



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

**PROVISION AND PROTECTION OF HUMAN
RIGHTS AND FREEDOMS IN AZERBAIJAN**

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

FOR 2009

(summary)

Foreword

The main aim of the annual report is to provide information on the work done and measures taken by the Commissioner for provision of human and civil rights and liberties in the country in 2009, the analysis of the state of the important problems linked to human rights protection, restoration of violated rights and prevention of human rights violation.

The report has been prepared being based on the generalized analysis of the appeals, complaints and proposals, as well as on different cases, problems and challenges revealed during the visits of the Commissioner and the staff members of the Office to the penitentiaries, investigatory and temporary detention places (TDPs), military units, orphanages, boarding schools, settlements of the refugees and internally displaced persons, healthcare and social care facilities, meetings with population in regions and investigations, including proposals and recommendations submitted to the state bodies, information provided for mass media also official responses and attitudes of the state agencies and officials.

The report reflects the activities of the Commissioner in the area of human rights protection, measures taken in educational and awareness raising events in this field, organization of the scientific-analytical work, public relations, issues of international cooperation, as well as outcomes and recommendations.

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

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

Introduction

During recent years our country stepped into important and totally new stage of its development and confirmed its leading position in the world once again.

The actions aimed at improvement of the welfare of the country population that is the nucleus of our society, raising the level of development of the country, complex solution of the existing problems, efficient provision and reliable protection of citizens' rights and freedoms were continued in 2009 as well.

The living standard and welfare of population are being improved gradually as a result of social-economic reforms carried out in the country.

Development of the country creates great opportunities for more efficient provision of human rights and freedoms that is the supreme goal of the state as it is enshrined in the Constitution of the Republic of Azerbaijan. Nevertheless, there are still a number of impediments to realization of rights and freedoms of different citizens and certain groups of population in a way defined in the legislation.

In the reviewed period the activity of the Commissioner was also aimed at fighting delays in processing of documents and excessive bureaucracy, negligence of some officials and non observance of the requirements of the legislation, indifferent attitude towards the appeals and problems of the citizens that is the serious impediment to protection of human and citizens rights and freedoms in the frame of the competencies and influence opportunities determined by the Constitutional Law of the Republic of Azerbaijan "On the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan" (afterwards Constitutional Law).

Without limiting the competencies of and without replacing other state bodies, by supplementing existing mechanisms of human rights protection, the Commissioner within this period, built her work on the principles of independence, transparency and accountability, rule of law, impartiality and fairness and achieved restoration of the violated rights in many cases.

The Commissioner who attracts the attention to the importance of timely response to the appeals made by citizens to state bodies, prevention of abuse of power by officials, regular reception and proper treatment of citizens by them, importance of resolving problems transparently and without discrimination in the frame of the law, took relevant actions, sent motions to the respective state bodies, made certain demands of them in cases of violation of human rights in the reviewed period.

The Commissioner organized regular meetings and receptions with people in Baku, different cities, rayons and settlements of the country, involved respective state bodies, including local executive powers to restoration of violated human rights with her advice and recommendations.

People addressed their complaints to the Commissioner by different means, including via post and e-mail, the Reception Room functioning at the Office, regional offices of the Commissioner, the hotline of the Rapid Investigation Group, and hotline "916" for receiving the information on the cases of violation of child rights, as well as in person during Commissioner's and her officers' visits to penitentiaries, investigatory isolators, temporary detention places, military units, orphanages, boarding schools, camps and settlements for refugees and internally displaced persons, healthcare and social care facilities.

According to the Constitutional Law, the Commissioner considered the complaints of the citizens of the Republic of Azerbaijan, aliens, stateless persons, and legal entities on

violation of their rights, took measures aimed at investigation of individual and collective complaints.

A number of cases revealed in the field of provision of human rights and causing anxiety in the country were solved in cooperation with state bodies, violated rights were restored in the reviewed period.

During her term in the Office the Commissioner has received a total of 51,060 appeals, including 8,800 appeals in 2009.

In general 83,7% of the above mentioned appeals were complaints, 16,2 were applications, and 01% were proposals.

According to the provisions of the Constitutional Law, the Commissioner rejected consideration of 48,9% complaints on the grounds that the complaints were beyond the Commissioner's competence, a period of more than one year had passed since the date of violation of the complainant's rights, the complaints were anonymous, legal proceedings were pending with respect to the complaint, or the complaint was re-submitted without any new information, facts or evidence on the matter complained.

51,1% of the complaints were accepted for consideration, 44,7 % of them were resolved. This indicator is approximately the same with the one in Europe and in post soviet region.

In the reviewed period numerous legal advice was given to citizens in relation to complaints both in receptions and in a letter, besides recommendations and explanations were given on forms, ways, and means of human rights protection, and with regard to addressing to the respective state bodies on several issues according to their essence.

The activity realized in the reviewed period proved once more the importance of strengthening and improving cooperation with state bodies, municipalities, including NGOs specialized in the field of human rights protection and with mass-media for ensuring human rights and freedoms, considering citizens' appeals without delays, and of their prompt investigation, as well as the fact that this gives useful results.

The Commissioner addressed her proposals and recommendations to the state agencies for solution of problems in the country, as well as the issues reflected in the annual report, and aimed at efficient provision of human rights and freedoms, and for solutions of a number of social-economic problems of different groups of population, including, children, women, the elderly, refugees and IDPs, inmates and military servants.

The Commissioner is sure that the above mentioned proposals will be considered in the process of realization of actions in the social-economic sphere taking into the account the economic state and financial opportunities of the country.

Chapter I.

The activity of the Commissioner in the filed of human rights and freedoms protection

1.1. Protection of civil and political rights

The right to free movement. Right to free movement and to choose living place gives citizens an opportunity to choose residence place independently. Except separate cases, serious problems in provision of citizens with ID cards were solved as a result of cooperation between the Commissioner and the Ministry of Internal Affairs. In the current year the number of cases of delinquencies, bureaucracy, and self will of officials in provision of citizens with passports and ID cards reduced in comparison with previous years. Nevertheless, the analysis of the complaints received by the Commissioner shows that sometimes citizens still encounter with problems in getting ID cards.

People are still subjected to bureaucracy and their rights are violated as some staff members of departments of registration and issuance of ID cards of the Ministry of Internal Affairs don't observe the requirements of the Decree No. 55 of April 9, 2003 signed by the Cabinet of Ministers that regulates the registration of the persons not having permanent place of residence in a determined order and their provision with ID cards, on the other hand citizens themselves don't have relevant information about it. The Commissioner achieved solution a number of complaints received in relation to the above mentioned problem, and violated rights of those citizens were restored.

Besides, there are problems in provision of the aliens and stateless persons coming to the Republic of Azerbaijan with temporary residence cards, prolongation of these cards, registration of passports, the documents substituting passports and prolongation of their registration period.

A number of complaints on citizenship were also investigated and the problems causing anxiety for applicants were solved after the Commissioner's intervention.

The right to protection of person's honor and dignity. Protection of the above mentioned right by officials and staff members of law enforcement agencies carrying out state forces measures in the frame of their competences, and duties, particularly by police staff responsible for preservation of public tranquility is the focus of attention not only of different individuals, but also of the whole society.

Like in some other countries, the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan was defined as an Institution fulfilling the functions of National Preventive Mechanism (NPM) according to the Decree of the President of the Republic of Azerbaijan "On provision of implementation of the Optional Protocol to the "Convention Against Torture, and Other Cruel, Inhuman or Degrading Treatment or Punishment" dated January 13, 2009.

In the reviewed period the Commissioner took a number of actions in this direction, addressed surveys and proposals to respective state bodies.

The Commissioner investigates the cases where is doubt about torture, ill treatment, cruel or degrading treatment reflected both in the complaints she has received, and she has

been informed of. *“The report on the Commissioner’s activity as a National Preventive Mechanism against torture, and other cruel, inhuman or degrading treatment or punishment for 2009”* is being prepared.

Visits to investigatory isolators and temporary detention places (TDPs).

In order to investigate the situation with ensuring human rights and freedoms, temporary detention places of regional and city offices, departments and stations of the police, Administrative Detention Station of Baku City Head Police Office, including the Temporary Detention Places of Head Office for Fight against Organized Crime of the Ministry of Internal Affairs, Office for Fight Against Illegal Migration of Head Office of Passport, Registration and Migration and Office for Fight Against Trafficking were paid 294, facilities of Penitentiary Service of the Ministry of Justice were paid 108, investigatory isolator of the Ministry of National Defense were paid 2 planned and complaint-based visits by the Commissioner and the staff members of her Office.

They met with the detainees personally, listened to their complaints, investigated their detention conditions, explained them their rights, got acquainted with the documents related to provision of those persons with lawyers, explanation of human rights to them at the moment of their detention as suspects, prosecutors’ control during detention at police, and to legality of their detention.

It should be noted during these meetings the detainees expressed satisfaction with detention conditions, told that they had not been exposed to violence, degrading treatment, but they complained about investigation process and court decisions on their cases.

The Rapid Investigation Group (RIG) founded at the Ombudsman Office in the initiative of the Commissioner for investigation of the cases of human rights violation, and provision of prompt response to the complaints successfully continues its work.

Numerous visits were paid to temporary detention places, investigatory isolators, as well as prisons according to the information addressed to that Group by different persons, reflected in complaints, as well as given at receptions or delivered via “hot line” within 24 hours and if the cases of violation of human rights were revealed urgent measures were taken aimed at their restoration.

Information on the RIG’s activity was regularly disseminated by mass media. The posters "Pass information on torture to Ombudsman" containing also the telephone numbers of the hotline of the RIG were hung at every city and local police office, department and station according to the instruction of the Minister of Internal Affairs based on the motion of the Commissioner.

In order to eliminate delinquences, shortcomings and shortages revealed during the investigations and to take relevant measures, comments and proposals were addressed to the heads of respective police offices, departments and when necessary to the Prosecutor General, Ministry of Internal Affairs or the Ministry of Justice of the Republic of Azerbaijan, as a result of those motions some staff members committed offences were brought to the administrative responsibility, actions aimed at elimination of the revealed shortcomings were taken.

The Commissioner who pays close attention to the interrogation process, and the health state of the persons detained at temporary detention places and undergoing a cure at psychiatric facilities, sent motions to the Milli Majlis (the Parliament) and the Cabinet of Ministers to raise the expenses for improvement of provision of those persons with nutrition and medical services, to review and reconsider the relevant normatives and proposed to consider those recommendation while discussing the draft law of the Republic of Azerbaijan on state budget for each year, as well as for 2010.

It should be noted along with illegal actions, as well as pressure and influences committed against the suspected, detained and accused persons, the poor level of detention conditions of the persons detained at temporary detention places also should be considered as a degrading act.

Sometimes the cases of detention of more persons at detention cells that they were intended for, lack of beds, poor level of medical services, inobservance of sanitar, hygienic and epidemiological rules, detention of persons with active tuberculosis together with healthy persons in one cell can be estimated not only as a degrading treatment but also as a torture.

The Commissioner proposed to speed up creation of new investigatory isolators in regions considering the facts that transfers of interrogated persons realized by train every ten day result in disordering of periods reflected in legislation by objective reasons and cause excessive expenses and anxiety.

It is noteworthy that investigatory isolator that was built in Zabrat settlement in 2009, is intended for 2,500 persons, meets all standards and is provided with necessary equipment was given for use.

Necessary actions were taken for creation of conditions meeting international norms and standards at temporary detention places of the Police, 18 temporary detention places out of total 65 were rebuilt in compliance with international standards, and 39 of them were reconstructed, and capitally repaired. This process is being continued at present.

The Commissioner and the staff members of her Office visited Baku Investigatory Isolator of the Penitentiary Service of the Ministry of Justice, met with some accused persons, as well as with editor-in-chief of “Daily Azerbaijan” newspaper Eynulla Fatullayev. During the meeting he did not complain about the detention condition in that penitentiary or treatment of him. E. Fatullayev noted during the investigation at the penitentiary No. 12 narcotic was found on him, that didn’t belong to him. The Commissioner urged to the Prosecutor General of the Republic of Azerbaijan to examine the cases reflected in the appeal, provide investigation of complete, objective, and comprehensive interrogation. At the moment the case is under the court execution.

After the Commissioner received information on violence committed by two unknown persons against Emin Milli-the representative of “Alumni Network” Youth Organization and Adnan Hajizadeh-one of the founders of “OI” Youth Movement, her representatives met with Adnan Hajizadeh Hikmet oglu and Emin Pasha oglu (Emin Milli) who were arrested by Sabail District Police Office (DPO) as suspected persons and detained at temporary detention place of Khatai DPO.

The Commissioner addressed to the Prosecutor General and the Ministry of Internal Affairs of the Republic of Azerbaijan and asked to take under their control the interrogation on the criminal case started against the above mentioned persons.

For that period the Commissioner and the staff members of the Ombudsman Office met with Adnan Hajizadeh, and Emin Milli detained at Baku Investigatory Isolator of the Penitentiary Service of the Ministry of Justice several times. During conversation those young persons noted they met with their lawyers, and **received** parcels from their families according to the legislation, and did not complain about the detention condition and treatment.

The Commissioner noted she urged to the respective agencies for solution of the problem by amity, and for application of alternative methods of punishment according to the offences they committed.

Freedom of expression and speech. Progressive-minded mass media assumes great

importance in development of state-citizen relations and provision of transparency and publicity in state agencies.

Article 10 of the European Convention "On Protection of Human Rights and Fundamental Freedoms" envisages that everybody has the right to freedom of expression. This right includes freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. These rights, their boundaries and limitations were reflected in the national legislation as well.

Allocation of certain amount of financial assistance in the State Budget of the Republic of Azerbaijan for 2010, in order to provide state support to development of mass-media, was one of the important actions. In every society journalists should respect the rights of individuals whom they chose as an object for their articles.

Of course, threat for criticism that is far from any insult is inadmissible and such cases should be eliminated by relevant state bodies. From this standpoint the activity of "Commission of fight against racket journalists" created at the Press Council is noteworthy.

Moreover, the articles full of slander degrade person's decency, dignity, reputation, faith both in the society and in the family and subject them to moral sufferings. Thus, the representatives of mass-media should avoid of dissemination of unverified information, particularly information that can cause serious moral losses sometimes for a person, even for a whole family and should observe professional ethics and requirements.

In general, conduction of periodic monitoring of articles published in press by the Press Council, taking actions as reflected in "Professional Behavior Regulations of the Azerbaijan Journalists" as well as informing broad public about the results of those facts are expedient.

