

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

**The annual report of the Commissioner for Human Rights
(Ombudsman)
of the Republic of Azerbaijan for 2005**

**On the situation with the provision and protection of human rights
and freedoms in Azerbaijan**

(executive summary)

Baku 2006

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Foreword

Human and civil rights and freedoms are the most sacred values of the history of mankind. The reports filed to the Commissioner for Human Rights of the Republic of Azerbaijan, as well as carried in the media, on the decisions and action or inaction of government and municipal authorities and officials illustrate that progress is made every year in respecting these values and providing civil, political, economic, social and cultural rights in our republic.

But despite this there still exist some drawbacks and problems worrying citizens that need to be resolved. The reason is that some government officials take a bureaucratic approach to resolving issues and improperly enforce the law, something that creates obstacles to the establishment of a law-based state and civil society in our country.

The elimination of these drawbacks and problems requires all the government agencies and officials to have strong will and professionalism and enjoy understanding and actual support of the public. It also requires citizens to act for their rights, freedoms and lawful interests, as well as to be responsible for their duties.

This annual report of the ombudsperson has analyzed the main directions of her activities in 2005 and generalized the experience of development and establishment. The ombudsperson's opinions, proposals and recommendations were based on the investigations into incoming appeals, including applications, proposals and complaints, her reviews of prisons, detention cells and remand facilities, observations during meetings at military units, orphanages, boarding schools, refugee and IDP camps and public health and social security facilities, as well as the generalized analyses of media reports.

The report reflects the situation with the provision of human rights and freedoms, problems in this area, the measures taken by the ombudsperson to restore the violated human rights and freedoms, the proposals aimed at improving the Azerbaijani legislation, efficiently ensuring the human rights and freedoms of certain groups of the population, including refugees and IDPs, servicemen and convicts, and resolving some other social and economic problems, education in human rights, media and public relations and issues of international cooperation.

Under Article 14 of the Constitutional Law of the Republic of Azerbaijan “On the Commissioner for Human Rights of the Republic of Azerbaijan”, this annual report shall be prepared by the ombudsperson for submission to the President of the Republic of Azerbaijan, the Milli Majlis (parliament), the Cabinet of Ministers, the Constitutional Court, the Supreme Court and the Prosecutor General’s Office of the Republic of Azerbaijan.

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Introduction

Taking brave steps towards establishing a law-based democracy, in which social wellbeing and mutual understanding and confidence of the public prevail, our country aims to ensure the supremacy of the law, secure the rights and freedoms of every individual in strict compliance with the Constitution of the Republic of Azerbaijan and develop democracy and democratic institutions.

The living conditions of the population of our country, which is on the road to integration into Europe, are being brought into conformity with the requirements of modern society as the economy grows.

The out-of-court human rights body – the ombudsman institution, which was set up to protect and reliably provide human rights enshrined in the Constitution of the Republic of Azerbaijan and international covenants that our country is a party to, improve democratic government and strengthen statehood, and to restore the human rights and freedoms violated by government and local government authorities and officials, plays a certain role in this area.

Although the ombudsperson does not have any ruling authority, she invited those officials who exceeded their powers, replaced state administration procedures to violate human rights and freedoms and overstepped the limit specified in the law to respect human rights and the law over the past period.

Under the Constitutional Law, the activities of the ombudsperson do not restrict or replace the powers of other government authorities dealing with the protection of human rights and the restoration of the violated human rights and freedoms. Nevertheless, the ombudsperson did not spare her efforts to help and influence those authorities to improve their work in this area and draw attention to the discovered shortcomings and problems, including the action or inaction of certain government authorities and officials, thus helping exercise human rights more thoroughly.

The bulk of the cases related to the restoration of the violated rights consisted of written appeals mailed to the ombudsperson. Those appeals were examined and responded to within the limits of the requirements of the Constitutional Law. Moreover, citizens used a variety of methods to bring their appeals to the ombudsperson. Such methods included appeals submitted at the ombudsperson's regional centers, through the hotline of the prompt investigation team, the reviews of prisons, detention cells, remand facilities by representatives of the Ombudsman's Office and meetings at military units, orphanages, boarding schools, camps, settlements populated by refugees and IDPs and public health and social security facilities.

The ombudsperson received more appeals over the reported period than in the previous years. The ombudsperson has received a total of 18,260 appeals throughout her activities, including 794 in the last two months of 2002, 3,706 in 2003, 6,300 in 2004 and 7,460 in 2005. As can be seen here, the number of appeals in 2005 was 18% more than in 2004.

92.7% of all the appeals made to the ombudsperson were complaints, 7.1% were applications and 0.2% were proposals.

38.2% of the complaints were about the violation of civil and political rights and 61.8% about the violation of economic, social and cultural rights.

The ombudsperson refused to accept 51.6% of the complaints on the grounds that they were not in her competence, a year had passed since the rights of the complainant were violated, they were anonymous, court proceedings were under way over the complaint and re-submitted complaints did not contain new information, facts and proofs.

48.4% of the complaints were accepted for examination.

44.1% of them were about the violation of civil and political rights and 55.9% about the violation of economic, social and cultural rights.

58.4 of those complaints did not present any violation of human rights and freedoms, while 37.1% contained cases of violation.

25.8 of the complaints accepted for examination were fully and 5.9% partially satisfied, while 5.4% were not satisfied at all.

The annual report presents a generalized analysis of the situation of human and civil rights in Azerbaijan and conclusions and recommendations about the priorities in this area in view of the importance of increasing the effectiveness of this constitutional entity, which protects human rights.

Chapter One

Ombudsman's activities in the protection of human rights and freedoms

1.1 Protection of civil and political rights

Everyone is entitled to move freely on the territory of the Republic of Azerbaijan, choose any place of residence and pass via the territory of the Republic of Azerbaijan. The ombudsperson received a lot of complaints about the procrastination and arbitrariness of officials in the course of issuing ID cards to the citizens of the country, replacing expired old Soviet passports and providing national passports.

The mentioned cases impeded the exercise of a number of constitutional rights and freedoms of citizens and also deeply worried the Ombudsperson in the year of parliamentary elections in 2005.

Although it may seem to be simple, it is still clear that without ID cards people are actually unable to exercise most constitutional rights.

People having permanent registration also had difficulties receiving ID cards alongside with people who had no registration on the place of residence because of the presence of more than a million refugees and IDPs in the country, chaotic migration, housing problems and other reasons. There were widespread cases in which police departments of registration and ID cards demanded bribe besides state duties. Monitoring conducted before the elections showed that half the population in most districts did not have ID cards.

It is also true that almost 92-95% of those who did not have ID cards, including members of disadvantaged families, elderly, disabled and ailing people, were provided with ID cards in a very organized manner and in a short time before the elections following the work of the Interior Ministry and the sincere efforts of all police divisions in towns and districts, as in almost every residential area and even remote villages pictures were taken and blood groups of people were identified on the spot. Therefore, the number of complaints about this has sharply dwindled.

Numerous complaints to the ombudsperson asking for help in the provision of ID cards of the Republic of Azerbaijan because of the lack of permanent places of residence were satisfied in every case and the violated rights were restored. Following the ombudsperson's interference the Nizami district police department registered complainants H (11-05), A (3724-05) and Q (5398-05) from Baku, the Yasamal district police department registered complainant Sh (2053-05) from Baku, the Sumgayit city police department registered complainant S (1953-05) from the city of Sumgayit and the Absheron district police department registered complainant H (5008-05) from Absheron district in the required manner and provided them with ID cards. We can show a lot of such examples.

There have also been cases of procrastination in police registering citizens to their own apartments. This prevented citizens from having ID cards in time. Some

complaints were put right following the ombudsperson's appeal to police authorities. For example, complainant S from Baku (1798-05) appealed to the Ombudsperson and said that the head of the registration and ID cards section of the Azizbayov district police department had refused to register his daughter-in-law to the apartment of his son. After the ombudsperson's appeal the woman was registered and provided with an ID card.

The complaints of citizens who had permanent registration, but faced difficulties receiving ID cards and appealed to the ombudsperson for help were also put right.

Inviolability of an apartment is one of the main guarantees of respecting privacy. It is allowed to enter an apartment against the will of its occupants only in the cases specified in the law. Illegal searches and confiscation in an apartment violate the right to the inviolability of an apartment. It is extremely important to bring the persons responsible for such violations to account in terms of protecting and respecting human rights.

Complainant M from Baku (5598-05) told the ombudsperson that a group of people broke into his apartment on June 19 2005 and insulted members of his family, but his appeals against the attack were fruitless. After the ombudsperson's appeal, the Yasamal district prosecutor's office of Baku examined the criminal case, which was started under Article 132 of the Criminal Code and dismissed at the petition of an investigator of the investigation section of the Yasamal district police department, Kh. Isgandarov, overruled the decision on the dismissal of the criminal case since it was groundless and referred the case back to the section for further investigations.

The law-enforcement agencies must take serious measures to protect the right of citizens to the inviolability of an apartment and must not spare their efforts to safeguard this constitutional right.

Freedom, the protection of honor and dignity, as well as the rights of detainees, arrested people and defendants, are always in the public spotlight. This causes concern that those rights are sometimes violated by the law-enforcement agencies.

Over the past period the ombudsperson regularly reviewed remand facilities and detention cells of town and district police departments and divisions and the Main Department to Fight Organized Crime in accordance with the constitutional law and the powers of the commissioner for human rights in order to study the situation of the provision of human rights and freedoms, as well as verify and investigate reports in the incoming complaints and the media about human rights abuses.

During these reviews the ombudsperson met with detainees, heard their suggestions and complaints, explained their rights to them, became familiar with their detention conditions, nutrition, medical services, lawyers and the documents confirming the lawfulness of their detention, and gave recommendations to improve their detention conditions. In most cases those detainees didn't complain about their detention conditions and said that they were provided with good food and had not been subjected to torture or any inhuman punishment and treatment.

The country's remand facilities were overhauled and reconstructed in 2005, rooms were revamped for prayers in most remand facilities and important work was

done to bring the detention conditions in those facilities to the level of European standards.

In most cases conditions were created for the review of remand facilities by the ombudsperson and representatives of the Ombudsman's Office, but in some cases heads of police departments, divisions and units created obstacles to such reviews.

Applicant B (5832-05) appealed to the ombudsperson, saying that a police officer in the Nasimi district police department detained her husband groundlessly and beat him up. The ombudsperson and an employee of the Ombudsman's Office attempted to review the remand facility of the Nasimi district police department in order to examine the complaint, but the head of the remand facility, T. Kazimov, and his subordinate D. Aliyev did not create the necessary conditions for the review and did not produce the required document certifying that the suspect complained about his health when he was brought into the facility. Following the ombudsperson's appeal the Interior Ministry tasked the Nasimi district police department to apply administrative punishment against T. Kazimov and police officer D. Aliyev for failing to create the necessary conditions for the review and concealing the presence of the document certifying that the suspect complained about his health when he was brought into the facility, take urgent measures to create the necessary conditions for employees of the Ombudsman's Office when they enter the remand facility to examine the detention conditions of detainees, and eliminate the existing drawbacks.

Employees of the Ombudsman's Office visited police station 22 of the Nasimi district police department to examine the complaint saying that Citizen R was unlawfully detained and tortured in that station and found out that Citizen R was kept in the study of an investigator of that station. During the conversation Citizen R said that police detained him on 1 April 2005 when he was a guest in the home of his friend in Binagadi settlement and kept him until morning in the station. A review found out that a protocol had not been compiled on the detention of R and his name had not been included into the log. An act was drafted on the findings, but police refused to sign it at the instruction of the head of the police station.

Employees of the Ombudsman's Office appealed to the head of police station 31 of the Surakhany district police department, Adil Sadykhov, on 26 April 2005 for permission to meet with a person who was detained on 25 April 2006 and kept in that station and see the documents legalizing his detention, but Sadykhov totally refused to give the permission in the presence of the deputy prosecutor of Surakhany district, Azer Mustafayev.

Besides the abovementioned, sometimes heads of town and district police departments and divisions exceed their powers to order keeping detainees in remand facilities longer than allowed by the law. Such cases were observed in the Nasimi district police department.

While conducting a series of reviews of remand facilities, the ombudsperson found out that more people were kept in the remand facility of the Jalilabad district police division than allowed and defendants and persons who were arrested in an administrative manner were kept together in Jalilabad, Goranboy and other districts. The ombudsperson made her remarks to the heads of police divisions and district

prosecutors, demanded an urgent end to such violations of the law and informed the interior minister of these cases.

The ombudsperson regularly expressed her ideas, judgments, remarks and proposals about violations of the law to the heads of police departments and divisions, the Prosecutor General's Office and the Interior Ministry of the Republic of Azerbaijan. As a result, appropriate measures were taken to eliminate those violations and punish the culprits.

The ombudsperson talked to each of the seven men arrested on February 7 on charges of complicity in the Nardaran events on 25 January 2005 in private at the remand facility of the Main Department to Fight Organized Crime. All the detainees said that they had not been subjected to violence or any rude or degrading treatment and did not complain about their detention conditions. The ombudsperson also met with members of their families.

The ombudsperson also reviewed detention cells many times. The ombudsperson met with academician Eldar Salayev, former economic development and health ministers, as well as other persons kept at the detention cells of the National Security Ministry to become familiar with their detention conditions. Those persons said during private conversations that they were satisfied with their detention conditions. The ombudsperson appealed to the prosecutor general of the Republic of Azerbaijan to assist in changing the drastic measure of imprisonment against Eldar Salayev.

The ombudsperson kept a constant eye on the condition of the chairman of the Yeni Fikir youth organization, Ruslan Bashirli, met with him at detention center 1 of the Justice Ministry, became familiar with his detention conditions and helped Bashirli's transfer to an in-patient ward to have medical examination and receive treatment since Bashirli said he needed treatment. At the same time, the ombudsperson also met with the deputy chairman of the organization, Ramin Tagiyev, at that detention center. The two did not make any complaints about their detention conditions and the treatment by the officials of the detention center.

Religious tolerance has been reigning in Azerbaijan since the country restored its independence. Representatives of different religions and sects build their relations on the basis of principles of mutual respect.

Nevertheless, some cases cause concern. The involvement of schoolchildren both in Baku and in other parts of the country in the performance of religious rituals and the work of different religious sects pave the way for violating the country's laws and bringing up children in contradiction with the national and moral values.

Some religious organizations or communities bring books promoting religious rifts to the country and disseminate them, thus laying the foundation of an instable environment in society.

Teaching religion at school stands up as a problem now since a special institute that will be established under the Council of Europe will train specialists to teach religion at school. Our country, which is a member of the Council of Europe, must be ready for this process.

Everybody has the right to freedom of assembly together with others and is entitled to hold peaceful and unarmed assemblies, rallies, demonstrations, marches and

pickets with prior notification of the relevant authorities. This right is unbreakably connected to freedom of expression and freedom of speech.

It is known that some rallies and demonstrations were held in 2005, which was the year of parliamentary elections. It should be noted with regret that unsanctioned protests sometimes did not go without clashes. The main reason was that those protests were held in an unsanctioned manner in breach of the requirements of the law.

The ombudsperson met with protesters and police officers who were injured in unsanctioned protests in the run-up to the Azerbaijani parliamentary elections on November 6 2005 in hospitals and protesters who were detained or arrested during those protests in remand facilities, examining and controlling their detention conditions.

The ombudsperson reported the violations to the Interior Ministry and noted that such violations negatively affected the country's international image and some ambassadors and organizations active in the country, as well as the foreign media, said that such violations were inadmissible. The ombudsperson also suggested that serious investigations should be carried out for the sake of ensuring the right of personal inviolability, honor and dignity, freedom of assembly, thought and expression as fundamental human rights and freedoms, media reports should be examined and measures should be taken to punish those police members who used unnecessary force.

Despite this no cases of violence were in place during some rallies.

Freedom of expression and press and pluralism of thought are the biggest achievements of our independence.

The ombudsperson attached great importance to relations with the public and the media over the past period.

Freedom of the press and responsibility to the public, the achievements and problems of TV and the radio were widely discussed at the roundtable "National progress and our press" dedicated to the 130th anniversary of the national press at the Ombudsman's Office on 18 July 2005.

The media have an undeniable role in covering elections. Therefore, the ombudsperson noted that journalists needed to be impartial in their coverage in order to ensure that people are actively involved in election campaigns, it was necessary to secure pluralism of thought and objectivity in print and broadcast media reports and deliver impartial information to the public. The ombudsperson also called on the media to be impartial in covering pre-election developments, avoid disseminating information sparking conflicts and confrontations and make a wide use of articles helping people master the culture of elections.

The ombudsperson kept a close eye on the protection of rights of journalists who cover elections. Saying that it is inadmissible to use unjustified force against journalists who perform their professional duties in covering election-related protests and it is necessary to create good conditions for every journalist to perform his or her duty, the ombudsperson noted with regret that the rights of journalists were abused during those protests and there were cases of mistreatment and unjustified use of force against journalists from Zerkalo, Yeni Musavat and Aydinlig newspapers, Azadpress information agency and ANS TV channel. The ombudsperson appealed to the interior minister over the abuses.

The ombudsperson appealed to the chairman of the National TV and Radio Council over the closure of the Shaki bureau of ANS, requesting to investigate the suspension of the broadcast of the newly established bureau, resolve this issue in accordance with the law and help restore the bureau.

Defending the principle of accepting pluralism of thoughts and faiths in society with tolerance, the ombudsperson is confident that the murder of the editor-in-chief of Monitor magazine, Elmar Huseynov, will be resolved soon.

Elections are crucial for social and political life of every country. The state authorities and local government bodies are formed in democratic and fair elections.

The protection of the right of citizens to vote as a major right, as well as the parliamentary elections on November 6 2005, was also in the focus of the ombudsperson.

Wide-scale education efforts were made in view of the fact that the presidential decrees "On improving electoral practice in the Republic of Azerbaijan" dated 11 May 2005, which aimed to prevent possible irregularities in the run-up to and during the elections, conduct the parliamentary elections in full accordance with the provisions of the Electoral Code and ensure the proper fulfillment of duties of the executive authorities, and "On urgent measures to prepare and conduct elections to the Milli Majlis of the Republic of Azerbaijan" dated 25 October, which was directed at increasing the efficiency of measures to improve electoral practice, were of special importance in ensuring the right to vote.

