measures taken for efficient protection of right to labour by the Ministry of Labour and Social Protection of Population continued in 2016 as well. The actions carried out for including the employment contract notification into the e-information system strengthened legal status of labour relations.

958 applications were received by the Commissioner about the violation of the right to labour. Those applications were about refusing to compensate for injuries at and restoration to the workplace, non-payment of a monthly salary or last calculation, non-payment of debts on salaries, failure to provide with service record book during the termination of an employment, certificate about the salary and the work place, non calculation of additions to the salary.

Concrete measures were taken for restoration of violated right to labour during investigation of applications.

The Commissioner efficiently cooperated with the Ministry of Labour and Social Protection of Population for efficient protection of the right to labour and for restoration of violated rights. Thus, in some cases according to article 53.6 of the Code on Administrative Offences, employers were brought to administrative responsibility, they were given mandatory instructions, moreover, sometimes, according to Article 53.4 against employees administrative protocol was drafted, in cases when debts on wages were not paid, measures were taken for ensuring the payment. In case of failure to fulfill this demand, penalties were imposed under article 318.1 of the relevant Code.

Despite the measures taken for protection of worker's rights to labour and serious efforts, employers continued to violate these rights.

The cases of non-payment of debt on wages among the violated right to labour reflected in applications were investigated and violated rights were restored.

As a result of the Commissioner's efforts in some cases dismissed persons were returned to work, according to article 83 of the Labour Code the copy of relevant order on termination of work contract, labour record, and final calculations, as well as money compensation for unused vacation, salary and other payments were paid to the persons whose contract had been terminated.

Monthly salaries of persons working in some state bodies and organizations were increased in 2016 in order to strengthen social protection and state care to these persons. Moreover, necessary measures were taken for ensuring employment and reducing the level of unemployment, thousands of work places were opened.

***Right to social security.*** Learning the situation of groups of population and amendments to legislation in this regard is a necessary and sustainable process. The measures taken for improving the welfare of population particularly of low-income groups in need of care have the positive impact.

Allowances serving to strengthening of social protection of groups of population in need of care were increased twice compared to previous years. The Commissioner's proposals in this regard also are gradually being resolved.

Improvement of social conditions of low-income families, Presidential orders on increasing of labour pensions and relevant allowances were appreciated in public hearings held in cities and rayons of the country for monitoring of implementation of NAP, as well as in meetings with people. Moreover, a number of proposals were made for solution of social problems, deficiencies were mentioned.

Analysis of these proposals showed that for effective protection of human rights, there is a need to take necessary measures, and to resolve certain issues for elimination of problems in the field of social development.

1.206 applications were received by the Commissioner with regard to the right to social security. Applications reflected the cases like appointment or re-calculation of pensions, appointment of pension to military servants and persons with special ranks, the calculation of duration of care for the elderly as insurance record, allowances on relevant cases, allocation of one-time assistance or allowances to those in need. Special attention was paid to cases aimed at effective protection of the right to social security during the investigation.

The applications of citizens who were dissatisfied with the amount during appointment and re-calculation process of pension were investigated, one-time assistance and allowances were given to those in need.

In her previous annual reports, the Commissioner made proposals on continuation of education and ensuring with living place and work of children who had been brought up in boarding

schools, lost their parents and deprived of parental care, and who are obliged to leave the boarding houses as they reached the age of consent. In this regard the House of Graduates under the Ministry of Labour and Social Protection of Population, as well as the Public Rehabilitation Institute for Children with Special Needs are of great importance. Moreover, laying the foundation of another building with 120 apartments by Mehriban Aliyeva, President of Heydar Aliyev Foundation, the member of the Parliament, goodwill ambassador of UNESCO and ISESCO who participated in opening of second building with 120 apartment for graduates in Absheron District is worth of appreciation.

The Commissioner made several proposals during discussions of draft state budget for 2017 at the Milli Mejlis of the Republic of Azerbaijan.

It is advisable to include the duration of study of persons who graduated from higher, secondary, vocational schools till January 2006, as well as the period of attendance in staff training and professional development courses post-graduate, doctoral and clinical residency into insurance records.

Improvement of infrastructure in border regions, strengthening of medical, psychological and social services can help resolving of current problems in this field. Continuous increase of allowances serving to strengthening of social protection of low income persons is very important. Moreover, it is important to improve the Law of the Republic of Azerbaijan on Social Allowances from the perspective of protection of rights of persons.

NPG members visited all facilities of social service institutions of the Ministry of Labour and Social Protection of Population, met with residents, assessed treatment and the condition as satisfactory. The aim of the visits was to learn treatment, living conditions and nutrition. As a result of visits a number of proposals and recommendations were addressed to the relevant Ministry.

Recommendations were made for investigating the situation of groups of population in need of social protection and care and for making amendments to the legislation in this regard.

*Targeted State Social Aid.* For elimination of found shortcomings, as well as legal gaps and cases causing bureaucracy, approval of Rules for Applying to Targeted State Social Aid, its Appointment, Granting and Refusal by the Decision #37 of the Cabinet of Ministers of the Republic of Azerbaijan dated 5 February, 2016 on the basis of the project developed by the Ministry of Labour and Social Protection of Population, is of great importance for resolution of problems in this sphere.

The analysis of applications received by the Commissioner on targeted state social aid shows that challenges and bureaucracy in appointment of this aid was eliminated. Thus, a person applying to social aid in electronic form fills in Application-statement replaced in e-service “Apply for Targeted Social Aid” in e-government or applying for targeted state social aid portal of the Ministry of Labour and Social Protection of Population and sends it to Integrated Electronic Application and Appointment Sub System (VENTAS) through individual

communication means, as well as information kiosk, which prevents bureaucracy and violation of law.

Each application on appointment of targeted state social aid was investigated and resulted in a way as specified by law.

***Right to health.*** Protection of persons' right to health, improvement of quality of healthcare is one of the priorities of state's social policy. Thus, in 2016 41 hospitals were built or reconstructed, material-technical base of the whole health system was strengthened.

State programs adopted on prior directions of healthcare played special role in development of healthcare services and protection of the right to health. Moreover, according to the instruction of the President who pays close attention to health issues of population of the country, people undergo medical check up two times in a year in Baku and in all regions of the country.

In the course of public hearings held in each city and rayon of the country for monitoring of implementation of NAP, the Commissioner visited healthcare facilities, learned the situation, observed that newly built and reconstructed diagnosis centers and hospitals are well equipped, particularly the number of hemodialysis devices had been increased.

Commissioner's proposals made in her annual report for encouraging involvement of medical personnel to healthcare facilities in rural areas, taking measures for overcoming the shortage of staff are being resolved.

In 2016 the Commissioner received 439 applications on protection of the right to health. Those applications were about assistance in medical treatment and examination to be carried out by the State, provision with medications and other aspects of protection of the right to health.

It is noteworthy that the proposal on applying mandatory health insurance is being considered within the framework of reforms carried out in social sphere. Thus, pilot project has been already launched in Mingachevir city and Yevlakh rayon.

Following the request of the Commissioner to the Ministry of Health regarding the applications about assistance in medical examination and treatment at public expense due to lack of financial resources, relevant instructions were given to relevant health institutions, including local health offices and central city and rayon hospitals for medical examination and treatment also for provision with medications of those applicants.

After the Commissioner sent request to the Ministry of Health regarding citizens in need of specialized in medical assistance, a number of citizens were sent to specialized clinics for provision with medical assistance, as well as with examination and treatment.

Citizens applying for assistance in eye examination and treatment at public expense were sent to National Ophthalmology Center named after Zarifa Aliyeva for examination and treatment and they were provided with necessary service.

Regarding some citizens needing check-up and treatment, relevant instruction was given to administration of Scientific Surgery Center named after academician M. Topchubashov. Applications of citizens with the musculoskeletal system problems didn't remain without attention and were solved in cooperation with the Ministry of Health. Moreover, some citizens were sent to National Oncology Center, Scientific-Research Institute of Traumatology and Orthopedics, Republic Neurosurgery Hospital and other specialized healthcare institutions.

For assisting in medical examination and treatment outside of the country at public expenses, the Commissioner gave instruction to the Commission on Sending Citizens to Outside of the Republic for Treatment at the Ministry of Health to give relevant reference for treatment of some citizens according to the applications addressed to the Commissioner. Moreover, applications of some citizens were sent to the specialized commissions of the Ministry of Health and its subordinate institutions for receiving relevant references.

In order to determine whether there was a medical instruction for carrying heart surgery or not, applications regarding some citizens were sent to the Commission of the Ministry of Health on Registering, Selecting and Hospitalizing of Children in Need of Cardiac Surgery.

For defining whether there was a medical instruction for kidney transfer or not, applications regarding some citizens and their medical documents were sent to special commission set up at Clinical Urological Hospital named after academician M. Javadzadeh.

Some existed problems of the privileged groups, also those with special needs or those suffered from specific diseases and being registered at dispensary were reflected in applications. Non provision of patients with medications at public expense on time, lack of types of medications or their substitutes for treatment of relevant disease are the ones attracting more attention among the problems reflected in applications and concerning sick citizens who are eligible to get medications and registered at dispensary.

It was proposed to add titles of some medications to the List of Free of Charge Drug Prescriptions on Treatment of Some Diseases approved by the Ministry of Health and reflected in the 2<sup>nd</sup> paragraph of the Decision #38 of the Cabinet of Ministers dated 7 March, 2015.

In the last years, the Commissioner recommended to carry out state regulation policy in prices of medications, in order to ensure the availability of prices of medicines to the large part of the population, especially to low-income families.

It is noteworthy that according to the Presidential instruction, and the decision of the Tariff Council, fixed price was defined for a number of medicines, as well as for vital and most demanded ones.

It is necessary to speed up passing the Law on Reproductive Health, strengthen the health of children and mothers, ensure safe motherhood, give a birth to wanted healthy, as many children and giving brake, the causes of maternal and child mortality, eliminate the cases of abortion on the ground of sex, organize public healthcare services considering the priorities of



the country, and to hold joint monitoring of observance of medical bases of cesarean surgery and the protocol defined by the Ministry of Health in this regard.

Within the framework of NAP, events were conducted for promotion of healthy environment and healthy lifestyle particularly among children and the youth, rehabilitation of alcohol addicted and HIV /AIDS infected persons, as well as awareness raising events on the eve of 1 December World AIDS Day at the Office and in regions, TV and Radio Programs are organized.

For organization of treatment of Hepatitis, received applications were sent to the Commission on Prevention, Diagnosis and Treatment of Hepatitis “B” and “C” under the Ministry of Health. It is necessary to expand the list of medications for diabetes, and for those infected with dangerous diseases as Hepatitis “B” and “C” to be provided with relevant medications at public expense.

Within the framework of State programs great achievements were made in combating hereditary blood diseases. Thanks to normal life of patients in the Republic Thalassemia Center established at the initiative of Mehriban Aliyeva, the first lady of Azerbaijan and head of Heydar Aliyev Foundation, the rate of the mortality from thalassemia decreased 5 times.

The problems in providing persons with thalassemia, hemophilia and patients receiving hemodialysis treatment with blood and its components were almost eliminated. Bone marrow transplantation which is the radical treatment of hereditary blood diseases is conducted. Within the last 3 years bone marrow was transferred to 45 children.