Information became the most valuable resource of the modern society. In the transition period to the information society mass media has new duties. Thus, society needs more articles serving to democratic development, building and restoration of civil society, a word reflecting reality and unbiased, professional, partial information on urgent issues.

Active participation of the representatives of media, and journalists writing on human rights, lightening and investigating the incidents from the prism of transparency is very necessary in realization of those duties.

Protection of decency, dignity and business reputation, as well as respect to the freedom of expression and speech, also creation of relevant atmosphere for a healthy and justified criticism are the prior duties of every state that respects democratic values. The basis of the above mentioned issues was generally set forth in the country constitution. However, the Commissioner considers that there is a need for more precise regulation of those cases by relevant laws. From this point of view, the Commissioner positively appreciated the draft law "On Defamation", at the same time made a number of proposals on that draft law.

The staff member of the Ombudsman Office made a presentation at the practical seminar on human rights organized for journalists by the UN High Commissioner for Human Rights Office in Guba city. The event was attended by the representatives of information agencies - "AzerTac", "APA", "Mediaforum", "Interfax", "Khazar TV", "Radio Liberty", newspapers - "525 news", "Echo", "Zerkalo", "Exspress" "Azernews", "New Generation" Journalists Union, as well as of the UN Office in Azerbaijan. Such exchange of views serve to the improvement of balanced state-journalist relations by the Commissioner and should be continued.

The Commissioner attended international conference entitled "Freedom of expression" devoted to the 10th anniversary of establishment of the Office of National Defender of Georgia held in Tbilisi, noted political stability, economic development, Rule

of Law, and activity of civil society creates auspicious condition for a dialogue among the government, ombudsman and mass-media and gave her recommendations.

The Commissioner addressing to the chiefs of the Press Council and National Television and Radio Broadcasting Council in relation to protection of child rights, noted persons with weak psyche, particularly children might be subjected to mental sufferings due to information they get from mass-media, TV channels, consequently they commit suicide. Besides, dissemination of information depicting brutality via TV, mass-media, and its replacement in the internet cause tragic situation. Sometimes such cases result in committing a suicide.

It was also mentioned information is disseminated on the personality and addresses of the children subjected to violence, children in conflict with law and children committed crime to the public via TV channels by police organs without the consent of children themselves and their legal representatives. The facts of dissemination of information by ‘ANS’ and ‘ATV’ TV channels on a young women aged 16 who was detained as the suspected in death of her husband and of her screening via TV channels were also brought to their attention.

As a result of the above mentioned recommendations screening of such cases in TV channels was prevented.

The Commissioner recommended that necessary actions should be taken for limiting the number of programmes depicting brutality or other such cases, and their broadcasting in evening hours, as well as for placing warnings indicating unsuitability of such pictures and films for children and the situation should be taken under the control in order to prevent such cases in future.

In the reviewed period the Commissioner paid close attention to the state of Sakit Zahidov (Mirza Sakit), Eynulla Fatullayev, Mushfig Huseynov, Ganimat Zahidov, Novruzali Mammadov who were detained in investigatory isolators and penitentiaries as sentenced and accused, she herself or staff members of the Office according to her instructions regularly met with them, learned their states, treatment, detention conditions as well as their nutrition and health state, maintained contact with administrations of penitentiaries and prisons where the journalists were detained and gave them recommendations.

According to the offences they had committed the Commissioner proposed to direct the attention to the existence of alternative measures (fine, to suppress the newspapers for a while and other) in world practice used for punishment of the representatives of mass-media violated law, as well as to consider the journalists among the persons to be pardoned.

It is noteworthy that journalist Mushfig Huseynov was also pardoned according to the Decree of the President of the Republic of Azerbaijan ‘‘On Pardoning of some inmates’’ dated 25 December, 2009. Moreover, in the initiative of the president of Haydar Aliyev Foundation and deputy of the Milli Majlis Mehriban Aliyeva the amnesty act about Sakit Zahidov (Mirza Sakit) adopted by the Milli Majlis on the occasion of Novruz Holiday was implemented and he was released. Four imprisoned journalists were also released according to that amnesty act.

It should be noted, most of journalists were released according to the last amnesty and pardoning decrees.

In general, improvement of professionalism of journalists, observance of the requirements of the legislation by them in their activity, and conduction of trainings for the representatives of press are expedient.

Freedom of conscience. Equal conditions have been created for all religions in the

Republic of Azerbaijan. The persons from different confessions can freely perform their religious ceremonies and participate in the cultural life of the country.

This right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance. These rights, their boundaries and limitations were reflected in the national legislation as well.

Azerbaijan is among the rare states where traditional religions such as islam, christianity and judaism-mosque, church and synagogue function together.

According to the statistics, 534 religious communities were registered since the beginning of the activity of the State Committee on work with Religious Organizations (SCWRO). However, according to the annexes and amendments to the Law of the Republic of Azerbaijan "On Freedom of religious belief", it is planned to reregister religious communities. Thus, more than 700 religious communities submitted their documents for state re-registration according to the new regulations, 232 of them have been registered already.

It should be noted bringing and dissemination of the restricted books by religious organizations and communities in Azerbaijan cause religious quarrels. Consequently, these serve to violation of freedom of conscience and establishment instable environment in the society.

Both in Baku city and other regions of the country involvement of children of school age to performance of religious ceremonies of different sects leads to violation of the requirements of the country legislation.

The Commissioner carried out a number of actions for provision of freedom of conscience and religious belief, organized exchange of views on mutual relations of persons having different religious views, made a number of constructive proposals on religious tolerance and spiritual education.

In the reviewed period the Commissioner conducted regular meetings with the representatives of local communities, religious communities and national minorities. She learned the situation with provision of freedom of conscience during her visits to different regions of Azerbaijan, met with relevant religious communities. Teaching of basics of traditional religions in schools is already posed as a problem. Thus, there is an idea of establishing a special Institute by the Council of Europe where specialists would be trained to teach religion in schools. The Commissioner considers that Azerbaijan should be ready for this process as well.

The Commissioner proposed to establish the Interreligious Council "Peace Culture Trough Bridging Religions" where main religious confessions and organizations of the country would be presented. The actions had been taken for more efficient provision of the freedom of conscience in the country were presented to A.Chahangir - the special rapporteur of the UN Human Rights Commission on the issues of freedom of religion and belief.

In that report it was noted the Republic of Azerbaijan is a country where religious tolerance is at its highest level, despite the fact that the majority of the country population worship in the same religion, there is a real religious harmony and the government respects freedom religion and belief.

Freedom of assembly. State provides realization of freedom of assembly guaranting the persons' right to equality and takes necessary actions for conduction of meetings organized according this law in a peaceful way. According to article 11 of the European Convention "On Human Rights and fundamental freedoms everyone has the right to

freedom of peaceful assembly and to freedom of association with others. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. These rights, their boundaries and limitations were reflected in the national legislation as well.

The Commissioner drawing the attention to the right of everybody to organize peaceful assemblies, gatherings, street marches, pickets notifying state agencies beforehand made proposals on improving the Law of the Republic of Azerbaijan “On Freedom of Assembly”. She also proposed to exclude the provision on reaching an agreement beforehand from the law. Considering the recommendation of Venice Commission, the provision on reaching an agreement beforehand of relevant law was extracted and replaced by the provision of “written notification” in advance.

On March 18, 2009 in order to prepare for the referendum aimed at making annexes and amendments to the Constitution of the Republic of Azerbaijan, the Commissioner conducted instructional work in relation to provision of freedom of assembly in seminar-meetings organized all over the country. The Commissioner recommended respective state bodies to observe the requirements of law seriously, and to allocate special places for assemblies related to elections.

Both in Baku and all cities and regions of the Republic open and appropriate closed places were provided by the local executive powers for conduction of such events necessary conditions were created.

According to the instruction of the Commissioner, the staff members of the Office conducted investigation at police stations No.26 and 27 of the Yasamal DPO in relation to the information they had received on detention of some persons participated in a protest against rise of metro fare, organized by heads of Musavat, AXCP (Azerbaijan National Front Party), ADP (Azerbaijan Democratic Party) Youth Organizations and a group of young persons without informing the officials beforehand. Some of the young persons detained at the police station No.27 noted they had been exposed to physical violence by police staff.

Police staff members noted that during that action some of those young persons committed offences, did not obey the demands of police, inflicted a damage on the state property by bruising the service automobile of police, and breaking its windows. It was also mentioned the issue of criminal case against some of the detained persons will be started by documenting according to the requirements of the law.

The Commissioner immediately addressed to the relevant police office and station as well as to the district court and proposed release those young persons applying alternative methods of punishment instead of imprisonment. The police staff agreed that the Commissioner’s decision is estimable. According to the decision of Yasamal District Court a fine was imposed on T. Abbasov, I. Gurbanli, V. Talibzadeh, other detained young persons were given a caution and all of them were released.

Voting rights. The Commissioner paid considerable attention to preparatory work on the referendum held on March 18, 2009 aimed at making annexes and amendments to the Constitution of the Republic of Azerbaijan, including municipal election on December 23, as well as to monitoring of the situation with provision of voting rights.

Together with the Central Election Commission the Commissioner conducted relevant enlightening work aimed at raising awareness of legal knowledge of voters, improving of election culture, also contributing to conduction of democratic, free and

transparent election among the different groups of population in different regions of the country, IDPs settlements, at investigatory isolators, prisons, military units at different times. Those events were attended by the representatives of Milli Majlis, the court and prosecutor bodies, the Ministry of Internal Affairs, local police offices, the Ministry of Justice, district and local election commissions, local executive powers, municipalities, NGOs and mass-media attended.

At each event information on new instructions of the Central Election Commission was given, the issues in relation to preparation to referendum was discussed detally, comprehensive information was presented on the work done by district election commissions, local executive powers and police organs, existing shortcomings were revealed, recommendations were given for their elimination, voter's questions were answered, problems and the ways of their solution were also discussed.

The issues of preparation to elections were at the focus of attention during the public hearings organized by the Commissioner on implementation of actions enshrined in the "National Action Plan on Protection of Human Rights in the Republic of Azerbaijan" in 54 rayons of the country on the eve of the referendum.

The Commissioner together with the Ministry of Internal Affairs and Central Election Commission organized zonal seminars devoted to the issues of "The Rights and Duties of Police in the election process" for the staff members of the police offices of different cities and rayons of the country, in Baku, Lankaran, Shirvan, Ganja, Khachmaz and Sheki cities covering 55 surrounding rayons and cities and explained the duties of executive powers and police during the elections.

On the eve of the referendum monitoring was conducted by the staff members of the Ombudsman registered as observers on pre-referendum preparation at 212 polling stations of 59 constituencies in the capital and different regions of the country, as well as in places of detention, in a number of areas settled by the refugees and IDPs, and military units.

On the day of Referendum the Commissioner and 37 staff members of the Office observed elections at 372 polling stations of 98 constituencies in Baku city and 52 rayons of the country, as well as in refugees' and IDPs' communities, military units of the Ministry of Defense, also in investigatory isolators and penitentiaries of the Ministry of Justice.

The Commissioner personally observed election process at polling stations of constituencies in Baku city, as well as in refugees' and IDPs' communities, military units and penitentiaries. At the same time she regularly received information by her representatives observing election process in different regions of the country, and by summarizing the outcomes of those elections informed mass-media about it.

As a result, no cases of interference in the election process by the local executive structures and police staff, nor violations that can influence or can doubt lawfullnes of elections were observed. Revealed technical shortcoming were immediately eliminated.

The municipal elections were held in an organzied way and in compliance with the requirements of the legislation.

On the day of elections the Commissioner and 37 staff members of the Office observed elections at 303 polling stations on 81 constituences in Baku and 44 rayons of the country as well as in military units, penitentiaries.

The Commissioner personally observed election process at polling stations of constituencies in Baku city, informed mass-media about the election process at Elections Information Center of the Election Commission according to her own observations and the information passed by the staff members participated at elections as observers.

Unlike previous municipal elections the number of women elected as municipalities chiefs or members increased from 4% to 26,7%. According to information 302 women were

elected to the position of municipality chief. This served as a background for active participation of women at forthcoming elections to Milli Majlis (the Parliament).

After the elections 33 complaints were received by the Commissioner in relation to violation of voting rights. Those complaints were sent to the Central Election Commission for investigation.

According to the relevant decision of the Central Election Commission the voting results at 33 polling stations, and elections to 9 municipalities were considered invalid. The chiefs of Gobustan-Khizi-Guba constituency election commission No.50 and Yardimli-Masalli constituency election commission No.72 were dismissed because of the shortcomings they committed during the process of preparation to and conduction of elections, Masalli constituency election commission No.70 and Imishli-Baylagan constituency election commission No.80 were dissolved for the same reason.

Preparatory work is already being carried out by the Commissioner for the elections to be held to the Milli Majlis in 2010.

It should be noted referendum conducted with the purpose of making annexes and amendments to the Constitution of the Republic of Azerbaijan on March, 2009, as well as elections to municipalities held on December 23, 2009 were a step forward in provision of citizens' voting rights.

Propaganda of election legislation that is distinguished for its progressiveness and has been constantly improved, as well as Decrees of the President of the Republic of Azerbaijan "On Improvement of the Election Practice of the Republic of Azerbaijan" dated May 11, 2005 and "On Urgent Actions in relation to preparation to and conduction of the Elections to Milli Majlis" dated October 25, 2005 played great role in gaining of those results.

Right to appeal. Citizens have right to appeal to state agencies personally, address individual or collective written complaints. Each appeal should be responded in a way and time determined by the law.

In the reviewed period necessary steps were taken for establishing the work on provision of the right to appeal in compliance with the requirements of the Law of the Republic of Azerbaijan "On Consideration of Citizen's Appeals" and other related legislative acts, consequently those steps gave positive results.

Actions aimed at provision of citizen's right to appeal were taken by a number of state bodies.

Functioning of telephone information services of "Central Call System" at State Social Protection Fund – numbers "190" and "195" at the Ministry of Defence", number "195-2" at the Ministry of Economic Development, creation of "Trust E-mail Address" and "Trust Line" at the Ministry of Defence and "Trust Post" at military units were progressive acts from the stand point of efficient provision of the right to appeal.

It should be noted violation of this right consisted of the facts that some officials did not receive citizens, the appeals were not responded, citizens were given formal, unbiased, unjustified or weren't given written answers at all and of the facts of bureaucracy.

At it was mentioned above 8,800 applications were received by the Commissioner, 7,365 (83,7%) of them were complaints, 982 (13,3%) of those complaints were related to courts, 415 (5,6%) were related to Prosecutor's Offices, 1,239 (16,8%) were related to police offices, 112, (9%) were related to state traffic police, 688 (9,3%) were related to local executive powers), 441 (6%) were related to non-execution of the court decisions and 205 cases (2,8%) were related to municipalities.