The ombudsperson and employees of the Ombudsman's Office provided some education in different districts of the republic, the areas populated by refugees and IDPs, remand facilities and detention centers to improve the legal culture of voters and ensure democratic, free and fair elections. The ombudsperson prepared handbooks "Your right to vote" containing enforceable acts setting out the right to vote, voting rules, the duties and responsibilities of observers and the participation of journalists in elections and distributed those handbooks.

The ombudsperson conducted regional consultations and seminars in Guba, Jalilabad, Sumgayit, Shaki, Sabirabad, Agsu and Ganja, covering 52 districts, in September and October with the participation of members of the Interior Ministry and the Central Electoral Commission, as well as chairpersons of district electoral commissions and precinct electoral commissions of occupied districts, members of local executive authorities, chairmen of town municipalities, police officers, prosecutors and court officials to discuss issues related to the preparations for elections and hear about the work done by chairpersons of electoral commissions, local executive authorities and law-enforcement agencies.

The ombudsperson monitored the way the presidential decrees were executed in all the regions, especially in IDP settlements, where regional seminars were held, examined the situation with the provision of the right to vote, the reconciliation of voter lists, the distribution of voter cards and the provision of ID and voter cards to people, reviewed the buildings of district and precinct electoral commissions, gave different recommendations during meetings, answered questions and discussed problems and ways of resolving them.

The ombudsperson also suggested that the broadcast and print media should give wider coverage to promoting political culture, equal conditions should be set up for all and measures should be taken in cooperation with local executive authorities and municipalities to promote the electoral laws and regulations on the ground.

The ombudsperson and employees of the Ombudsman's Office observed parliamentary voting on 6 November 2005 in 86 polling stations of 46 constituencies, as well as in several polling stations for 18 military units, 10 correctional institutions and separate polling stations where IDPs voted, as independent observers. The observation showed that progress had been made in holding a democratic, transparent and fair election, people were free to choose and observers were free to watch the voting, fingertips were inked for the first time and exit-polls were conducted.

The ombudsperson immediately appealed to the Central Electoral Commission over voting irregularities observed and proposed taking measures in accordance with the law to punish those who violated the requirements of the Electoral Code.

Complaints to the ombudsperson from voters and parliamentary candidates in the course of the election process were examined through the Central Electoral Commission in the way specified in the legislation. Most of the complaints concerned the period before the elections and were mainly about the delays in the issuance of ID and voter cards and the compilation of voter lists and a lot of measures were taken to eliminate these problems before the elections.

As is known, the Central Electoral Commission invalidated the results of the elections in four constituencies and the Constitutional Court voided the outcome of the voting in six constituencies after checking the results of the elections and appointed repeat parliamentary elections in those constituencies.

By the way, the head of the executive authorities in Baku's Surakhany district, N. T. Mehdiyev, the head of the executive authorities in Sabirabad District, A. I. Mammadov, and the head of the executive authorities in Zagatala District V. N. Rahimov, were fired from their posts for failing to enforce the presidential decrees dated 11 May and 25 October 2005 and interfering in counting votes on 6 November 2006.

The final report of the OSCE Office for Democratic Institutions and Human Rights on the 6 November parliamentary elections in Azerbaijan said that the elections were generally democratic, but at the same time the report showed the shortcomings and faults in the elections.

All the faults detected during the elections must be analyzed again and measures must be taken to prevent those faults from repeating in future. Every irregularity must be subject to a serious investigation and analysis in order to ensure the right of every citizen to vote.

On the whole, the parliamentary elections of 2005 must be regarded as a successful step towards building a law-based and democratic state in the Republic of Azerbaijan, securing human rights, democratizing society, improving administration, national legislation and election technologies and strengthening Azerbaijan's statehood. The necessary lessons should be learnt from these elections in order to prevent the mentioned faults in the repeat elections on 13 May 2006.

The ombudsperson expressed her confidence that the new composition of the Central Electoral Commission will take necessary measures to prevent the repeat of the faults and shortcomings observed in the parliamentary elections on 6 November 2005.

Citizens have a right to personally appeal or send individual or collective written appeals to state authorities.

Although there has been considerable progress in ensuring the right of citizens to appeal, the situation still remains tense. Some officials do not properly fulfill the requirements of the country's constitution and the legislation, including Article 7 of the decree of the Azerbaijani president "On measures to accelerate socioeconomic development in the Republic of Azerbaijan" dated 24 November 2003, which tasks central and local executive authorities to ensure receiving citizens, timely considering their complaints and resolving their problems.

It should be noted with regret that most officials and civil servants do not fulfill these provisions of the law, thus alienating citizens, causing them to appeal to different state authorities and lose trust in and respect for the laws.

People who face procrastination, indifference and negligence in local executive authorities and local branches of central executive authorities have to turn to the center. It makes them confront both physical and material difficulties. Rural people who have problems because of the inattention and arbitrariness of some local officials are forced to appeal to the president.

It is regretful that in some cases the measures taken by the ombudsperson to restore the violated human rights resulted in the arbitrariness of officials, negligence and formal and untrue responses. Over the past period some officials showed a non-professional approach to their duties and gave superficial and delayed responses to the ombudsperson's queries or did not respond to those queries at all, thus rudely violating the requirements of the constitutional law, creating obstacles to the ombudsperson's enforcing her powers in restoring the violated rights, delaying the process of examining the restoration of the violated rights of applicants and continuing to violate these rights.

Besides, there were even those officials who attempted to spoil the ombudsperson's image by maligning her. For example, after a meeting on the preparations for the parliamentary elections in the town of Jalilabad on October 1 2005, citizen M told the ombudsperson that he had been detained in the district police station without any grounds many times and had been harassed by police officer Ibrahim Ibishov, who demanded a bribe. Later, several residents of Jalilabad District appealed to the Prosecutor's General Office, the Interior Ministry and the National Security Ministry, alleging that citizen M is a criminal supported and protected by the ombudsperson. The ombudsperson tasked the Jalilabad district prosecutor's office to clarify this issue and appealed to the Interior Ministry because that appeal prepared by Ibishov's close relative and signed by some people was entirely slanderous and designed to overshadow the ombudsperson's activities and cover up the unlawful actions of the local police authorities. But it is regretful to say that nobody has been punished for slandering the ombudsperson. Such cases lead to new unlawful actions.

A total of 1282 complaints (18.5%) in 2005 were about courts (including 31 about the Shaki district court, 25 from Jalilabad District, 24 from Guba District, 30 from

Binagadi district, 37 from Garadagh district, 41 from Yasamal district, 29 from Narimanov district, 32 from Surakhany, etc.), 403 complaints (5.8%) about the non-execution of court rulings (including 26 from the Binagadi district department for court supervisors and enforcers, 21 from Yasamal, 25 from Nizami district, 17 from Surakhany district, 16 from Narimanov district, 16 from Sabunchu district, 13 from Shaki district, 9 from Guba District, etc.), 1210 (17.5%) about local executive authorities (including 266 from Jalilabad, 262 from Shaki, 247 from Ganja, 201 from Sumgayit, 161 from Lankaran, 120 from Astara, 107 from Lerik, 105 from Gadabay, etc.), 764 (11%) about police (including 29 about the Ganja city police department, 26 from Jalilabad, 16 from Khachmaz, 23 from Sumgayit, 31 from Garadagh, 30 from Nasimi district, 32 from Khatai district, 25 from the Surakhany district police department, etc.) and 319 complaints (4.6%) were about prosecuting bodies.

It should be noted that part of the ombudsperson's inquires to the relevant state authorities remained unanswered in 2005. A total of 19 inquires sent to the police (in Jalilabad, Khachmaz, Khanlar, Ganja, etc.), 20 to prosecuting bodies (Binagadi, Sabunchu, Gusar, etc.), 27 to courts (Binagadi, Surakhany, Shaki, Goranboy, etc.), 14 to the Defence Ministry and 35 to justice authorities (Narimanov, Guba, Yardimli, Sumgayit, Khanlar, etc.) were not responded to in 2005.

Responses to 57 inquires sent to local executive authorities, 53 to prosecuting bodies, 56 to justice authorities, 21 to police, 23 to courts, and 10 to the Defense Ministry were much delayed in 2005. This illustrates the level of executive discipline in those authorities.

The judicial system should act as the main legal mechanism in the protection of human and civil rights and freedoms. The main feature of an independent state is an independent court that is free from all kinds of influence and pressure and represents the guarantee of lawfulness and justice.

Some important measures have been and are being taken in the area of increasing the efficiency of administration of justice and eliminating the detected faults and shortcomings. Such measures include the organization of the judicial system through improving the work of courts, the selection of would-be judges, the evaluation of the work of judges and their involvement in disciplinary accountability in some cases.

In its regular meetings the Legal Judicial Council initiated disciplinary proceedings and probes against 24 judges, issued reprimands to several judges, including the judge of the Narimanov district court, L. Mavrina, punished other judges for violating the discipline of work and execution and abolished the powers of the judge of the Nizami district court, Vilayat Nadirov.

The ombudsperson tried to expand cooperation with courts last year in order to ensure human and civil rights of people by means of courts.

Under Article 1.3 of the constitutional law it is outside the powers of the ombudsperson to check the activities of the judges in the Republic of Azerbaijan. However, under Article 1.6 of the mentioned law, the ombudsperson has the right to consider complaints about human rights abuses resulting from cases of procrastination in courts, the loss of documents and their delay, as well as delayed execution of court rulings.

The analysis of numerous complaints filed to the ombudsperson about the provision of rights and freedoms by courts shows that there are still some problems in this area. People mainly complain that courts allow cases of procrastination, copies of court rulings are not issued on time, required notifications are not sent or sent with delays to litigants about the time and venue of court hearings, litigants are not notified of the refusal to send or accept appeals to courts of higher instances, lawsuits or mutual lawsuits and appeals are rejected under different pretexts, the decisions to reject lawsuits are not supported, applications remain unanswered and court rulings are not executed.

The ombudsperson appealed to the Supreme Court after analyzing and summing up the problems reported in the complaints. Following the appeal some organizational measures were taken, a board of notice was hung at the entrance of the Supreme Court, a list of cases to be considered by the boards of the Supreme Court and reception days of the chairman and deputy chairmen of the Supreme Court were publicized and people were registered for reception without any obstacles. Thus, some of the problems causing procrastination for applicants were resolved.

It is both inadmissible and surprising that courts deliver two rulings contradicting each other. For example, the disciplinary commission of the Supreme Court decided to reprimand the judge of the Goranboy district court, E. Aslanova, for delivering same-day conflicting rulings on the case of applicant M (1099-05) from Goranboy District.

The overwhelming majority of applicants complained that court rulings are not handed over or sent to them. Applicant A (190-05) from Baku, applicant Q (1367-05) and applicant H (3728-05) complained of the Court of Appeals, applicant A (2088-05) and applicant A (4204-05) of the Yasamal district court, applicant I (116-05) of the Narimanov district court, applicant A (2009-05) of the Astara district court, applicant A (2464-05) of the Shaki district court and applicant Q from Sumgayit of the Supreme Court for failing to send copies of court rulings to them. Such violations were eliminated following the ombudsperson's intervention.

The analysis of court-related complaints shows that the delay in the issuance of the copies of court rulings or the non-issuance of those copies, as well as cases of procrastination related to this process, have a special weight in the incoming complaints. This violates the right of citizens to have their rights and freedoms secured by courts, their right to make renewed appeals to courts and a number of other rights.

The analysis of court-related complaints also shows that the lack of legal education of people and their unawareness of their rights hinder efforts to restore their rights. For example, applicant A (3915-05) from Baku appealed to the ombudsperson, saying that the Absheron district court had refused to accept his claim for property. The appeal was accepted with some corrections following the ombudsperson's appeal.

The failure to notify litigants of the venue and time of court hearings do not allow them to organize a better defense and get protected against possible court errors. In some cases summons to attend court hearings are sent either on the day of the hearings or afterwards. Unfortunately, some judges who are interested in the absence of one of the parties from a court session usually prefer this "procedure".

Applicant Q from Tartar District (5364-05) told the ombudsperson that he had appealed to the Khojaly district court to correct a mistake in its ruling, but nothing had been done and his appeal against the court ruling had not been forwarded to the Court of Appeals. In response to the ombudsperson's appeal, the court said that the mistake in the ruling had been made due to technical reasons, the copies of the ruling attached to the case and originally written by the judge did not have that mistake, the information and figures in the original ruling would be taken as a basis for its enforcement and the appeal of the applicant would be sent to the Court of Appeals.

The response of the court saying that the technical error occurred only in the copy of the ruling given to the applicant is largely surprising. This is because the texts of a ruling are normally prepared by using the up-to-date technologies, are the same and are signed, stamped and attached to a case after the announcement of a court's judgment. It is regretful that it is impossible to compare the text of the ruling attached to the case and its copy given to a litigant. Nevertheless, it is often possible to come across such technical error in court rulings.

The right of citizens to demand full and timely execution of court rulings is part of the right to a fair trial.

The analysis of complaints about the non-execution of court rulings shows that part of the rulings remain unexecuted because court enforcers are irresponsible to their duties and indifferent to the rights of citizens, while another string of rulings are not executed due to some objective reasons.

The analysis of complaints illustrates that there are also cases in which the execution of court rulings is delayed for a long time and those rulings are not fully executed. Court resolutions for paying alimony have a special weight here. Court enforcers do not provide the required assistance to unemployed lonely mothers with children in the payment of alimony, thus causing them to face material and moral difficulties. For example, applicant Sh from Kurdamir District (5955-05) appealed to the ombudsperson, saying that the decision of the Nasimi district court on the payment of alimony had not been executed and her appeals to the Nasimi district department of court supervisors and court enforcers had been futile. After the ombudsperson's appeal the defaulting party fully paid the alimony of 1,200,000 old manats and it was guaranteed that the regular payment of the alimony would be under supervision.

As can be seen here court rulings on the payment of alimony are executed after the ombudsperson's appeal. This is a clear indication that court enforcers fulfill their duties in an indifferent way.

However, there are quite a few cases when a defaulting party cannot be found or cannot pay the alimony.

Another concern in this area is related to the difficulty executing court rulings on the payment of salaries. For example, applicant Z from Zardab District (1852-05) appealed to the ombudsperson, saying that the team of court supervisors and court enforcers of Zardab District did not enforce the decision of the Zardab district court on the payment of salaries and reinstatement in work. The applicant was reinstated as a teacher at the professional lyceum in Zardab and had salary arrears cleared following the ombudsperson's appeal.

The court rulings with delayed execution include those on property, eviction from an apartment and the right to land ownership.

In a number of cases the execution of court rulings was possible only after the ombudsperson's appeal. As a result, applicant B from Shaki District (3098-05), applicant A from Gadabay District (3571-05), applicant M from Mingachevir District (1579-05) and applicant N from Baku (5765-05) and many others had their violated rights restored.

It is undeniable that court enforcers actually execute any court ruling however hard it is if they are serious about or interested in the execution of that ruling. For example, court rulings on the movement of citizens and the clearance of land plots due to the construction of new multi-storied buildings were executed for a short time.

Court enforcers, who are responsible for the execution of court rulings that are delivered on behalf of the Republic of Azerbaijan and are subject to mandatory execution, sometimes do not observe the requirements of the law of the Republic of Azerbaijan "On execution of court rulings" and allow cases of procrastination and indifference. This has eventually violated the right of citizens to a fair trial.

The situation with the provision of human rights and freedoms depends to a greater extent on the level of fight of law-enforcement agencies against crime.

Believing that preventive measures are the main and most favorable means in the fight against crime, the ombudsperson suggested that a state program to fight crime should be drafted and implemented in order to increase the reliability and efficiency of protecting human and civil rights and freedoms enshrined in the country's constitution.

Numerous appeals were made to the police and prosecuting bodies over the past year for investigating incoming complaints. However, those appeals were not responded to in time or were not responded to at all. This also led to citizens facing difficulties when the ombudsperson examined their appeals and having more complaints.

The prosecuting bodies which supervise the introduction and execution of laws in the manner and order specified in the legislation have broad powers in this area and great responsibility in the protection of human rights and freedoms.

The prosecutor general of the Republic of Azerbaijan has taken some serious steps in the area of work with personnel, punished in a disciplinary way 95 employees of the prosecuting bodies for committing different violations and unlawful acts last year, demoted 22 employees and dismissed another 13 from the prosecuting bodies. On the other side, it is also noteworthy that transparency was ensured in the selection of new personnel and 130 young specialists were employed in the prosecuting bodies.

The prosecuting bodies which made achievements in the fight against crime did not spare their efforts to use their statutory powers to protect human and civil rights and freedoms.

The analysis of complaints shows that prosecuting bodies which enforce procedural guidance over investigations sometimes do not properly fulfill their duties. On the other hand, in response to the ombudsperson's appeals the Prosecutor General's Office said lately that in some cases the decisions made by investigating bodies had been repealed and cases had been referred back for further investigations. The

necessary measures are not taken against the officials who made those decisions in order to prevent the repetition of such cases, something that generates more violations.

Moreover, one of the main reasons for detaining people in remand facilities longer than specified in the law is that some local prosecuting bodies responsible for executing control over this area have a superficial approach to these issues.

The failure of some employees of prosecuting bodies to comply with the law has generated complaints and this is actually the result of their indifference to the provision of the right to appeal. Applicant I from Guba (6133-05) told the ombudsperson that his appeal dated 26 May 2005 to the Guba district prosecutor's office about his being intimidated by a member of the second Nugadi municipality remained unconsidered. The district prosecutor's office responded to the ombudsperson's appeal over the case, saying that the investigator of the investigation team of the district police division, Sh. Mammadov, decided to refuse initiating criminal proceedings against the member of the municipality since no case of insult or intimidation could be established and sent a copy of this decision to the applicant. However, the applicant again appealed to the Ombudsperson, saying that he had not been informed of the outcome of the investigation. The decision was sent to the applicant only after the ombudsperson's repeated appeal to the district prosecutor's office.