The Commissioner always paid close attention to protection of the rights of psychiatric patients being treated in psychiatric hospitals together with senior psychiatrist of the Ministry of Health conducted monitoring in inter-rayons, neurological-disorder hospitals, neurological dispensaries in different regions of the country, got familiar with the conditions, learned their problems and needs, attended regional consultations of doctor-psychiatrists, send proposals to the Ministry of Health for solution of problems.

NPG members regularly conducted planned visits to psychiatric hospitals. The Commissioner made recommendations on improvement of living conditions and treatment of psychiatric patients in line with European Minimum Standards, speeding up the process of construction of new buildings for psychiatric hospitals outside of houses in a wider area for effective treatment, rehabilitation and better living conditions, setting up divisions, insulators and rehabilitation units according to the degree of illness, ensuring psychiatric hospitals with food products, medicines and medical vehicles as needed, conducting periodic check-up regarding tuberculosis, diabetes, Hepatitis, HIV/AIDS and other diseases, increasing the number of persons working in psychiatric hospitals and their salary.

This should be mentioned to the point that in 2016, according to the official information of the Ministry of Health, 206 medical staff were brought to administrative responsibility, including warnings given to 46, reprimands to 78 and last notice with severe reprimand to 60 of them, three persons were demoted as an administrative responsibility and 19 staff members were dismissed. As there were suspicions in criminal elements in actions, the files on two cases were

submitted for investigation to the Office of the Prosecutor General, one person was brought to criminal responsibility by the court decision.

Generally, there is a need to take necessary measures in order to encourage the attraction of medical personnel to rural areas of the republic for elimination of the lack of medical personnel, to increase the professionalism of medical staff, and to build the ethical relations with ill persons and patients as required.

***The right to education.*** Several measures were undertaken in 2016 in order to ensure the right to education. In total 29 new schools were built and 485 schools were repaired and provided with modern equipment in Baku city and different cities and rayons of the republic.

During the public hearings conducted by the Commissioner in cities and rayons of the country for monitoring the implementation of the National Program for Action, the Ministry of Education was urged to regarding the proposals forwarded by population, including the concessions to local specialists in admission of new staff to numerous vacant places of teachers in educational facilities placed in rayons, as well as to students from rural areas and on paid education in higher educational facilities; evaluation of activities of teachers in rayons like in Baku and increasing the salary; enhancement the mechanisms on improving teachers' pension security; increasing the number of schools where hierarchic education on child rights is conducted; restoration of targeted hobby groups' work for efficient organization of the pupils' leisure time; teaching of basis of world religions and of "family" subject as previously; provision of military rooms with visual aids; increasing the number of pre-school education facilities, increasing the professionalism and quantity of pedagogical staff dealing with children with limited physical capacities; speeding up of measures towards training of social workers.

The Commissioner conducted several investigations and put forward proposals regarding the applications on ensuring the right to education, including pre-school, secondary and higher education.

Small number of pre-school facilities in rayons, especially in villages and districts, their functioning mainly in buildings without repair or in adapted ones creates difficulties in education of children. Termination of functioning of some of the facilities causes anxiety. The less number of the places in these facilities in comparison with the number of children causes density and creates serious problems and complaints.

It is purposeful to carry out large scale actions for organization of the pre-school education at a modern level, to create proper conditions for children's intellectual, physical and psychological development and form their personality and to contextual renew the educational process.

The complaints addressed to the Commissioner with regard the problems in the pre-school education highlighted such problems as the absence of kindergartens in some of the settlements, the lack in meeting the needs by existing facilities of this kind considering the number of children, demanding money from parents for admitting children to kindergartens or for covering some needs of the kindergartens, following the rotation principle during admission of children, closing of existing kindergartens. So, re-building or widening pre-school facilities

network in corresponding areas and settlements considering the number of children and their needs is necessary.

Switching to new standards in teachers' training, including application of new test system, for this aim making changes in educational programs of higher educational facilities, training teaching staff, evaluating subject knowledge, methodical and communicative skills of teachers by attracting them to trial exams are estimable.

In the reviewed period the Commissioner made proposal on determination of concessions for young specialists graduated from higher and secondary vocational education facilities as teachers and started to work in secondary education facilities in rural, especially frontier areas of the republic and settlements of refugees and internally displaced persons. This proposal was resolved in various legislative acts and several concessions were determined.

Alongside, this is important to continue the measures for improving social conditions of teachers working in secondary education facilities and spending a lot of efforts on educational, behavioral and moral upbringing of children, teenagers and youth.

259 applications related to the right to education were addressed to the Commissioner. As a result of investigations conducted on them, several shortcomings have been revealed and guilty persons were punished.

Failure in taking on time corrective measures towards teenagers and children evaded from education, lack of control over them by both their parents and educational facilities lead to inclination to delinquencies, commission of administrative offences, even crimes.

Alongside with conduction of large scale repair works, there still are several school buildings in cities and rayons unfit for educational process and some are even in an emergency condition.

Considering the application addressed during the public hearings frames by the representatives from Bash Zeyzid village administrative area on behalf of village habitants regarding absolutely useless and emergency condition of the village's school building as a result of earthquake in Sheki city, the Commissioner urged the Ministry of Education. According to the information received from the Ministry, the construction of a new secondary school building for 624 pupils in that village was started at the expenses allocated by the Decree of the Cabinet of Ministers dated May 19, 2016.

According to the applications received during the public hearings, the relevant Ministry was urged regarding conduction of repair in several schools in Dashkesan, Shemakha, Lerik, Khizi, Agsu and Masalli rayons. Construction of some of them is considered for forthcoming years.

Special attention was paid to education and social protection of children in educational facilities, especially in boarding schools. NPG members paid visits to boarding schools and orphanages, no complaints regarding rude or ill-treatment were received during the meetings in orphanages, however it was revealed that there is a need in conduction of child rights training for the staff and children in these facilities.

Provision of students studying in higher and secondary vocational education facilities on a state order, when this is impossible to pay rent for them, as well as providing them with necessary educational manuals shouldn't be evaluated not only as a financial support to them but also as a support to creation of proper environment for development of knowledge.

Exemption from payment for education of persons having disability degree I and II, studying in both state and private higher and secondary vocational education facilities and incapable to cover the education fees, as well as of children of persons having disability degree I is expedient.

In order to ensure the continuity of education the Commissioner proposed to determine of the right to defer from military service for Masters' students until graduation. From this standpoint amendments made to relevant law are noteworthy.

Transferring from one higher educational facility to another, assistance in remission from education fees, cases of procrastination in recognition of diplomas of students studied abroad were reflected in appeals related to higher education, in many of the cases the violated rights were restored.

The state guarantees creation of proper environment for education of each citizen and does not permit evading from any stage, degree and form of education. From this standpoint problems in application of inclusive education and their solution ways should be seriously analyzed, equal opportunities for equal rights should be created, the measures targeted at elimination of problems in ensuring the rights of persons with disabilities and their integration to society should be strengthened, the specialized centers for ensuring their physical, social, psychological, moral rehabilitation and ensuring their integration to society should be organized.

During the first years in the office, considering important the solution of several problems, including scientific, economic and legal ones in order to preserve inheritance principle in science, the Commissioner has proposed to attract entrepreneurs interested in this sphere as well.

***The right to housing.*** In her previous annual reports, in order to solve the problems in ensuring the right to housing, the Commissioner proposed forming of housing strategy that would meet the real resources of persons in need of homes; preparation and realization of targeted state programs envisaging complex approach to solution of the house provision issue, including moving of habitants living in houses built in the beginning of the past century and already expired service term, also in old and under emergency condition that are nowadays in use of population and became the property due to privatization; simplification of terms of mortgage loans issuance considering the purchasing power of population; application of the social mortgage.

This should be mentioned to the point that on November 25, 2016, the President Ilham Aliyev participated in opening ceremony of new dwelling house that was built for oilmen in 1901 and was torn down due to its emergency condition after being exploited for long years, met with the habitants of the building and stated: "...Hundreds, thousands of building were constructed in

Baku, but this building has a special importance. This is a pilot project and it has a beautiful future”.

From the first days of her term in office, the Commissioner proposed construction of social houses costing cheaper and provision of low-income families with them through issuing long-term loans for solution the housing problem in the country.

Establishment of the State Housing Construction Agency according to relevant decree of the country President assumes high importance from the standpoint of meeting the needs of country citizens in living areas and bettering their housing and life conditions. The Commissioner urged authorized state bodies with proposals and recommendations, including the recommendation on simplification the houses and flats registration built at private expenses.

The Commissioner received 414 appeals related to the right to housing. These applications reflected such issues as failure in replying by local executive bodies to the appeals related to construction of private houses, groundless rejections and procrastination, swindling of citizens buying houses in many-flattered buildings, need in support for elimination of damages as a result of natural disasters, allocation of land areas for construction of private houses, rendering financial assistance for repair of living areas, covering damage to houses as a result of constructional works carried out nearby.

The analyzes of the applications show that there are still some legislative acts contradicting to the Town-Planning and Construction Code, as well as Housing Code. Failure in adoption of several legal – normative acts considered in the Decree on implementation of the abovementioned codes creates environment for abuse by both local executive bodies and particular officials. From this point of view, this is purposeful to prepare and approve the rules on registration of citizens as in need of living areas as mentioned in the relevant Decree of the country President on implementation of the Law of the Republic of Azerbaijan “On Approval, entering into force of the Housing Code and legal regulation issues in this regard”.

As it is known, in April, 256 houses, 4 school buildings, two medical stations and one kindergarten in living districts of Tartar rayon were destructed as a result of shootings from big caliber weapons and heavy artillery by occupant Armenian armed forces.

The President Ilham Aliyev and Mrs. Mehriban Aliyeva visited destructed houses in Tartar city, as well as in Gapanli village that is in 200 meters distance from the frontline, met with habitants, gave instructions regarding reconstruction of houses. As a result, new buildings were constructed in place of the destroyed ones in a short period of time, the damaged houses were repaired and the infrastructure was restored.

According to the Decree of the President of the Republic of Azerbaijan, for the reconstruction works to be undertaken in Jebrayil rayon’s Jojuk Marjanli village that is now under full control of the Azerbaijani Armed Forces as a result of the April clashes, for ensuring returning of civil population lived there, more than 8 million manats were allocated for construction of numerous private houses, a school building and relevant infrastructure, as well as of roads leading to the village.

Immediately after the April clashes the Commissioner visited Sarijali, Garakhanli, Chemenli, Evoghlu and Ahmedaghali villages of Aghdam rayon, also Shirarkh and Gapanli villages of Tartar rayon, Horadiz settlement and Gazakhlar village of Fizuli rayon that are in line of contact with enemy, witnesses useless condition of numerous dwellings, schools and other social objects due to continuous firing by the enemy armed forces, and despite this staying of habitants in their own houses, met with them, answered to the questions of their interest. Habitants stated that they are under continuous firing by enemy and are not able to fully use their farming areas, and considering that these all negatively affect family income and their welfare, they urged for application of certain concessions in payment of communal fees and for paying attention to real situation in determination of targeted state social aid for families living in frontline villages. For solution several problems of habitants the Commissioner urged with recommendations and proposals to corresponding state bodies.

The process of selling of one house to several persons in contrary to the requirements of the legislation in constructed and already exploited multistoried modern buildings or that are still under construction by some constructional companies caused violation of hundreds of families' right to housing.