Carelessness and sell will of some officials in regions oblige persons to appeal to the

central bodies. These cause them physical and material problems, as well as inconvenience and dissatisfaction.

Analysis of the complaints give the ground to say that a number of bureaucratic obstacles that is the main barrier in provision of the right to citizen's right to appeal still exist and some officials still prefer their own interests to the legal interests and needs of persons.

In general, one of the cases that cause the increase in the number of complaints and anxiety, was remiss activity of officials who don't pay attention to concerns and problems of population, are not capable to solve their problems and show indifference to the citizens addressing to local bodies with different issues.

It is noteworthy that, in 2009 heads of executive power of Salyan, Agdam rayons and Naftalan City, as well as of Nizami District of Baku city were dismissed from their jobs.

Besides, the Commissioner considers that conduction of meetings by heads of local executive powers and local executive structures with persons, getting acquainted with their problems on spot are very important. Such meetings and receptions based on direct intercourse with population contribute to solution of shortcomings and problems in time and to prevention of offences beforehand.

Preference of meetings with population by the heads of local executive powers, direct contact with the rural population in regions, use of "open microphone" are very important from the point of provision of the right to appeal. From this stand point the activity of heads of executive power of Ganca City, Jalilabad Rayon and Nizami District of Baku city should be appreciated positively, at the same time should become a working manner of all heads of executive powers.

The Commissioner who strives for and mostly achieves restoration of violated rights of persons whose appeals addressed to state bodies were out of attention, considers that it is necessary to continue reforms carried out for provision of objectiveness, efficiency and transparency in consideration of applications and in reception of citizens with the purpose of more reliable provision of citizens' right to appeal.

Judicial enforcement of rights and freedoms. In order to improve the efficiency of the justice, the judge staff was increased by 50 percent and accordingly court staff by 60 percent, as well as associate staff for all judges was assigned.

Generally, in recent years as a result of increasing the judge staff and new election method of judges, judge staff of Supreme Court of Azerbaijan Republic became 38 from 23, judge staff of Court of Appeal reached 106 from 49, the judges of Baku district courts became 87 from 45, the number of judges of other regional and city courts of the republic was considerably increased. However, there is still need for increasement of the existing number of judges. This has enabled reducing the work of judges, considering the issues more efficiently, decreasing the cases of bureaucracy and violations.

In the reviewed period the violation acts of judicial enforcement of human rights and freedoms were reflected in 982 complaints addressed to the Commissioner. In relation with those complaints totally 232 surveys and appeals were sent to the relevant bodies, of which 6 were sent to the Judicial and Legal Council, 1 to the Constitutional Court, 47 to the Supreme Court, 56 to the courts of appeal, 122 to the courts of first instance.

In connection with the complaints on the judges of several courts addressed to the Commissioner, appropriate information was sent to the Judicial and Legal Council, as well as appeals were made to investigate the complaints, relevant proposals were made to take measures on the judges that violated law and rights.

Many judges were subjected to disciplinary penalties by Judicial and Legal Council

because of violation of law and negative acts, 38 judges were terminated, about 100 judges were subjected to disciplinary penalties, court structure was mainly renewed.

In 2009 disciplinary proceedings were taken on 22 judges and 2 chairmen of courts were dismissed in accordance with disciplinary rules.

Only courts winning the confidence of citizens and judges having force to make decisions independently are able to prevent any violations of law in the society.

The Commissioner has several times called judges for acting independently in the events held with the participation of state institutions and judges and in the trainings supposed for candidates for judges. However, she has emphasized that the frame of their independence is bounded by the rule of law.

The punishment imposed by Judicial and Legal Council serves not only as administrative measure, it also raises the trust of people to justice.

According to the article 1.3 of the Constitutional Law, investigation of the activities of the judges of the Republic of Azerbaijan shall not be subjected to the powers of the Commissioner. However, in the article 1.6 thereof it is indicated that the Commissioner may examine complaints on violations of human rights relating to red tape, loss of or delayed delivery of documents in courts as well as delays in the execution of court judgements. In the article of 12.1 of the given law, it is shown that while investigating the circumstances indicated in a complaint on violations of human rights, the Commissioner shall receive observations as to that complaint from the body or official complained of. Within 10 days the observations shall be submitted to the Commissioner.

According to the articles 12.2.2-12.2.5 of the present law, while investigating the circumstances indicated in a complaint, the Commissioner shall have the right to receive necessary information, documents and materials, within 10 days, from any governmental and municipal body and officials, to obtain court orders (judgements) in force concerning criminal, civil and administrative cases, as well as cases, the proceedings in respect of which were terminated, to receive written explanations from officials and to give fact-finding tasks to relevant bodies.

Generalized analysis shows that the bulk of the complaints addressed to the Commissioner was related to bureaucracy in courts, that copies of court decisions were not provided on time, relevant notification (information) about the time and place of court hearings were not sent to the participants of court proceedings or their sending were delayed, a party was not notified about the denial of sending and receiving the appeal or cassation complaints to the courts of high instance, submitted documents were lost or not attached to the case.

The Commissioner continued the cooperation with the courts, examined the complaints on the bureaucracy, loss and delay of documents and technical faults. She took measures to restore the violated rights.

In some cases courts do not respond to the citizens' appeals on time which causes repeated appeals, excessive correspondence and dissatisfaction. Such actions also lead to undermining the reputation of courts. For instance, in connection with 26 appeals addressed to the Commissioner by citizen A. for a year, inquiries were sent to the courts, including 4 to the Supreme Court, 7 to the Baku Court of Appeal, 9 to the courts of the first instance. Many of those appeals were justifiably enforced.

Since the increase of numbers of court judges, and last appointment of judges of the courts of the first instance and appeal, the number of complaints related to the violation of judicial enforcement of rights and freedoms was decreased. However, analysis of numerous complaints shows that problems in this sphere still exist.

Judicial authority, that shall administer justice, has obligations on judicial

enforcement of rights and freedoms identified by the Constitution of the Azerbaijan Republic.

It should be noted that courts, that are empowered to provide human rights and freedoms and hold responsibility for this before the law, are obliged to protect the image of the country on international level as well.

As a result of the activity of the judges, who act unprofessionally, indifferently in relation to the destiny of the citizens and make decisions contrary to the law, several citizens have to look for justice in the European Court of Human Rights.

According to the information received, since Azerbaijan became a member of Council of Europe, 22 decisions on our state were made in the European Court of Human Rights that mainly considers procedure issues, including 7 decisions of 2009.

In recent years following the judicial legal reforms, new courts were established and judge staff was considerably increased. This contributed to relatively reducing the work load of judges, decreasing abuse, bureaucracy cases and other faults that were the main dissatisfaction for citizens, increasing the efficiency of justice and trust of citizens to courts, simplifying appealing to the courts, renewing the structure and work of court office. Thus the changes served the arranging justice efficiently, preventing the cases of abuse and violation of law by the judges and keeping strictly labour and executive discipline.

As material and social security of judges plays crucial role from the point of the abovementioned, in the reviewed period important steps have been taken in this respect. However, at present it is reasonable to take drastic measures in respect of improving material security of court judges more.

According to the VII chapter of the Constitution of the Republic of Azerbaijan, prosecutor offices function within the judicial authority. It is noteworthy, that the official salary of court judges (chairmen of court) is considerably lower than that of prosecutors acting in the same territory, despite they have the same jurisdiction. In the light of the abovementioned, this discrepancy should be eliminated.

From this standpoint, the Commissioner considers reasonable to raise official salary by percent that is defined by the article 106, part 1, item 4 of the Law of the Azerbaijan Republic on Courts and Judges and proposes to make amendments to appropriate article of the given law.

In the reviewed period as a result of investigations of the complaints addressed to the Commissioner, violated rights were restored.

Analyses made by the Commissioner give reason to say that the actions should consistently be continued on preventing the faults and violations of law committed by judges. It is based on legal and grounded court decisions, as well as on the principle of justice that is considered moral-ethical norm and does not have normative regulation. Following this principle is a duty of every judge before the law and society.

One of the components of the right to fair trial is an execution of court decisions. The decisions adopted by the court are delivered on behalf of the state and their execution are obligatory.

Officer of the court shall implement executive actions within 2 months since the executive document is received and ensure implementation of demands reflected therein. But unfounded delays of the execution of court decisions, the cases of bureaucracy, bothering citizens, unlawful acts and faults affect adversely the effectiveness of justice and at the same time violate the right to judicial enforcement of citizens' rights and freedoms defined by the constitution. However, it should be noted that there are cases that court decisions are not executed due to objective reasons including the absence of debtor or lack of debtor property.

Considering several problems related to the payment of fixed alimonies by the debtor for keeping a child, the Commissioner made recommendation on preparation and implementation of a mechanism according to which the alimonies, that are transferred from the defendant to the plaintiff upon the court decision, should be paid out (under the condition that the debtor would be compelled to pay that alimony subsequently) by the State Fund of Social Protection (or Alimony Fund established by the respective state body and financed by the government).

In the reviewed period 441 complaints were addressed to the Commissioner related to non-execution of court decisions. The analysis of those complaints shows that several court decisions are not executed or the execution is delayed. In many cases unprofessional and indifferent attitude of some officers of law resulted in violation of citizens' rights. As a result of examinations made on the reviewed complaints, violated rights of some citizens have been restored.

So the complaints on salary, on non-execution or delayed execution of property and alimony demands hold the majority in this respect. Necessary investigations are conducted on each complaint by the Commissioner and partial or full execution of those complaints were achieved.

The right to receive legal assistance. According to the information obtained, there are only six bar advocates per 100 000 inhabitants in the country, which seriously hinders provision of the right to receive legal assistance, as well as the right to judicial enforcement.

Persons kept in temporary detention places of police stations refuse legal adviser provided on state account. The reason for that is poor quality and worthlessness of such service in the light of protection of human rights.

As the amount of the payment for the legal assistance provided on state account is extremely low, the lawyers are not interested in protection of citizens' rights. Consequently special lawyers are charged with providing legal assistance on account of state.

During investigation process investigating agencies invite the lawyer of their choice not considering the will and interests of accused persons. Thus the rights of last ones are violated. As a result of following the provisions of the criminal procedural legislation formally, the rights of accused persons are not protected properly.

On the other hand it is not acceptable to deprive well provided accused persons of having the lawyer of their choice.

The practice shows that irresponsible attitude of lawyers providing legal assistance on account of state results in serious problems in protection of the rights of accused persons. Besides it affects negatively the development of bar institution in the country generally.

Lawyer takes 99 copecks per hour for legal assistance on account of state. The Commissioner proposed to increase that amount sharply and noted the positive impact of this action on the quality of the legal service. The commissioner also made appeal to the Cabinet of Ministers of the Azerbaijan Republic with this proposal. Following this according to the Resolution of the Cabinet of Ministers dated 27 January 2010, the given amount was increased to twice.

Taking into account the citizens lacking for financial opportunities, in the annual reports the Commissioner has proposed to establish legal advice offices in regions to be financed from state budget. In accordance with the "State Program on Poverty Reduction and Sustainable Development in the Republic of Azerbaijan for 2008-2015" approved by the Presidential Decree of 15 September 2008, regional legal advice centres have been established on state account with the purpose of providing free legal assistance to the families lacking for financial opportunities.

Collaboration of the Commissioner with the law enforcement bodies in the field of human rights. The Commissioner has effectively collaborated with the law enforcement bodies from the perspective of reliable protection of human rights.

Collaboration with the prosecutor offices. Several actions were taken in order to improve investigation activity of the prosecutor office that made considerable progress in fighting against criminality, to raise the efficiency of procedural supervision over primary investigation, to organize efficient work in the field of protecting state accusation.

In the reviewed period 415 complaints related to the prosecutor offices were addressed to the Commissioner. In connection with those complaints and the ones that are related to primary investigation offices, 632 inquiries and appeals were sent to the prosecutor offices.

The analysis of the complaints shows that the procedural supervision by prosecutor offices during inquiry and investigation process is not implemented properly. This leads to the justified dissatisfaction and complaints of citizens.

As per information received, 65 workers were subjected to disciplinary penalties because of violating executive and labour discipline, committing illegal actions in and out of work activity. Because of illegal actions, 6 workers were dismissed from prosecutor offices and criminal proceeding was instigated against 3 of them.

Although in some cases appropriate decisions of primary investigation agencies were annulled as a result of investigations on complaints, no practical action was taken concerning the investigator or interrogator that committed faults by not investigating related cases comprehensively, properly and objectively.

The Commissioner considers necessary to strengthen the control over local prosecutor offices by the Prosecutor General Office and the procedural supervision over police primary investigation by these agencies.

However, as a result of investigation carried out on the complaints addressed to the Commissioner, violated rights of citizens has been restored and the collaboration with the prosecutor offices has been constantly developed.

Collaboration with the justice bodies. In the reviewed period the Commissioner has effectively collaborated with justice bodies in the field of human rights and freedoms. State registration of citizenship status acts, discontent of citizens about the activity of notaries and executive bodies on court decisions were represented in the addressed complaints. As a result of investigation carried out on the given complaints addressed to the Commissioner, violated rights of several citizens has been restored.

In order to eliminate the violations of law by renovating penitentiary service and to strengthen the discipline, broad actions were taken and control over the work of penitentiary institutions was strengthened.

The chiefs of areal penal institutions of Penitentiary Service, number 3 (Abbas Huseynov), number 6 (Rafael Guliyev), number 11 (Yashar Ahmadov) and number 14 (Rafael Dadashov) were dismissed, the chief of areal penal institution number 15 (Yusif Allahverdiyev) and the chief of operation department of that institution (Tofig Aslanov) were dismissed and excluded from justice bodies because of severe faults committed during their service. Other chiefs of institutions were warned on their activity.

After the appeal made by the Commissioner, Ogtay Hasanov, who was transferred from the position of chief of penitentiary number 11 to the chief of Child Correctional Institution, was dismissed and excluded from the system. The reason for that were the faults

committed in his work, including child abuse and abusing.

Computer courses, art concert programs, sport contests were organized and library fund was enlarged in penitentiaries with the purpose of ensuring cultural-moral development and effective leisure time of the sentenced persons.

The administration of penitentiary service offered all necessary facilities for the Commissioner and office workers to make visits to the penitentiary institutions.

Collaboration with the internal affairs bodies. The work done by the internal affairs bodies during the reviewed period has played crucial role in protecting social and political stability in the country. Consistent works were done on ensuring prevention and reveal of criminals and violations of law, restoring the rights of the suffered, public order, security of citizens, protection of their rights and freedoms.