Police have an undeniable role in ensuring public security, preventing crimes against people and securing civil rights and freedoms. The salaries of police officers have been increased and their logistics have been improved in the wake of consecutive reforms in police authorities. The salaries of some ranked officers of the Interior Ministry have been increased by five to six times under the decree of the Azerbaijani president.

Besides the abovementioned, citizens expressed their grievances about the activities and unlawful acts of police in some complaints.

The non-professionalism of some police officers involved in carrying out inquiries and investigations and their attempts to cover up crimes, as well as incomplete investigations into the materials and hasty decisions to refuse initiating criminal proceedings by committing procedural violations, have resulted in numerous complaints. The ombudsperson appealed to prosecuting bodies to prevent such violations. As a result, decisions to refuse initiating criminal proceedings were overruled and the violated rights of citizens were restored.

For example, applicant A from Baku (1920-05) appealed to the ombudsperson, saying that the investigator of the 13th police station of the Sabunchu district police department, Mahir Asilbayli, did not fully and objectively investigate his complaint that his land plot had been seized by his neighbors and made a decision to refuse initiating criminal proceedings although members of his family had been insulted and threatened with death. After the ombudsperson's appeal the Prosecutor's Office of Baku examined the material on the case and found out that some points indicated by the applicant and important to the case had not been fully investigated. The Prosecutor's Office of Baku further repealed M. Asilbayli's decision to refuse initiating criminal proceedings on the case and referred the material to the Sabunchu district prosecutor's office for additional examination.

Applicant C from Baku's Binagadi district (1796-05), applicant B from Garadagh district (5103-05), applicant H from Narimanov district (5536-05), applicant M from Sabail district (5550-05), applicant Q from Astara District (4460-05), applicant Sh from Yardimli District (3910-05) and applicant H from Salyan (5289-05) appealed to the ombudsperson over the same problem and decisions made earlier with violations of the law were quashed following the examination of prosecutor's offices as a result of the ombudsperson's appeals. The list of such cases can be expanded.

Sometimes, premature and groundless decisions were made when probing criminal cases without a full and comprehensive investigation. Those decisions were repealed by prosecutor's offices following the ombudsperson's appeal and the cases were referred back to the investigation.

For example, applicant V from Baku (2096-05) complained to the ombudsperson that an officer of the 9th police station of the Sabail district police department, Balaga Gadirov, had seized his garden in the area of Goradil, destroyed his country house there, sold the sand in the garden, but the Binagadi district police department was biased in investigating the case, which was submitted to the Binagadi district prosecutor's office. After the ombudsperson's appeal the groundless decision, which was made to refer the case to the prosecutor's office without conducting a full and proper investigation, was overruled.

Some police officers who abused human and civil rights and freedoms by committing unlawful acts, including exceeding powers and being indifferent to the applications of people, were brought to disciplinary account following the ombudsperson's appeal to the interior minister to examine the reports in the complaints. Applicant A from Baku (949-05) complained to the ombudsperson that although she had reported the person responsible for the death of her son to the law-enforcement agencies, the person had not been held accountable yet. She also said that she had had to pay bribes to an officer of the Narimanov district police department, R. Mammadov, who was sent to a business trip. She added that generally the investigation into the case was biased and asked for assistance in arranging a meeting with the leaders of the Interior Ministry. After the ombudsperson's appeal, an operative of the 16th police station of the Narimanov district police department, Rafail Mammadov, and others were brought to disciplinary account, while some other police officers of the station were given serious warnings. Moreover, the interior minister met with the applicant and gave instructions to the relevant bodies to investigate the details provided by her.

In some cases criminal proceedings were dismissed instead of pursuing necessary operative search measures because people responsible for committing crimes could not be identified. Applicant H (5216-05) and applicant M (6110-05) from Shamkir District, applicant I (4534-05) and applicant A (6154-05) from Ujar District appealed to the ombudsperson over this problem and after the ombudsperson's intervention prosecutor's offices carried out inspections and repealed decisions to dismiss criminal proceedings because investigations were carried out in a superficial and incomplete way or there were no full, comprehensive and objective preliminary investigations.

There were a series of reports in the press over the past period, saying that serious measures were taken against those traffic police officers who stop drivers without any reasons and work in that area was being improved. Indeed, the duties of traffic police are not to stop and harass citizens groundlessly, but to ensure traffic safety. By the way, under a presidential decree the salaries of traffic police have been increased by five times, something that puts greater responsibility on them.

The cases of behavior and professionalism of traffic police officers towards drivers are especially noteworthy in analyzing the complaints. For example, applicant A from Bilasuvar District appealed to the ombudsperson, saying that traffic police of the Narimanov district police department deprived him of a driving license in 1997, issued a temporary card for driving and told him that he could have his driving license in the Bilasuvar District police division. But he complained that his appeals for regaining the driving license remained fruitless. After the ombudsperson's appeal a new driving license was issued to the complainant.

It should be noted, however, that there have been positive changes in the work of traffic police recently and a number of necessary measures have been taken to ensure traffic safety, as well as a month of safety was held. All this has resulted in less traffic accidents. But these measures should not consist of campaigns only and should become everyday work of traffic police.

The analysis of complaints filed to the ombudsperson shows that the acts of those law-enforcers who fulfill their service duties in an unprofessional and indifferent way and cause the violation of constitutional rights of citizens must be duly assessed.

A string of important measures have been taken in our country over the past period to fight corruption. These measures include the adoption of the Law of the Republic of Azerbaijan "On fighting corruption" and the approval of the State Program to fight corruption (2004-2006).

It should be noted that the existence of corruption and bribery violates human rights and freedoms and negatively affects the understanding of citizens of democratic reforms. In this regard, the mechanism and ways of fighting corruption should be improved. A law can be an effective means of fighting corruption if all of its provisions are duly enforced.

On the other hand, it is also appropriate to continue carrying out measures to meet the needs of government officers and improve their social and living conditions, as well as go ahead with consecutive measures to prevent and eliminate cases of corruption and bribery after having analyzed the reasons for the appearance of such cases.

The responses submitted to the ombudsperson over her appeals to the relevant state authorities to examine cases of corruption and bribery reported in the complaints to the ombudsperson did not confirm any of such cases, but some complaints were analyzed by essence and the violated rights were restored.

As for human trafficking and kidnappings, 67 members of organized criminal gangs were brought to justice on the basis of 19 criminal cases related to 36 cases of abduction in 1994-2002. Besides the abovementioned, the National Security Ministry

carried out an operation, neutralized a gang led by Haji Mammadov and arrested its members. This was an important result in this connection.

Some complaints to the ombudsperson cause concern because in some cases people kidnapped girls with their own consent to marry them, but were eventually charged with abduction under Article 144.1 of the Criminal Code. It has been a custom among our people to kidnap girls with their own consent to marry them. This issue was actually resolved in the text of the Criminal Code approved by the law dated 8 December 1960 (Article 129, kidnapping girls for the purposes of marriage). Nevertheless, giving severe punishment to people who kidnap girls with their own consent to marry them under the Criminal Code that became effective on 1 September 2000 is an inhuman step and artificially increases the dynamics of cases of abduction in our republic.

The ombudsperson believes that it is appropriate to clarify the responsibility for the crime of “kidnapping girls for the purposes of marriage” by making amendments to the existing Criminal Code.

1.2 Protection of economic, social and cultural rights

The living conditions of people in our country, which has opted to integrate into Europe, are being brought into the conformity with the requirements of modern society in accordance with the pace of economic growth. The salaries and pensions of different categories of people, including teachers, doctors, civil servants and law-enforcement officers are consecutively increased.

The exercise of citizens of their labor rights is especially important at a time when the form of ownership is changing and new economic entities are emerging. Therefore, the mechanisms to protect the rights and freedoms of people, as well as their lawful interests, need to be comprehensively improved.

Salaries are paid on time in state-owned enterprises and organizations. It is regretful to say, however, that the payment of salaries to employees in many enterprises that are in the private sector or were placed under private ownership in the course of privatization still remains a serious problem.

Long delays in the payment of salaries seriously affect the social conditions of employees. As a result of this a lot of specialists with wide working and professional experience are forced to change their profiles or abandon the areas of production and industry. This cannot but adversely affect these sectors of our economy. This requires structural changes in relevant areas, the introduction of new technologies in outdated or collapsed spheres and more attention to specialized occupational training.

Of course, the amounts of salaries in some cases are not enough to improve the wellbeing and satisfy the social needs of people in our country, which is on the road to market economy and lives up to the principles of this economy. But it should be noted that the government's policy to increase the salaries of different categories of people employed in budget-funded organizations is justifying the hopes that the situation will be stabilized in this area.

The government's consecutive measures to increase minimum wages are also noteworthy. It is known that the amount of minimum wages was augmented by 20 per cent from 125,000 to 150,000 manats under a presidential decree dated 1 October 2005. It is also envisaged to continue the increase in salaries.

The most serious problems in the payment of salaries were observed at Bayva South Energy and Bayva West Energy limited companies incorporated in Bayva Energy management center. Those enterprises own large amounts of money in salaries to employees.

It is possible to see the most different cases of violation of labor rights in the complaints sent to the ombudsperson.

There are quite many complaints about the unjust division of teaching hours in secondary schools and the refusal to employ qualified teachers. In every case the ombudsperson appealed to local executive authorities, district and town education boards, as well as the Ministry of Education, to demand that the faults committed in the division of teaching hours and indifference against good specialists should be ended in view of the lack of teachers. In some cases positive results were achieved with the support of the Ministry of Education.

By the way, the resolution of the Cabinet of Ministers "On measures to encourage involvement of teaching personnel in secondary schools in rural areas" dated 22 June 2004 was a successful step in this direction. The attention of local education boards and school principals should be directed to resolving this problem painlessly.

Applicant H from Jalilabad District (5522-05) appealed to the ombudsperson, saying that the principal of the school in Aliabad village, Rahila Hajiyeva, and the head of the education board of Jalilabad District, Adalat Asgarov, demanded bribes to employ him in the school. After the ombudsperson's appeal to the Ministry of Education to examine the complaint, the director of the school ordered to provide the applicant with a job in that school.

Several complaints requesting help in the payment of salary arrears were put right following the ombudsperson's appeal and the violated labor rights of citizens were eventually restored.

The heads of most foreign companies and joint ventures operating in our country use various means of pressure to prevent the establishment of trade unions in their enterprises. This is in contradiction to the law and creates difficulties protecting the labor rights of citizens in those companies.

According to the Confederation of Trade Unions of Azerbaijan, BP, Shell, Coca-Cola, McDonalds and the Azerbaijan International Operating Company prevent the establishment of trade unions in our country and do not collect membership fees. Besides, serious obstacles are also being created to the establishment of trade unions in Azercell and Bakcell mobile communication carriers.

Most companies operating with foreign investment in the oil sector violate the requirements of the labor laws by concluding short-term labor contracts with employees and dismissing those employees after the contracts have expired. Moreover, employers are to present compulsory insurance packages to employees working in life threatening environments against accidents at work and occupational diseases.

However, in most cases the terms of insurance correspond to neither the requirements of the law nor the interests of employees.

Social and labor relations in most foreign companies and joint ventures are characterized with the violation of the existing labor legislation, as local staff work longer hours unlike expatriates and are normally not entitled to paid leaves. Employees who have lost their work ability temporarily do not receive allowances, while those suffering from occupational diseases or have been injured in accidents at work are not entitled to compensation. To add insult to injury, sometimes acts insulting the national feelings of employees are committed. For example, Azerbaijani staff at McDermott suspended work in protest after the company's English and Scottish managers tore away and trampled on the photos describing the Khojaly massacre of Azerbaijanis during its anniversary in Baku. The Azerbaijani employees demanded that those people should be punished. As a result, those managers were suspended from work and taken out of the country. Even British ambassador to Azerbaijan Lawrence Bristow extended his condolences to the families of the victims of the massacre on behalf of the embassy, condemned the insult of this anniversary by the citizens of his country at a time when it was marked and said that both physical and legal entities working in Azerbaijan should be extremely sensitive to the Khojaly tragedy and other events like this.

In some cases employees whose labor rights were violated had to use the right to organize strikes as specified in the labor laws in order to express more serious protests to their management. For example, some 600 employees of McDermott in Baku announced a strike on November 22 2005, demanding that their salaries should be increased and brought closer to the wages of expatriate personnel. The strike was suspended with the intervention of the Republican Committee of the Trade Union of Oil and Gas Industry Workers and the State Oil Company of Azerbaijan after McDermott promised to satisfy the demands. Trade unions were created in McDermott, PGH and Boss Shelf after those strikes.

The ombudsperson had a close eye on the demands to set up trade unions in foreign companies and joint ventures. She also participated in the constituent meeting of the trade union of McDermott at the Confederation of Trade Unions of Azerbaijan and gave her recommendations.

Measures to prevent the violation of the right of employees to safe working conditions are especially significant. However, the work should be continued in this area. Nevertheless, some employers continue to fail to fulfill their obligations as specified in the law to make payments to employees for the injury (or damage) they suffered at work.

In some cases citizens have to go to court to have their labor rights restored, salaries and payments for injuries paid and certain documents issued. Going to court is not always successful and at the end of the day employees end up wasting their time and money between the employer and the court. Even, courts normally rule in favor of employers. Either court rulings do not satisfy employees, or court enforcers do not enforce court rulings in most cases. Besides it is really a concern that there are cases of dismissal of women, including pregnant women and mothers having a child aged under three, in contradiction to the Labor Code.

Under Article 217 of the Labor Code, the employer is obliged to immediately inform the State Labor Inspectorate of any accident at work no matter how serious it is so that the inspectorate can investigate the accident. However, the code is not often observed. For example, applicant M from Shaki District (676-05) complained to the ombudsperson that Shaki Silk open joint-stock company did not provide the documents required for entitlement to allowances for an accident at work. The ombudsperson's appeal to the Labor Inspectorate revealed that the employer had concealed the injury caused to the applicant in an accident at work from the inspectorate and had compiled an act at its own initiative. A representative of the inspectorate investigated the report and presented a relevant act to the applicant, who was then entitled to allowances as specified in the law.

The measures being taken in the country to reduce the levels of unemployment and open new jobs are bringing their results. Our population is 8.4 million people, including 45.6% employed.

Sizeable changes have taken place in the area of poverty reduction following the adoption of the State Program on poverty reduction and economic growth in the Republic of Azerbaijan for 2003-2005. The State Program on the socioeconomic development of the regions of the Republic of Azerbaijan (2004-2008) played a special role here as part of the mentioned program. This program envisions opening 600,000 new jobs. More than 340,000 jobs have been created over the past period as part of measures to increase support for the development of the regions and the level of poverty in the country has been brought down from 49% to 29%.

As can be seen, the steps being taken to reduce unemployment will enable important progress in this area in the near future. On the other hand, those who earlier agreed to work for a monthly salary of 150,000-200,000 manats now say that 400,000-500,000 manats are not enough for them. This is because of the increasing levels of living conditions and actual needs on the one hand and the generation of more choices for employees on the other.

The fact that unemployment benefits fail to satisfy the minimum social needs prevents a vast majority of people from being registered at employment agencies. The reasons can be some bureaucratic hurdles in the work of employment agencies and difficulties in the procedures to document unemployment benefits. The weight of high salary offers in the labor market of our country is very little. The list of employment agencies, however, includes under-paid posts and vacancies. This is almost the reason why people make only a few appeals to employment agencies. Nevertheless, regular job fairs organized in Baku and other regions of the country were useful in providing jobs to people.

It is the ombudsperson's belief that the Employment Strategy of the Republic of Azerbaijan (2006-2015), which was approved under a presidential decree dated 26 October 2005, and the State Program, which was drafted on the basis of that strategy, will help achieve serious positive changes in this area. The strategy aims to improve the legislation in the area of employment, develop the labor market in the republic, accelerate the opening of new jobs and provide efficient employment to the population.

Ensuring social rights of citizens is one of the most important tasks facing our country. The passage of the laws “On labor pensions”, “On social allowances” and “On addressed state social assistance” is a crucial step towards reconstructing the country’s social protection and social security system. Besides, identifying the mechanism to enforce the mentioned laws would prevent additional problems.

At the same time, the ombudsperson expresses her confidence that the measures being taken in the area of pension reforms, as well as the proposals made by the ombudsperson, will eliminate the shortcomings in the calculation and payment of pensions and allowances and help fully establish the principles of social justice.

The examination of complaints sent to the ombudsperson about the violation of the right to social security revealed the indifference and negligence of officers responsible for this area. For example, applicant S from the town of Ganja (1465-05) appealed to the ombudsperson, saying that she retired in 2000 for her pedagogical contributions and work record of 20 years, but her pension was suspended in October 2004. After the ombudsperson’s appeal the State Social Protection Fund (SSPF) tasked the Nizami district division of the SSPF in Ganja to restore the payment of pension to the applicant from the time it was suspended in view of 22 years of uninterrupted teaching record of the applicant.

Some employers (enterprises or insurers) do not pay compulsory state insurance fees, thus preventing people from fully exercising their right to social security. Most citizens who worked in state-owned enterprises after they were privatized or placed under other types of management and appealed to local branches of the SSPF for pensions complained to the ombudsperson that those branches did not want to calculate work record and salaries for that specific period, explaining it with the fact that those enterprises had not paid compulsory state insurance fees. For example, applicant R from Gabala District (781-05) appealed to the ombudsperson, saying that he had retired from the Gabala power distribution grid of Bayva West Energy Ltd and appealed to the branch of the SSPF in Gabala District for a pension. But his work record and salaries were not calculated during his work for Bayva for 2001-2004 on the grounds that compulsory state social insurance fees were not paid in full during that period and Ganja Power Grid open joint-stock company and Bayva West Energy Ltd owed social insurance fees to the SSPF.