After the Commissioner's relevant appeal, some citizens were provided by municipalities with land areas for construction of private houses.

Failure in conduction of the process of addressing in the new living estates located in different parts of Baku city still causes several problems faced by habitants. Alongside with this, pulling down the houses in private property without relevant court decision is a matter of concern as well.

The targeted measures for elimination of damages due to natural disasters occurred in the various parts of the country were continued in 2016 as well. As a result of measures carried out by the Ministry of Emergencies in the direction of bringing to normal life the habitants suffered from natural disasters, earthquakes and floods, new houses were built for many families, repair-reconstruction, re-building and timbering works were done.

Several applications received with regard the violation of the right to housing, housing problems and houses damaged as a result of natural disasters have reached their solution after relevant intervention of the Commissioner.

***Business and human rights.*** The Working Group on Business and Human Rights continued its activity; the discussions on priority topics were conducted, the proposals were put forward. The working group which consists of relevant state bodies and civil society representatives and was established at the initiative and under guidance of the Commissioner keeping under her focus of attention further improving of Business-Human Rights interrelations, the priority of human rights protection in business management.

During the next meeting of this Working Group titled "Protection of the Entrepreneurs interests in Azerbaijan: existing remedies" the presentations were made on such topics as "The policy of support of the Azerbaijani state to entrepreneurs", "The Role of the Taxes Appellation Council in protection of the entrepreneurs' rights as tax payers", as well as the discussions were

conducted on awareness raising of entrepreneurs, rendering of methodical assistance to them, improving the legislation, conduction of accurate registry and statistics, absorbing of modern experience in the environment of new economy, strengthening the coordination among economic structures, informational provision of entrepreneurs, importance of the measures targeted at increasing their initiative and legal knowledge.

At the other event conducted on the topic “Protection of rights of labour migrants from the context of business and human rights” the Commissioner mentioned the necessity of consideration of their number, reasons of migration, content as migrants are rather a big and mobile group of population, of sensitive approach to their problems, the importance of realization of all their needs in the best way as there are persons from various age and social groups, those who belong to different languages, religions, nations and distinctive culture, also stated that convenient socio-economic environment, political stability and tolerance existing in our country affects at increase of foreigners participating in domestic labour market.

The speeches on such topics as “Prevention of illegal employment and abuse of labour of Migrants”, also “Protection of labour migrants’ rights and struggle with illegal migration as one of the direction of activity of the State Migration Service” and “The measure realized in protection of labour migrants’ rights” have been delivered at the event and during the exchange of views the acting head of the International Organization for Migration stated that the migrants enjoy many rights of the citizens of the Republic of Azerbaijan with no obstacles, alongside with this, sounded such main problems as registration, access to social services and other aspects, emphasized the importance of conduction of preventive measures for elimination of such cases, especially rendering legal and psychological assistance to migrants, creation of training centers for different groups of them, attracting of civil society and migrants themselves on more concrete aspects to the process of preparation of governmental reports to the treaty bodies and other international organizations.

During the next meeting of the Working Group devoted to November 12 – the Day of the Constitution the topic “The activity of the business entities and the right to live in safety” was discussed. The presentation made on the topic gave information about the norms regulating behavior with medications and medical means, regulation of the price of medications registered by state and measures on control over these prices, strengthening the control over this sphere, reliable and safe food supply as a main term of economic stability and social sustainability of each state, also development of the agriculture sector and strengthening the food safety, stimulating ecologically clean agriculture stuffs and producing food, increasing production of local food, strengthening the control in the fields of provision the population with food were brought to the attention of participants.

The Commissioner stated there are still some shortcomings in the environment of speedy development of the construction sphere despite realization of several purposeful measures at the state level in the direction of safety ensuring, improvement of the legislation, in this sphere, the communication network is not taken into account during construction of new housing estates, the need in strengthening the struggle with threats for human health and lives, also properties coming out as a result of construction of some buildings close to each other and as a result of that violation of ventilation and isolation norms, failure in observing safety rules during the construction works.

As a conclusion to those measures, considering the Sustainable Development Goals, the Commissioner at the discussions on the priority directions of the further activity of the Working Group, stated the necessity of continuation of the efficient cooperation with relevant state bodies and NGOs, proposed conduction of sharing the best practices, improvement of corresponding legislation, organization of joint enlightening and promotional activities.

It is necessary to increase care to corporative social responsibility matters, to apply relevant tax concessions to entrepreneurs carrying out more efficient activity in the protection of rights of groups of population in need of care, to effectively realize the entrepreneurs rights and strengthen the control provided by law over their activities without restricting these rights, to implement the legal norms, principles and standards enshrined in relevant international documents into the legislation of the Republic of Azerbaijan.

### **1.3. Protection of rights of population groups**

***Protection of the rights of refugees, internally displaced persons and migrants.*** As a result of aggression and terror policy of Armenia against the Republic of Azerbaijan many of the universally recognized rights of one million and two hundred thousand of people are still being violated. As a result of preconceived approach to these events in front of eyes of international organizations and world community, the Republic of Armenia still has not fulfilled four UN Resolutions recognizing the territorial integrity of our country.

In 2016, the housing conditions of 1625 families or 7000 internally displaced persons were improved. 32.000 persons benefited from Social development Fund of IDPs upon a project “Improving Living Conditions and Income of Internally Displaced Persons (IDPs)” realized according to the Loan Agreement between the World Bank and the Republic of Azerbaijan, 63 community micro-projects with total sum 8 million manats were realized, capital repairing works were carried out in 23 objects of compact living of IDPs.

In 2016, 1.279 IDP families in total were moved to newly constructed settlements in relevant rayons, 114 families were moved to new flats and 232 families of IDPs were moved after being provided with lump sum compensation payment.

Alongside with the abovementioned, 94.000 families, or 375.000 IDPs are still in need of improving the housing conditions. 172.000 of them have been temporarily settled in Baku, 49.000 – in Sumgayit, 18.000 – in flats belonging to local habitants and 136.000 have been settled in different cities and rayons of the country.

The meetings of the Commissioner, her direct communication with the IDPs, care of them and on the spot learning of their problems assumed importance.

This is necessary to render legal, psychological and other assistances to IDPs, to expand relevant measures on employment provision, to establish the educational and rehabilitation centers for pre-school aged children in their settlements.



The Commissioner issued statements on the Genocide committed in Khojaly city, also the violence committed by the Armenian Armed Forces against the Azerbaijanis in Nagorno-Karabakh and surrounding rayons, addressed them to the UN Secretary General, High Commissioner for Human Rights, High Commissioner for Refugees, Council of Europe, Organization on Security and Cooperation in Europe, International and European Ombudsman Institutions, Asian Ombudsman Association and ombudsmen-members to these organizations, the embassies of foreign countries in the Republic of Azerbaijan and embassies of the Republic of Azerbaijan abroad, as well as Azerbaijani Diaspora Organizations functioning in certain countries.

This should be mentioned that according to the relevant Decree of the country President, preparation and realization of the plan of actions was decided on the occasion of Khojaly Genocide 25<sup>th</sup> anniversary during which 613 of our compatriots, including 106 women, 63 children and 70 aged persons were murdered, 487 civilians were severely injured and 1.275 persons were taken hostage.

Numerous literature, statements and CDs enshrining information about these tragedies faced by our nation have been distributed during the business trips of the Commissioner and her staff to foreign countries.

At the 25<sup>th</sup> Regular Session of the Human Rights Council at the High-level panel discussion dedicated to the sixty-fifth anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide, the Commissioner sounded the statement on the topic and it was included into the list of official documents of the organization and placed on the web-page, also was printed in 250 copies and distributed among participants.

In 2016, the Commissioner paid special attention to cooperation with the Ministry of Internal Affairs, State Border Service and other state bodies, as well as with the country Representatives of the Office of the UN High Commissioner for Human Rights (OHCHR) and International Organization of Migration, also with the International Center for Migration Policy Development. As a result of the cooperation wide legal awareness was carried out for the public servants working in this sphere. Regular regional training were launched for frontier guards working in Guba, Gusar, Khachmaz, Astara, Bilasuvar, Jalilabad, also judges and local law-enforcement bodies, officers of the International Airport named after Heydar Aliyev, these training have been continued in Nakhchivan Autonomous Republic.

In August 2016 three-months-long Memorandum of Understanding was signed with the UNHCR with the aim to support coordinated efforts for promotion of gender equality and empowering of women in Azerbaijan through the realization of the project “Empowerment of women in displacement situations”. Within the frames of this project “Let us prevent the domestic violence” manual was printed in 4.000 copies and 3.083 IDPs were attracted to trainings held in IDP settlements in Baku, Sumgayit, Ganja and Mingachevir based on this material. To the point, such Memorandum of Understanding was signed for 2017 year as well.

Furio d’Angelis, the UNHCR Country Representative, highly appreciated the measures carried out in the country by the Azerbaijan Government in the direction of improvement of refugees and IDPs’ living conditions, and stated that our country is a sample in this sphere in a world.

Within the frames of joint cooperation of UNHCR and UNICEF the UN Convention on the Rights of the Child (CRC) prepared in several languages were printed and wide-ranged awareness events were held in Baku, Fizuli, Goygol, Ganja and Goranboy cities based on this material.

As a result of analyzing the appeals addressed from foreigners, stateless persons, asylum seekers and migrants several proposals and recommendations were put forward on improvement of the legislation and sent to relevant authorities. These proposals were considered in “Internal Rules of Detention Centers for Illegal Migrants” approved by the Cabinet of Ministers Decision #317 dated August 24, 2016.

In several cases in investigation of the process of issuing returning certificate to the citizens of the Republic of Azerbaijan living in foreign countries with invalid documents or lost their identity cards was expedited; in some cases the decisions on their administrative withdrawal from the country was canceled; the entrance of a foreigner into the Republic of Azerbaijan was ensured; in different times the foreigners and stateless persons living in our country without documents were provided with relevant documents in a short period of time and their returning to the countries of residence was ensured.

***Protection of rights of persons kept in detention places and prisoners.*** In compliance with the sustainable reforms carried out in the republic, important measure have been taken for bringing the places of arrest, penitentiary institutions into compliance with modern demands and European standards, improving detention conditions, observing the provisions of the Law of the Republic of Azerbaijan On “Ensuring Rights and Freedoms of the persons kept in detention places”, improvement of the legislation in this sphere.

For this aim repairing and renovation works have been carried out in the penitentiary institutions and investigation isolators, the conditions in dormitories and punishment isolators were improved, the heating systems were renewed, rooms for phone calls, meetings, classrooms, investigation and lawyer’s rooms, also clubs, dining rooms and walking areas, drugstore were repaired.

Alongside with the abovementioned, during 2016, 286 staff members of the Penitentiary Service of the Ministry of Justice committed the violations were brought to administrative responsibility, 7 staff members were dismissed from their positions and 20 staff members were expelled from the justice bodies.

From the first years in the office the Commissioner paid special attention to protection of rights and liberties of persons kept in detention places and prisoners, ensuring their legal interests. Regular monitorings of detention places and penitentiary institutions is carried out by the Office, the meetings were carried out with the arrested and imprisoned persons, their detention conditions, as well as their complaints were learned on the spot, relevant investigation upon these appeals were carried out, recommendations were given to competent state bodies regarding solution of particular matters, many of the problems found their solution.