Although the administration of Ministry of Internal Affairs regularly takes actions aimed at increasing the discipline and responsibility of police officers, there are several complaints and appeals related to violations of human rights and freedoms by police officers.

Thus during the reviewed period 1239 complaints concerning police agencies, including 112 complaints related to traffic police officers were addressed to the Commissioner. As a result of appropriate appeals to the law enforcement bodies on those complaints, several decisions on dropping criminal cases were annuled by prosecutor office and sent to the investigation repeatedly. Some workers were subjected to disciplinary penalties or were instigated criminal proceedings.

The analysis of complaints addressed to the Commissioner shows that in some cases due to lack of professionalism, inability and biased attitude investigators do not hold inquiries on the complaints, do not gather material evidence and do not implement some necessary actions. All these acts has caused justified discontent of citizens. After the task assigned by the Commissioner to examine complaints, the decisions on refusing to take criminal proceedings were annuled and the material was returned to the additional investigation.

333 inquiries and appeals were sent to the internal affairs bodies concerning the complaints. Appeals on the complaints concerning primary investigation agencies of the Ministry of Internal Affairs usually were made to the prosecutor offices guiding procedure on appropriate field.

There were cases that police officers ill treated citizens, abused power and did not follow norms of ethical behavior. Every such case addressed to the Commissioner was seriously investigated, motions were made to the Ministry of Internal Affairs, accused officers were punished.

As per information received 151 facts were registered on violations of human rights and freedoms by staff members of internal affairs bodies. 55 of those acts were identified as maltreatment towards citizens, 38 on ungrounded detention, 29 on taking to the police groundlessly, 1 on instituting criminal proceedings groundlessly, 18 on violation of drivers' rights, 2 on violation of foreigners and stateless persons, 7 on other cases. 247 officers committed such acts of violation were subjected to disciplinary penalties. 13 persons from them were expelled from internal affairs bodies, 26 officers were dismissed, 208 officers were exposed to disciplinary measures.

According to the responses made to the Commissioner's instructions concerning the examination of complaints, very often it is noted that citizen was "angry" or "nervous" while writing the application or he does not complain more.

Furthermore, it should be noted that the Commissioner felt anxiety for these

complaints and appropriate measures were taken on their examination.

Recently the number of people, especially children being killed and injured as a result of traffic accident has been increased. The absence of traffic lights, passages and road signs in the streets where traffic is intensive are among the main reasons for such cases.

It should be noted that during the reviewed period, the cases of taking of means of transport stopped in unpermitted places of Baku streets to the penalty area by evacuators that belong to “Signal” Specialized Project Production Office of Baku State Traffic Police (BSTP) has been increased. On the other hand, relating to the large-scale repair and construction works in city roads, stopping cars in unpermitted places has become usual. In such cases the taking cars to the penalty areas by workers of traffic patrol service without notification caused discontent of drivers.

With the purpose of protecting pedestrians rights and ensuring their free movement in the streets, the Commissioner proposed to hold monthlong campaign “Give back sidewalks to the pedestrians!”. Furthermore, the complexity of traffic control system does not prove to be effective. In such situation big lakelets in the streets as a result of rain water, as well as absence or poor strength of sewerage lines or their filling make free and prompt movement of transport more difficult. Thus, first of all it impedes free and safe movement of pedestrians.

The analysis of complaints indicates that in many cases inspectors of the “Motor transport service” Department of Ministry of Transport treat drivers roughly, take out state number mark of their cars contrary to the legislation, take their driving licence and registration certificate of means of transport, make citizens displeased. The Commissioner considers that taking into account the appeals related to the transport inspectors that regularly violate citizens’ rights, hamper their activity by not fulfilling their duties in compliance with the law, drastic measures will be taken, as well as the activity of appropriate department will be reorganized.

Combating human trafficking. Fighting against this problem embraces joint activity of state agencies, non-govenmental organizations, families and communities.

According to the information received, as a result of actions realized, 80 criminal facts were registered under the article 144-1 of the Criminal Code. Criminal proceedings were instituted against 76 persons because of committed criminals. Appropriate assistance was provided to the juveniles being under the patronage of the victims of human trafficking that were accommodated in shelters. One child was located in a boarding school, three children were located in the kindergarden. Lump sum allowances were given to 76 persons suffered from human trafficking during reintegration, assistance was provided to 54 persons from Aid Fund for the victims of human trafficking.

The commissioner was considered among the executive agencies on implementing enlightenment activity as one of main activities supposed in the “National Action Plan of the Republic of Azerbaijan on Combating Human trafficking (2009-2013)” approved by the Decree of the President of Azerbaijan Republic dated 6 February 2009.

In order to discuss the ways of solution of noted problems, the events were organized devoted to the combating human trafficking and violence with the participation of representatives of state bodies, as well as with the members of independent Council of Experts consisted of non-governmental organizations under the Commissioner. On the Commissioner’s initiative several problems were discussed and recommendations were developed and presented to the competent organizations.

Considering the proposal made by Commissioner the plenary session of Parliament was held with the participation of children and devoted to the “Child Rights”. In the session

the Commissioner presented the specialised report on the situation of children and her activity in this field in the country. The Commissioner makes sure that this event will contribute to developing programs, improving legislation and carrying out reform in the field of child rights.

In the reviewed period the Commissioner proposed to ratify the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Abuse, as well as following it to adopt the law on the Protection of Children from Corporal Punishment.

The Commissioner made speech with the report and put forward proposals at the round table that was held on the final report of Azerbaijan Republic submitted to the UN Committee on the Elimination of All Forms of Discrimination against Women and on delivering Final Recommendations to the general public.

The Commissioner also attended the hearings held under the motto of “Say NO for Violence against Women” organized by Parliament, UN Representation in Azerbaijan, Baku Office of OSCE, Council of Europe and State Committee for Family, Women and Children Issues. She made a speech with the report and called attention to existing problems in this field, also proposed combating violence against women on various steps, as well as preventing with different mechanisms, conducting legal education, visits with families and communities, making conversations and explanatory works, as well as revealing the acts of violence, obtaining statistical data in this direction, establishing data base, restoring violated rights, establishing special shelters, providing financial, moral and psychological assistance to the families exposed to violence and taking these action simultaneously with those of combating violence against children.

The proposals presented by the Commissioner were addressed to the individual age sensitive approach to the problem of violence against women, including those on preventing early and unofficial marriages of women and early pregnancy, sexual violence, preventing inciting to prostitution, demolishing dens of profligacy in Baku and regions that damage morality, taking actions to raise activity of women in the regions, fostering women’s entrepreneurship, providing them lax credits, increasing budget allocations for woman policy, developing publications related to woman rights, organizing enlightening events in this sphere.

In the reviewed period, inquiries were sent to the law enforcement bodies, monitorings were conducted in shelters for the victims of human trafficking and the problem has been under consideration by the Commissioner concerning the appeals with regard to human trafficking. The analyses show that in penitentiaries the majority of sentenced women are the victims of domestic violence.

The Commissioner also made proposal on taking strict control by competent state agencies over employment and shelter for young girls leaving children’s homes and accommodating them in special hostels (shelters) which of the arrangement is necessary until the problem of their employment and accommodation is solved.

1.2. Protection of economic and social rights

Labour rights. There have been significant changes in the legal status of the workers in the market conditions, as well as in the period of liberalization of economy. In such condition labour rights, the matters of their provision and protection assume great importance and require careful consideration.

Giving careful consideration to the protection of labour rights of workers being in private sector, especially in the field of small and medium enterprises is among the main

duties to be carried out.

During passed period, 678 complaints were addressed to the Commissioner on violation of labour rights, as well as not signing labour contract, violating terms of labour contract, false estimation of salary, not paying of salary, as well as not following technical security rules and violating terms of labour protection. Examinations were held on several complaints and measures were taken on the restoration of violated rights.

According to the information received, as a result of state control conducted by State Labour Inspection and for citizens' appeals, 9.124 cases were revealed on violation of labour legislation terms by employers. Thus signing contract with 7.048 physical persons that were involved in illegal work and services was ensured. Fine in the amount of 553.870 manat was imposed on 162 official and legal persons for administrative error.

There were cases of non-payment of full salary by offices and institutions, as well as of violation acts of labour legislation terms in final payment for work. Due to examinations held by State Labour Inspection, under Commissioner's instruction, it was achieved to restore violated rights of workers.

Overall the measures taken on effective provision of labour rights serves development of personal and social welfare of citizens, as well as eliminating gradually the cases of violation in this sphere.

Everybody has the right to work in safe and healthy environment. As a result of not following the rules of labour protection by several employers, the damages happened in the production are not reduced.

In general, as a result of unconformity of labour conditions and labour management to the accepted standards, professional diseases, labour damages and cases of death still exist. In many cases administration of enterprises does not follow the rules of law. This does not enable citizens to enjoy the rights in accordance with the legislation.

According to the information received, as a result of 250, as well as 25 group accidents relating to the production that was investigated by the State Labour Inspection 69 persons died. 218 persons of them injured physically, 270 persons got act in the form of "IZ". 17 persons were not given acts according to the requirements of the rules.

In the reviewed period 65 accidents happened in construction sector and 48 persons were injured during those accidents, 32 persons died. In the given sector the number of death happened as a result of accidents is more than in other sectors. It includes 46,4 percent of registered facts in the country. Due to intervention by the Commissioner, sometimes such cases have been prevented.

Taking into consideration the abovementioned, there is need for further improving the system of technical security, sanitary, hygiene, treatment prevention measures and norms reflected in legislation, as well as collective agreements, treaties, labour contracts in order to ensure the right of workers to work in safe and healthy environment more effectively.

The state uses all opportunities in order to eliminate unemployment. Our state has taken serious steps on eliminating unemployment and ensuring employment of population and these actions are being continued currently. Stable growth rate observed in dynamics of macroeconomic indicators has created favourable conditions for ensuring the social oriented development of economy, raising the living standards, creating new work places and developing employment.

According to the information received, 46.467 citizens appealed to the employment service agencies for a job, of which 28.382 persons were provided with relevant jobs.

Moreover, 5.086 persons were given the status of unemployed, 5.687 persons were assigned unemployment allowance, 4.827 persons were involved in vocational training courses and 1.508 persons in public works based on reimbursement.

The Commissioner assisted the citizens appealed for employment with providing jobs within their abilities in accordance with the law.

The right to social security. Effective direction of economic achievements has been giving positive results in the social sphere. Forming the system of providing social assistance for indigent people of the country, establishing the justice in all directions is logical result of the policy conducted.

As it was in passed years, special consideration was given to providing social assistance for the country population, while working out the section of state budget expenses. The allocations for social protection of the indigent people, as well as for the families, pensioners, disabled persons, displaced persons are being increased year by year.

Within the reviewed period, annexes and amendments in the Law of Azerbaijan Republic on "Labour pensions" are among the most serious activities implemented in the field of pensions.

Most of them are related to the identifying the amount of the labour pension acquired in the past time. These amendments eliminated incorrect calculation in pension assignment and contributed to ensuring the transparency.

However, the proposal of the Commissioner to eliminate discrimination by adjusting the pension amounts of the persons who are from the same category and retire on a pension in different periods still falls through.

According to the information received, 1 million 640 thousands persons got social insurance numbers and personal accounts were opened for them, social insurance certificate was presented to 1 million 629 thousands, all pensioners living in the cities and 94,4 percent of pensioners living in rural districts were provided with plastic cards.

In the reviewed period, 642 complaints addressed to the Commissioner were related to the violation of the right to social security. The Commissioner took a number of actions on provision of this right and tried to eliminate uncovered shortcomings and to restore violated rights in this field.

The limit for need criterion was identified as 60 manat for the year 2009 and 65 manat for 2010.

According to the information received, addressed social aid was assigned to 144.215 families, which of totally covers 654.085 persons. Average amount of addressed social pension per person and family was 25 and 113 manat accordingly per month.

Assigning 20-25 manat per person for the indigent families, as well as large families, especially those that have children, elderly and disabled having special needs is formal. Furthermore, it does not meet sufficiently the needs of the families. Thus, the Commissioner proposes to raise the amount for the need criterion.

In 227 complaints addressed to the Commissioner, applicants noted some violations of the law during assigning addressed social aid.

Thus in the complaints of the reviewed period it was noted that while determining the given aid, the relevant officials gave back citizens' card and the aid was remitted only after appropriating the amount supposed for the period from the general assignment day to 2-4 months.

Although addressed social aids that weren't paid during last two months of the year 2009 were paid later on, dissatisfying cases were reflected in the complaints.

There were the cases that police agencies don't provide references from the residence

places to the citizens to be required to assign addressed social aid. This does not allow them to realize the right to receive the allowance.

In addition to the abovementioned, the investigations carried out by the Commissioner concerning addressed social aids have resulted positively.

The Commissioner considers it is necessary to organize seminars and other enlightening events concerning the essence and assigning principles of the state policy on addressed social aid by involving local people and local bodies dealing with the assigning and provision of addressed social aid. The events are supposed to be held together with the Ministry of Labour and Social Protection of Population with the participation of the Commissioner's office.

In general, presented shortcomings require to make strict control by the Ministry of Labour and Social Protection of Population over local bodies and officials, as well as to take drastic measures in order to eliminate those shortcomings.

The right to live in healthy environment. In recent years many successful works have been done, such as normalizing ecological and environmental conditions in different regions of Azerbaijan, as well as in Baku and Sumgayit, large scale reconstruction works, renovation and planting of trees.

Taken actions pave the way for stabilizing oxygen balance in the country, especially in Baku and improving aesthetic view of capital. From this perspective, the actions being taken relating to the task of the president to plant 3 million trees assume great importance.

The President of the Republic of Azerbaijan declared the year of 2010 "Ecology Year" by relevant decree. In connection with this, the Commissioner appointed an advisor on ecological issues, also a number of preparatory works have been done on the activities to be realized this year.

Within the framework of "Ecology Year" work plan was prepared by the Commissioner jointly with the Ministry of Ecology and Natural Resources that covered broad enlightening events as well. For this purpose, on the initiative of the Commissioner, the event was held with the participation of appropriate state bodies, non-governmental organizations, Council of Independent Experts under the Commissioner, as well as of representatives of mass media, the priority issues were discussed in the event.

Proposals and recommendations were developed by the Commissioner with the purpose of effective provision of the citizens' right to live in healthy environment.

The right to health. Firm state policy was formulated, appropriate state programs were implemented in the sphere of protection of population health. The actions taken in this direction also influence positively on the well-being and health of people.