Under Article 3 of the Law of the Republic of Azerbaijan “On pension provision of citizens”, persons who are involved in useful public work, including persons working for enterprises, departments, organizations and cooperative societies irrespective of their form of ownership on the basis of labor contracts by complying with the terms specified in the law, are entitled to labor pensions provided that they pay insurance fees to the SSPF.

Article 10 of that law says that it is the duty of the employer to get registered at an insuring entity paying compulsory state insurance fees.

Under Article 14 of the mentioned law, the arrears accumulated because of the non-payment or delayed payment of compulsory state insurance fees shall be deducted from the bank accounts of the employer. Article 18 empowers the SSPF to apply financial penalties when employers violate the rules of payment of compulsory state

insurance fees, issue warnings when such payments are not made or are delayed, suspend settlements and other transactions as specified in the law if these warnings are defied, file suits to suspend insolvent employers and sell their properties to have their social insurance arrears paid and carry out other functions.

As can be seen, the law puts the responsibility to pay compulsory state insurance fees, which are calculated in relation to incomes, to the SSPF on employers. Since employees bear no responsibility for the obligations of employers, it is groundless not to take into account the work record and salaries of the applicant for the period of 2001-2004 just because Ganja Power Grid and Bayva West Energy did not pay compulsory social insurance fees to the SSPF. The SSPF must use lawful means of pressure against that enterprise to have it pay compulsory social insurance fees. The Nizami district branch of the SSPF in Ganja calculated a minimum amount of pension for the applicant in view of 34 years of his work record on the grounds that compulsory social insurance fees were not paid in full.

All these cases have resulted in the calculation of less amounts of pension for people and a lot of just complaints by them. After the ombudsperson's intervention the SSPF appealed to the Cabinet of Ministers, requesting to include the period of work of employees in joint-stock companies in their general work record. The SSPF informed the applicant of it and sent instructions to its local branches.

It also causes just complaints of people that the local branches of the SSPF do not calculate pensions in time, especially for retired people who switch from one form of pension to another. For example, applicant K from the town of Shaki (979-05) appealed to the ombudsperson, saying that the amount of pension granted to her for the loss of the head of the family had been miscalculated. After the ombudsperson's appeal to the SSPF to examine the case reported in the complaint, the total amount of the pension of the applicant was increased from 100,000 to 125,000 manats.

In complaints sent to the ombudsperson about the procedures to determine degrees of disability applicants said that commissions of medical and social experts acted with procrastination and arbitrariness, refused to accept documents without any reasons and demanded bribes for identifying degrees of disability. Over the past period the ombudsperson intervened to secure support for some citizens in the determination of degrees of disability. For example, applicant S from Gusar District (2586-05) told the ombudsperson that her appeals to the Gusar District zonal commission of medical and social experts for determining a degree of disability due to the illness of her mother had been futile. After the ombudsperson's appeal the applicant's mother was examined at commission No 22 and received a first degree of general and permanent disability.

The complaints of people who appealed to the ombudsperson for material assistance due to financial constraints were also handled with care and certain measures were taken. But both local executive authorities and the branches of the central executive authorities should become familiar with the status of vulnerable families and families of disabled and martyred people and help them as much as possible.

Ensuring the right to live in a healthy environment is one of the important challenges that our country faces. The necessary steps are being taken to improve the

ecological situation in our country. However, it is of great concern that the ecological status of the Caspian and the sanitary situation of most densely populated areas in Baku, especially the residential areas outside the city, are not satisfactory. It has also created additional problems that dumps have not been identified for industrial and sanitary waste. The reasons for such a situation are the violation of the law in making and implementing a number of decisions, the lack of any preliminary or comprehensive scientific analyses and ecological surveys and the failure to take into account the possible consequences of the non-implementation of the laws stipulating the right of citizens to live in a healthy environment.

The ombudsperson believes that under the existing ecological circumstances it is necessary to focus on resolving ecological problems in the country and ensuring ecological cleanness for the sake of good health of citizens. It is also necessary to increase ecological education and skills of people and involve every citizen in forming a healthy environment.

We will face the most deplorable consequences in future unless serious measures are taken now to prevent cutting down trees because of the construction of multi-storied buildings in Baku and destroying whole woods for pulp and paper industry, furniture making and household purposes. In order to prevent this from happening, legal responsibility should be toughened first and the need of people for fuel should be satisfied by other methods.

The ombudsperson took a number of steps over the past period over the concerning complaints of citizens about the cutting down of valuable trees. Applicant Q from Guba District (179-05) complained to the ombudsperson that his appeal to the Gusar district branch of the Ministry of Ecology and Natural Resources over the fact that Garachay Incubator open joint-stock company felled down 17 old trees went unheard. The measures specified in the legislation were taken against the culprit after the ombudsperson intervened and the report turned out to be true.

The ombudsperson's intervention was important in preventing the negative consequences of crises and natural, ecological and man-made disasters in different parts of the country in 2005.

The ombudsperson visited the sites of natural disasters following the flooding of Kur and the Shin rivers, including Salyan, Neftchala and Shaki, at different times, met with local residents, listened to their complaints and suggestions and made proposals to the relevant government authorities, which were taken into account during disaster relief operations.

Nevertheless, the analysis of complaints shows that the compensation paid to citizens for the damage caused by a natural disaster is often less than the actual damage. As a result people end up facing heavy social and household problems.

One of the problems our country is facing is the risk of bird flu outbreaks, which are now engulfing different regions in the world. A state commission set up under a presidential decree has taken some measures to fight bird flu, a lot of money has been allocated from the state budget to combat the virus and work is underway to implement a project against bird flu in cooperation with the World Bank, the Asian Development

Bank and UNICEF. Besides the abovementioned, education among people has been intensified with the involvement of the public, the media and communities.

Serious problems have emerged in the exercise of the right to good health. The artificial expansion of the sphere of paid medical services over the past few years has commercialized state-owned treatment facilities. The expensive medicines used in comprehensive treatment were not affordable for children, elderly and disabled people who are vulnerable parts of the population.

The substantial part of the population has been deprived of the opportunity to go to health facilities until recently. Paid medical services at all levels have paved the way for corruption in this area, most of the revenues to health facilities have been appropriated in different ways and vulnerable and disadvantaged people have been deprived of the opportunity to receive free treatment because of the arbitrariness of officials. This, in turn, has negatively affected the health status of different groups of the population.

Although first aid must be provided at the expense of the government, ambulance workers were not provided with the necessary medicines and medicaments and doctors who were forced to buy the required medicines at their own expense had to demand money for the medicines from patients. Radical reforms are being carried out in this area. The appointment of the new health minister by the president has increased hopes that substantial changes which satisfy the needs of all the strata of the population will be made in the health sector.

The number of complaints to the ombudsperson about the health system has decreased because the leadership of the Health Ministry has improved the procedures to process complaints from citizens over the past three to four months.

The ombudsperson believes that specialized medical aid to vulnerable families, socially disadvantaged people and patients suffering from chronic diseases should be provided at the expense of the state budget.

About 3,000 children in our country suffer from blood diseases. A total of 217 children with hemophilia, 627 with thalassemia and children suffering from leukemia need urgent treatment. There is a bad need for the blood of healthy people in order to treat them. The conditions have been created for their treatment now as a result of special care and attention to ailing and disabled children, as well as children suffering from blood diseases, under the motto of the Motherland without Thalassemia proposed and widely supported by the president of the Heydar Aliyev Foundation, Mehriban Aliyeva. A specialized centre and a blood bank have been set up as part of the project For Life without Thalassemia.

The ombudsperson has also focused on the plight of ailing, disabled and disowned children and prompted different charity actions to help such children throughout her activities.

The ombudsperson called on the public to help children suffering from blood diseases on 20 November, the World Day of Children, and made an initiative to give donor blood to children with hemophilia, thalassemia, leukemia and other diseases for ten days. It should be noted that the ombudsperson and the employees of the Ombudsman's Office joined this charity action and donated blood.

In order to draw attention to this painful problem, the ombudsperson appealed to the public and called on every person with good health and physical abilities to join the blood donation campaign and save those who need donor blood. Hundreds of people from different organizations joined this campaign.

In complaints related to blood diseases citizens say that health facilities do not provide the required material and moral care for them. These people who had to appeal to the ombudsperson and view her as their hope asked for assistance in their treatment. But it is regretful to say that the ombudsperson's steps in this area are hampered by the arbitrariness of officials, indifference and false information in some cases. For example, applicant N from Baku (5744-05) told the ombudsperson that her son was born with hemophilia and she appealed to the Hemophilia Association, of which they are members, for VIII-Factor drugs, which are necessary in the treatment of hemophilia. But the association demanded 120,000 old manats for the medicines and her complaints to the relevant authorities, including the Health Ministry, were fruitless. After the ombudsperson's appeal the head of the Scientific Practical Center of Hemophilia, Elmira Gadimova, said that the son of the applicant received treatment in the h

hematology department of the Republican Clinical Hospital in a critical condition three times in 2004 and once in 2005 at reduced medical charges. She also added that during the last course of treatment the patient was injected with 1,000 ml of antihemoplasma, 500 ml of blood and 2,700 units of VIII-Factor, which was donated to the center by the World Hemophilia Federation in March 2005 with doses of 20 units for every patient. However, the applicant made a repeated appeal, saying that the information was untrue, she herself had bought all the blood and medicines for the treatment of her son and her son was in hospital in a critical condition.

The decreasing number of complaints from patients needing hemodialysis treatment over the past few months gives us the ground to say that substantial changes have taken place in this area, as well. There are a total of six centers of hemodialysis in our republic, including four in Baku, one in Ganja and one in Nakhchivan. A special commission set up under the Republican Clinical Urological Hospital deals with the registration, examination and distribution of such patients.

One of the most serious problems facing our country is the prevention of AIDS. AIDS infection cases among young people are on the rise. There is big likelihood of the spread of AIDS in correctional institutions. In this regard, it is necessary to take urgent measures, as well as establish scientifically-proven national standards for AIDS prevention and treatment, build up effective prevention efforts and improve the enforceable and legal basis in this area.

The protection of the rights of mentally retarded people is still topical. The social rehabilitation of such people requires special attention. Bad logistics at mental and neurological hospitals, the lack of funds for the examination and treatment of mentally ill people, the weak control of the state and the public over the provision of the rights of mentally retarded people and other factors show that mental aid in our country is not at a desired level.

It is beyond any doubt that the system of protecting mental health of people, as well as convicts in correctional institutions, should be developed, the legislative and

legal practice in this area should be improved and mentally ill convicts should be kept separately from healthy prisoners in view of the recommendations and experience of international and national organizations.

Under the law the government shall pay for the examination and treatment of diabetics in state-owned health facilities. The implementation of the project “More care for diabetics” with the support of the Heydar Aliyev Foundation, the Azerbaijani Diabetes Society and Danish Novo Nordisk has played a crucial role in eliminating most problems in the area of examination and treatment of diabetic children.

The ombudsperson also received appeals for assistance in receiving examination and treatment at the government’s expense. Paid medical services at all levels do not allow poor patients to receive timely examination and treatment.

Applicant A from Shamakhy District (4138-05) appealed to the ombudsperson, requesting assistance in having a free of charge eye surgery since he was a poor and elder person and had very bad sight. After the ombudsperson’s appeal to the Scientific Research Institute of Ophthalmologic Diseases named after academician Zarifa Aliyeva the applicant had his eyes operated free of charge and his sight was recovered. The ombudsperson visited the patient in the hospital, congratulated him on the recovery of his sight and thanked the medical personnel for the care shown for the patient.

Education that contributes to the development and formation of an individual should be based on respect for human and civil rights and freedoms. Therefore, the quality of education and its conformity to the actual needs of our times should be taken as the core in the multi-branched educational reforms in the country. In view of the UN’s announcement of the forthcoming decade as the decade of education in human rights, it is appropriate to take the required and urgent measures to improve education in line with the modern requirements and national and moral values.

Believing that special attention should be paid to secondary education, every schoolchild should know his or her rights and should be involved in social life, the ombudsperson preferred cooperation with secondary schools over the past period and carried out education-based human rights measures with the participation of employees of the Ombudsman’s Office.

The level of teaching and the quality of education in state-owned secondary schools, especially in rural areas, should be improved. This is predominantly because money is collected in schools and local education boards under various pretexts, cases of bribery are widespread and the professional level of some education workers is lower than required. One of the main reasons for such a situation in secondary schools is that local education boards are subordinated to, or to be specific, dependent on, local executive authorities and schools and nursery schools are funded not through the Ministry of Education, but by local budgets. Correcting this structure will create conditions for gradually resolving the mentioned problems.

In some schools schoolchildren have to pay money under the pretext of “school funds” for unclear purposes and this money is appropriated later on. In this way, fifth-eighth form students are involved in collecting daily sanitary waste and clearing up classrooms and schoolyards. This affects the health of students and prevents them from growing as independent, outspoken, worthy and free citizens in society.

Bad logistics at education facilities and the failure of school buildings to support normal teaching also affect the quality of education. As a result, most parents in rural districts do not let their children attend schools which are in a state of emergency or three to six kilometers away from their homes because of safety reasons. This, in turn, encourages illiteracy. From this viewpoint, keeping girls away from education in most cases is a step backwards and leads to early marriages among girls, a rise in the number of such marriages and extra-marital births. The rising number of divorces is also becoming a problem and results in more lonely mothers, children without fathers and incomplete families. The ombudsperson has already agreed with the Ministry of Education on monitoring these phenomena in districts and villages.

The analysis of complaints filed to the ombudsperson found out that the building of the Yeni Gizilja village school in Khanlar District was unfit for use and had small classrooms. More than 140 students were forced to attend schools in nearby settlements to receive education. At the same time, the school buildings in Charkhy and Mushkur villages of Khachmaz District were also in a state of emergency. In addition, students in Shahagajy village of Astara District had to cover four kilometers to go to school in a neighboring village because they did not have one in their own village, while schoolchildren in Abaali village in Zagatala District had to walk seven kilometers for the same purpose.

Moreover, residents of the area called Hovsan Milk Farm complained that they did not have a school meeting the most basic needs of people. In view of the facts the ombudsperson appealed to the Ministry of Education, requesting it to include building a school in that area into the list of schools earmarked for construction.

The closure of an entire class was prevented after the ombudsperson's intervention in some cases. For example, applicant J from Baku (5753-05) appealed to the ombudsperson, saying that the rights of children to education were violated after the first grade of the Russian class was closed in secondary school No 32 in Baku's Nizami district. After the ombudsperson's intervention, the parents of the children in that grade were received at the Ministry of Education and the first grade of the Russian class consisting of 13 students was restored in an exceptional way in view of the facts that there were no Russian sections in nearby schools and students would have to cover long distances to go to another school.

Meanwhile, the computerization of schools has started in order to set up a common education information environment allowing the integration of the country's education information system into the world's system and improve the situation with the provision of the rights of students to education.

Wide-scale work to construct new schools and repair old ones in rural areas of our country at the initiative and under the leadership of the Heydar Aliyev Foundation is especially commendable and increases hopes for the development of education and creates a good deal of optimism. A total of 219 schools were built, including 132 by the Heydar Aliyev Foundation, in 2005.

Besides some problems in state-owned universities, the ombudsperson is seriously concerned over the fact that students studying on paid tuition outnumber those who study free of charge every year. Moreover, increasing tuition fees in state-

run universities in the academic year of 2005/2006 creates difficulties for students from low-income and vulnerable families to receive education. Therefore, this issue must be positively resolved on the state level and the limits on free education or education with less tuition fees should be lifted.

The ombudsperson believes that it is appropriate to spend funds only on the development of students and education, eradicate cases of bribery during examinations and in education facilities in general, establish good relations between students and teachers, carefully consider the applications, proposals and complaints of students, as well as their lawful interests, and resolve all conflicts and disputes on the basis of respect for human rights and freedoms, the law and public dialogue.

Several members of the Yeni Fikir youth organization appealed to the ombudsperson on July 5 2005, saying that a student of the Azerbaijani State Pedagogical University, Namiq Feyziyev, had been expelled from the university and some students had gone on a hunger strike in protest. The ombudsperson met with the expelled student and other hunger strikers in the editorial office of the Azadliq newspaper on the same day in order to examine the complaint on the ground and became familiar with their problems and health conditions. The ombudsperson explained to Feyziyev and his friends their rights, as well as their duties to the state. She explained that it was necessary to observe the internal disciplinary by-laws of the university and proposed ending the hunger strike. On the same day the ombudsperson appealed to the president of the Azerbaijani State Pedagogical University and the education minister, asking for Feyziyev's reinstatement in the university since he was young and had better continue his education. The student was reinstated under an order of the president of the university and the hunger strike was ended.

The ombudsperson also met with a student of Baku State University, T. Aliyev, and a student of the Azerbaijani State Pedagogical University, N. Feyziyev, who were on a hunger strike in the editorial office of the Azadliq newspaper, on 31 December 2005, asked about the reason for the hunger strike and the health of the hunger strikers and added that she had already appealed to the presidents of the universities, asking for measures to reinstate the students.

Although the students said that they had been expelled from their universities on political grounds, these reports were not confirmed in the ombudsperson's meetings with the education minister and the presidents of the two universities. Both presidents denied that the students had been expelled for their political beliefs. It was explained that T. Aliyev had been expelled for violating the university's disciplinary rules and teaching procedures and his reinstatement could be considered only in the summer session.

The ombudsperson also examined the reason why N. Feyziyev had been expelled and raised the issue of his reinstatement. During the discussions the president of the university presented documents about the progress of Feyziyev during his study and said that concessions had been made many times for him to continue education. He stressed that Feyziyev's political affiliation had nothing to do with his eviction from the university. He added that Feyziyev was expelled in July because he had not paid tuition fees and was reinstated as an exceptional case after the ombudsperson's intervention.

The ombudsperson again met with the students on 6 January 2006 to listen to their complaints and suggested to Feyziyev that she try to have another examination for him with the participation of Feyziyev's parents, representatives of the Ministry of Education and the ombudsperson. However, Feyziyev refused this suggestion and demanded that he should pass examinations in six disciplines without taking any tests. He said that he would continue the hunger strike until he reinstated in the university without taking any exams over his tuition fees. An order was signed on 19 January to reinstate the students and clear their tuition fees and they ended the hunger strike.