The Commissioner assisted in medical examination, stationary or ambulatory treatment of several persons under arrest or prisoners appealed with regard the right to health.

Thus, as a result measures regarding the facts revealed at appeals addressed to the Commissioner and conducted visits, moving of imprisoned persons suffering from tuberculosis to the Specialized Medical Institution was ensured, in order to pass the next stage of compulsory treatment from drug abuse of some prisoners they were moved to the Treatment Institution, several appealed persons have undergone medical examinations and were involved into stationary or ambulatory treatment.

According to the information, the percentage of death cases from tuberculosis among special contingent kept in the penitentiaries decreased in 2016 for 91 times in comparison with 1995, for 7,9 times in comparison with 2005 and for 2,5 times in comparison with 2010. Involvement of prisoners in the penitentiaries to labour serves to their correction, improvement of vocational training, administration in the institution and further adaptation in the society after serving the sentence. the Commissioner gave proposals on the following issues, considering this useful to learn the issue of creation of new production spheres with the aim to attract the main part of prisoners in the penitentiaries to voluntary work of social utility, for this purpose of conducting joint measures with involvement of rich business men and entrepreneurs, to correct such persons by directing their forces at healthy labour. This would allow to cover their detention expenses and also to help their families. This is noteworthy that in newly built penitentiaries the creation of production areas is considered for attraction of them to labour. Besides this, the carpet-weaving and sewing work-places are functioning in the Penitentiary Institution #4 for women.

Taking into consideration the measures realized with regard the applications addressed to the Commissioner on provision of the right to obtain the information, also the forwarded proposals and recommendations, detainees in custody places and prisoners in penitentiaries were provided with newspapers they wanted and were given the chance to change the TV channels according to the relevant amendments to the legislation, the time of watching the TV programs was prolonged.

This should be mentioned that it is important to speed up the construction of women's penitentiary, correctional institution for minors, penitentiary complex and prison.

In her annual reports the Commissioner considered this inadmissible to choose the arrest measure as a compulsion measure when the grounds are not sufficient or with no consideration of the personality of the accused person, the public threat of the committed crime and proposed creation of the production spheres in the penitentiaries, application of alternative punishment forms, forming the institution of mediation that would serve to decrease of the prisoners' number.

According to the Decree of the President of the Republic of Azerbaijan "On improving work in the penitentiary system, humanization of the punishment policy and expansion of alternative punishments and procedural enforcement measures not associated with isolation from society" dated February 10, 2017, the Ministry of Justice Probation service was established. At the same time such demands as restoration of the existing production spheres in the penitentiaries, learning the possibilities to create new ones, serious observation of provisions of criminal – procedure legislation on grounds for application of arrest when choosing restrictive measures by preliminary investigation bodies and judges, expansion of application of alternative

punishment and procedural enforcement measures in order to achieve the punishment and restrictive measures' aims without isolation from society and others were enshrined in it.

This is a result of the state policy based on humanism and justice principles that was founded by the national leader Heydar Aliyev and continued by the country President Ilham Aliyev, as well as of respect to human and citizens' rights and freedoms that in a short period of time 11 amnesty acts were adopted, 61 pardoning acts and decrees were signed, and thousands of people were liberated from punishment and returned back to the society and their families.

According to the appeal to the Milli Mejlis of the First Lady of Azerbaijan, the President of the Heydar Aliyev Foundation, the deputy of Milli Mejlis, good-will Ambassador of the UNESCO and ISESCO Mehriban Aliyeva on the occasion of May 28 – the Day of Republic, the Amnesty Act adopted in 2016 was applied on 10.868 persons in total.

During her term in Office upon the motions of the Commissioner 25 prisoners were pardoned in 2016 and 518 persons were pardoned in total.

***Protection of the rights of military servants.*** During recent years several achievements were gained in army building alongside with the other fields. The material – technical base of the Armed Forces and other armed unions was considerably strengthened, the provision with the modern arms and military technical devices was improved, wide-scale trainings were conducted in order to maintain the fighting preparedness at a high level, significant reforms were conducted with the aim to strengthen the personnel's order and discipline and develop defense potential.

Numerous meetings with the personnel were conducted in military units in order to investigate and analyze the appeals addressed by military servants and their family members to the Commissioner, also for legal awareness and investigation of social – living conditions of military servants.

The problems still exist in insurance payments to military servants whose health was injured during their military service, as well as who died at service or after service as a result of injury or illness. The family members of military servants who became martyrs at the fights for the territorial integrity of Azerbaijan up to 1997, as well as persons who became disabled urged the Commissioner stating that the relevant insurance payment was not paid to them and asked for the assistance in solution of the matter.

In the replies of the State Insurance Commerce Company to the appeals sent regarding those complaints it was mentioned that the recommendations were sent to the Milli Mejlis of the Republic of Azerbaijan on drawing out in a short period of time the rules and terms of the insurance payment, according to the Constitutional Court Plenum Decision dated January 28, 2014, “On Interpretation of some Articles of the Law of the Republic of Azerbaijan “The State Compulsory Personal Insurance of the Military Servants”, to military servants died, got missing or injured up to the date of coming into force of the Law of the Republic of Azerbaijan On the State Compulsory Personal Insurance of the Military Servants dated May 20, 1997, but failed to get insurance payments, this matter will be considered after adoption of the corresponding normative legal acts.

Despite of carrying out important measures for solution of the social problems of the martyrs' families and military servants, sometimes artificial obstacles are created by some executive bodies in realization of the rights of these persons and enjoying the concessions.

The problems existing in compensation considered in the legislation for unused vacations during the military service lead to complaints of military servants in an active service, reserve or retired ones. A group of retired or in reserve military servants informed that the titles of already liquidated bodies they served in before were not mentioned in the relevant decisions of the Cabinet of Ministers and because of this the body responsible for or rules of compensation payment for unused vacation were not determined, nevertheless, this matter is under execution of relevant competent authority.

In Baku and Sumqayit cities, as well as in different regions of the republic the Commissioner visited the families of the most of military servants who became martyrs as a result of April clashes, expressed her condolences to the martyrs' families and relatives, learned their needs.

One of the main directions of the activities of the Commissioner is legal education of military servants. As in previous years, according to the plan of actions jointly approved by the Commissioner and the commanders of the Ministry of Defense, Interior Troops of the Ministry of Internal Affairs, as well as of the Civil Defense Troops of the Ministry of Emergency Situations, in 2016, the Commissioner, her specialized advisor on the military matters and other staff of the Office visited together with the representatives of the abovementioned bodies the military units and institutions under the jurisdiction of the latter and carried out relevant measures for strengthening the legal education work with the personnel. They visited front-line and other military units, delivered speeches before the officers and soldiers, learned the living conditions of the military servants on the spot, held monitorings, get acquainted with the situation with provision of their rights, service and social-living conditions, health and nutrition and the quality of the food, revised the dormitories, leisure places, libraries, canteen, bath-room, sanitarian units, held conversations with the parents who came to meet the soldiers, also took corresponding educational measures.

The experience shows that such events assumed importance from the standpoint of protection of the rights of military servants, strengthening the legal awareness activities, also training and education work in the Armed Forces. During 2016, the Commissioner and staff members of the Office have conducted such events in 17 military units of the Ministry of Defense, 5 military units of the Interior Troops of the Ministry of Internal Affairs, also 4 military units of the Ministry of Emergency Situations, in 26 military units in total. During the meetings existing problems were investigated on spot and the questions of military servants were replied to, official appeals were sent to the administration of relevant higher instance organs.

***Protection of the rights of women and ensuring gender equality.*** Important actions have been taken in the sphere of protection and promotion of women's rights, ensuring gender equality, restoration of violated rights of women; there were organized awareness events against violence. 48 appeals regarding the gender equality were addressed to the Commissioner, the measures in the frames of her competences were taken on each of them and the majority of them were solved.

The major part of several proposals and recommendations of the Commissioner in this field were enshrined in the Concept of Development “Azerbaijan-2020: Outlook into the Future” approved by the Decree of the country President dated December 29, 2012, and they are being implemented.

At the meeting with the citizen, as well as with women, held within the frames of the public hearings conducted for discussing the situation with promotion and implementation of the National Program for Action, their appeals regarding social and living problems were heard, wide-scaled awareness measures were carried out for increasing their social activity, efficient use of the right to choose and to be chosen, expressing own will guided by initiative and voluntariness, achieve efficient influence at the process of democratization of integration of women to social and public life. The results of the National Program for Action are annually published as a book and placed on the web-site [www.ombudsman.gov.az](http://www.ombudsman.gov.az).

The measures undertaken by the Azerbaijani state on elimination of the discrimination, as well as proposals of the Commissioner on ensuring gender equality and protection of women’s rights, also multidirectional activity have been highlighted in the parallel report of the Commissioner on implementation of the International Covenant on Civil and Political Rights presented to the UN Human Rights Committee.

The Commissioner gives wide space in her activity to protection, provision and promotion of the women’s right to education.

The speeches and lectures prepared basing on the Beijing Platform for Action provisions, teaching of the “Introduction to Gender” subject in the law faculty and other faculties of the Baku State University serve to promotion of the gender notion, forming new approaches to the gender theory, improving the gender relations and its development in perspective. Alongside with this, the practical educational trainings were conducted for the students and Masters of Sciences of the Baku State University and Azerbaijan University of Languages. The lectures and presentation were presented to them on the topic “The activity of the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan in protection of women’s rights and gender equality sphere”.

The high volume “Introduction to Gender” manual is prepared for publication.

In Sumgayit city the Commissioner held the official opening of and the training devoted to “16 days activity against gender based violence” campaign and stated that the elimination of old stereotypes in relations is a difficult but an important process

Preparation and implementation of rehabilitation programs for women subjected to violence, including domestic violence and for victims of trafficking, giving into exploitation of new asylums and resource centers covering the regions as well, also organization of the specialized psychological service at relevant state bodies for realization of the reconciliation mission in conflict families in order to prevent domestic violence and divorces are proposed.

It is necessary to ratify the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, dated May 11, 2011, with the aim of further

improvement of the activity carried out in combating violence and reliable protection of rights of people, especially women suffering from it.

Always supporting the promotion of the women's rights, the Commissioner closely cooperates with the State Committee on the Family, Women and Child Issues, relevant state bodies, international organizations and civil society.

The Commissioner delivering speeches for several times with proposal to establish Family, Women and Child Committee at the Milli Mejlis, highly appreciates the creation of that committee.

The Commissioner participated at the event in women penitentiary facility organized on the occasion of the amnesty act, expressed her hope that the liberated persons would live at their honest labour in dignity and fulfill their citizen's duties alongside with enjoying the constitutional rights, called them to join their families, society and healthy lifestyle.

During the previous year, the Commissioner sent proposals and recommendations to relevant competent state bodies targeted at efficient provision of human rights and freedoms, as well as complex solution of socio-economic problems of groups of population with low income, including women. Many of these proposals were taken into consideration.

***Protection of the Rights of the Child.*** In 2016, 455 appeals regarding the rights of the child were addressed to the Commissioner. Immediate measures were taken regarding these appeals, including 138 calls received via 916 hot-line service on the rights of the child functioning 24/7 at the Office, if necessary on site investigation was carried out.

Medical examination and treatment of children consider the major topic of appeals. Basing on the appeal of the Commissioner total medical examination of children living in different cities and rayons was organized and the appeals in this regard were ensured.