In the reviewed period dozens of hospitals, polyclinics and diagnostic centers were built and put into operation in the country, health facilities were supplied with modern medical equipment.

Specialized Thalassemia Center was built and put into operation, the blood bank was created by the initiative and support of Mehriban Aliyeva, the president of Heydar Aliyev Foundation, deputy of Parliament, Goodwill Ambassador of UNESCO and ISESCO. These activities were done within the project "Country without Thalassemia" for treatment and examination of sick and disabled children on by the modern means.

Republic Child Consultation Center was established in Baku in 2009 in addition to the Republic Perinatal Center. It was set up in order to provide joint consultations for ill children with various pathologies and diagnostic challenges by high qualified specialists.

New and modern treatment-diagnostic centers initiated to function in Lankaran,

Gazakh, Zagatala, Barda, Gabala rayons, Ganja, Nakhchivan and Shirvan cities.

In addition to the abovementioned, 4 dialysis centers supplied with 60 artificial kidney apparatus were put into operation in 2009. As a result, 360 more patients will be provided with hemodialysis seances. Thus, currently nearly 1.400 patients suffered from chronic kidney failure are provided with the hemodialysis seances and proper medicine on account of the state in the centers that are functioning not only in Baku, also in Nakchivan, Ganja, Shirvan, Lankaran, Siyazan, Gazakh, Zagatala, Gabala, Shamakhi, Barda, Tovuz, Guba and Jalilabad.

In the reviewed period, the Commissioner sent a number of proposals to the competent state bodies in order to protect the health of the citizens, to provide free medical service for them and to ensure healthy lifestyle. At the same time, several events were held regarding the protection of citizens' health.

The Commisioner urged to the Ministry of Health with the proposal to make necessary examinations in the beginning of every new school year with the purpose of making early diagnostics of the diseases that have after-effects, including diabete and tuberculosis diseases in the regular secondary schools.

Azerbaijan Diabetes League and a group of parents made appeal to the Commissioner and notified that because of being effectless they refused the free insulin that was provided for the children suffered from the diabetes and used "Lantus" (insulin glargin) on their own account. Taking into consideration the positive result of treatment due to the noted medication and financial difficulties, they asked for assistance in substituting given insulin for the mentioned one. Taking it into consideration, the Commissioner appealed to the Ministry of Health with the proposal to include "Lantus" into the list of insulin provision on state account. As a result children suffered from the diabetes were provided with that medicine free of charge.

The increased spread of HIV/AIDS in the country, hereby the number of users of injection-type drugs, including the youth indicates the stage of spreading of epidemic and it causes high anxiety.

In the reviewed period the Commissioner held conference on the "Human Rights and Preventing HIV/AIDS" in collaboration with the Central Asian Representative for the United Nations Office on Drugs and Crime (UNODC). Deputies of the Parliament, appropriate state bodies, non-governmental organizations and representatives of international organizations participated at the conference.

The Commissioner considers that it is reasonable to create wide opportunities for cooperation on the provision of rights of the people, especially of children and youth and for increasing efforts by civil society, to make different preventive measures, to join efforts and to create coordinating body in this sphere.

On the Commissioner's initiative, range of awaressnes raising activities were continued among different groups of population in the noted field. In the reviewed period, regularly each third Sunday of the May the events were held on "The memory of the people died of HIV/AIDS", that is observed worldwide, with the regional centers of the Commissioner and Republic Center for Fighting against AIDS in Shaki and Lankaran with the participation of broad auditorium. Programs were broadcasted by the regional TV channels and wide information was published in mass media.

In general, within the framework of "Human Rights Month" campaign declared in May on the Commissioner's initiative in the connection of "18 June - National Human Rights Day", range of events were held for advocacy of healthy lifestyle, under the motto "Avoid harmful habits!" that reflected the fighting against HIV/AIDS and drug abuse.

By consent achieved by the Commissioner, the manager of Kiev Contemporary

Heart Center, professor Boris Todurov with 3 experts made a trip to our country and examined 36 children suffered from heart diseases, including those of being from refugee and displaced families.

With the support of the Commissioner, totally one child in 2008, over 20 children having serious heart failure were undergone surgical operation in 2009 in Kiev and their health was restored.

In order to restore the health of children having surgical operation, they were accommodated in “Maslak” leisure camp at the kindergarten “Shirin”, repaired and renovated by Heydar Aliyev Foundation.

The Commissioner noted that draft law on “Reproductive Health and Family Planning” will serve the development of our gene pool, reducing factors of mother and child death, protection of mother and child health. Considering the abovementioned the Commissioner proposed to work out the monitoring mechanisms for the implementation of the law to be adopted and to include related provisions into the draft law. The Commissioner also recommended to approach in a complex way to the issue of reproductive health and family planning, to propagate the mentioned law by coordinating the capacities of appropriate state bodies, as well as medical institutions and the public.

On the Commissioner’s initiative round table was held within the framework of “Child Year” on the occasion of “21 March – World Down Syndrome Day” with the participation of representatives of state bodies and non-governmental organizations under the motto “Take care of the children deprived of health opportunities”, the public attention was attracted to the needs of children and their support.

In the reviewed period, 329 complaints were addressed to the Commissioner relating to the violation of the right to health. 174 inquiries and appeals were sent to the Ministry of Health and facilities related to those complaints. As a result of investigations conducted on these complaints, violated rights were restored, as well as citizens were provided with free specialised medical services.

Right to education. Realization of the programs and projects targeted at sustainable development in the education system of the republic recently is a result of regular state care and attention to education.

Adoption of the Law of the Republic of Azerbaijan “On Education”, that was a subject of longstanding discussions not only by employees of the education system but also the wide society, became one of the most important events of the year.

Within 2009-2010 academic year, in a short period of time there were published and delivered to schools 4.256.000 textbooks, manuals including 1, 4 million study-books in 130 titles published by the support of the Haydar Aliyev Foundation. Besides this, the textbooks for the pupils of the first classes based on new programs were published. The pupils of the Azerbaijani schools in Georgia were also provided with textbooks by the Foundation.

During the last years, totally more than 1600 schools were built in the country, hundreds of school buildings were overhauled, additional buildings were put into operation.

In the frames of the “New Schools – to renewing Azerbaijan” Program supported by Haydar Aliyev Foundation, more than 280 schools, kinder-gardens, orphanages, boarding schools were built and put into operation, overhauled, reconstructed and provided with modern equipment.

Assignment of nearly 7000 young employees to country rural districts in the frames of implementation of the Cabinet of Ministers Decree dated June 22, 2004, “On attracting of pedagogical cadres to secondary schools of villages” assumed special importance in

improvement of education in the facilities of rural settlements.

During the reviewed period, the Commissioner, whose main directions of activities also cover protection of the right to education, provided regular work on protection of child rights, realization of their right to education, ensuring of their harmonic growing.

In the Commissioner's initiative jointly with the Ministry of Education Plan of Actions on implementation of the hierarchic child rights education in primary and secondary schools was affirmed, as well as programs and teaching modules were drafted out.

This Plan reflects determination of educational topics on implementation of hierarchic child rights education in schools, choosing of three pilot schools in Baku, organization of trainings, meetings and discussions for teachers at those schools, at the same time, holding of meetings and courses for schoolchildren.

The staff members of the Ombudsman Office continue wide-scaled activity regarding the implementation of the hierarchic education. Thus, for the first time, the applying of the hierarchic education was started in three secondary schools of Baku city; two methodical manuals were compiled for teachers and pupils and distributed among participants. Nowadays this project is being successfully implemented in each of three schools. The pupils passed special training within the program, and they teach independently the taught topics to the pupils of one level lower class. The dissemination of this practice all over the country is also planned to be realized.

General reconstructing and repairing works in the initiative of the Commissioner held in secondary schools of Yukhari Chardakhtar village of Zakatala district, Ashaghi Kaldak village of Shaki district, Ghizildja village of Goygol district and other schools, were met with approval of population of the shown districts, who were complaining on these issues.

This should be noted that besides realization of large-scale repairing and reconstructing works several schools of cities and districts are still inconvenient for education process, others are in the emergency condition.

During the reviewed period, in order to solve existing problems, the Commissioner held monitoring of preparedness of schools to the new school-year, and there were revealed schools in the emergency condition. It was found out that several general and secondary school buildings of Shaki, Zakatala, Gabala, Guba, Davachi, Khachmaz, Siyazan districts are in need of major repairing works, and there were given recommendations on launching of appropriate measures.

It was also found out that the buildings of the main school of Qirxhbulag village of Shaki district, secondary school of Mirzaqishlaq village and primary school of Yalavandj village of Guba district, village schools of Muzaffaroba and Kohna Khachmaz villages of Khachmaz district, as well as schools of Bakhishli, Yeni Yashma and Findighan villages of Khizi district are in emergency condition, and, in fact, unfit for education.

For more efficient provision of the right of children to education, the Commissioner made appeal to the Ministry of Education on speeding-up of planned repairing and rebuilding works in the abovementioned schools, and on realization of these works without delay in schools that are under the threat of collapse, especially Qirxhbulag village main school, as well as on replacement of pupils from such schools to the nearest ones.

According to the Decrees of the country President dated June 23 and December 4, 2009, appropriate reserve funds were allocated to the Ministry of Education for rebuilding of secondary schools in emergency condition and ensuring continuance of appropriate measures.

The Commissioner also stressed the importance of including of the mentioned districts to pre-school educational facilities construction plan in future, considering the fact

that many of such educational facilities in those districts are placed in accommodated buildings, and this creates difficulties in qualified upbringing and education of children. The condition of schoolchildren remained beyond from pre-school education processes, as well as the quality of education in private kinder-gardens that function without special permission, are the matters of concern.

Nowadays, there are 1604 pre-school educational facilities in the republic covering more than 100 000 children. But in Baku kinder-gardens have capacities to serve only 52 000 children.

The analyses of the complaints addressed to the Commissioner shows that in many schools the relations between teachers and pupils are not properly regulated.

Remaining of children aside of education, involving of under-aged boys to hard works, as well as increasing of number of early marriages among young girls damage the education process of young generation. On the other hand, some of children do not visit the school regularly, but their names are registered in school lists, are issued with appropriate documents on education.

The cases touching upon dignity and honor of pupils, evoking sense of hate, even violence, creating serious obstacles in their formation as persons in future, appearing as a result of establishing of improper relations between teachers and pupils were among serious issues cause great anxiety. The Commissioner took measures on restoration of violated rights of pupils in such cases, as well as in realizing of serious actions on prevention of such cases in future.

The Commissioner considers that these painful problems negatively influencing on the development of the society have to be among the prior issues that should be urgently solved before the whole society, schools, parental associations, NGOs, mass media.

The lack of psychologists in schools, too low level of professionalism of working psychologists, or involvement to these positions of non-professionals and other left them aside of solution of the abovementioned problems.

The schools psychologists not only misunderstand the principle of individual approach to pupils, but also are not well-informed about the necessary measures that should be taken for rehabilitating of children that retard in education processes.

These are results of misconceive of responsibility and inobservance of the rules of ethical conduct by some teachers, that they use force in place of their upbringing towards children who has committed different breaching because of their age, and allow actions degrading dignity and honor of these children.

As a result of investigations that were held being based on complaints and appeals received by the “hot-line” service of the Ministry of Education, principals of ten schools were fired and principals of five schools were given an official reprimand.

It should be noted in general that using education sphere as a polygon for experiments, application of various programs, using of different educational manuals damage the system of education, including normal learning abilities of children and the quality of education in whole.

The Commissioner proposed training of specialists in human rights in educational facilities – secondary and high schools, universities, at the same time, publication of programs and textbooks, manuals. Now for the first time, the preparatory measures were provided for teaching of this course for the students of the Law faculty of the Baku State University and the lectures have been started. But, besides this, the human rights education should cover all high schools students irrespectively their specialization, the awareness on these issues of each individual should be expanded.

The Commissioner considers it important the improvement and widening of targeted

enlightening measures on increasing of legal culture of citizens, in order to improve the human rights promotion and increase the awareness of different groups of population on their rights and provision of hierarchic education on human rights. And these measures should be based on principles “Education for all!” and “No one should remain behind education!” following the recommendations of the UN Decade of Human Rights Education , “Universal Program on Human Rights Education”, as well as the UNESCO recommendations of Millennium Goals and “Education for sustainable development”.

Besides the abovementioned, the Commissioner considers it necessary the allocation of financial means only for improvement of students and education, strengthening of material-technical provision of high-school facilities, elimination of existing grafts in high-schools and specialized secondary schools, the cases of “payment” by students for examinations, missing hours. She notes as well the importance of establishing of proper professor-student relations, attentive approach to appeals, complaints, proposals, lawful demands of students, solution of all disputes and conflict situations respecting human rights and freedoms based on Law and public dialogue.

It is expedient to continue events in the direction of learning by citizens, their awareness on their rights ensured by Law, their ability to protect those rights through state and public structures, institutions. Thus, the legal education should cover not only persons specialized as lawyers, but also all groups of population, and especially, young generation. For this aim young generation should learn human and citizen’s rights and freedoms, and also use all possible means serving to understanding by them of those rights and freedoms.

Right to housing. The state empowers construction of living buildings and houses, takes special measures for realization of the right of people to housing that means the right to own permanent living area, proper housing conditions and healthy living environment.

These measures embrace also giving houses free of charge from the state budget, owning of houses through long-term interest free credits (or credits with low percentage or on concessionary terms), as well as selling of houses at comparatively low prices to people in need of special care. Non-allocation of financial means from the budget on these measures creates additional obstacles to the difficult situation in the appropriate sphere. So, the number of people, families in need of house is continuously increasing.

The Commissioner considers that complying of the appropriate conception and realization of the State Program envisaging complex approach to the provision of people with houses will be useful in solution of the problem.

Sustainability and improvement of hypothec credit system, which started more than two years and became the most convenient way in provision of population with houses, is also expedient.

Improvement of mechanisms of long-term, low-percentage and without initial installment of hypothec credit system in the country can play an important role in provision of many families with houses.

One of the serious problems reflected in many complaints deals with absence of inventory and registration of houses built in the areas permanently settled by citizens. The Commissioner keeps under her attention that thousands of citizens who live in houses placed on so called diary sovkhos territories of Bina and Ramana, as well as settlements known as “Alatava”, “Zigh”, “Vorovsky”, “Khutor”, “NZS”, “UPD”, “Keshla”, but still remain unregistered; they are limited in full enjoying of many of the rights enshrined in the Constitution of the Republic of Azerbaijan and other legislative acts. Considering the abovementioned fact, the Commissioner thinks that this will be expedient to provide technical inventory of wide housing areas with illegal buildings for determination of market

value and involvement them to the tax system, as well as to make necessary amendments to the legislation for solution of the issue of registration of rights to illegally built houses.