It is regretful to say that Feyziyev does not attend classes. This situation has not changed even after his parents were appealed to. Now, the threat of expelling the student from the university for a third time is on the agenda.

Besides the abovementioned, it should be noted that education reforms are underway. The Ministry of Education holds regular meetings to focus on the existing shortcomings and faults and take measures to eliminate them.

The ombudsperson suggested considering and passing the draft education law in a more accelerated way both in her annual report and in the report of 2004. Besides, the ombudsperson believes that it is unbearable that the draft law has not been adopted yet despite ten years of debates and hopes that the newly elected parliament will pass the draft in its spring session.

The right to an apartment has been exercised in our country less than other rights. This has caused problems in providing people with apartments.

Nowadays, most citizens cannot afford buying apartments or collecting money to purchase flats.

The Law of the Republic of Azerbaijan "On mortgage", as well as some legislative acts related to this law, including the establishment of the legal and enforceable basis for the allocation of mortgage loans for citizens to buy apartments, must be an important measure in resolving the problem of apartments. However, mortgage loans are available only to a specific social category of people. Therefore, it is appropriate to prepare and apply a mechanism allowing both well-to-do and poor people to buy apartments in order to improve the situation with the provision of the right to an apartment.

The construction of new blocks of flats by various private companies in the country continues to dictate the apartment market, which is part of the real estate market.

There is a great need for preparing and adopting a new apartment code at a time when apartment problems have grown into wide proportions.

Complaints to the ombudsperson about the violation of the right to an apartment are related to the most different problems in this area.

Thousands of people live in old buildings which are in a state of emergency and need to be demolished or overhauled. A number of residential buildings became unfit for living, creating risks for their occupants, following an earthquake in the country, especially in Baku, in 2000.

The collapse of a residential building in the town of Lankaran on January 29, 2004 has given us the ground to think more seriously about taking the most necessary

steps to provide our citizens with the right to an apartment. The rising number of buildings which are in a state of emergency both in Baku and in other towns and district centers of the republic may lead to more collapses, material damage and casualties.

Some people are deprived of permanent residence after their apartments become unfit for living following accidents and fire because of the non-observance of safety rules and the misuse of utilities. This, in turn, causes a lot of physical, material and moral sufferings on them. The ombudsperson carefully studied complaints about these problems and looked for ways of putting them right. Nevertheless, the ombudsperson believes that the relevant government authorities should carry out education work among people about the necessity of insuring property, especially residential buildings and apartments, against accidents.

The rights of citizens were restored in a number of cases after examining complaints saying that certificates were not issued for the ownership of land plots allocated for the construction of individual houses in rural areas.

Most citizens who need accommodation appeal to local executive authorities and municipalities for land plots to construct houses. But in most cases they face the arbitrariness of officials, bureaucratic hurdles, procrastination and bribery and fail to achieve their purpose. This has already grown into a big problem in Baku.

One of the main problems expressed in complaints is that the houses or apartments built in the areas of permanent residence of people are not registered and included into the inventory. There are several residential areas and places without official names in Baku. The fact that the buildings there have not been taken into state registration creates obstacles to calculating the exact number of the population and developing local infrastructure. Thousands of families have been settled in the areas bearing such unofficial names as Milk Farm, Pig Farm, Vorovski, Khutor, Alatava, Vtorchermet and Dada Gorgud. The lack of state registration for the houses built in those areas and populated by thousands of people does not allow these people to fully exercise some of the rights specified in the law. That is why, it is extremely important to register all the land and accommodation all over the republic.

The ombudsperson's numerous appeals to the relevant authorities over Hovsan Milk Farm and other areas like this still needs acting upon.

By the way, the president of the Republic of Azerbaijan issued a decree on 27 February 2006 to approve the Program of Measures to Accelerate Socioeconomic Development of Baku's Settlements. The implementation of this program will enable resolving years-old problems, including land problems.

In some complaints about apartment problems people complained that housing departments do not fulfill their functions, do not pay heed to the sanitary conditions of residential areas, do not provide repair work as required and demand bribes for issuing certificates and other documents.

In some complaints to the ombudsperson citizens say that heads of housing departments demand paying utilities debts in return for the issuance of registration forms and take bribes to give such forms to those who cannot afford paying for the utilities debts at once. The complainants also said that they did not know their rights

and the requirements of the law very well and asked for help over the cases of procrastination by officials.

It is known that every subscriber concludes an independent contract with utilities companies without the involvement of housing departments and is responsible only to those companies for consumption of electricity, gas and water.

In view of the fact that these acts of some heads of housing departments harass people, create bureaucratic obstacles and pave the way for the expansion of cases of corruption, the ombudsperson appealed to the Mayor's Office of Baku. After the appeal the Mayor's Office declared that it is the duty of housing departments to issue registration forms on the utilities and family status of residents irrespective of any utilities and other debts and without demanding any duties or additional payments.

Generally, the analysis of complaints shows that housing departments are not justified as economic entities. Therefore, it is appropriate to consider abolishing these entities or transferring their functions to municipalities.

The complaints filed to the ombudsperson are also about interruptions in gas supplies to apartments, the miscalculation of payments for natural gas and the failure of gas departments to process complaints.

The payment of salaries to employees by Bayva South Energy and Bayva West Energy, which is incorporated in Bayva Energy management center, has already grown into a big problem. These enterprises continue to owe large amounts of money in salaries.

Although a lot of people were dissatisfied to see that Ganja Power Grid and Ali-Bayramli Power Grid joint-stock companies were placed under the management of Bayva Energy management center, the president annulled the contract between the Baku High Voltage Electricity Devices open joint-stock company and the Economic Development Ministry on the right of long-term management of those companies. This will enable restoring the violated labor rights of those people.

Serious grievances about the work of Barmek Azerbaijan Power Grid company can be seen in both the media and the complaints. Sometimes, local branches of the company unilaterally compile acts without informing citizens, impose unimaginable amounts of fine on subscribers and replace the existing electricity meters with new ones instead of checking them by threatening to impose fines. The analysis of these complaints gives us the ground to say that Barmek takes the opportunity of having no rivals and dictates its own terms to people, something that results in the gross violation of the rights of citizens to property and consumption. In view of the abovementioned, the ombudsperson showed even in her previous reports that it is necessary to clarify the relations of the company with people, eliminate the faults in providing electricity to residential buildings and installations and set up authorized commissions to carry out serious inspections to examine reports in numerous complaints about the violation of consumer rights.

Azerbaijani President Ilham Aliyev also touched on this issue and gave his recommendations during a meeting dedicated to the socioeconomic development of Baku and its suburbs on 27 February 2006.

Agrarian issues, including some land problems, have also created additional difficulties.

The ombudsperson submitted a general note to the relevant government authorities on the basis of complaints about land reforms and use of land in her previous annual reports, thus trying to draw attention to the complaints in the agrarian area and noting that most of these complaints were about some violations in the abolishment of collective and Soviet farms in the course of reforms. The ombudsperson stressed that some villagers faced injustice in local executive authorities and municipalities and had to appeal to various state authorities, while local officials committed cases of arbitrariness and violated the law, and called for taking urgent measures. Moreover, the ombudsperson said that it is necessary to change the attitude of local officials to the problems of people, restore the rights to free entrepreneurship, as well as to property, labor, social security and other rights, and resolve the accumulated problems in this area in order to increase the efficiency of agrarian reforms in the country.

The analysis of complaints shows that the law was grossly violated when most municipalities leased or sold land to citizens for entrepreneurial activities and the construction of houses, as well as when areas were cleaned up. This caused justified grievances of the population. Moreover, it also causes serious concern that municipalities and local executive authorities have some problems in the sale and lease of land and citizens end up running between municipalities and local executive authorities. It is also known that the inspections of municipalities over the past period have discovered serious irregularities, including financial ones totaling 2.6 billion manats, and the findings of criminal nature were submitted to the prosecuting authorities. Thus, the work of these local government bodies which have broad potential need to be arranged in a more efficient way. Therefore, it is necessary to strongly improve the work of municipalities by making amendments to the legislation, including setting up municipal associations, carrying out certain administrative measures and identifying negative points that affect the operation of municipalities.

The ombudsperson met with the residents of Najafgulubayli village of Agjabadi District in 2005 after 212 families of the village complained to the ombudsperson, saying that they had not received land plots during land reforms and asking for help. After the ombudsperson's appeal to the Cabinet of Ministers, the proposal of the relevant government authorities on the allocation of 690 hectares of state-owned land for permanent use of the administrative territorial unit of Najafgulubayli village was accepted and the violated rights of hundreds of the residents of the village were restored. Thus, the problem that had been waiting for settlement for a long time and caused numerous complaints was resolved. Tens of such complaints were put right with the intervention of the ombudsperson.

The internally displaced persons of the occupied Azerbaijani districts have always been in the focus of attention of the country's leadership and this care continues now. This is confirmed by moving internally displaced persons from tents to new settlements provided with every infrastructure. There will not be a single tent town left in our republic soon on the instruction of the Azerbaijani president.

The facts that the people of the districts which are mainly under occupation and situated in the border-line areas facing the occupying forces live as IDPs both in those districts and in other parts of the republic make the heads of those districts be extremely accountable to fulfilling their duties and maintaining relations with the people from those districts.

Although nursery schools started to operate after a good deal of delay in the new settlements constructed for IDPs from Fuzuli District, the food expenses for children were not included in the budget for nursery schools in 2005 and funding was not provided this year despite it being an item in the budget because of indifference of some officials and a number of bureaucratic hurdles.

The arbitrariness of some heads of local executive authorities who abuse their power to prefer their own interests to the needs of people lead to grievances of local people against and distrust in local leaders. For example, several complaints from the residents of Agdam District to the ombudsperson said that the head of the executive authorities of the district, Hasan Sariyev, violated the law and appropriated the funds allocated for IDPs. The ombudsperson appealed to the executive staff of the Azerbaijani president and the State Committee on Refugees and IDPs. Inspections revealed faults in the conduct of land reforms in the district, the distribution of humanitarian aid for IDPs and the selection of employees, while the Ministry of Finance also established financial irregularities during audits in that district. Sariyev was informed of the findings of the inspections and given recommendations so that he could eliminate the existing faults. Nevertheless, people continue to have strong complaints about Sariyev's activities. The director of the Social Security Center of Agdam District, Karabakh war veteran Elchin Agayev told the ombudsperson that Sariyev had beaten up, insulted and injured him. A really concerning fact is that Agayev said a forensic expert, police, a prosecutor and a court in Agdam District had been indifferent to his complaints and he had to appeal to the ombudsperson. The ombudsperson appealed to the executive staff of the Azerbaijani president and the Prosecutor General in view of the complaints saying that Hasan Sariyev continues to violate the rights of citizens, behave rudely towards people, commit different acts degrading the dignity of individuals, and take bribes.

As can be seen here, some local officials who are responsible for forming the attitudes of people to the state policy on the ground are not in the position to fulfill their duties. By the way, the heads of executive authorities of Lachin, Beylagan, Zardab, Ismayilli, Oguz, Yardimli, Tartar, Gobustan and Khyzy districts, as well as the mayor of the town of Mingachevir, have been fired under presidential decrees over the past period.

Azerbaijani President Ilham Aliyev said in his final remarks at a conference dedicated to the second anniversary of the State Program on the Socioeconomic Development of the Regions: "Local executive authorities have broad tasks and as you may know staff replacements are underway in the regions. This is natural because there should be renewal. The main requirement is that all officials must fulfill their duties in good faith, contribute to our common goal with their efforts and work, show care and attention to people and thus realize their responsibility".

Focusing on improving the living conditions of people, first of all refugees and IDPs, the president visited Agdam, Tartar and Barda districts on 1 March 2006, became familiar with the Dordyol-1 settlement in Agdam District, attended the foundation-laying ceremony of the Guzanly Olympic sport complex and the opening ceremony of the newly constructed Banovshalar settlement, toured military units and schools, met with people and gave his recommendations and instructions to the heads of local executive authorities. The people of these districts highly appreciated the visit.

1.3. Protection of rights of refugees and IDPs

The most painful and urgent problem facing mankind now is that of refugees and IDPs.

The immeasurable material and moral damage has been inflicted on our country and people, 20% of our territory has been occupied, 250,000 people have been driven out of their historic lands in the contemporary Republic of Armenia and more than 650,000 people have been uprooted after being subjected to unprecedented torture and inhuman treatment with the occupation of the inseparable Azerbaijani region of Nagorno-Karabakh and seven adjacent Azerbaijani districts in the wake of Armenian aggression.

As a result, about a million Azerbaijanis – every eighth citizen of the country have become refugees and IDPs.

More than 20,000 Azerbaijanis have been killed by Armenian armed forces, over 5,100 have been taken captive and hostage and more than 50,000 people have been disabled in the wake of the occupation.

As a result of the application of dual and biased standards to this occupation before the eyes of international organizations and the international community, the Republic of Armenia has not recognized Azerbaijan's territorial integrity and has not implemented the four UN Security Council resolutions made in 1993, which call for unconditional withdrawal from the occupied Azerbaijani territories. Neither does Armenia renounce its policy of occupation and terrorism against the sovereign Republic of Azerbaijan, which is an equal member of the world community. Most of the internationally recognized rights and freedoms of about a million people are still being abused.

The government has taken important measures over the past period to resolve the problems of IDPs. The preparation and submission of a number of pilot projects for the establishment of small enterprises and farms and the improvement of infrastructure in the areas densely populated by refugees and IDPs to international organizations is a good type of assistance in providing these people with jobs.

A total of 202 billion manats were allocated from the budget of the State Oil Fund of Azerbaijan for 2005 to finance a range of measures to improve the social and living conditions of refugees and IDPs.

The attention of some government authorities was drawn to the plight of these people who need big and permanent care following the ombudsperson's activities in the area of protection of the rights of refugees and IDPs.

Most of the refugees and IDPs continue appealing to the ombudsperson at different times for assistance in getting compensation from the Armenian government for their property which was damaged in the wake of violence and occupation.

It is hard to settle IDPs and improve their housing conditions. But it is even harder to resolve the problems faced by people whose private houses and apartments have been occupied by IDPs.

Under Article 13 of the Constitution of the Republic of Azerbaijan, property shall be inviolable and protected by the state. Article 29 stipulates that everyone has a right to property and this right, including the right to private property, shall be protected under the law and nobody shall be deprived of property without a court ruling. Property can be taken away for state resources or public needs only if its value is justly paid beforehand. It is important to act to respect the rights of IDPs and improve their living conditions, but it is also one of the supreme goals of the state to protect the right to property as enshrined in the constitution.

Article 5 of the Law of the Republic of Azerbaijan "On Social Protection of Internally Displaced Persons (IDPs) and People Equal to Them" says that the individual temporary settlement of IDPs can be allowed only if it does not violate the rights and lawful interests of other persons. If such violations are the case, relevant executive authorities shall ensure moving the IDPs to another residential area within the same territory.

Numerous complaints about such violations cause special concern. For example, applicants from Baku appealed to the ombudsperson, saying that they owned apartments in a cooperative building in the Yeni Yasamal-2 residential area in Baku's Yasamal district, but IDPs had occupied those apartments since 1998. The applicants complained that they were having to rent flats and their appeals to the relevant authorities to vacate the apartments were futile. The ombudsperson's appeals to court executors did not bring any results either. They simply declared that those apartments should be vacated and returned to their owners. It also emerged that most of the IDPs, who occupied the apartments, had no registration in Yasamal district and were provided with accommodation in the districts where they are registered.

In view of the seriousness of the issue the ombudsperson appealed to the State Committee on Work with Refugees and IDPs, the executive authorities of Yasamal district and the Mayor's Office of Baku to vacate the apartments and move the IDPs to the places of their registration. The official response to the ombudsperson was that IDPs cannot be evicted from the public buildings, apartments, land plots and other installations they occupied in 1992-1998 irrespective of their form of property before they return to their native lands under Decree 298 of the Azerbaijani president dated 1 July 2004. The problem is in place in other regions of the country.

Over the past period the ombudsperson visited camps populated by IDPs in Saatli, Sabirabad, Bilasuvar, Beylagan and Agjabadi districts and the Gayidysh settlement in Fuzuli District many times, met with IDPs, became familiar with their living conditions,

status, difficulties, education and healthcare and sent proposals to the relevant authorities to resolve problems in these areas.

The ombudsperson put an emphasis on the problems of refugees and IDPs in cooperation with the UNDP, the Office of the UN High Commissioner for Refugees, UNICEF, UNIFEM, the Norwegian Refugee Council, the International Federation of the Red Cross and other international organizations and called on these organizations to unite efforts to protect the rights of refugees and IDPs.

The ombudsperson also addressed the presentation ceremony of the UN Food Program report to speak about the measures taken by the government to ensure the rights of refugees and IDPs and the problems of the displaced. The ombudsperson stressed that international donors need to provide humanitarian assistance to such people and this assistance should not be interrupted. The ombudsperson also suggested that soft loans, including mortgages, should be provided to refugee and IDP families, the State Program on Poverty Reduction and Economic Growth should focus on the problems of this category of people, the government should draft a program to reduce unemployment, training courses should be held in newly constructed settlements and the efficiency of cooperation with international organizations, including the Office of the UN High Commissioner for Refugees, should be increased.

1.4. Protection of rights of inmates

Substantial work has been done over the past few years to bring the penitentiary system in our country into conformity with European standards and measures have been taken to reliably ensure human rights in correctional institutions and improve the detention conditions of inmates.

Complaints from prisoners and members of their families to the ombudsperson over the past period were mainly about the detention conditions in prisons, mistreatment by prison officers and insufficient medical care.

Some prisoners who suffer from tuberculosis and drug addiction complained to the ombudsperson that they were not admitted to medical facilities, artificial obstacles were created to their treatment, they faced procrastination, their treatment was bad and the required medicines were lacking. Generally, the ombudsperson considered the appeals of inmates who complained about the lack of reaction from prison officials to their health or social problems and made efforts to resolve these problems.