According to the instruction of the Commissioner, the visits were conducted in the Social Service Institution #2 for Children with limited physical capacities under the jurisdiction of the Ministry of Labour and Social Protection of Population located in Saray settlement, to the Integration Training Gymnasiums of Boarding type located in Lankaran, Zaqatala, Balaken and Mingachevir, special school #45 for children with mental and physical diseases located in Ganja city, mixed type orphanages named after O. Mirzoyev respectively located in Lenkaran and also in Sheki, it was determined that the conditions are satisfying, appropriate recommendations were given for improving the activity.

Several shortcomings were revealed during the visits paid by the staff members of the Office to the secondary boarding school for children deprived of the parental care located in the Zardabi settlement of Guba rayon, secondary boarding school in Siyazan city, orphanage in Ganja city under jurisdiction of the Ministry of Health, Integration Training Boarding type gymnasiums of the Ministry of Education in Goranboy rayon and Kovlar city of Tovuz rayon, the recommendations on their elimination were put forward. As it is known, the building of that boundary school placed in Zardabi settlement in the kindergarten was repaired and utility problems were solved.

The staff members of the Guba Regional Center paid visit to the closed type educational institution for children of difficult behavior. During the visit it was revealed that the school building was constructed in the middle of the previous century, it is not provided with the heating system, the bathrooms and sanitarian unit are in unfit condition and there is a need of throughout repair of the building.

On commemorative days, as well as on holidays, the Commissioner as a tradition pays visits to the strata of population with low income, including children in need of special care, learns their conditions, problems and assists them.

On the day of protection of people with Down Syndrome, on the eve of Novruz holidays, the Commissioner met with the children and teachers at the Rehabilitation Center for Persons with the Down Syndrome that is within the facilities of “Gayghi (Care) – in the name of healthy generation” public union get closely acquainted with the activity of the center.

With the support of the Commissioner the events and concert programs were organized traditionally at the Correctional Institution of the Ministry of Justice Penitentiary Service on the occasion of the Day of Solidarity of the Azerbaijanis of the World and New Year.

In order to implement the functions of NPM, the Commissioner and National Preventive Group members conduct planned monitorings, visits to state institutions where children live and detained for revealing the violence cases against them and their elimination, take relevant measures.

Within the frames of the Twinning project titled “Support to the Strengthening the potential of the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan” the visit was paid to the Orphanage #2 located in Surakhani district, the condition of children was evaluated as satisfactory.

The references regarding the undertaken measures by the central and local executive power bodies held within the frames of Child Right Month Long Campaign held each year by the Commissioner from October 20 - November 20 in order to increase the attention to children are analyzed, summarized and published as an article.

The trainings basing on the provisions of the Convention on the Right of the Child, the awareness events were held regularly with participation of children at the Azerbaijan Child and Youth Peace Network (ACYPN) that is the resource center of the Commissioner for child rights and Leadership School under this network, the problems were discussed, the interest-groups were created at the network, the trips were organized to museums, historical places for efficient organization of leisure time of network members.

More than 130 schools, including 20 schools in 2016 (12 secondary schools - one from each rayon of Baku city, and a secondary school each from of Sheki, Gabala, Gazakh, Agstafa, Khachmaz, Shabran, Jalilabad, Bilasuvar rayons) were attracted to the Hierarchic child rights education program.

Like each year, in 2016, according to the joint Working Plan signed with the UNICEF, in order to increase the skills on child rights sphere the trainings on the topic “The mechanisms on



protection on the rights of the child in Azerbaijan” were held. Children, the persons working with them and chosen from relevant regions, representatives of commissions on issues and protection of rights of minors, teachers, psychologists and members of the civil societies participated at the trainings held in Ganja and Sheki cities, Guba and Jalilabad rayons. Besides this, the manual titled “The Convention on the Rights of the Child” was printed and distributed.

It is necessary to make amendments to the relevant statute with the aim of thoroughly rebuilding the work, structure, powers of the commissions on the issues and rights of minors at the local executive powers considering the recommendation of the UN Child Right Committee from February 3, 2012, on the reports of the Government of Azerbaijan, as well as provision of these commissions with necessary human and technical resources.

The Commissioner has already urged the Milli Mejlis for ratification of signed by the Parliament COE Convention On the Protection of Children from Sexual Exploitation and Sexual Abuse, speeding up the adoption of the Law on Juvenile Justice, On Organization of Leisure of Children and On Protection of Children from Harmful Information, as well as the Law On Protection of Children from Corporal Punishment prepared with support of the UNICEF and submitted to the Milli Mejlis in 2009.

There is a need in creation of the Child Television with the aim of preparation and launching the television programs targeted at children’s education, upbringing and awareness.

The Commissioner and her staff members conducted jointly with the UNICEF and UN OHCHR the awareness raising trainings on the Convention on the Rights of the Child for pupils and teachers living in newly built settlements for IDP families and settled in Baku, Fizuli (Horadiz), Goygol, Ganja, Goranboy, the Convention was distributed among participants. Together with the OHCHR awareness events were held in Baku, Ganja, Goranboy, Mingachevir, and Sumgayit for increasing the knowledge of IDPs on combating domestic violence, violence against women and children.

In 2016 the specialized advisor of the Commissioner participated at the 20<sup>th</sup> Annual Conference of the ENOC (European Network of Ombudsmen for Children) and General Assembly organized by the ENOC and Lithuanian Commissioner for Child Rights in Vilnius, Lithuania. The staff member of the Office made a presentation titled “Ensuring participation of children in their awareness raising by the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan” and informed the participants about participation of children in the activity of the Commissioner on child rights.

The specialized advisor on child rights of the Commissioner of the Republic of Azerbaijan participating at the international conference titled “Child Friendly Kazakhstan” conducted by the Child Rights Commissioner of the Republic of Kazakhstan and UNICEF Country Representative gave comprehensive information about the activity of the Azerbaijani Commissioner in the field of protection and promotion of the child rights.

Delivering a speech at the international conference devoted to the topic “Children, Europe, Emergency. The protection and future of migrant children: a challenge for Europe” held in Paris, France, with organization of the CoE and France Ombudsman Institution, the staff

member of the Office informed about reforms conducted in our country for more efficient protection of refugee and migrant children living in the republic, as well as measures taken by the Office.

***Protection of the rights of the elderly.*** During her term in the Office, the Commissioner kept under her attention the social condition of the elderly, the issues related to protection of their rights, put forward several important proposals before competent state bodies with the aim to solve as much as possible the problems of this sensitive group of population in need of attention and care.

Such proposals enshrined in the annual reports of the Commissioner as learning the resources for gradual increasing the pensions within the budget means for ensuring the decent life level of the elderly, increasing the quality of home service rendered to the lonely elderly people with limited range of motion, organization of special services in each city and rayon for creation of daily service spheres, as well as of gerontology service in relevant healthcare facilities and training of specialized experts and other were met positively by the relevant state bodies and necessary measures are being taken.

The draft of the “State Program on Strengthening the Elderly Citizens’ Social Protection” prepared at the initiative and under the guidance of the Commissioner was presented to the Ministry of Labour and Social Protection of Population, after making relevant additions by the Ministry, it was discussed at both the Office and the Ministry at the events with participation of the international experts.

Creation of bridges between generations, upbringing of such noble feelings as mutual trust, respect and care consider the main line of the Commissioner’s ideas. So, these ideas are continued in a wide manner basing on the experience of the “Resource Center of the Elderly” and “Child and Youth Peace Network” established at her initiative and with attraction of volunteers.

Organization of public councils as provided by legislation with the aim to involve the volunteers capable to help to elderly people and to other privileged people is necessary.

Considering the necessity of people to enjoy the right to education, to obtain new knowledge continuously all over the life, the organization of discussion and improvement of the draft law “On the Education of the Elderly” and its adoption is important.

The aim of working out the book “Towards Decent Elderly” prepared at the initiative of the Commissioner and formed as a guide to relevant legislative acts is informing aged people about health, education and other important issues, aids and services determined by the state, rules and procedures of their using.

***Protection of the rights of persons with disabilities.*** During the term in Office the Commissioner carried out different measures for solution of problems of people from such a sensitive group of population from social standpoint.

Several important proposals were put forward in the direction of implementation of the obligations under the UN Convention on the Rights of Persons with Disabilities dated December 13, 2006, ratified by our country on October 2, 2008.

As it was mentioned in previous annual reports, taking into account the international experience fulfilling the independent monitoring mechanism functions envisaged in the Article 33.2 of this Convention by the Commissioner functioning in compliance with the Paris Principles and accredited with the “A” Status was considered purposeful, the recommendations were put forward in order to fulfill these functions, and this aim the draft on making amendments to the relevant Constitutional Law prepared by the Commissioner was submitted to the Milli Mejlis.

According to the proposed amendments, the Commissioner as a National Human Rights Institution fulfills the functions of independent mechanism on promotion, protection and monitoring of implementation of the Convention on the Rights of Persons with Disabilities and these functions are realized by the relevant structural unit within the Office of the Commissioner. The rules of realization of independent mechanism functions are determined by the Commissioner. At the same time, the persons with disabilities and non-governmental organizations representing them can be involved in monitoring process by the Commissioner.

The Commissioner proposed ratification by our state the Article 15 of the European Social Charter (Revised) on “The Right of persons with disabilities to independence, social integration and participation in the life of the community”, the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled adopted within the frames of the World Intellectual Property Organization.

The Commissioner proposed speeding up the adoption of the drafts of the Law “On the Rights of Persons with Disabilities”, the “National Action Plan on Protection of the Rights of Persons with Disabilities”, the “State Program on the Development of the Inclusive Education for persons with limited physical capacities in the Republic of Azerbaijan”, the “State Program on Population inhabitation and demographic development in the Republic of Azerbaijan”, “Rules on Creation environment of activity favoring the persons with disabilities during projecting buildings and plants” prepared with consideration of the main part of proposals forwarded by her.

It is necessary to create equal opportunities for the persons with disabilities for solution of their employment problem, increasing the care to determination of workplaces upon the quota as provided by the legislation, realization of encouraging measures for entrepreneurs who are active in implementation of quotas considered for provision with work of persons with disabilities,

The Commissioner proposed improvement of the normative legal basis regulating the relations in medical – social expertise sphere.

In compliance with the Statute On Criteria of determination the Disability and limits of the health capacities” approved by the Cabinet of Ministers Decision dated December 30, 2015, the disability of degree I and in special cases with medical instructions – of degrees II and III are determined termless, in other cases the disabilities of degrees II and III are determined for 5

years, the disability is determined termless if disabilities of degree II are determined for 10 years and the disabilities of degree III – for 15 years uninterruptedly respectively.

By the Decision of the Cabinet of Ministers dated February 5, 2016, the “Statute on Medical – Social Expertise Commissions” was approved, and by its Decision dated March 30, 2016, “Rules on submitting papers for medical-social expertise” were approved as well.

This should be mentioned to the point that each of 1933 Karabakh war invalids and persons equated to them standing in a queue until 2014 and during 2014 was provided with free of charge personal car by the Ministry of Labour and Social Protection of Population.