The solution of these problems will put end to anxiety of thousands of people suffering from such problems for long years and, besides, this will create opportunities to restoration and efficient provision of their other several rights.

The complaints addressed to the Commissioner by citizens whose appeals on lack of shelters, needs to improve the housing conditions, building of individual houses that were remained without answer of appropriate municipalities, attract special attention.

In order to build houses corresponding to interests of citizens who do need shelters but has limited or no financial capacities, the Commissioner considers that support to building of inexpensive modern houses in Baku, Sumgayit, Ganja, Nakhichevan, Lankaran, Mingachevir and other districts by constructional companies, as well as provision of encouraging policy in this field will be expedient.

The complaints widely display the cases of indifferent attitude of municipalities towards the citizens who need solution of their problems, commitment of procrastination, incorrect determination or indetermination of boundaries of land areas given to hire or property, careless approach to solution of local problems when solution of issues with provision of population with houses is necessary.

One of the serious problems of the reviewed period was related to selling of land areas to citizens by some municipalities, including Sabail and Binagadi municipality which are not in the fund of these bodies. Illegal decisions of those municipalities on the lands that are out of their jurisdiction result in unwilling circumstances faced citizens who believe and have no doubt in legality of possessing of their houses. For example, many citizens meet with discontent the demands of demolition by concerning bodies without payment of equivalent compensation for houses settled by hundreds of habitants, which were built on the lands bought, leased or taken for use from Sabail municipality and built as well in front of the eyes of appropriate structure, including local executive powers, police and housing communal units.

Delinquencies of municipalities forced the citizens to appeal to different governmental bodies.

Holding of land auctions in several municipalities by the State Committee on Land and Cartography basing on the legal mechanisms that were worked out after amendments made to the Article 9 of the Law of the Republic of Azerbaijan “On Administration of Municipal Lands” about passing of municipal lands to property, use and leasing by auction and competition is an incontestable fact. But, in spite of that, still many municipalities do not consider appeals of different citizens about building of private houses, advancing an argument of unavailability of appropriate mechanisms.

The Articles 4 and 10 of the Law of the Republic of Azerbaijan on the “Statute of the rules on preparation and approval of the documents on apportion of municipal lands” envisage holding of auctions and competitions for endowing in property of the plots from municipality funds for building of private living houses to citizens of the Republic of Azerbaijan permanently living or being registered for five years on the territory of the municipality. But the demands of the following Articles were ignored and this provoked numerous complaints and dissatisfaction.

In order to eliminate the gaps in the reviewed period and improvement of activity, the Commissioner planned holding of enlightening trainings for newly elected municipality members with participation of concerning governmental bodies.

Improvement of the communal service is among the factors having serious influence

on bettering of prosperity of population. The main part of the complaints about gas supply of population addressed to the Commissioner is about gas outage in cases of failure of full payment for used natural gas, as well as disconnection because of debts of gas-lines of the buildings in whole from the main pipe by welding. According to the instruction of the Commissioner, these complaints were investigated by “Azerigaz” and the violated rights were mainly restored.

In her previous annual reports, as well as motions to the authorized governmental bodies, the Commissioner proposed canceling the debts of population for communal services (electricity, gas, water) for years.

According to the Decree of the President of the Republic of Azerbaijan “On the Measures on canceling of the debts of the population for use of natural gas” dated December 29, 2009, in order of strengthening of social protection of population and regulation of situation with payment of the cost of used natural gas, the debts of population for the natural gas until October 1, 2009, of the State Oil Company of the Azerbaijan Republic (SOCAR) were canceled.

It should be noted that the same or similar situation also exists in water and electricity supply. There is a great need in realization of overhaul repairing and reconstructing works on canalization sectors of Baku, other city and district centers of the republic. The houses and homes are filled up with slop waters as a result of absence of canalization lines or their plugging or functioning on down level. And these negatively influences on housing conditions of population.

As a result of Commissioner’s efforts several problems faced by population in communal service were solved and their violated rights were restored.

The analyzes of some complaints addressed to the Commissioner show that treatment of staff of housing communal services, especially the heads of this facilities cause to wound of population, creating of groundless obstacles and expansion of graft cases.

Thus, in their complaints citizens inform about disregard to sanitarian condition of living areas, non-fulfillment of necessary repairing works as provided, demanding of payments for issuance of appropriate certificates and other documents, failure in issuance of necessary certificates to habitants who have not paid their debts for communal services. This occurs as a result of failure in carrying out of own responsibility by these housing and communal service units.

Organization of housing communal services in a very low level results in complication of existing problems. The population also meets with justified sense of anxiety unsettling of serious problems, occurring as a result of such circumstances when housing wastes are not removed on time, the necessary means for stabilization of sanitary situation in the areas are not realized, the heating systems in the majority of houses do not function, elevators are in poor condition, as well as when housing – communal facilities do not fulfill their duties on repairing and renovating of many-storied buildings with property houses as provided by the legislation.

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

The right to free enterprise. As a result of social – economic policy of recent years, as well as application of large-scaled projects aimed at social-economic development of regions, the poverty level reduced from 49 per cent to 11 per cent and keeps on this tendency.

As a result of realization of the State Programs and different social – economic

projects within the previous six years nearly 28000 new facilities were established and 770 000 new labor places were opened.

To improve non-oil sector, during 2009 130 million AZN concessionary credits on financing of investments for 2 102 enterprises from the means of the Ministry of Economic Development were allocated. Opening of 8 499 new work places due to the financed projects is being planned.

According to the “Doing Business - 2010” report prepared jointly by the World Bank (WB) and International Finance Corporation (IFC) our country has placed on the 38th position among 183 countries, as a result of measures carried out in development of the enterprise and realization of concerning reforms. Azerbaijan is a leader among Commonwealth of Independent States (CIS) countries.

In the “Global Competition report for 2009 – 2010” compiled by World Economic Forum, basing on such indicators as macro – economic stability, efficiency of labor market, public administration, infrastructure and financial markets perfection level and others, the Republic of Azerbaijan moved forward for 18 points and became 51st among 133 countries and the 1st among CIS countries.

The efficient provision of the “State Program of the Republic of Azerbaijan on Social-Economic Development of regions for 2009- 2013 years period” and “State Program on reliable provision of population with food products in the Republic of Azerbaijan for 2008 – 2015 years” will assume great importance in increasing of well –being of population, provision of people with reliable food products, strengthening of the state support to enterprises.

In 2009 paying attention to protection of entrepreneurs’ rights, the Ministry of Taxes registered 44 098 tax-payers by “one window” principle. Basing on the full or partially approved complaints of the tax payers and citizens about unlawful actions of the employees of tax organs, addressed to that Ministry, violated rights were restored.

Different administrative punishment measures were applied against guilty employees. Thus, 42 of them were given severe censure with the last notice, 87 were given censure, 15 employees were announced warnings, two were reduced in their special ranks for one level, four employees were demoted, one was temporarily relieved of the position, as well as eight were dismissed from the service in tax organs.

Besides the abovementioned facts, the Internal Security Head Office of this Ministry held official investigations, as a result one staff member was dismissed form his position, two were demoted to lower positions, one was reduced in his special rank for one level and other administrative reproofs were applied towards 49 staff members. These cases demand to strengthen the control over the local structures by the Ministry.

It also should be noted that there was held the conference devoted to the first year of implementation of “State Program of the Republic of Azerbaijan on Social-Economic development of regions for 2009 – 2013 years”. In his speech at this event, the President of the Republic of Azerbaijan Ilham Aliyev noted: “Artificial obstacles in improvement of business should be eliminated, groundless checking should be stopped. Local executive bodies should help entrepreneurs by their initiatives, adopted laws and practical steps, the governmental bodies should make easier the activities of entrepreneurs”.

Attracting attention to the part 5 added to the Article 17of the Constitution of Azerbaijan; the Commissioner emphasized that inculcation of habit to labor to children considering their age and psychological status will be important factor in their upbringing.

The Commissioner notes the necessity of holding of monitoring several times a year of the situation with fulfilling the demands of this document by confederation as one of parties of the collective agreement, according to the Law, strengthening of cooperation with

governmental bodies, and trade unions. The Commissioner also proposed strengthening of efforts for involvement of new subjects of enterprise to the activities of the confederation, increasing of methodical aid to improvement of business organizations, building of the activity on new demands considering integration process of our country to the Europe, as well as using of international experiences which fit more to local environment, preparation and implementation of joint social projects for improving of social well-being of population.

The Commissioner considers it important to carry out systematic charity activities in development of science and education, protection of right of population to health, and proposes that special attention should be paid by business organizations to the abovementioned spheres, establishing of tutors' system, support to vulnerable groups of population, such as refugees and internally displaced persons, women, persons with disabilities, population of rural districts, the elderly, children, moreover, ensuring of sustainability of training of workers in the process of application of jobs that are new to our country.

During the term in office, the Commissioner carried out several measures in protection of rights of entrepreneurs, organized round tables, sent proposals to appropriate state bodies.

Violation of rights to free enterprise, demolition of trade objects without payment of compensation, failure in issuance of documents on transport means were enshrined in 96 complaints addressed to the Commissioner. Due to the efforts of the Commissioner in several cases the violated rights of complainants were restored.

The importance of development of agriculture in ensuring of economic and social rights, fundamental reforms in agriculture for provision of population with necessary foods created suitable grounds for accelerated improvement of this sphere.

During the reviewed period 3 million tones on grain were produced for the first time in Azerbaijan as a result of state care to agriculture, financial support to farmers through credits with acceptable percentage terms, their provision with fuel and fertilizer on preferential terms, allocation of subsidies, establishment and expansion of agro-leasing services, buying of agricultural techniques by the state and their hiring by villagers.

Besides this, sustainable realization of targeted measures on improvement of agriculture and its particular fields, as well as protection of internal markets, prevention of import of inequality and retarded products to the country are also among important measures.

Solution of communal problems in rural districts, including light, gas, water problems, ensuring of stability in these regard, increases the temps of progress.

The complaints from villages, rural districts addressed to the Commissioner, inform about various problems in relation to lands, as well as lack of properly solution of irrigation problems has negative impact on improvement of agriculture.

Despite long time has passed from realization of land reforms, complaints about delinquencies and breaches are still being received.

During the reviewed period, the Commissioner received 572 complaints about problems in agriculture, including the problems dealing with exploitation of lands.

The investigations show that these issues of concern of citizens take place mainly, as a result, of delinquencies committed by local executive power and local and district agriculture reforms commissions.

These complaints reflect such cases as breaches committed in determination, incorrect apportion or re-apportion of plots, failure in issuance or changing of state act on the right to land property, in indication of boundaries of lands, as well as creating obstacles for enterprise in hired lands, failure in delivering on time of fuel that is allocated by state to

farmers.

The investigations were conducted on the complaints dealing with these problems; in several cases violated rights were restored.

Inspections and investigations jointly with the State Committee on Land and Cartography were conducted on the cases reflected in the complaints of citizens during the reviewed period. As a result of provided measures revealed shortcomings and matters of concern were eliminated. But, continuance of the cooperation of the Commissioner with State Committee is still important for purposefulness and effectiveness of activities on solution of land problems of population.

The Commissioner considers that the improvement of cooperation with state bodies should be regularly continued and expanded as this serves to effective protection of human and citizens' rights and freedoms and state bodies should be interested in and support these activities.

1.3. Protection rights of different groups of population

Protection of rights of refugees and internally displaced persons (IDPs).

Application of double standards and partial approach to the below mentioned issues results that the Republic of Armenia does not fulfill five Resolutions of the UN recognizing territorial integrity of Azerbaijan, continues the policy of aggression against our country in front of eyes of international organizations and world community. And till now universally recognized rights and freedoms of more than one million of our population who became refugees and IDPs are being violated.

The actions enshrined in the "State Program on improving of living conditions of refugees and internally displaced persons and increasing of their employment" affirmed by the appropriate Decree of the country President and amendments to this document were successfully implemented, a great number of measures were provided on protection of rights of refugees and IDPs, the numerous tent-camps were abolished and IDPs living there were moved to new settlements that meet modern standards.

During the reviewed period the Commissioner visited many times the settlements and different living areas of refugees and IDPs, learned living conditions of IDPs, their difficulties, and needs, conditions of education, organization of healthcare, made proposals to appropriate governmental bodies on solution of problems detected during these visits and necessary measures were carried out.

During her visit to "Qayidish" and "Zobudjuk" settlements of Fizuli district, the Commissioner visited school buildings, classrooms and laboratories, of this comprehensive school, met with teachers, pupils, parents, presented textbooks and manuals to this school.

On the anniversary of the day of occupation of Shusha, the Commissioner met with IDPs from this city living in sanatorium "Qartal balasi" in Mardakan settlement of Azizbeyov district, learned their living conditions, difficulties, and problems, made appeals to concerning state bodies.

On the International Refugee Day the Commissioner met with IDPs from Shusha city living in "Yeni Gasaba" settlement consisting of 450 houses in Ramana district, visited Malibeyli village secondary school for IDP children of this district. Considering the requests of IDPs on opening of kinder-gardens, labor places, speeding up of repairing of road to the district, the Commissioner made appeals to the concerning structures. The inspections were conducted on different issues reflected in the complaints of the IDPs and violated rights were restored.

The Commissioner made statements in the connection with the Genocide in Khojaly, as well as violence committed by armed forces of Armenia against the Azerbaijanis in Nagorno-Karabakh and surrounding districts, “March 31 – the Day of Genocide against the Azerbaijanis”. These statements were addressed to the UN Secretary General, UN High Commissioner for Human Rights, High Commissioner for Refugees, the Council of Europe, OSCE, International Ombudsman Institute, European Ombudsman Institute, Asian Ombudsman Association, and Ombudspersons of these institutions, embassies of foreign countries in the Republic of Azerbaijan and embassies of Azerbaijan in foreign countries, as well as Diaspora organizations of the Azerbaijanis in different countries.

Publications, Statements and CDs containing information about tragedies that our nation faced were disseminated by the Commissioner and her staff at all attended international events during their official visits.

Protection of rights of inmates. The Commissioner and staff members of the Ombudsman Office paid totally 108 visits to the penitentiaries of the Ministry of Justice Penitentiary Service, including Gobustan closed prison regularly.