It is appropriate to set up an anti-AIDS center under the health department of the Justice Ministry to organize and carry out treatment, prevention, sanitary-preventive and sanitary epidemiological work in prisons, to provide quality food to ailing prisoners in view of their specific illnesses, keep prisoners with tuberculosis or other infectious diseases separately from healthy inmates and provide high-quality medical services to them, register, treat and isolate heavily ill inmates, including mentally retarded ones, involve medical specialists to provide some medical information to inmates against tuberculosis, AIDS and other infectious diseases and coordinate the fight against AIDS in the penitentiary system.

It is necessary to increase the daily food expenses for prisoners to the level of the existing prices and consolidate control over their nutrition.

The ombudsperson and employees of the Ombudsman's Office visited prisons and met with inmates at different times in order to ensure human rights and freedoms and examine the lawfulness of detention and the detention conditions of inmates.

The ombudsperson met with prisoners and members of their families during riots in prison No 11 on 15 February 2005. The ombudsperson told the protesting prisoners that she had met with the prosecutor general, the justice minister and the interior minister and assured the prisoners that no punishment would be taken against them if they voluntarily ended the protests and expressed their demands in a calm way. The ombudsperson also had close cooperation with a commission comprising representatives of law-enforcement agencies set up to investigate the riots, prepared proposals on creating a normal environment and stability in prison No 11 and sent them to the Justice Ministry for further action. The ministry's department to execute court rulings carried out work to resolve some concerns. At the same time the ombudsperson appealed to the Justice Ministry over the discovered unlawful acts and human rights abuses in prisons No 11 and 14. As a result, the head of prison 11, Ogtay Hasanov, and the head of prison 14, Amiraslan Huseynov, were dismissed.

It should be noted that further inspections of both conditions and treatment in those prisons discovered changes for the better following staff replacements over the prison riots. Prisoners said during meetings that their detention conditions, the quality of food, the organization of leisure time, sanitary and hygienic rules in cells, canteens and kitchens and medical and sanitary services were improved.

During a meeting with the ombudsperson the prisoners who were on a hunger strike in the Gobustan maximum security prison said that they did not have complaints about their detention conditions and the mistreatment of prison officers. Those prisoners whose death sentences were earlier commuted to life sentences demanded that these life sentences should be replaced with specific terms in prison. The ombudsperson recommended that they should stop their hunger strike and said that it was natural for all to struggle for their rights, but this struggle should be carried out within the framework of the law. The ombudsperson also explained to the inmates that only the court could satisfy their demand. At the same time the ombudsperson sent an inquiry to the Constitutional Court of the Republic of Azerbaijan, requesting to check the conformity of Part IV of Law of the Republic of Azerbaijan No 431-IQD dated 10 February 1998 "On Making Changes and Amendments to the Criminal, Criminal Procedure and Correctional Labor Codes of the Republic of Azerbaijan in Connection with the Abolishment of Death Penalty in the Republic of Azerbaijan" with Part VII of Article 149 of the Constitution of the Republic of Azerbaijan. The Chamber of the Constitutional Court considered the ombudsperson's inquiry and made a decision on 28 July 2005, whereby it recommended that trial courts should examine lawsuits on replacing death penalties with life sentences as specified in the legislation.

The replacement of most of the prisons in Baku with those which will be or are being built in the regions will create conditions for prisoners to serve their terms close to their homes and families and to be corrected in a more reliable manner.

More than 80,000 people have been released from prisons or relieved from other types of punishment as a result of seven amnesties. Besides, a total of 40 decrees on pardon have been signed, including eight by incumbent Azerbaijani President Ilham Aliyev, and 1,274 convicts have been released, the prison terms of five inmates have been remitted, the prison terms of another seven convicts have been halved and the prison term of one convict who was sentenced to death, but was serving his life sentence has been replaced by 20 years in prison.

The ombudsperson made appeals to the pardon commission under the Azerbaijani president at different times over the past period and made numerous pleas for pardon in view of the appeals from inmates and members of their families. As a result, a total of 155 convicts were pardoned.

The ombudsperson personally attended the ceremony of releasing convicts from prisons under decrees on pardon and made appeals for pardoning more women, children and elderly people.

The ombudsperson appealed to the president, requesting him to pardon the persons who were sentenced to different terms in prison for involvement in the October events of 1994 and the March events of 1995, as well as those who were involved in the 15-16 October post-election riots of 2003, in view of the facts that these convicts, especially those who are termed as “political prisoners”, sincerely repent for what they have done, have already been corrected and no longer pose any threat to the public. Most of these people have already been released.

Impunity for a crime committed is inadmissible. But it is also inadmissible to imprison individuals for an accidental crime (it can be called a right abuse or an administrative misdemeanor), which does not contribute to the development of society, the prevention of crime and the correction of those people, and the imprisonment of such offenders in the same environment with “professional criminals” in most cases hinders their return to society.

According to criminal statistics, the number of those who are convicted under Articles 128 and 132 of the Criminal Code is rising. In view of the fact that acts under these articles are less dangerous for the public, the interpretation of such acts not as crimes, but as administrative misdemeanors could reduce the number of detainees. Therefore, it is appropriate to redefine amounts for punishment for theft, swindling, appropriation, etc. by reconsidering appropriate articles in the Criminal Code and the Code of Administrative Demeanors and search for ways of opening up new opportunities for people to return to the “healthy environment”.

1.5. Protection of Rights of Servicemen

The protection of rights and freedoms of servicemen is one of the main areas of the ombudsperson’s activities and is always in the focus of the ombudsperson.

The analysis of appeals from servicemen, including those who were demobilized and their family members, to the ombudsperson about military service and meetings with military personnel in military units show that the required measures have been

taken to ensure considerable positive changes in the army and create the necessary conditions for increased combat readiness. There are still some problems in this area despite the positive changes achieved.

The bulk of the complaints from servicemen and members of their families to the ombudsperson are about the violation of their rights during military service, the violation of their apartment and labor rights and the refusal to pay compensation for their property and items. Among the complaints are cases in which persons who are unfit for military service and have been convicted for committing a grave crime were called up for the army. For example, applicant A from Agjabadi District (3482-05) appealed to the ombudsperson, saying that the Agjabadi District military conscription office had called up her son for military service despite his being ill and her son was serving in military unit N. The applicant asked the ombudsperson to help her son have a medical check-up in the central clinical hospital of the Defense Ministry. After the ombudsperson's appeal to the Defense Ministry to examine the complaint the commander of the military unit sent the son of the applicant to the central military medical commission to determine his fitness for military service.

The cases of exempting conscripts from military service in return for bribes also cause concern. Some individual officials from several military units and military commissars of some districts have been convicted in this connection.

The complaints also show that in some cases commanders demanded bribes from their subordinates and committed acts degrading the honor and dignity of servicemen if they refused to pay. Such acts pave the way for more corruption in the army on the one hand and shatter both the confidence of the military personnel in the commanders and the reputation of the army in society.

By the way, 60 high ranking officials from military conscription offices in Nasimi, Azizbayov, Gubadli and Imishli districts of the military units of the Defense Ministry were brought to account in 2005 for fraud, bribery and abuse of office.

Bureaucratic obstacles created by military conscription offices and cases of procrastination and indifference to the appeals of citizens encourage corruption. For example, applicant S from Jalilabad District (2564-05) appealed to the ombudsperson, saying that he had completed his military service in 1992 and submitted his military card to the Jalilabad District military conscription office in 2001 for military registration, but he had not been registered and had not received his card so far. After the ombudsperson's appeal the applicant was summoned to the conscription office and taken into military registration.

The death or injury of servicemen as a result of relations outside service regulations, violence and violation of military discipline is inadmissible. The main reason for suicide, killings, avoidance of military service and desertion is the attempt of older soldiers to "rule" younger ones.

Part of the appeals for demobilization from military service due to the expiry of service contracts or other cases specified in the law are not resolved positively.

Sometimes artificial obstacles are created to making certain service payments and compensation to those servicemen who still perform military service or have been demobilized or released for the reserve.

In some cases it also causes concern that the commanders of military units force servicemen who have been released for the reserve after long years of service and their families to vacate their service apartments without providing them with accommodation as specified in the law.

The social protection of servicemen, the improvement of their living conditions and the appreciation of their labor are crucial against the background of the important socioeconomic reforms carried out in the country and the progress achieved.

The refusal to pay pecuniary compensation to some servicemen and many more who have been demobilized for their property and items is a more rampant violation. The ombudsperson believes that it is appropriate to make special decisions on the payment of arrears for the property and items of servicemen and allocate separate funds from the state budget for this purpose.

The ombudsperson held regular meetings with military personnel in military units, became familiar with the situation of provision of rights of servicemen, their service and living conditions, the nutrition and health of soldiers, the organization of their leisure time, the demobilization of officers, sergeants and servicemen who have served longer than required, the observance of service regulations in military units, the proposals of servicemen and listened to their complaints. The ombudsperson also attended oath-taking ceremonies of new conscripts and addressed soldiers and their parents, saying that the disciplined army has been established in our country, young people performing military service are surrounded with every care and the reputation of our army, its logistics and the social protection of servicemen improve every year. The commissioner for human rights also called on soldiers to be always ready to defend the motherland and master military skills.

The ombudsperson also submitted proposals to the Defense Ministry to draft and implement a plan of joint cooperation to conduct regular seminars in military units on the rights and service duties of servicemen in order to improve the relations of servicemen outside service regulations, the protection of human rights and freedoms, moral and psychological preparedness for combat tasks and education among the military.

1.6. Protection of Children's Rights

The ombudsperson has pursued close cooperation with the government authorities, non-governmental organizations and communities, as well as international organizations, from the very start of her activities to take preventive measures in order to ensure the rights of the child in a more efficient manner and preclude the violation of these rights.

The ombudsperson tried to resolve the problems of children both on the basis of incoming complaints and at her own initiative to more efficiently protect the rights of children and achieved this end in many cases. The appointment of the ombudsperson's advisor for the protection of the rights of the child is the result of special care and attention to this specific area.

The Resource Centre for Children's Rights has been set up under the Ombudsman's Office with the support of UNICEF to prevent the violation of the rights of children and protect these rights.

It should be noted that the UN Commission for the Rights of the Child issued an opinion to the report of the Azerbaijani government to its 41st session and recommended that the government should take into account the Committee's General Comment Two on the role of independent human rights institutions in the promotion and protection of the rights of children and on the establishment of a special position or section in the Ombudsman's Office to deal with the rights of children.

More efficient relations have been established with UNICEF, the From Child to Child Peace Network, the School of Leaders and other NGOs and joint events, competitions and exhibitions have been organized to develop the born abilities of talented children.

The ombudsperson paid several visits to the newly constructed Gayidysh settlements in Fuzuli District, met with school teachers and students, parents and residents of the settlements and donated up to 300 textbooks and manuals on 15 different disciplines and more than 1,000 books to the libraries of eight schools in the settlements.

The ombudsperson appealed to the Ministries of Finance and Education and the State Committee on Work with Refugees and IDPs in view of the facts that nursery schools in the settlements could not operate due to delayed financing and funds were not allocated timely for the education, care and nutrition of children.

The closure of a whole class in a school and thus the violation of the rights of children to education were prevented with the intervention of the ombudsperson. The Russian grade comprising 13 students was restored in that school following the ombudsperson's meeting with the education minister.

The ombudsperson also focused on the status of ailing, disabled and disowned children throughout her activities and paved the way for conducting a variety of charity events to help them.

The ombudsperson called on the public to help children suffering from blood diseases on 20 November, the World Day of Children, and made an initiative to give donor blood to children with hemophilia, thalassemia, leukemia and other diseases for ten days. It should be noted that the ombudsperson and the employees of the Ombudsman's Office joined this charity action and donated blood.

The ombudsperson suggested that children should be informed about blood diseases, psychological aid should be provided to families with ailing children, regular meetings and events should be organized in order to prevent these children from being isolated from society, the social protection of ill children should be improved and addressed social aid should be provided to them, the process of re-registration of children with thalassemia should be bettered, important state programs should entail provisions related to these problems, the required changes and amendments should be made to the corresponding laws and work should be carried out to draw the attention of the public, as well as well-to-do businessmen, embassies and international organizations, to such children.

The ombudsperson also sent proposals to the Milli Majlis (parliament), the Cabinet of Ministers and the relevant government agencies on implementing programs on addressed social aid and deinstitutionalization, providing support for poor families, increasing child allowances, exempting refugee and IDP children from paid tuition, taking into consideration the share of children when dividing property in divorces, taking action to prevent early marriages and averting cases of girls avoiding school and entering into early marriages.

Certain measures were taken over the complaints filed to the ombudsperson from parents of ailing and disabled children who have a right to free medicines, examination and treatment and the violated rights of applicants were restored in most cases.

The ombudsperson appealed to the Cabinet of Ministers, proposing that the groups of mentally retarded children in orphanages cared for by medical servants should consist of 7-10 children instead of 18-20 in view of the fact that disabled children need more care and attention.

One of the main documents in the exercise of the rights of disowned children is the program "Deinstitutionalization and alternative care for children in the Republic of Azerbaijan" (2006-2015), which was prepared with the participation of the ombudsperson's representative. It would be appropriate to approve the program soon, implement its provisions without any delay and increase public control over ensuring its efficiency.

One of the problems in the provision of the rights of the child is related to allowances. It is very commendable that the government provides allowances to children from vulnerable families, those who are on partly paid maternity leaves for caring for children aged under three, guardians (custodians) of orphaned or disowned children and others. However, both the material and social value of these allowances are decreased because their amount, which is, for example, despite being increased from 1.1 new Azerbaijani manats to 5 new Azerbaijani manats a month for guardians (custodians) of orphans or disowned children, far less than the minimum level of social needs of one child. Therefore, the amount of these allowances should be increased.

Some changes have been made to the Azerbaijani laws over the past few years on juvenile justice. Despite these changes, the rules envisioned in the national legislation and the international covenants Azerbaijan is a party to are not satisfactorily observed in practice.

Punishing children for crimes should be a last resort unlike adults. It is very urgent and important to prefer correctional and educative measures, help children rehabilitate and get integrated into society, bring them up as worthy citizens of our country and develop the juvenile justice system in our country in terms of fulfilling our commitments to international organizations.

It is especially notorious that 35 acts of suicide were committed by children in 2005. Official reports say that 23 boys (65.8%) and 12 girls (34.2%) committed suicide in different regions of the republic (three in Shamkir, two in Baku's Binagadi district, Gusar, Sumgayit and Goychay). 18 of them (51.4%) were children aged under 15. Therefore,

the acts of suicide among children should be carefully studied and precautions should be taken to prevent them.

Commissions dealing with minors and protecting their rights under local executive authorities should play a special role in ensuring the rights of children. Yet, the work of those commissions needs to be strengthened and improved.

As can be seen here, the ombudsperson's cooperation with the relevant state authorities could increase the efficiency of ensuring the rights and freedoms of children and restoring the violated rights in this area.

1.7. Protection of women's rights

Special attention is paid to the rights of women, as well as gender equality (equality of women and men), both internationally and domestically. Enforceable legal acts have been adopted and a lot of measures have been taken in our country to pursue the state policy on the problems of women.

The ombudsperson proposed in her first annual report that a permanent parliamentary commission should be set up to deal with the problems of families, children and women, the State Committee on Women Problems should address the problems of families and children and a law reflecting the provisions of the UN Convention on Eliminating All Forms of Discrimination against Women and a law on equal rights and equal opportunities should be made.

By the way, the president has set up a state committee on families, women and children and the parliament is debating a draft law "On Guarantees of Gender Equality".

The ombudsperson has appointed an advisor for women's rights to ensure the development of women's rights and gender equality.

The draft law "On State Guarantees of Equality of Rights of Men and Women", the elections and the gender factor and possible changes and amendments to the Family Code were discussed at the initiative of the ombudsperson.

As a result of these events the ombudsperson sent a number of proposals to the state authorities, including the parliament, to analyze the national legislation from the viewpoint of gender, teach gender theory as a discipline at school and at universities, set up a coordination council comprising governmental and non-governmental organizations dealing with gender issues, ratify the UN Convention against Discrimination in Education dated 24 December 1960, increase education in gender equality issues, carry out various studies and scientific researches in this area, support the participation of women in sociopolitical life, draft a state program encouraging the achievement of equal opportunities between women and men, support woman candidates in parliamentary and municipal elections, promote woman leaders in education and healthcare, and involve all the strata of society in the cause of preventing human trafficking (trafficking in women and children), sexual exploitation, drug addiction and AIDS in our country.

The approval and implementation of the State Program against Violence, which was prepared by the Cabinet of Ministers and contains the recommendations of the

ombudsperson, would increase the efficiency of precautions to stop violence against women.

Nevertheless, a lot needs to be done in Azerbaijan, like in other countries, to achieve gender equality and prevent and restore the abused rights of women. Programs should be prepared to coordinate joint efforts in the area of defining the forthcoming priorities, identifying vulnerable groups and learning their needs, preparing and implementing programs of addressed legal and social aid, improving legal education, drafting recommendations targeting refugees, IDPs, war-affected people, the families of martyrs, elderly, disabled and imprisoned women, young families and girls, carrying out a wide-scale campaign among people and publishing and spreading the required handbooks, leaflets and other aids.

Women should have full and equal rights with men in business life and their participation in state administration should be facilitated. The public should strive to develop the moral potential, the creative activity and initiatives of women.

1.8. Protection of rights of elderly people

The elderly are a group of people who need more care. It is our state's priority to organize social protection and provide care for the elderly. The social protection of elderly people is envisioned in the Law of the Republic of Azerbaijan "On social services for elderly people" and other enforceable acts.

The protection of the rights of elderly people is one of the main areas of the ombudsperson's activities. The ombudsperson has appointed an advisor for the rights of elderly people to intensify efforts to inform the public of the situation of the elderly and improve their economic, social and psychological conditions.

The Resource Center of Elderly People has been set up at the initiative of the ombudsperson in order to provide moral support to old people and organize their recreation. Elderly people from refugee and IDP families, families of martyrs and lonely elders were involved in the center. It provides free psychological and legal advice and medical consultations with other measures also being taken.