Analyzing the numerous appeals addressed recently to the Commissioner from the parents of children with Autism Syndrome, other legal representatives and from civil society organizations specialized in this field, she proposed adoption of the Law “On State Care to Persons with Autism Syndrome”, as well as preparation and further adoption of normative legal acts drafts as following: “State Program on Measures on Prophylaxis, treatment, rehabilitation and struggle with Autism Syndrome”, “Creation of and Rules of Registration of persons with Autism Syndrome”, “Volume of Primary Medical Aid (including necessary examinations) Rendering to Persons with Autism Syndrome, List and Doze of Injections and other Medications”, “Rules of provision of persons with Autism Syndrome with injections and other medications”, “Rules on Provision of persons with Autism Syndrome with sanatorium-resort treatment”, “List of High efficiency injections and other medications used in treatment of Autism Syndrome”.

It is necessary to carry out measures for medical examination and treatment of children suffering from deficit of growth hormone – dwarfism, adding of “somatotropin” hormone to the list of medications issued upon the free of charge drugs receipts prepared by the Ministry of health according to the Cabinet of Ministers Decision #38 dated March 7, 2005.

The round table was held on the occasion of December 3 – International Day of Persons with Disabilities and the 10<sup>th</sup> Anniversary of the adoption of the UN Convention on the Rights of Persons with Disabilities. The representatives of relevant state bodies, civil society, NGOs representing such kind of people as well as of the mass media participated at this event on the topic “The Convention on the Rights of Persons with Disabilities – 10 years: undertaken measures and forthcoming tasks”.

## **Chapter II**

### **Legal education, scientific-analytical work, Activities in the field of international relations, Cooperation with public society and mass media**

#### **2.1. Human rights education**

One of the main directions of the activity of the Commissioner is human rights education. For this, alongside with restoration of human rights and freedoms violated by the governmental bodies, municipalities of our country, ranked officials, the Commissioner also continuously improves her activity on conduction of legal awareness measures targeted at improving legal knowledge and thought of population.

In 2016, wide-scaled public hearings were conducted for monitoring the fulfillment, promotion and implementation of the National Program for Action with participation of representatives of local executive powers of cities and rayons of the republic, law-enforcement, other state bodies, municipalities, local communities, refugees and internally displaced persons, national minorities, NGOs and mass media, education and healthcare staff, active women and youth, wide audience.

The First Deputy of the Chairman of the Milli Mejlis of Azerbaijan Republic, deputy of Milli Mejlis, Chairman of the Azerbaijan Press Council, representatives of the governmental bodies – the executors of the National Program for Action, also of 12 executive powers of the rayons of the capital, NGOs and mass media, as well as ranked officials of law-enforcement bodies, district police departments and police offices of Baku city, participated at the final public hearing conducted in Baku on the National Media Day.

At the initiative of the Ombudsman within the frames of the NAP the training on the right to vote was organized for the staff of the Office jointly with the Central Election Commission (CEC) on the eve of the national voting (referendum).

Traditionally at the initiative of the Commissioner Human Rights Month-long campaigns were announced in the republic on the eve of June 18 – the National Human Rights Day, on the eve of September 21 – International day of Peace; Child Rights Month-long Campaign - on anniversary of the adoption of the UN CRC and with regard this all related central and local executive powers, NGOs and mass media were urged on conduction of appropriate events. The undertaken activities within each month have been analyzed and enshrined in the Commissioner's article, published in the official state newspaper, placed on the official web-site of the Office and delivered to the public.

A range of events were held in connection with relevant days of the UN and this is also directed at focusing the public attention to protection of rights of different groups of population and more massive conduction of the awareness activities in this field.

Teaching of “Human Rights”, and “Introduction to Gender” as independent subjects, growing up of the new generation of lawyers, and specialized psychologists were started in Baku State University last year at the initiative of the Commissioner, at the same time the UNESCO Department on human rights and right to information was established at this higher educational facility. The collection of lectures on “Introduction to Gender” was prepared.

Conduction of “Hierarchic education on child rights” in secondary schools in partnership with the Ministry of Education in connection with Enhancing of teaching of human rights at specialized vocational and higher education institutions and develop stage-by-stage teaching of the rights of the child in secondary schools enshrined in the Article 4.4. of NPA, considering the Commissioner’s proposal as well, contributes to legal awareness activities.

Thus, in 2016, “Hierarchic education on child rights” was realized in 12 secondary schools involved to these programs (one from each rayon of Baku city) and a secondary school from each of Sheki, Gabala, Gazakh, Agstafa, Khachmaz, Shabran, Jalilabad, Bilasuvar rayons – 20 secondary schools in total. Within the frames of Child Rights month-long campaign the events were held in those schools 1231 distinguished pupils, 20 principals and 71 teachers were awarded with Certificates of Appreciation, as well as with the Convention on the Rights of the Child translated and published in compliance with their ages.

More than 130 schools total of the country were involved to this education program, more than 7500 pupils, and more than 600 teachers, as well as principals distinguished in this process were rewarded with the Certificate of Appreciation by the Commissioner.

As each year, scientific – research practices for Masters of Sciences from the discipline “Human Rights” department of the UNESCO on human rights and information right of the Law Faculty and “European Law” specialty of the International Special Law and European Law Faculty of Baku State University, as well as internship for 42 students of the Regional Studies and International Relations Faculty of the Azerbaijan University of Languages were held in the Office in 2016. During the previous period 272 students and Masters of Sciences passed scientific – research and internship practices at the Ombudsman Office and were rewarded with relevant testimonials.

The systematic awareness events are organized by the Commissioner in the Academy of Public Administration under the President of the Republic of Azerbaijan, Police Academy, the Academy of Justice, as well as the Academy of Labour and Social Relations, Educational Center of the Office of the Prosecutor General, educational centers for training of the specialists in military sphere in compliance with the educational program of these educational facilities and aimed mainly at young students, persons involved for specialization, judges, lawyers, public servants. This contributes to increasing their knowledge and skills by human rights education.

The regional centers of the Commissioner also conduct wide-scaled legal education events addressed at different groups of population in regions of the country.

Continuous range of events upon relevant plan of actions conducted on the eve of such dates as December 1 – World AIDS Day, International AIDS Candlelight Memorial that takes place every third Sunday in May, June 26 – International Day Against Drug Abuse and Illicit Trafficking with involvement of the staff members of Ganja, Sheki, Guba and Jalilabad regional centers attracted the attention to these global problems.

The Commissioner and staff members of the Office visited several military units of Armed Forces and other armed troops, learned the conditions of military servants, alongside with these conducted educational events.

In different cores ensuring the efficiency of legal education, special attention is paid to women and elderly people in the Resource Center for the Elderly of the Commissioner which thousands people are benefiting from regularly, and to upbringing of young people with knowledge in human rights in the Leadership School aimed at child rights education regularly functioning at the Azerbaijan Child and Youth Peace Network (ACYPN) which is the Resource Center of the Ombudsman on Child Rights. There were organized a range of events contributing to learning by children and youth of their rights and teaching these rights to their peers, to perceiving the patriotic senses, to forming the leadership abilities in children and youth, as well as their social activity.

The event devoted to the 5<sup>th</sup> Presentation Ceremony of “Leave no child out!” National Public Award and presentation of “Children Hotline Mobile Application” with participation of representatives of the state bodies, civil society institutions and international organizations, as well as numerous children was jointly conducted by the Commissioner, the Ministry of Culture and Tourism, Azercell, Azerbaijan NGOs Alliance for Child Rights, Reliable Future Youth Public Union.

The Azerbaijan Child and Youth Peace Network that is the resource center of the Commissioner on child rights was awarded with “Leave no child out!” National Public Award-2016 on the nomination “NGO of the Year” in child rights protection and promotion field.

During the Commissioner’s term in Office, 178 titled publications have been published, more than 23 foreign literatures on human rights and decent governance have been translated into our language, 51 manuals were translated from the Azerbaijani language into the English language, 39 manuals – into the Russian Language and published. They have been disseminated among the wide audience, sent to libraries in cities and rayons, to the Ombudsman Institutions in foreign counties, institutions functioning in human rights field, national libraries, as well as were presented and met with interest in several international exhibitions, including International Book Exhibitions held in 2016 in Frankfurt and Istanbul with support of the Ministry of Culture and Tourism.

## **2.2. The activity of the Commissioner in scientific – analytical field.**

Realization, monitoring and coordination of strategies, state programs, national action plans and programs existing in human rights and freedoms protection, working out the references and proposals on draft laws regarding the improvement of the legislative acts, urging to the Constitutional Court with surveys regarding revision of compliance of the relevant provisions of some normative acts (of legislative, executive and local self-governance bodies), as well as court acts to the country Constitution are among the main directions of the scientific – analytical activity of the Commissioner.

As a result of monitoring conducted by the Commissioner it was found out that during the 25 years of independence more than 200 strategies, concepts, state programs, national action plans and programs directly or indirectly linked to human rights were adopted in the country.

The Commissioner was also involved in the National Action Group created with the aim to organize and coordinate the activity of state bodies, organizations and facilities regarding the implementation of “Azerbaijan 2020: Outlook into the Future”. Considering that priority directions of this Concept are linked to the Sustainable Development Goals for 2016-2030 adopted by the UN, monitoring of the implementation of relevant governmental documents for complex achievement the forthcoming tasks should be continued.

The Commissioner proposed working out and approving in future of the “State Program on Fighting Crime” with the aim to increase reliability and efficiency of protection of human and citizens’ rights and freedoms enshrined in the Constitution of the Republic of Azerbaijan and international treaties our country is a party to.

Ratification by our republic of several important international treaties guaranteeing human rights in a modern period, to which the country is not currently a party, was proposed in the annual reports of the Commissioner. However, no relevant laws were adopted in the previous period with regard to ratification of those treaties.

It was recommended adherence to the Protocol 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms guaranteeing current human rights and freedoms and to which our country is not a party.

The Commissioner closely participates in working out of recommendations and proposals regarding the draft laws on improvement of the legislation received by Milli Mejlis, state bodies, as well as NGOs.

Thus, the draft laws on making amendments to “Protection of the Reproductive Health”, “Youth Policy”, as well as “On Science”, “On Limiting the manufacture of tobacco products”, “On Psychological Aid” and others received from the Milli Mejlis were revised and corresponding proposals were prepared and submitted to respective authorities.

Relevant references were given on the draft “List of ranked persons commissioned to compile protocol on administrative offences cases that are under Rayon (city) courts investigation” prepared in connection with implementation of the para. 1.1.4. of the Decree #795 of the country President dated February 15, 2016.



In 2016 the Commissioner sent the inquiries to the Constitutional Court of the Republic of Azerbaijan on revising the compliance of the Decision #217 of the Cabinet of Ministers dated September 28, 2012 and #399 dated December 26, 2014 to the Parts I, III, IV and V of the Article 25, to the Article 37, to Parts I and V of the Article 149 of the Constitution of the Republic of Azerbaijan, of the “dishonest”, “unworthy” words used in Articles 157.5, 157.6, 166.2, 181.4, 188.3, 328.9, 328.10, 986-8.2, 1076-2.4, 1093.2.2, 1137, 1139, 1140, 1142, 1143, 1261 of the Civil Code, as well as “dishonest” and “dishonestly” words used in the context in the Articles 120, 320.3 of the Civil Procedural Code to Part II of the Article 46 and to Part I and III of the Article 149 of the Constitution of the Republic of Azerbaijan, of the Article 1176.2 of the Civil Code to the Part V of the Article 29, Parts I and III of the Article 149 of the Constitution of the Republic of Azerbaijan, also of the Article 965.2.2 of the Civil Code to the Part IV of the Article 25, Part VI of the Article 35 and Parts I and III of the Article 149 of the Constitution of the Republic of Azerbaijan.