During these visits they inspected dormitories, medical units, canteens, libraries, clubs of penitentiaries, met with inmates placed in punishment cells, camera-typed cells, learned their problems. They also got acquainted with situation with provision of inmates’ rights, made recommendations on elimination of detected shortcomings and breaches to the administration of facilities, made appeals to the Ministry of Justice, as well as administration of Penitentiary Service on required cases, as a result, number of deficiencies were eliminated.

Special attention is paid to provision of freedom of conscience, conviction, freedom of worship. At the same time, due to the Commissioner’s efforts several appeals about pension provision of inmates, their family and other problems were solved.

The Commissioner keeps under her attention complaints of inmates whose appeals about their health conditions, social problems remained without results, and carried out measures on their solution.

The Commissioner and staff of the Office visited the most vulnerable groups of population including imprisoned women, during the regular monitoring and significant dates, learned their conditions and problems.

In each meeting they explained to imprisoned women their rights, pardoning rules, wished them to return to their families, to be occupied with useful works.

Protection of juvenile imprisoned persons is among main directions of the Commissioner’s activity, and she pays special attention to their detention conditions, health status, education, their forming and growing as useful citizens.

The Commissioner conducted regular monitoring to the Correction Unit of the Ministry of Justice Penitentiary Service to learn the situation with provision of juvenile inmates’ rights, learned the detention conditions of inmates, treatment towards them, and their problems, assisted in solution of those problems.

During the reviewed period the Commissioner addressed with motions on pardoning of several persons to the Pardoning Commission under the President of the Republic of Azerbaijan. In her term in the office, by the Commissioner’s motions totally 309 inmates were pardoned or liberated by amnesty, including women and children.

The Commissioner also pays special attention to the issues of pardoning of imprisoned children, women, and the elderly. It should be noted that two women and one under aged prisoners were pardoned by the last pardoning act.

The Decree of the Milli Majlis “On Announcing of amnesty on the occasion of

Novruz Bayram” adopted on March 17, 2009, in the initiative of the President of Haydar Aliyev Foundation, deputy of Milli Majlis Mrs. Mehriban Aliyeva, was applied towards 9564 persons, as well as 2030 persons sentenced to deprivation of liberty and 137 persons serving their sentence in administratively typed military units, were liberated by amnesty.

The Commissioner participated at ceremonies devoted to implementation of appropriate decisions in Penitentiaries No 1, 6, 15, as well as Penitentiary No 4 for imprisoned women of the Ministry of Justice Penitentiary Service. The appeals about amnesty also were not overlooked.

Protection of rights of servicemen. During the reviewed period, the Commissioner and staff members of the Office paid regular visits to military units in front lines and other military units, guardrooms of police organs, delivered speeches before soldiers and officers, got acquainted with conditions of servicemen, especially, of those who are hired for fixed period, conducted monitoring. They also learned the situation with provision of rights of servicemen, their service and living conditions, health status and nourishment of soldiers, as well as rendering of medical aid in corresponding units, quality of foods in canteens, inspected dormitories, rest places, libraries, held conversations with parents of soldiers who came to visit them, at the same time provided necessary enlightening events.

The aim of these visits and events is to get acquainted with the serving and living conditions of soldiers and officers, the measures carried out for efficient organization of leisure time, rendered medical service, nourishment regime, the situation with treatment among servicemen in compliance with regulations and to learn the general situation with efficient provision of rights and freedoms of servicemen.

Delivering speeches before the servicemen the Commissioner learned their thoughts and proposals, listened to remarks dealing with unsatisfactory matters in the service processes. She gave recommendations on elimination of revealed shortcomings and gaps to the administration of military units. Summarizing the results of conducted meetings, the Commissioner made a speech before authorized state bodies, including the Ministry of Defense, with proposals aimed at more efficient protection of rights of servicemen.

One of the problems to be solved was the issue of payment of cash compensation to servicemen in reserve of the Ministry of Defense in place of clothing property. The Commissioner proposed payment of debts, provide execution of court decisions in this regard. At last, according to the appropriate order of the Cabinet of Ministers, the issue of payment of debts in clothing property was solved.

The facts of violation of mutual relations among servicemen that give grave results, violation of regulations, rights of victims and applying of force against them, of actions degrading their dignity and honor are still experienced. And this undermines maintenance of competitive spirit and psychological status of personnel in the army, ensuring of service in compliance with legislation and regulations, strengthening of environment of patriotism and faithfulness to Motherland, trust of society to the army.

Several shortcomings in the army, including death cases not related with fighting operations, violations of regulations in mutual relations among servicemen who are not subordinated, humiliation, battering and other violence committed by commanding officers and the heads against servicemen under their subordination still exist.

Discharges from service for graft, failure in complete certification of feasibility and call-up age are also among matters of concern. From this standpoint, the Commissioner considers that the control on medical commissions at military commissariats should be strengthened.

According to the information, 1,580 criminal cases about 1,852 persons were

completed and sent to military courts for examination. Military courts attained verdict of guilty on 1,914 persons and 691 persons were sentenced to imprisonment.

The Commissioner proposed expansion of measures in strengthening of order in the armed forces, more efficient protection of rights of servicemen, reinforcement of lawfulness and legal rules inside the military structures, carrying out of appropriate measures on prevention of facts that can negatively influence on army building, increasing of efficiency, sustainability of educational prophylactic, promotional works.

The analyses of complaints from servicemen, their family members, and persons demobilized from army show that acceptance and understanding of reforms realized in the armed forces by the whole society and each individual depends on solution of problems of protection of rights of servicemen.

This also serves to bettering of attitude of society to servicemen and military service.

The above shown facts demands application of public watch institution over the call-up processes or the service in the army.

Considering this, during the previous periods, as well as in annual reports the Commissioner proposed establishment of public watch over the army and sent to concerning authorized state bodies the proposals that are being discussed now.

Protection of women's rights. The hearings titled "Say No to violence against women!" were organized jointly by the Milli Majlis, OSCE Baku Office, representatives of the Council of Europe, the UN in Azerbaijan and State Committee on Family, Women and Children Affairs. In her speech during those hearings, the Commissioner noted that enjoying of human rights by women will create good environment for establishment of principle of social justice and democratic administration in the society and will serve to improvement of human rights in whole. The Commissioner brought to the attention that the most severe kinds of violence are related to the periods of war and armed conflicts, emphasized that as a result of continuing more than 20 years Armenian aggression against Azerbaijan, thousands of our compatriots, civil population, including women and under-aged girls, were taken as hostages and captives, they were subjected to torture, rape, forced pregnancy.

The Commissioner made a speech at the Conference on "Prevention of domestic violence: support to public awareness and legislative initiatives", jointly organized by the OSCE Baku Office and the State Committee on Family, Women and Children Affairs on the occasion of November 25 – International Day For the Elimination of Violence against Women. In her speech, the Commissioner stressed the inadmissibility of early marriages of under-aged girls, early pregnancy, sexual exploitation, forcing to sexual contact and prostitution, kidnapping of girls, noted the necessity of elimination of debauchee nests, importance of individual approach to the problem of violence against women, increasing of women's activity in the regions.

Despite the equality of rights of women and men, distribution of competences and duties, as well as possibilities of enjoying economic, social and cultural rights still remains unequal. However, it should be noted that the active participation of women at the municipal elections held in the country, especially, recommendations for women candidates has sharply increased in comparison with previous elections.

Unlike previous municipal elections the number of women elected as municipalities chiefs or members increased from 4% to 26,7%. According to information 302 women were elected to the position of municipality chief. This served as a background for active participation of women at forthcoming elections to Milli Majlis (the Parliament).

During the event devoted to discussion of the draft law on "Reproductive health and

family planning” and the round table titled “The situation with breast and cervix of the uterus cancer in Azerbaijan” the Commissioner in her speech noted that human right to live begins from the mother’s womb. The Commissioner notes that the issue of reproductive health is the problem of each individual, family, nation and civilization.

Keeping under her attention the protection of rights of imprisoned women, the Commissioner and her staff members conduct meetings with these women in penitentiaries, held conversations with them, and learned their problems.

Protection of child rights. Protection and promotion of child rights take very significant place in the activities of the commissioner. In order to coordinate the activities in this field it was appointed advisor of the Commissioner on child rights and established Child Rights Center under the Commissioner.

By the initiative of the Commissioner it was declared “Child Year” for 2009 in the country according to the order of the President of the Republic of Azerbaijan dated 22nd December 2008. For the purpose of realization of the above mentioned order that covered effective protection of child rights and ensuring utmost care for their interests the Commissioner put forward many recommendations to be included in the plan of actions which was approved by the decree of country President dated 18 February 2009. This plan of actions is aimed at effective protection nearly 3 million of children and solving their basic problems.

Within this year the Commissioner proposed to organize “Child rights month” in the country from 20 October – 20 November 2009 under the motto of “Let’s listen to the children and ensure their participation” which is one of the 10 steps of UN campaign of “Say YES for children”. In this regard the Ombudsman office, its regional centers and other relevant state bodies organized seminars and round tables on child rights, early marriages, eliminating violence against child, reproductive health and healthy life style and conducted painting and composition contests in public and high schools, orphanages and boarding schools.

By the initiative of the Commissioner in the frame of “Child year” jointly with the Ministry of Education with the aim of communicating Azerbaijani realities to the world community, on the eve of Khojali massacre it was organized signature collection campaign among children under the motto of “We are trying for peace! Join us!” and it was collected more than 310 000 signatures of pupils from different regions of the country as well as of internally displaced children. Those signatures were sent to Mrs. Radhika Coomaraswamy, the Deputy to the Secretary General of UN and Special Representative for Children and Armed Conflict.

This year Commissioner organized training and seminars on child rights with participation of children and the representatives of governmental bodies working for children. In these events the problems of children were discussed and the recommendations in this regard were sent to the relevant organs.

In the field of human rights education Commissioner recommended to prepare relevant modules (Programs) on “Child rights” for each teaching level of hierarchic teaching system (for the classes of I-IV, V-VIII, IX-XI) of the schools. The program was signed by the Commissioner and the Minister of Education. The implementation hierarchic child rights teaching system was started in 3 pilot schools of Yasamal, Nasimi and Narimanov districts of Baku city. Two methodical teaching manuals for teachers and pupils concerning child rights education were prepared by the Ombudsman Institute.

For different reasons children may need to be sheltered in the lodging houses for infants, orphanages, different type boarding-schools and temporary detention places in the

police departments. But in some cases the child may be undergone of violence by the workers of such places. In order to prevent discrimination and violence against children the Commissioner conducted regular monitoring and on-the-spot investigation upon received complaints in such places and took necessary measures in respect of punishing responsible persons. The measures taken to punish responsible persons caused to decrease in the amount of cases of violence against child.

The existence of the cases of not allowing girl child to attend high classes in the schools by their own parents and forcing them into a marriage at their early ages cause trouble as well. In the case of early marriage the girl can not maintain her education, her health is harmed, she can not ensure her own economic independence and in most cases her own and her kids' rights are violated. With purpose of eliminating early marriages Commissioner recommended relevant bodies to conduct educative activities such as broadcasting short social videos on TV channels and when faced such cases by police and prosecutor organs to hold those people responsible for the act of getting into a marriage with underage girl according to the article of 152 of the Criminal Code.

In its recommendation to Azerbaijani Government the UN Committee on the Rights of the Child indicated the corporal punishment of children while educating them as a problem and emphasized the importance of adoption of the law prohibiting it. In order to combat violence against children Ombudsman Institution prepared draft law on "Protection children from corporal punishment" and submitted to the Parliament (Milli Mejlis). With the aim of raising public awareness in the society posters were prepared with support of UNICEF that promoted unacceptance of corporal punishment and were disseminated.

Besides Commissioner submitted recommendations on ratification of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse and at the same time adoption of Law on "Domestic violence" which was discussed at the Parliament.

The problems of the children who live in orphanages and boarding schools have always been at the center of attention and with purpose of getting them returned to the families, the state Program (for 2006-2015) on Deinstitutionalization and alternative care that ensures moving these children from state institutions of the Republic of Azerbaijan to the families, were approved.

With technical support of the Ministry of Information and Technologies it was created hotline service with phone number of 916 that functions 24 hours at the Ombudsman Office. It aims at receiving applications addressed to the Commissioner, without delay, from the parents or children themselves upon violation of their rights. The information about this service was disseminated via relevant state bodies, local executive powers and mass media and the written announcements were hanged from the walls of all education and health institutions as well as police departments. Establishment of hotline service ensures effective protection of child rights without delay. Upon received calls there were taken immediate measures in this regard and conducted on-the-spot investigation if necessary.

The representatives of the Commissioner conducted monitoring with staff members of education units of the Ministry of Education in order to study the activities of the Youth Resource Centers which functions in the Ministry. These centers were created by UNICEF in different cities and districts of the country and later on these centers were transferred to the Ministry of Education. As a result of the monitoring the finding problems and shortcomings were generalized and according to it many recommendations were prepared and sent to the relevant bodies. At the same time it was proposed to establish child rights education center based on these recommendations.

Commissioner recommended “Human Rights” education as a special item to teach at public schools, high schools and universities.

Commissioner prepared first report on child rights based on generalization of her activities in this field that covered last period. This report was submitted to the Parliament (Milli Mejlis), Cabinet of Ministries and other relevant ministries and committees to take necessary measures in the light of recommendations of the Commissioner which is aimed at easing the conditions of children. The purpose of the report was to evaluate the situation of child rights ensuring in the country, analyze the problems related to the laws on child rights, restore the violated rights, protect of these rights, provide information on the activities of Commissioner in this field and present the recommendations in this regard.

Protection of rights of the elderly. The Commissioner pays special attention to protection of rights of the elderly persons who are in need of special care. The specialized advisor of the Commissioner on protection of rights of the elderly participated at the workshop titled “The protection and promotion by the National Human Rights Structures of the rights of the elderly” in the frames of joint European Union – Council of Europe Program, held on September 15-16, 2009, in Budapest, Hungary. During the Work of the event there were discussed the articles of the European Social Charter regarding the elderly, especially the Article 23 on social protection of the elderly, and ratification of these articles was recommended to party-states. The establishments in each country of monitoring group including the representatives of appropriate structures of National Human Rights Institutions, as well as the conduction of inspections without preliminary notice, were also among recommendations.

The participants of the event positively evaluated the adoption of the National Action Plan on Protection of Human Rights in the Republic of Azerbaijan, enshrinement in this document of measures on protection of rights of vulnerable groups of population, including the elderly people, and recommended to use this practice of the Azerbaijani Ombudsman to other countries.