The ombudsperson visited homes for elderly and disabled people many times, learned their problems and helped them by appealing to the relevant state authorities to have their problems resolved.

The ombudsperson also made a number of proposals to evaluate the skills and abilities of such people and use their potential for the good of the public. These proposals are on providing social aid, including addressed aid, to lonely elders, refunding the savings deposited in former Soviet banks before 1992 to elderly people first, tasking the Ministry of Labor and Social Security and the Finance Ministry to prepare instructions to deliver pensions of lonely elders and disabled elderly people to their homes, conducting joint monitoring to study the social situation of lonely and disabled elderly people, moving refugee and IDP families with elderly people to new settlements first, setting up a coordination council on the education of elderly people, drafting the law on the education of elderly people, making publications for the protection of the

rights of elderly people, adopting a state program to finance the social protection of elderly people, increase the pensions of all elderly people if possible or at least only lonely and disabled elders, expand measures to restore their health, including the notion and terms of the education of elderly people in the new education law, training social staff, psychologists and rehabilitation workers to provide services to elderly people, establishing a logistical and financial basis at the state level to provide legal, moral, psychological and medical aid to elderly people, and drafting and implementing programs satisfying the needs and interests of elderly people.

The preparation of Education for All programs as part of USENCO's Decade of Education for Sustainable Development (2005-2014) requires special attention to the education of elderly people and the drafting of relevant programs.

Chapter II

The Ombudsperson's activities in the area of legal education and scientific analyses, cooperation with the media and the public and international relations

2.1 Education in human rights

One of the ombudsperson's activities in the area of the protection of human rights is legal education. The ombudsperson promoted the human rights and freedoms specified in international covenants and the national legislation, passed knowledge about the role of the ombudsperson in society, provided legal education to different strata of the population, prepared various publications on human rights and spread them among people in the reported period. At the same time brochures, booklets and other publications were prepared on the role of the ombudsperson in a law-governed state, the observance of human rights and the restoration of violated rights, thematic placards were printed on human rights, video clips reflecting the ombudsperson's activities were made, competitions and exhibitions were held on the best publications, articles and drawings on human rights and events were organized to mark national holidays, remarkable dates and international days on human rights.

Measures were taken to promote education in human rights and freedoms in different towns and districts.

Legal clinics have a special place in this area. Regular meetings were held at the Ombudsman's Office with the heads of legal clinics operating within state-owned and private universities in our country and a network and a coordination council comprising legal clinics of Baku State University, the Azerbaijan International University, Khazar University, Azerbaijan University, Western University, Odlar Yurdu University, and Qafqaz University were set up under the Ombudsman's Office.

Another branch of activities in the area of education entails work with different categories of people. The ombudsperson pays great attention to the protection of the rights and freedoms of elderly people, children, women, servicemen and convicts, and conducted systemic meetings and roundtables at the Ombudsman's Office, as well as in military units and prisons, in order to promote legal education.

At the same time the ombudsperson and employees of the Ombudsman's Office provide regular education in human rights and freedoms and legal, psychological and medical aid to lonely and elderly people at the Resource Center of Elderly People on the basis of the Education for All principle.

The ombudsperson's cooperation with UNICEF in the protection of children's rights is especially noteworthy. Training seminars on the topic "Human rights start with the rights of children" were conducted in four districts indicated in the action plan signed by UNICEF with the Azerbaijani government – Guba, Lankaran, Fuzuli and Sharur district of the Nakhchivan Autonomous Republic – as part of a joint project implemented with UNICEF. Representatives of local executive authorities, prosecutor's

offices, police, education boards, schools, social protection centers and other entities, as well as NGOs and the media, took part in the seminars.

The Resource Center for Children's Rights was set up at the Ombudsman's Office in view of the new country programs of UNICEF in 2005-2009 and the annual work plan agreed between the ombudsperson and this international organization, as well as the provisions of the State Program on Azerbaijani Youth (2005-2009), which was approved under a presidential decree dated 30 August 2005.

Within the mandate of the ombudsperson this center will have the functions of protecting children's rights, analyzing the complaints about children's rights accepted by the ombudsperson, monitoring the enforcement of the UN Convention on the Rights of the Child and the national legislation, drafting a special report of the ombudsperson on the protection of children's rights in the country, preparing corresponding teaching modules and programs on teaching the rights of children with due regard to their age and sex, intensifying education in the rights of the child among the public and cooperation with NGOs in this area, watching out for media reports on the violation of children's rights and other functions.

The ombudsperson and employees of the Ombudsman's Office carry out extensive education work on the basis of the UN Universal Program for Human Rights Education. The ombudsperson prepared and adopted an action plan together with the Ministry of Education for implementing a project in secondary schools in 2005-2007 on the basis of this program. A roundtable "Intellectual property and human rights" was held at the Ombudsman's Office as part of a series of the arrangements "Education for sustainable development" in cooperation with the Azerbaijani Copyright Agency.

The ombudsperson's education work was not only for people, but also for employees of the Ombudsman's Office, which is a new entity in Azerbaijan. Employees of the office has participated in a range of seminars and training courses on different aspects of human rights both in the country and abroad since it started operating in the country. The series of training courses and seminars for employees of the Ombudsman's Office continued throughout 2005.

Most of the ombudsperson's activities in the area of education in 2005, which was the year of parliamentary elections, involved efforts to explain the electoral laws to people. These efforts were made as intensively in the regions.

Conferences and seminars were organized in the run-up to the parliamentary elections and people in different regions were trained to exercise their right to vote. The ombudsperson conducted seminars and consultations on the topic "Right to vote and voting rules" in seven regions – Guba, Jalilabad, Shaki, Sabirabad, Aghsu districts and the towns of Ganja and Sumgayit – and distributed booklets, brochures on the enforceable acts ensuring the participation of journalists in elections and other publications to people.

The ombudsperson also paid attention to training personnel in human rights and created a special short-term education network in the area of human rights at the Ombudsman's Office. Bachelor students from the law department of the political administration faculty of the State Administration Academy under the Azerbaijani President and the international law faculties of Western University and Qafqaz

University had practice within this network and made an extensive use of the human rights library of the office.

2.2. Organization of scientific and analytical work

One of the areas of the ombudsperson's broad activities in the protection of human rights and freedoms is scientific and analytical work. The Ombudsman's scientific and analytical efforts mainly consisted of comparing domestic laws with international covenants that Azerbaijan is a party to, preparing proposals to improve the legislation, sending inquiries to the Constitutional Court to eliminate the cases of violation of the rights of individuals by effective legal acts, preparing publications and scientific articles promoting human rights, circulating proposals to resolve topical problems concerning the provision of human rights and defining joint strategies of action and future plans of cooperation with international organizations in the protection of human rights.

The ombudsperson continued carrying out analyses to improve the legislation in 2005 like in the previous years. As a result of these analyses a package of proposals was prepared on making some changes and amendments to the Family Code, the Civil Procedure Code, the Apartment Code, the laws "On protection of consumer rights", "On patent", "On status of servicemen" and "On pension provision of citizens" and the "Instructions on rendering social and household services to lonely elderly and disabled people in their homes", which was approved under resolution No 7-3 of the Board of the Ministry of Labor and Social Security dated 16 April 1997. The ombudsperson also recommended to the Cabinet of Ministers that it should make a resolution to determine the "Rules for impounding and destroying banned tobacco and tobacco products".

Besides preparing proposals on improving the legislation, the ombudsperson's scientific and analytical work also included sending inquiries to the Constitutional Court to eliminate the cases of violation of the rights of individuals by effective legal acts.

Using the right specified in the Constitutional Law, the ombudsperson sent a number of inquiries to the Constitutional Court in 2005.

As part of this scientific and analytical work the ombudsperson was closely involved in preparing and implementing state and national action plans, proposals on resolving global issues and determining an action strategy.

The ombudsperson prepared some proposals on the analysis document drafted by the working group for state administration and fight against corruption, which was set up to draft a state program on poverty reduction and sustainable development for 2006-2015, and sent them to the relevant bodies.

The ombudsperson also organized a roundtable on the eve of the International Day of Disabled People to protect the rights of the disabled with the participation of government agencies, discussed the problems of such people and made some proposals. The ombudsperson believes that a new state program should be adopted in the years to come in order to prevent disability and rehabilitate disabled people.

The ombudsperson collected information and prepared opinions and proposals for the relevant state authorities on the project reflecting the first stage covering 2005-

2007 of the Universal Program on Teaching Human Rights, which was approved by Resolution 59/113 of the UN General Assembly, an action plan that the European Union is expected to draft as part of its neighborhood policy with Azerbaijan and the positive experience gained in fighting impunity on the basis of Resolution 2005/81 of the UN Human Rights Commission on impunity and the introduction of the principles of promoting and protecting human rights by fighting impunity in Azerbaijan.

The ombudsperson provided proposals and opinions on some regional publications which are important to the provision of human rights besides internationally recognized documents and action strategies.

The proposals and opinions on the handbook "On environment and human rights", which is due to be prepared on the recommendation of the Ministerial Committee of the Council of Europe, are among such proposals.

We also comprehensively responded to inquiries by some international human rights organizations about the ombudsperson's activities in certain areas and sent them to the relevant state agencies. The GRECO group of countries fighting corruption asked the Ombudsman's Office about its powers in detecting and curbing corruption and the office prepared a detailed response and sent it through the relevant agencies.

The ombudsperson will continue working in the mentioned areas in future.

2.3 Media and Public Relations

2.3.1 Cooperation with Media

The Ombudsperson attaches great significance to relations with the public and the media. These multi-sided relations are an inseparable part of her activities.

The press service of the Ombudsman's Office maintains effective cooperation with the media. Reports on meetings, receptions, training and seminars at the Ombudsman's Office, the results of meetings with refugees and IDPs, populations in calamity-hit areas, soldiers and officers in military units, reviews of remand facilities, detention centers and prisons, foreign visits, participation in international conferences, exchanges of experience, and reports on the operation of regional centers are passed to newspapers, TV and radio channels and agencies.

The ombudsperson made some proposals on the draft law "On obtaining information", which was being debated. These proposals were on lifting the restrictions on obtaining information, closing the issue of ranking lists of party members as open-type information, expanding the list of information ranked as transformational information, regarding court rulings as open-type information, limiting the scope of information provided on a paid basis, correcting mistakes in terms of legislative techniques, lifting the restrictions on providing repeat information and increasing control over the area of providing information. The ombudsperson also gave proposals on the draft laws "On telecommunications", "On electronic signature", "On electronic document" and others.

The Law of the Republic of Azerbaijan “On obtaining information”, which will be a legal basis in the priority area of establishing information society, will play an important role in obtaining information.

Under this law, it is envisioned to appoint an ombudsperson on information, which can be viewed as part of democratic development.

The ombudsperson held news conferences and briefings in 2005 to draw the attention of the media to the multi-sided activities of the Ombudsman’s Office in the restoration of violated human rights and freedoms. The media are regularly informed of the work in restoring violated human rights, the main areas of the ombudsperson’s activities, the investigation into complaints on the ground and other issues.

Briefings and news conferences were held at the Ombudsman’s Office in connection with the National Mourning Day of 20 January, the anniversary of the Khojaly massacre, the day of the genocide of Azerbaijanis on 31 March and the 13th anniversary of the fall of Shusha. Press correspondents and TV reporters were invited to those briefings. The ombudsperson’s statements on these anniversaries in Azerbaijani, Russian and English were published in the press and forwarded to the UN Secretary General, the UN High Commissioner for Human Rights, the UN High Commissioner for Refugees, the Council of Europe, the OSCE, the international and European ombudsman institutes, the Asian Ombudsman Association and members of these organizations, as well as foreign embassies in Azerbaijan, Azerbaijani embassies abroad and Azerbaijani Diaspora in foreign countries.

The ombudsperson made a statement, saying that “the destruction and falsification of Azerbaijani historical and cultural monuments by Armenian nationalists is the gross violation of the norms of international law” on 28 February 2005. The statement said that the tragic consequences of Armenia’s aggression against Azerbaijan were not limited just to the occupation of Nagorno-Karabakh and surrounding seven districts and the formation of one million refugees and IDPs, but Armenia’s state level terrorism and policy of genocide against our nation dealt heavy blows to Azerbaijani history, culture and religious values. The statement also noted that the excavations being made around the town of Shusha were against both the Azerbaijani legislation and international law. This statement was sent to UNESCO executive director Koichiro Matsuura.

A total of 11 statements and up to 60 articles and interviews of the ombudsperson and 45 articles of the employees of the office were published in the press from the launch of the office to 31 December 2005.

The ombudsperson maintains close relations with journalistic entities and organizations and holds joint events to help increase the training of media representatives, especially journalists writing on law, provide education to improve their skills on law and strengthen cooperation with the media in general.

A roundtable “National prosperity and our press” dedicated to the 130th anniversary of Azerbaijan’s national press was held at the Ombudsman’s Office. Representatives of the press and the National TV and Radio Council, as well as more than 30 media outlets, participated in the event.

The seminar on the topic “The media and elections” was more important in terms of ensuring the right to vote in a more efficient manner in a series of events on parliamentary elections in 2005 on the initiative of the ombudsperson.

Traditional competitions of journalistic articles and child drawings on the subject “Protection of human rights” on the occasion of December 10 - International Day of Human Rights are held every year at the Ombudsman’s Office. Announcements are placed in the press in advance and journalists and children are involved in these competitions. Like in the previous years the competition in 2005 attracted the interest and attention of journalists and young artists to human rights and gave an impetus to their legal education in this area. The competitions were finalized and winners were awarded in a ceremony attended by representatives of international organizations, the parliament, government agencies, NGOs and the media.

Reports in the country’s media about human rights abuses were also examined. More than 1,000 newspaper articles about the violation of human rights were verified and the ombudsperson commented on the reports and appealed to the relevant departments, agencies and ministries.

A total of 3,023 articles or reports had been carried in different newspapers and magazines on the activities of the Ombudsman’s Office by 31 December 2005. Throughout its existence the press service of the Ombudsman’s Office has issued 633 press releases, including 302 in 2005. A total of 152 press releases in English were filed to the Council of Europe that year. Besides, up to 160 broadcasts on the work of the ombudsperson were broadcast on TV and the radio and films were made about the activities of the ombudsperson in 2003 and 2004. An audio and video library highlighting the ombudsperson’s activities has been created. This includes around 170 video recordings.

2.3.2. Public Relations

The ombudsperson’s public relations have been established at several levels and due regard was paid to the following issues: establishing and protecting the office’s good image, studying public opinion, covering the work of the office in the media, forging relations with state agencies and important public institutions and holding contests on human rights.

The independent Board of Experts, which was set up in the first months of the work of the ombudsperson in order to achieve more useful and purposeful cooperation between government authorities and civil society, focuses on analyzing the situation with human rights in our country, drafting proposals on improving the national legislation and international covenants and taking joint actions. This board, which operates under the Ombudsman’s Office, carries out analytical researches in the area of human rights together with the employees of the office, makes proposals on conducting monitoring and provides education to people.

The ombudsperson held a meeting on the subject “Cooperation with civil society in the provision and promotion of human rights” with NGOs. This meeting was held

within the framework of the joint project of the Ombudsman's Office and Sweden's Raul Wallenberg Institute of Human Rights and Humanitarian Law on human rights.

A roundtable on "The role of public control in correcting convicts and executing punishments" was held at the Ombudsman's Office with the participation of representatives of the Justice Ministry's main department to execute court rulings, NGOs and human rights activists.

The Ombudsman's Office was awarded a diploma by the Entity of New Writers and Artists and the National Council of Youth Organizations for its contributions to the publication of literature on law in Azerbaijan.

The ombudsperson tries to win the attention of the public to the urgent needs of vulnerable groups of people like families of martyrs, disabled, elderly and lonely people and disabled and disowned children. The ombudsperson held a roundtable "Importance of addressed state social aid in improving living standards of low-income families" in cooperation with the Ministry of Labor and Social Security. Representatives of the parliament, the Cabinet of Ministers, ministries, committees, the State Social Protection Fund, the Confederation of Trade Unions and the media took part in the roundtable, which was dedicated to the discussion of the draft law "On addressed state social aid".

A meeting was held at the Ombudsman's Office to mark the 60th anniversary of the victory over fascism, as the veterans of World War II were invited to take part.

The Ombudsman's Office also hosted a roundtable on the "Role of governmental and non-governmental organizations in the protection of the rights of disabled people" dedicated to the International Day of Disabled People with the participation of representatives of the Ministry of Labor and Social Security, the Ministry of Health, the Education Ministry, the State Social Protection Fund, NGOs and the media.

Proposals and recommendations made during all events organized at the initiative of the ombudsperson to increase the reliability and efficiency of ensuring human rights were summed up and forwarded to the relevant state authorities.

2.4. International Relations

The ombudsperson had extensive international cooperation in 2005.

Meetings and conferences were held on the initiative of the ombudsperson, including on "Sustainable development of legal clinics" in cooperation with the American Bar Association's Central Europe and Asia Law Initiative on 6-7 May 2005 and on "Application of European human rights standards by national human rights institutions" in cooperation with the Directorate General of Human Rights of the Council of Europe in Baku on 8-9 December 2005. The second conference was dedicated to the 55th anniversary of the European Convention on Human Rights and Fundamental Freedoms.

The ombudsperson carried on cooperation with UN agencies last year in view of the priority of the global protection of human rights in accordance with the UN Charter and resolutions. The cooperation with the UNDP, UNICEF, UNIFEM, the UNHCR, UNESCO and other UN agencies is expanding.

Sweden's Raul Wallenberg Institute of Human Rights and Humanitarian Law and the Ombudsman's Office started the implementation of a joint project for the years 2005-2007 with the participation of the UNDP and financial support from the Swedish International Development Agency last year. It is envisioned to improve the protection of human rights and hold training courses and public awareness campaigns within the framework of the project.

Besides, another roundtable was held at the initiative of the ombudsperson to mark the 60th anniversary of the UN.