During the term of the Commissioner out of 34 inquiries sent to the Constitutional Court, the decisions were adopted upon 20 of them by the Plenum (3 of them are resolutions), upon 13 cases the resolutions consisting comments assuming theoretical and practical importance were adopted by the Chamber, the revision of one inquiry at Plenum was being considered.

### **2.3. Public relations and cooperation with mass media**

***Public relations and cooperation with non-governmental organizations.*** From the first days of her term in the office the Commissioner has built close relations with governmental and non-governmental organizations, civil society, communities and broad public in order to be aware about multi-directional activity of the Commissioner, learn the public opinion about proposals and initiatives, to form adequate public thought.

In order to make mutual cooperation more fruitful and purposeful the representatives of the non-governmental organizations and independent experts are represented at the Council of independent Experts established at the Commissioner. The goal of the abovementioned Council is to analyze the situation on main directions of human rights in the country, preparation of proposals on improvement of relevant legislation, international conventions, domestic laws, conduction of joint events. This Council formed at the initiative of and guided by the Commissioner is an independent public consultative body functioning on voluntary basis and consisting of local NGOs working in human rights field. From the first years of its establishment the seminars, round tables, meetings were organized with participation of the council members. As in previous years, the next meeting of the Council of Experts was held in 2016 as well. The staff of the Office, representatives of numerous NGOs and civil society organizations participated at the meeting. New structure of the Council was approved, the further activity directions and priorities were determined, as well as the discussions on the matters of coordinated activity on the UN Sustainable Development Goals, preparation of reports submitted to international organizations, forwarding proposals on the legislation, the legal education work were carried out.

In 2016, the Commissioner conducted events devoted to different aspects of human rights with participation of representatives of state bodies, NGOs, civil society and public. At the conferences, public hearings and other events organized by the Office representatives of numerous state bodies and NGOs took participation. The discussions on raised issues, have been held, the proposals, views and recommendations have been shared and put forward during the events on the topics “The Convention on the Rights of Persons with Disabilities – 10 years: undertaken measures and forthcoming duties”, “Protection of entrepreneurs’ interests in Azerbaijan: existing remedies”, “Business and human rights”, also during the events devoted to the 26<sup>th</sup> anniversary of January 20 Tragedy, the 24<sup>th</sup> anniversary of Khojaly Genocide on February 26, March 31 – the Day of Genocide of the Azerbaijanis, as well as to the 93<sup>rd</sup> anniversary of National Leader Heydar Aliyev, the 10<sup>th</sup> anniversary of entering into force of the Optional Protocol to the Convention against Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as at the joint trainings with the UN High Commissioner for Refugees within the frames of project “Empowerment of women in the environment of internal displacement” and at numerous round tables and events on the other topics. These events are another example of mutual collaboration of the Commissioner with relevant NGOs alongside with the state bodies.

The child art contest on the topic “Me and my rights” in connection with the December 10 – International Human Rights Day was held traditionally. In the previous period, as a good practice, the children – winners of this contest held jointly with the Country Office of the UN High Commissioner for Refugees (UNHCR) were rewarded with presents and certificates.

***Cooperation with mass media.*** The Commissioner gives important space to efficient cooperation with mass media and this multi-directional cooperation is an integral part of her activity. Press-releases and information about the goals and intentions of the Office, its new ideas and innovations, main directions of the activity and events are sent to different newspapers and journals, information agencies, online news portals, radio and television broadcastings and e-newspapers.

The Commissioner has built her work in the environment of close relations and collaboration with written and electronic mass media, television and radio, as well as Press Council directed at self-regulation of media, the Council of State Support to Non-Governmental Organizations under the President of the Republic of Azerbaijan, journalist organizations.

Close cooperation was built and is continued with leading newspapers in the country, central and local radio and television broadcastings, correspondents of local mass media. This is an important tool for delivering the information regarding the activity of the office to broad audience.

10.656 articles and information in total, and 556 of them – in 2016, were published regarding the activity of the Ombudsman Institute.

During the term in office the press service prepared 3.867 press releases out of which 289 in 2016. These press releases were translated into English and sent to the Council of Europe.

Several articles of the Commissioner devoted to human rights and freedoms protection were published in foreign journals.

Since beginning of term in office the Commissioner has issued more than 114 statements, including the following in 2016: the statements on the 26th anniversary of the Tragedy of January 20, on the 24th anniversary of Khojaly Genocide, on March 31, the Day of Genocide of the Azerbaijanis, also the statement regarding killing of civilians by the Armenian armed forces in April, 2016, that were addressed to influential international organizations - the Secretary-General of the United Nations, United Nations Security Council, United Nations High Commissioner for Human Rights, European Commission, Council of Europe, Council of Europe, OSCE, International Ombudsman Institute, European Ombudsman Institute and Asian Ombudsman Association, International Peace Bureau, ombudspersons of foreign countries, embassies of the Republic of Azerbaijan abroad, as well as the foreign embassies in Azerbaijan, and organizations of the Azerbaijani Diaspora. The texts of the statements were published in many periodical presses, sounded on television and radio broadcastings.

144 issues of monthly informational bulletins, including 12 in 2016, were prepared and placed on the web-site of the Office. These bulletins were gathered and published in 4 books (2007-2008, 2009-2010, 2011-2012 and 2013-2014).

The representatives of the Ombudsman Institute participated at the events held on media issues and joined the discussions, also the numerous mass media representatives were represented at the conferences, public hearing and other events organized by the Office. The articles regarding the Commissioner's activity were published in press; the interviews were given to radio and television broadcasting.

The activity of the Commissioner was awarded with Prizes and Honorary Diplomas in different nominations.

## **2.4. International relations**

The UN and its specialized organizations, the Council of Europe, Organization for Security and Cooperation in Europe (OSCE), European Network of National Human Rights Institutions (ENNHRI), European Network of Ombudsman for Children (ENOC), International and European Ombudsman Institutions, Asian Ombudsman Association and others have a special place among the organizations and bodies the Commissioner cooperated with in 2016.

The Commissioner participated at the 33<sup>rd</sup> Session on Human Rights Council held from September 13-14, 2016, raised the issues of occupied Azerbaijani lands, the problems of refugees and internally displaced persons, called to international community for putting an end to the occupation in these lands where human rights are grossly violated and maintain peace. Two written statements of the Commissioner on education in human rights sphere and on the right to development have been registered and distributed among the representatives of participating states during the session.

The Head of the Office participated at the process of reviewing the 7<sup>th</sup>, 8<sup>th</sup> and 9<sup>th</sup> joint report of our country on implementation of the International Convention on the Elimination of All Forms

of Racial Discrimination during the 89<sup>th</sup> Session of UN Committee on the Elimination of Racial Discrimination (CERD) took place from 2-5 May, 2016, in Geneva. In the speech he stated that Azerbaijan as a multinational and multi-confessional country determined its national policy basing on the principles of coexistence and tolerance to different nationalities, ethnic groups and religious minorities and no discrimination or confrontation on the grounds of national or religious belonging took place in the country. The comprehensive information was given regarding the activity of the Ombudsman of Azerbaijan on elimination of discrimination; numerous questions of the committee members were replied. The speech of the Head of the Office was placed on the official web-site of the 89<sup>th</sup> Session.

Participating at the National Human Rights Institutions events within the frames of the 118<sup>th</sup> Session of the UN Human Rights Committee held in October, 2016, Geneva, the Head of the Office delivered a speech informing about the measures undertaken by the Azerbaijani Government in provision and protection of rights envisaged in the International Covenant on Civil and Political rights, as well as about the parallel report of the Ombudsman submitted to the UN HRC and placed on the UN official web-site.

He also participated at the Steering Committee meeting held in Baku for discussion of the work plan on “Freedom of Speech and Media Freedom” project for 2017 of the COE/EU Eastern Partnership (EaP) Programmatic Cooperation Framework (EaP PCF) in the Eastern Partnership countries and informed about the capacities of the Ombudsman for participation in this project.

The staff members of the Commissioner participated at the international conference on the topic “The democratic states’ priorities in fighting discrimination” held in Chisinau, Moldova, with COE/EU support in December 2016.

The Head of the Office participated at the OSCE Annual Meeting on Human Dimension in Warsaw; his presentations related to the 2<sup>nd</sup> and 3<sup>rd</sup> meetings respectively were included to the list of official documents of the event and placed on the OSCE official web-site.

The participants were given comprehensive information regarding multidirectional activity of the Commissioner, efficient cooperation with the EU, active participation in Twinning, Eastern Partnership and TAIEX projects of the EU, the specificities of these projects.

Nowadays the Twinning project titled “Support to strengthening the capacities of the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan” consisting of 4 components launched within the frames of the EU’s “European Neighborhood and Partnership Tool” and will be continued for 24 months in collaboration with Germany and Poland.

The first component is devoted to the strengthening the activity of the Ombudsman Institution as of the National Preventive Mechanism against Torture, the second one is devoted to improving the institutional capacities of the Ombudsman Office and of the informational system in management, the third component is regarding strengthening the capacities of the Ombudsman Office in implementation of the Law of the Republic of Azerbaijan on Access to Information, the fourth one is devoted to conduction of the training on efficient management for the staff of the Office. In October, 2016, within the frames of the first component events, a group of the staff participated in exchange of the experience in Greece.

The Head of the International Relations Sector participated at the second meeting of the General Assembly of the European Network of National Human Rights Institutions in Zagreb, Croatia, where not only NHRIs of European countries but also the Office of UN High Commissioner for Human Rights, UN Development Program, OSCE, International Ombudsman Institution and other international organizations were represented.

The Commissioner's specialized advisor on the child rights participated at the 20th Annual Conference and General Assembly of the ENOC held in Vilnius, Lithuania.

The Commissioner's specialized advisor on the rights of refugees, internally displaced persons and migrants delivered a speech at the ENOC's international conference devoted to the topic "Children's condition in Europe: protection and future of migrant children" organized jointly by the COE and Ombudsman Office of France.

The Commissioner participated and delivered presentations at the 18<sup>th</sup> Meeting of the International Ombudsman Institution, Asian Ombudsman Association, as well as at the International Forum and International Training-seminar for the Asian Ombudsmen devoted to the topics "Administrative Dispute Resolution and Ombudsman" and "Increasing the Public Governance Transparency and Responsibility". In her presentations, the Commissioner stated the importance of involving Central Asia countries to this network, as well as promotion of peace and stability in activities of relevant institutions for prevention of refugees, internally displaced persons and current global migrants' flows, as well as of the armed conflicts and stressed the necessity of cooperation in this field

The Conference on the topic "Ensuring human rights and freedoms of all: legislation and practice of Azerbaijan" was conducted jointly with the country representative of the UNHCR on the occasion of December 10 – Universal Human Rights Day, with participation of Milli Mejlis deputies, representatives of state bodies, civil society institutions, international organizations.

The Conference titled "Multiculturalism and human rights: equality, cooperation and development" was held jointly with the National Commission of the Republic of Azerbaijan for the UNESCO.

In 2016, the Commissioner received the ambassadors of foreign countries accredited in Azerbaijan, officials of international organizations, including the heads of their country representatives, also several foreign experts, informed them about the activity, wide-scaled reforms in human rights for their improvement, discussed the issues of joint cooperation on human rights protection.

## *Conclusion and recommendations*

Successive wide-scale events in all fields of socio-economic life and covering all strata of population, especially low-income families and individuals in need of care were conducted in 2016 in our country.

With approving of the “Strategic road maps for the national economy and main economic sectors” by the country President in order to deeply analyze the existing situation for ensuring sustainability of economic policy and reforms and to work out new strategy of development, our republic stepped into new development period.

In compliance with the relevant main directions for determination of perspective development goals and directions, ensuring their realization the Strategic Road Maps were approved for the development of the oil and gas industry, for the manufacture and processing of agricultural products, also of small and medium entrepreneurship-level consumer goods, for the development of heavy industry and machinery, of specialized tourism industry, also for the development of logistics and trade, of housing provision at a reasonable price, of vocational education and training, for the development of financial services, of communication and information technologies, as well as of utilities.

Establishment of the National Coordination Council for Sustainable Development in the Republic of Azerbaijan with the aim of coordination of the implementation of duties of state bodies linked with the obligations following from “Transforming our world: the 2030 Agenda for Sustainable Development” assumes special importance in the current situation.

This should be mentioned to the point that the establishment of this Council was appreciated in the country and by influential international organizations, as well as by the UN Secretary General António Guterres.

Mutual respect in state-citizen relations, new initiatives in administration, modern challenges in development of the society, application of advanced informational technologies and innovations will further contribute to increasing of the influence of our country on the international area, improving of social welfare of population.

During the previous period, continuing her activity in the environment of practical cooperation with state bodies, civil society institutions, as well as international organizations and foreign colleagues, the Commissioner sounded several innovations and initiatives aimed at effective provision of human rights and freedoms, solution of problems of different groups of population, submitted about 600 proposals and recommendations to competent governmental bodies during her term in the office and many of them were implemented.

Thus, considering the proposals of the Commissioner put forward at her term in the office, several international documents were ratified, additions and amendments were made to normative-legal acts, as well as the Family, Woman and Child Issues Committee was established by the decision of the Milli Mejlis of the Republic of Azerbaijan.

Alongside with the abovementioned, by the relevant decrees of the President of the Republic of Azerbaijan the process of license issuance to the entrepreneurs was simplified, the list of

documents approving the right to property over real estates obtained or created before entering into force of the Law of the Republic of Azerbaijan “About the State Real Estate Register” was approved, the system of evaluation of the disability or physical capacities limits was improved, the State Housing Construction Agency (MIDA) under the President of Azerbaijan was established and the construction of inexpensive social houses was started.

By the decrees of the country President “The State Strategy on development of education in the Republic of Azerbaijan”, “The National Strategy on improvement of information society in the Republic of Azerbaijan for 2014-2020 years” were approved, several regional legal consultation service centers were established in compliance with the Plan of Actions on implementation of the State Program on the “Poverty Reduction and Sustainable Development in the Republic of Azerbaijan for 2008-2015” and they render free of charge legal aid.

In cooperation with respective state bodies the Commissioner established the Working Group on Business and Human Rights and it continues the activity.

In cooperation with the Ministry of Communication and High Technologies the actions were carried out for expanding the network and for promotion of the exploitation of the e-application terminals in the regions created for ensuring the effective enjoying by the citizens of the rights to apply.

Necessary measures were taken for employment the provision and reduce of unemployment, thousands of work places were opened, the sum of benefits serving to strengthening the social protection of groups of population in need of care were successively increased, the relevant environment was created for elimination of procrastination in application of e-services for receiving the targeted state social aid.

Unfortunately, several proposals and recommendations put forward by the Commissioner in the annual reports and submitted to appropriate state bodies in order to effective ensure and reliably protect human and citizens’ rights and freedoms still expecting solution.

The Commissioner proposes the following with the aim of more efficient provision of rights of population, especially of the groups of population in need of care:

- *Conduction of awareness measures in the capital and regions on goals and the targets from Sustainable Development Goal selected for Azerbaijan, realization of regular events and involvement of international organizations to this activities;*

- *Approval of prepared in compliance with the “Azerbaijan 2020: Look into the Future” the “State Program on Strengthening the Social Protection of the Elderly”, “National Action Plan on protection of rights of persons with disabilities”, “State Program on development of the inclusive education for persons with limited physical capacities in the Republic of Azerbaijan”, “State Program on Population inhabitation and demographic development in the Republic of Azerbaijan”, “National Action Plan on development of the civil society”, as well as adoption of the Law of the Republic of Azerbaijan on the Rights of Persons with Disabilities, application of various developing, correctional and inclusive education programs in regions for children in need of special care, with limited physical capacities;*

- *Carrying out the measures in cooperation with state bodies and civil society institutions by analyzing the recommendations of the UN and its treaty bodies, COE and other international organizations on the reports of the Azerbaijani Government;*
- *Carrying out the measures on implementation of acceptable recommendations from those previously given under the UN Universally Periodic Review (UPR), considering that our country will submit the next relevant report in 2018, conduction of public discussions, as well as holding trainings on the participation of Azerbaijan in the UPR mechanism, on rules of submission relevant reports of NGOs;*
- *Working out and realization of cooperation programs jointly with various institutions of the UN, including institutions specialized in human rights, High Commissioner for Refugees, UNICEF, UNESCO and others, World Bank, as well as COE, EU, OSCE, Organization of Islamic Cooperation and other regional organizations;*
- *Regular analysis of the implemented or expired state plans and programs in human rights field, working out and approval of new concepts and road maps basing on modern challenges;*
- *Support the adoption of the proposals upon draft laws submitted by the Commissioner within the framework of cooperation with the Milli Mejlis for more efficient ensuring human rights and freedoms;*
- *Conduction of awareness events in Baku and regions with participation of relevant state bodies, representatives of mass media and non-governmental organizations for more efficient provision of the freedom of speech and expression, increasing the vocational and legal culture of journalists;*
- *Learning of the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Optional Protocol to it by staff of law-enforcement and other related bodies, as well as lawyers and representatives of the non-governmental organizations specialized in legal sphere, continuation of awareness measures in the capital and regions for this aim;*
- *Creation of free of charge legal consultation offices in Baku and other cities, or rayon centers of the republic in compliance with the population number and needs, taking into account the capacities of citizens with low-income;*
- *Organization of new notarial bureaus and legal offices with legal aid by lawyers in cities, rayons of the republic, taking into consideration the population size and demands;*
- *Carrying out the measures on implementation of acceptable recommendations from those previously given under the International Covenant on Economic, Social and Cultural Rights, considering that our country will submit the relevant report in 2018, organization of public discussions, as well to as speeding up the ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights adopted by the UN GA Resolution 63/117 on December 10, 2008, and signed by Azerbaijan;*



- *Promotion of the UNESCO “Education for All” principle basing on the National Action Plan and National Program for Action, continuation of work on training of trainers in legal education field in Baku and regions for different groups of population (women, children, youth, persons with disabilities, the elderly, refugees and internally displaced persons, prisoners, military servants, as well as people suffering from drug abuse and HIV/AIDS) and conduction of trainings for more efficient protection of rights and freedoms;*
- *Speeding up the adoption of the Law “On Psychological Aid” and creation of relevant free of charge service centers;*
- *Speeding up the process of moving of refugees and internally displaced persons settled in properties or flats in use of other persons to appropriate houses;*
- *Adoption of the law “On Recognition of the right to property over houses without documents and land areas for them” with the aim to realize the right of citizens’ to property, including additional means to the budget from gathered taxes and state customs, as well as ensuring the citizen-state satisfaction;*
- *Making amendments to existing legislation acts related to gradually benefiting from loan possibilities not only by young families, but also by other persons from different age groups;*
- *Speeding up the construction of social houses all over the republic upon the instruction of the country President in order to solve the housing problem;*
- *Incorporating and implementing the legal norms, principles and standards enshrined in the international documents on “Business and Human Rights” in the legislation of the Republic of Azerbaijan, as well as conduction of consultations for discussing the further directions of activity in this field;*
- *Increasing corporate social responsibility of entrepreneurs through making amendments to relevant legislative acts, as well as encouraging them to assist persons with disabilities and their organizations, conducting the renovation – reconstruction works in frontline villages, improving the infrastructure, also expanding awareness measures for protection of entrepreneurs and customers’ rights;*
- *Working out and implementing the programs directed at social rehabilitation and social adaptation with the purpose of social protection of lonely persons, abandoned elderly, former prisoners having no living place, persons in need of treatment from drug (alcohol) abuse, minors faced difficulties in life and in need of state care, women and children subjected to violence (domestic violence), victims of trafficking in persons, as well as creation of regional asylum complexes providing specialized social-psychological rehabilitation services;*
- *Carrying out the measures on implementation of acceptable recommendations from those previously given under the UN Convention on the Rights of the Child, considering that our country will submit the relevant report in 2018, and organization of public discussions, at the same time signing and ratification of Optional Protocol III to the UN Convention on the Rights of the Child regarding the mechanism of submitting complaints;*

- *Creating the child rights education and promotion centers under the child activities centers in the regions;*
- *Developing the State Program on Combating Domestic Violence, as well as delivering necessary support to the activity of non-governmental organizations accredited for rendering social services for suffered persons;*
- *Determining the social benefits for physical persons taking care of lonely people or abandoned elderly who are not able to take care of themselves, including of the period of care into the total labour length of service, realization of programs directed at increasing the role of the elderly into public life;*
- *Building of social infrastructure objects and their adaptation to persons with disabilities in compliance with the Law “On Prevention of Disability and Limitation of Health Capacities of Children, Rehabilitation and Social Protection of Such Children”;*
- *Carrying out the measures on implementation of acceptable recommendations from those previously given under the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, considering that our country will submit the relevant report in 2018, and organization of public discussions;*
- *Improving the infrastructure in the frontline rayons, as well as strengthening the medical and social services capacities;*
- *Speeding up the rules and terms of insurance payments to military servants who died, to those who got lost or injured but failed to receive those payments, as well as conclusion of payment of the compensations considered for unused vacations during the military service, also bringing the sum of compensation for renting temporary flats in conformity with real prices, continuation of awareness events, seminars and meetings in the army and other armed troops;*
- *Improving the structure of the Commissioner’s Office and making necessary additions and amendments to the Constitutional Law on the Commissioner for Human Rights, taking into consideration that the Commissioner fulfills the functions of the independent monitoring mechanism following the Article 33.2 of the UN Convention on the Rights of Persons with Disabilities;*

We hope that these proposals will be taken into consideration the next year or gradually in compliance with the state budget and will serve to ensuring the decent life of people.

The grounds of sustainable, systematic and continuous development of human and citizens’ rights and freedoms, as well as of the democratic pillars, the improvement and strengthening the state administration mechanisms, creation of the civil society institutions, gradual deepening of the public control gave a push to efficient provision and reliable protection of human and citizens’ rights and freedoms in the country. In the name of sustainability of this achieved success the cooperation relations between the state bodies and the civil society should be uninterruptedly developed.

All forces of the society, including the governmental bodies, civil society institutions and particular individuals should continue the cooperation in the environment of mutual trust and confident relations for solution of the priority issues faced by our country in the name of development and progress of the Republic of Azerbaijan, efficient provision and reliable protection of human and citizens' rights and freedoms.