The ombudsperson attaches great significance to cooperation with the Council of Europe, of which Azerbaijan is a full-fledged member.

The ombudsperson has always preferred mediation in resolving any problem, dispute or conflict and has made efforts to develop the institute of mediation in our country. Seminars on "Mediation and other alternative ways of dispute resolution" with the participation of representatives of the Council of Europe, Azerbaijani legislative, executive and judicial authorities, NGOs, legal clinics of universities and lawyers on 11-12 January 2005 and "Mediation and other alternative ways of dispute resolution in Azerbaijan" on 20-21 June 2005 in Baku. During those seminars presentations were made on the existing laws and prospects of mediation and dispute resolution in Azerbaijan and administrative, civil and commercial issues, as well as debates were made and proposals were given.

Besides, a seminar "European standards for national human rights institutions" was held on 6-8 April 2005 in cooperation with the Directorate General of Human Rights of the Council of Europe at the initiative of the ombudsperson. The seminar aimed to improve the experience of the employees of the Ombudsman's Office to use the European Convention of Human Rights and Fundamental Freedoms in restoring violated human rights.

The ombudsperson contested the post of the Human Rights Commissioner of the Council of Europe as a candidate, made a presentation on the election of the Human Rights Commissioner during the meeting of member states at the Ministerial Committee of the Council of Europe, occupied fourth place in the election joined by influential human rights specialists from eight countries and was the first woman candidate to run for this post. T. Hummerberg from Sweden was elected as the Human Rights Commissioner of the Council of Europe.

The ombudsperson was nominated for the 1,000 Women for Nobel Peace Prize in 2005 and was awarded the honorary title of the Envoy of Peace by the Universal Peace Federation.

The ombudsperson also maintains close cooperation with the European Union in view of Azerbaijan's integration into Europe, its participation in the EU's New Neighborhood Policy and the prospects of democratization and human rights.

The ombudsperson received members of the delegation of the EU-Azerbaijan Parliament Cooperation Committee in 2005.

The ombudsperson met with the coordinator of the European House in Azerbaijan, Wolfgang Sporrer, informed him of the work done in the area of protecting and ensuring human rights in our country and activities of the Ombudsman's Office,

stressed the necessity of improving administration, mastering the culture of democratic rule, learning international experience and the experience of Ombudsman's Offices and their regional centers in different countries and suggested joint cooperation.

The ombudsperson paid particular attention to cooperation with foreign colleagues in 2005. This cooperation was established with the International Ombudsman Institute, the European Ombudsman Institute and the Asian Ombudsman Association, as well as on an individual level.

As is known, the Azerbaijani ombudsperson has signed seven agreements on cooperation with foreign colleagues. These are the agreements with the ombudspersons of Russia, its Moscow, Sverdlovsk, Saratov regions and the Republic of Tartarstan, as well as Georgia, Ukraine and Uzbekistan.

A meeting was held with members of the central board of the Russian Congress of Azerbaijanis in Moscow at the joint initiative of the Azerbaijani and Russian ombudspersons and with the participation of the Azerbaijani ambassador to Russia as part of the Year of Azerbaijan in Russia on May 3 2005.

The ombudsperson held a businesslike meeting with the staff of the Ukrainian Ombudsman's Office during a visit to Kiev in June 2005. The exchange of views was efficient in terms of reliably protecting the rights of Azerbaijanis in Ukraine.

The ombudsperson met with members of the Azerbaijani diaspora at the Azerbaijani embassy in Tashkent during a visit to Uzbekistan.

The ombudsperson continued cooperation with the ombudsperson of the Russian Republic of Tartarstan in 2005 like in the previous years and expanded efficient cooperation with the ombudspersons of Russia's Sverdlovsk and other regions.

The ombudsperson paid a visit to Bucharest on the official invitation of the Romanian People's Protector on 11-14 July 2005. The visit aimed to become familiar with the work of the Ombudsman's Offices of the two countries, exchange experience and discuss future cooperation.

Representatives of the EU, UNESCO, UNICEF, the SIDA, the UNHCR, GRECO, the International Committee of the Red Cross, the American Bar Association's Central Europe and Asia Law Initiative and other international organizations, Finland's ambassador for the South Caucasus and Georgia's first lady Sandra Roelofs met with the ombudsperson, learned more about the work of the Azerbaijani Ombudsman's Office and discussed the prospects of cooperation.

Moreover, the ombudsperson participated in the meeting of the European Ombudsman Institute in Innsbruck, Austria, on January 21 2005, the 49th UN session on the status of women in New-York from February 28 to March 11 2005, a conference to mark the 50th anniversary of the Danish Ombudsman Institution in Copenhagen on March 30 – April 3 2005, the fifth international roundtable of the ombudspersons of Europe and the CIS organized by UNDP in the Czech town of Karlovy Vary on 11-13 May 2005, an international conference "Monitoring of human rights in Russia, the CIS and Baltic states in the context of general trends of liberalization and humanization of social processes at the beginning of the 21st century" organized by the German Adenauer Fund in Moscow from 31 May to 1 June 2005, an international conference "The role of tolerance in sustainable development of mankind in the modern times" in Kazan, the

Republic of Tartarstan, on June 15-17 2005, the 25th plenary session of the Parliamentary Assembly of the Black Sea Economic Cooperation Organization in Kiev on June 7-9 2005, the presentation of the 1,000 women for Nobel Peace Prize 2005 in Tashkent on June 27-30 2005, the extraordinary general meeting of the European Ombudsman Institute in Vilnius, Lithuania, on September 24 2005, a meeting organized by the European coordination committee of the national human rights institutions in Paris on November 25 2005, and the 9th conference of the Asian Ombudsman Association on "The development of Ombudsman institutions" in Hong-Kong on November 28 – December 1 2005.

The employees of the Ombudsman's Office took part in an international seminar on "Public monitoring of penitentiaries in the South Caucasus" in the Georgian town of Bakuriani on February 12-18 2005, a seminar "Democratic control over security area" in Geneva on March 9-13 2005, a conference on "The victory over Fascism" and "The 60th anniversary of the UN and international law" organized jointly by the Russian International Law Association and the Russian Foreign Ministry in Moscow on June 27-30 2005, as well as the 48th session of the Russian International Law Association, a seminar "Problems and prospects of national human rights institutions in the South Caucasus" in Tbilisi on June 17-21 2005, a series of events on the education of elderly people in Lithuania on August 22-31 2005, the annual meeting of the OSCE Human Dimension Report in Warsaw on September 21-29 2005, the second world conference on "The problems of disowned children" in the US city of Woolster on October 8-14 2005, Sweden's Raul Wallenberg Institute of Human Rights and Humanitarian Law on the basis of an agreement between the institute and the Azerbaijani Ombudsman's Office on October 13-20 2005, the sixth international roundtable organized by UNDP for the ombudspersons of Europe and the CIS in Prague on November 27-30 2005, and an international seminar "Balkan-Caucasus" in the Macedonian city of Ohrid on December 18-22 2005.

It should be noted that both the ombudsperson and the employees of the Ombudsman's Office made presentations and proposals during the conferences and meetings, which were covered in the domestic and foreign media.

Cooperation with human rights institutions and other influential international organizations will be expanded in future to ensure more efficient protection of human rights.

Results and Recommendations

The country's first ombudsperson, who has been elected for seven years under the Constitutional Law, has already finished half the term in office.

Certain measures were taken over human rights abuses, appeals were made to the relevant state authorities when required, proposals were given, statements were made, the rights and freedoms, as well as the restrictions on them, were explained to people involved in or incited to conflicts, suggestions were made and action was taken to resolve conflicts during this period.

The Ombudsman's Office should be strengthened and promoted among people not only in the capital, but also in the regions in order to make it available for every individual and facilitate appeals to the ombudsperson.

The ongoing efficient operation of the regional centers of the Ombudsman's Office, which were set up in Guba, Shaki and Jalilabad with the support of UNDP in July 2003 to facilitate appeals to the ombudsperson although it was not envisioned in the structure of the office, is especially important. These centers regularly received applicants, provided consecutive legal education to people living in the adjacent districts, held a series of meetings with people with the participation of representatives of local executive authorities, municipalities, law-enforcement agencies and the public, investigated complaints as required and made proposals.

Those centers operated till January 1 2006 with the financial support of UNDP. It is important to secure funding from the state budget for these centers and include their staff in the personnel of the Ombudsman's Office in view of the big role of the regional centers in the restoration of the violated human rights and the experience of other countries.

The ombudsperson suggested in Ganja back in 2003 that such a center should be opened in the Nakhchivan Autonomous Republic, which is part of our country, but has been isolated from the mainland. The ombudsman institution is being set up in Nakhchivan and agreement has been reached to open a center in Ganja.

As is known, the parliament passed the draft law "On changes and amendments to the Constitutional Law of the Republic of Azerbaijan "On the Human Rights Commissioner of the Republic of Azerbaijan" forwarded by Azerbaijani President Ilham Aliyev in the first reading with 100 votes for.

The facts that the ombudsperson does not have a right to make a lawmaking initiative and has limited opportunities to appeal to the Constitutional Court of the Republic of Azerbaijan, that is, does not have a right to provide comments on the existing legislation, create some difficulties in the efficient protection of human rights.

It is extremely appropriate to submit draft laws on human rights and freedoms, which are debated in parliament, to the ombudsperson so that they can be analyzed in terms of human rights and opinions and proposals can be given on those drafts. The ombudsperson hopes that cooperation with the new composition of the parliament will be more efficient in this regard.

It is regretful that the ombudsperson has not been involved in a number of state commissions and governmental working groups addressing a variety of human rights issues. This puts certain restrictions on making the work of the ombudsperson to restore the violated human rights more efficient. On the other hand, the ombudsperson's proposals, recommendations and opinions sent to the state authorities on effectively ensuring and protecting human and civil rights and freedoms and restoring the violated rights and freedoms should not be ignored and should be heeded when taking measures in this area.

There are still some shortcomings and difficulties in the cooperation with the government agencies in the area of effective provision, protection and restoration of

human rights and freedoms although significant progress was made in this area last year as compared to the previous years.

It is noted with regret that some people who appealed to the ombudsperson for the protection of their rights and freedoms were persecuted by some officials for their appeals, something that is totally undesirable. Nevertheless, the ombudsperson is confident that every official will examine his work and make certain conclusions to eliminate faults and drawbacks in office and improve his work in accordance with the requirements of a democratic and law-based state and the priorities of national development in Azerbaijan. As a result, both the violation of human rights and freedoms will be prevented and the necessary measures will be taken to strengthen our statehood in general and improve the work of the Ombudsman's Office, which is an out-of-court human rights body having a unique role in the development of democracy, in particular.

The facts that civil society is still developing and the legal culture of some people is low affect the situation with the exercise of human rights and freedoms in our country.

It negatively affects the status of society that citizens do not know their rights and responsibilities enshrined in the Azerbaijani constitution, as well as the restrictions on them, do not realize their responsibility in some cases, disrespect and disobey laws and ignore the rights and lawful interests of other persons.

The process of increasing the level of legal education in the country is also underway.

Citizens must know their statutory rights and must be capable of defending them by means of state and public institutions. Therefore, legal education must cover not only lawyers, but also all the strata of the population, including young people in general. Young people must study human rights and freedoms and realize them as a crucial element of civil society. This shows again that improved administration is still a priority.

Cooperation between the Ombudsman's Office and NGOs should be thoroughly developed. Strengthening the work of the Board of Experts under the Ombudsman's Office could give a substantial impetus to this cooperation.

Special attention should be paid to establishing a network to effectively coordinate the work of the ombudsperson, state agencies and municipalities. It is important to involve NGOs specialized in the protection of human rights in this network. The experience of the Ombudsman's Office in the protection of human rights over the past period enables us to say that cooperation and coordinated action have a big role to play here.

The abovementioned gives us the ground to say that it is possible to improve the attitude to humans and human rights and the situation in this area in the country only by joint efforts of all the branches of power and the public, including NGOs and the media.

Thus, we can say by summing up the appeals from citizens and the opinions of the public and international experts that the ombudsperson made some progress both in examining complaints and restoring the violated human rights and maintaining cooperation with the state authorities in 2005. At the same time, all the attention and resources must be directed towards more reliably protecting human and civil rights and

freedoms and resolving the following priorities in order to restore the violated rights and prevent further human rights abuses:

- cooperation should be expanded with the central executive authorities, including justice and police authorities, local executive authorities, courts and prosecuting bodies;

- government officials who are directly responsible for the observance of human rights and freedoms should realize the importance of the provision of human rights and freedoms and the significance of the Ombudsman's Office in order to expand cooperation between government agencies and the Ombudsman's Office and should be involved in regular training courses and seminars to avoid negligence, indifference and arbitrariness towards citizens;

- the reasons for cases of corruption and bribery committed by some civil servants should be analyzed, mechanisms should be worked out to eliminate such cases and the social protection of civil servants should be increased;

- political, administrative and socioeconomic innovations and reforms should be implemented on the basis of working dialogue and cooperation between the state and society and in accordance with the main human and civil rights and freedoms enshrined in the Azerbaijani constitution;

- systemic measures should be taken to draft new laws to bring the effective legislation in Azerbaijan into conformity with the international covenants on human and civil rights, of which Azerbaijan is a signatory, or introduce changes and amendments to these laws;

- dialogue and mediation should be preferred in resolving any problem, dispute and conflict between the public and the state on the one hand and citizens and officials on the other and restoring the violated human rights. The institution of mediation should be developed in our country for this purpose;

- the work of the ombudsperson, the state authorities, municipalities and the public, including the media and NGOs specialized in the protection of human rights should be coordinated in order to ensure human rights and freedoms, urgently consider appeals from citizens and investigate complaints in a flexible manner;

- legal awareness and education programs involving all the groups of the population, including children and young people, should be drafted and implemented so that citizens can know their rights and responsibilities specified in the Azerbaijani constitution, realize their responsibility, respect and obey the law, respect the rights and lawful interests of other individuals and improve their legal thinking;

- a common national concept and a state program on human rights should be drafted, taking into consideration the opinions of the public, to protect human rights and freedoms in our country;

- the interests of low-income and young families should be taken as a priority when creating national social protection and social security systems;

- specialized medical aid provided to low-income families, socially vulnerable people and patients suffering from chronic diseases should be improved;

- blocks of flats should be built and made affordable to low-income and average-income families in order to exercise the right to an apartment, mechanisms offering

special concessions for young families should be developed and introduced and the terms of mortgage loans should be softened;

- buildings and houses constructed in certain residential areas, as well as land, and their occupants, should be registered;

- education should be provided on the necessity of having property, residential buildings and apartments insured against accidents;

- apartments occupied by IDPs should be vacated to put right the complaints of citizens whose property has been taken over, numerous court rulings in this regard should be executed and a state program should be drafted to settle IDPs;

- The amount of compensation for renting apartments for officers, warrant officers and military men serving longer than required who do not have accommodation because of changing place of service should be increased to meet their actual needs;

- funds should be allocated to pay off debts to servicemen for property and items;

- proposals should be made to protect human and civil rights and freedoms, effectively ensure human rights, resolve some socioeconomic problems of different groups of people and restore the violated rights;

- the powers of the ombudsperson in the area of protection of human rights and freedoms and restoration of the violated rights and freedoms should be increased in view of the experience of the ombudsperson;

- the work of the ombudsperson's advisors dealing with the protection of the rights of women, elderly people, children, disabled people, refugees, IDPs, inmates and servicemen should be improved;

- the work of the resource centers for children's rights and gender equality under the Ombudsman's Office should be developed and improved;

- the level of qualification and professionalism of the employees of the Ombudsman's Office should be increased, training courses, seminars and measures encouraging the development of the personnel should be organized and proposals should be made on improving their social protection and submitted to the relevant authorities;

In general, the provision and protection of human and civil rights and freedoms in our country for the sake of resolving crucial issues and priorities of our nation require coordinated and harmonic action on the part of the ombudsperson and public, including NGOs and the media.

The ombudsperson has given more prominence to improving the legislation, protecting the rights of different groups of people, including refugees, IDPs, servicemen, inmates, children, women, elderly and disabled people, providing education and awareness in the area of human rights, building relations with the media and the public and maintaining international cooperation, as well as sent proposals on resolving some socioeconomic problems to the relevant state authorities.

The ombudsperson's activities in the protection of human rights have always been in the public spotlight and are established in cooperation with the public. The

regional centers of the Ombudsman's Office, the Board of Experts under this office, as well as legal clinics and the media, had a unique role in this area.

Besides the Ombudsman's Office, sections dealing with human rights have been established at the Foreign Ministry, the Justice Ministry, the Interior Ministry, the Prosecutor's General Office, some other government agencies, institutes and universities, and various entities, working groups and commissions have been set up to deal with different areas of human rights such as the protection of the rights of families, women, children, disabled people and inmates and fight corruption and human trafficking.

In addition, a number of international organizations protecting human rights and freedoms such as the representative offices of the Council of Europe, the OSCE, the Office of the UN Commissioner for Human Rights, the European House and the European Commission are active in Azerbaijan.

The implementation periods of some state programs adopted on certain aspects of human rights have already been expired and new programs are being drafted in some areas, while in other areas it is necessary to have such programs.

In order to ensure and reliably protect human and civil rights it is necessary for the ombudsperson and the public, including NGOs and the media, to work in a coordinated and harmonic way to involve communities and people in democratic government and the protection of human rights, use the support of international organizations to join efforts for a common strategy and resolve the crucial problems of our people.

Therefore, a national strategy on human rights should be identified and a national action plan aimed at resolving our national priorities and other state programs should be drafted on the basis of this strategy. These very important documents should be a logical sequel to the State Program on the Protection of Human Rights, which was approved by national leader Heydar Aliyev on June 18 1998.

The efficient measures taken by the government to ensure and protect human rights and freedoms are becoming the pledge of stability, cooperation, sustainable development and prosperity in our society, and the ombudsperson will continue to act in an independent, just and impartial manner for the sake of promoting this irreversible process, ensuring human rights, improving democratic government and strengthening statehood.