The sub-group on monitoring of the National Preventive Mechanism Group established by the Decree of the Commissioner, conducts monitoring and inspections to the places where the particular groups of population including the elderly people live., elimination of violence against the elderly by the preventive measures, holding of monitoring, revealing of the cases of violence, placing of the elderly subjected to violence in special social housings, rendering of material and psychological aid to them are important measures in this field.

Forced retiring of healthy elderly persons is the tendency that limits their rights.

78,5 per cent of people in social housing service are lonely elderly persons. Increasing of care to this field, establishment of working group on organization of social service, holding of monitoring, and public awareness on existing of such service, as well as using of human resources and possibilities of NGOs, involvement of schoolchildren and students of humanitarian specializations to these activities are among advisable measures. The training of specialists on social-housing, medical, psychological and other fields serving to the elderly should be improved. Considering that one social worker serves to 8 lonely elderly, it is advisable in order to increase professionalism of social workers looking after these people, their salaries and quality of work.

The palliative service that is new sphere in Azerbaijan is generally organized by NGOs within the frames of projects and this include visits for social and psychological support, distribution of food and clothes and limits enlightening works. Now, for us, it is time to prepare the National Strategy on Palliative Service, organization of such service will

better the social – psychological state of gravely ill persons and their family members, and will assist in their adaptation to new life.

The concerning researches with involvement of specialists different descriptions should be conducted on learning of social-economic, ecological and psychological factors causing the diseases and disability in elderly years.

For efficient protection of rights of the elderly the Commissioner proposed establishment of gerontological center in the country, as well as gerontological departments in district polyclinics, detachment of physiotherapeutic, phytotherapeutic, sport-sanitation zones.

Establishment of Coordination Council at local municipal bodies in order to attach the persons from this category to public catering facilities, including ceremony houses for their provision with one free meal in a day, material aid to them, as well as involvement to this process of local executive bodies. Trade Union Confederation local entrepreneurs, representatives of private sector, moreover, formation and improvement of efficient social protection system, allocation of the pensions that are the main source to provision in this age to real social demands, giving of special financial guarantees to the elderly, in property and living insurance organization of medical, psychological, legal, social aid to them are advisable.

In order to increase the attention to the elderly people the Commissioner proposed announcement of the year 2011 as the “The Elderly Year” in the country.

Protection of the rights of disabled persons. Commissioner keeps all the issues related to the rights of disabled persons at the center of the attention and takes many necessary steps in respect of integration these people to the society.

Commissioner recommended preparing new state program by taking into account of the Convention on the “Rights of Disabled Persons” and international practice. She also recommended creating statistical database according to the separate groups of disabled persons which are classified by sex and age. It has already been prepared a “State Program on strengthening social protection of disabled persons for 2010-2012” in the Ministry of Labor and Social Protection of Population of the Republic of Azerbaijan as a leading institution in this field started to create Unique Database.

The complaints addressed to the Commissioner by disabled persons were mainly related to the activities of Local Medical-Social Expert Commissions, the shortcomings and bureaucracy in determining invalidity grade, groundless refusal of the documents, discrepancy or bias in the decisions taken and bribery.

Commissioner urged to the Ministry of Labor and Social Protection of Population in this regard and in the most cases the violated rights were restored.

By ensuring the participation of civil society in protection of the rights of disabled persons Commissioner recommended creation of public control mechanisms with participation of relevant NGOs to monitor the work of medical consultancy and medical-social expert commissions.

In the application addressed by the Union of the Institutions of Disabled Persons to the country president it was suggested to entrust the implementation of the related convention, which was in force since 28 January 2009, to the Commissioner (article 33.2), as well as to ensure full participation of civil society particularly the institutions represented disabled persons in the monitoring process (article 33.3).

Commissioner considers the measures to be taken in respect of protection of the rights of disabled persons and their integration into society as well as entrustment of implementation of certain functions enshrined in the Convention to the Ombudsman

Institution, which is the unique National Human Rights Institution in the country, as an important issue. Commissioner has also advised to ensure participation of civil society and other related NGOs in these activities as well as to declare one of the future years as “The year of disabled persons” in the country and prepare plan of actions in this regard.

Chapter II.

The activities of the Commissioner in the field of legal education, scientific-analytical work and international relations, cooperation with civil society

2.1. Education on human rights

Commissioner’s activities with state bodies, international organization, NGOs and mass media as well as with various communities are continuously developed in respect of public awareness and awareness raising on human rights of different categories of the population.

There were organized wide and successful events in the regions by Commissioner and the staff of Ombudsman Office on fight against HIV and drug abuse and legal education regarding referendum and municipality election, for children, disabled persons, women, elderly people, military personal, refugees and internally displaced persons. Such events played very significant role for the civil servants of relevant state bodies in terms of developing their practical skills.

The role of the regional centers of the Commissioner has been very important in respect of realization of legal education events, trainings, seminars and conferences addressed to different groups of population and covered all regions. With participation of

the staff of four regional centers the activities were successfully maintained in all neighboring regions.

Upon initiative of the Commissioner the staff of the Office as well as the staff of Ganja, Shaki, Guba and Jalilabad regional centers regularly conduct public awareness events in covered regions, meet with people and receive their complaints and immediately address to the Commissioner according to the plan of action.

The summary of the annual reports of the Commissioner has been published in three languages and presented to relevant institutions as well as domestic and international libraries.

The materials of the conference on “Child Rights protection in emergencies and the role of National Human Rights Institutions” and the VII International Baku Conference of Ombudsmen on **"Bioethics, human rights and new technologies: legal and ethical aspects of reproductive health and family planning"**, that was held on the eve of human rights day, were published and disseminated. These materials play very significant role in improving the skills of the people who deal with the abovementioned issues by studying and promoting international practice.

In the frame of “Child year” it was also prepared educational manuals titled “The selected topics regarding hierarchic education on child rights” under the editorship of the Commissioner. The short review on basic rights and freedoms of child, which is enshrined in the Constitution of the Republic of Azerbaijan, other national legislative acts as well as international treaties and particularly UN Convention on Child Rights, are placed in this supply. In another educational supply, which is called “Child rights for all”, the selected provisions on child rights enshrined in the Constitution of the Republic of Azerbaijan, UN Convention on Child Rights were visually indicated with different pictures that creates great opportunities for the children to learn their rights.

Besides printed legal educational supplies the Commissioner’s first specialized report on child rights was also published. Besides the current challenges in the field of child rights this report reflects the activities of the Commissioner on protection and promotion of child rights in the country.

The students of Baku State University, The Academy of Public Administration under the President of the Republic of Azerbaijan, Western University, the law and international relations faculties of Caucasus University, international relations and regional studies faculties of Slavic University, international relations faculty of Azerbaijan University of Languages have regular internships in the Ombudsman Office.

Through cooperation with local and international institutions the Commissioner also tires to focus on the development of law clinics. In order to strengthening the activities of law clinics the Commissioner organizes various events at the Ombudsman Office that are required mutual collaboration in this field. As such, in the last period, upon the initiative of the Commissioner it was created Child Rights Clinics through cooperation with international organizations and NGO Alliance on Child Rights.

It was also done great work in the field of strengthening protection of the rights of different groups of the population. As such, it was continued the process of advertising the fact of gross violation of the rights of refugees and internally displaced persons as a result of Armenia’s aggression against Azerbaijan the world community and organized different internal and international events including public awareness campaigns in respect of restoration of these rights.

In general the activities on implementation of the national action plan on protection of human rights in the Republic of Azerbaijan has been analyzed by the Ombudsman Office

and generalized. There have also been prepared the reports in this regard and presented to the President of the Republic of Azerbaijan.

2.2. Scientific-analytical work

The activities of the Commissioner in the field of scientific-analytical work has been mainly related to preparing state programs on protection of human rights and freedoms, implementing, monitoring, evaluating and coordinating of national plan of action, preparing reports to be presented to international treaty bodies, reporting with opinions and suggestions to ensure human right more effectively and in this regard preparing recommendations and amendments to the draft laws of relevant state bodies and NGOs on improvement of current legislation, sending inquiries to the Constitutional Court for conformity of some normative acts with the Constitution of the Republic of Azerbaijan, preparing recommendations for strengthening social guarantees of many social groups (especially low-income people, disabled persons and etc.) and ensuring their rehabilitation and other needs, also studying and preparing theoretical and practical guides of legal educative events.

Commissioner has closely participated in the process of preparation and implementation of other State Programs concerning human rights protection such as: “The National Plan of Action in the Republic of Azerbaijan”, “State Program on implementation of state strategy on employment”, “The National complex program on combating daily violence in democratic society”, “State Program on reducing poverty and sustainable development for 2008-2015”, “State Program on development of library-information field for 2008-2013”, “State Program on social and economic development of the regions of the Republic of Azerbaijan for 2009-2013”, State Program on development pension insurance system in the Republic of Azerbaijan”, “Development Program on provision of education of the children who need special care in the Republic of Azerbaijan”, “State Program on moving children from child institutions to the families and alternative care”, “State Program on improvement of living conditions of refugees and IDPs and increasing employment”, “National Action Plan of the Republic of Azerbaijan on combating trafficking in persons (for 2009-2013)”, “National Strategy on combating corruption and increasing transparency”, “The conception of state support of the Republic of Azerbaijan to NGOs” and etc.

In the frame of Universal Periodic Review mechanism of Human Rights Council at the UN the Commissioner has participated in the process of preparation the universal periodic review of the Republic of Azerbaijan according to the UN International Covenant on Economic, Social and Cultural Rights, the sixth and fifth periodic review of the Republic of Azerbaijan according to the UN International Convention on the Elimination All Forms of Racial Discrimination.

As in the past this year the Commissioner also prepared necessary recommendations and amendments to the various legislative acts (Criminal Code, Criminal Procedural Code, Property Procedural Code, Code of Administrative Offences, Labor Code, Family Code, Property Code as well as other laws) at the same time to the drafts of the Parliament.

Another direction of the activity of the Commissioner in the field of scientific-analytical work has been sending inquiries to the Constitutional Court for revision of the provisions of some legal normative acts in respect of conformity with the Constitution of the Republic of Azerbaijan.

Taking into account the article 130 of the Constitution of the Republic of Azerbaijan

the Commissioner urged to the Constitutional Court for the revision of the conformity of 79.1 article of Criminal Code with the first, second and third parts of the article of 25 as well as the first part of the articles of 26 and 28 and the first and third parts of the article of 149 of the Constitution of the Republic of Azerbaijan.

Hosting the students of the esteemed universities of the country such as Academy of Public Administration under the President of the Republic of Azerbaijan, Baku State University, Baku Slavic University, Azerbaijan University of Languages and etc. for internship has been one of the activities of the Commissioner.

2.3. Relations with civil society and Mass Media

Cooperation with civil society and NGOs. Commissioner has established effective relations with civil society. These relations have been built on extensive cooperation with NGOs and civil society.

Commissioner organized different events in respect implementation of National Action Plan on Human Rights, which was approved according to the order of the country President, and regular meetings with working group in order to analyze the result of the activities realized in the light of this plan.

To establish effective cooperation with NGOs it was attached great attention to the activities with the Council of Experts under the Commissioner and the members of the Council have actively participated in preparation of the recommendations on improvement of human rights.

The Commissioner called relevant State Bodies to organize events on the occasion of 21 September International Peace Day and with participation of the staff of regional centers of the Ombudsman Office, members of the Child and Youth Peace network as well as the representatives of Peace and Development Alliance to which many NGOs member were organized consecutive events.

The representatives of civil society have appreciated the Commissioner's activities on human rights. The State Committee for Family, Women and Children Affairs has rewarded Mrs. Elmira Suleymanova, the Ombudsman, with the medal of memory. The reason of reward is Commissioner's input in the field of implementation of the State woman policy.

Commissioner has also been rewarded with international diploma of the famous intellectual of XXI century.

Ombudsman has been rewarded with Honorary Decree of International Law Association of Russia for her achievements in the field of promotion of international law and human rights as well as strengthening the ties between Russian Federation and Azerbaijan.

Cooperation with mass media. Commissioner pays great attention to the relations with mass media. Media service plays important role in communicating the aims and new ideas of the institution to the mass media, creating a bridge between this institution and community and indicating the activities of the Ombudsman from the publicity point of view.

854 articles and information on the activities of the Commissioner have been published during 2009. More than 300 press releases in English have been sent to the Council of Europe.

The educative trainings and seminars have been great help in education of journalists

and other representatives of mass media in the field of human rights.

In the frame of the international conference on “Child Rights protection in emergencies and the role of National Human Rights Institutions” held on 25-27 May 2009 upon the initiative of the Commissioner the winner journalists of the best articles on “the protection of child rights in emergency situation” were rewarded with certificate and money. In the frame of “Child year” on the occasion of the 20th anniversary of the Child Rights Convention with support of the units of UN in the country the Commissioner organized contests for journalist articles on “Child Rights for all” and for children paintings on “Our rights” to which drew great attention of the society.

Commissioner’s statements were voiced during the press conferences and briefings. During her activities the Commissioner issued 33 statements. 5 of them were issued in 2009. These statements were published in mass media and broadcasted on radio and TV.

Commissioner attaches great importance to the protection of media rights and always keeps the negative cases of violence and brutal behavior towards the journalist while doing their jobs in the center of the attention. Commissioner many times urged to the Prosecutor General and the Ministry of Internal Affairs to hold those people who caused such violence responsible in crime and commence objective interrogation in this regard. With regard to the protection of media rights Commissioner has also urged to the country President for pardoning the journalists in jail and according to the law ensuring alternative reproaching means for the journalists who breached the law. Many journalists including Mushvig Huseynov, employee of “Bizim Yol” newspaper and Sakit Zahidov (Mirza Sakit), satirist of “Azadlig” newspaper were released from the jail by the pardoning and amnesty act.

2.4. International Relations

Commissioner has had great success in the field of international relations and been able to increase prestige of the Institute among the other organizations.

As result of great attention paid by the Commissioner to the international cooperation and her active works in this field made the institution well known and its activities in some fields have been evaluated as a best practice.

During her activities the commissioner has been able to increase the effectiveness of the collaboration of the Institute with United Nations Development Program (UNDP), United Nations Children’s Fund (UNICEF), UNESCO, Organization on Security and Cooperation of Europe (OSCE), Council of Europe (CoE) and etc.

The Conference on “Child Rights protection in emergencies and the role of National Human Rights Institutions” on 25-27 May 2009, organized upon the initiative of the Commissioner with support of the Ministry of Ecology and Natural Resources and the Ministry of Extreme Situations, was one of the important events of this year.

This conference was devoted to the 60th anniversary of the Council of Europe and 20th anniversary of the UN Convention on the Rights of the Child as well as the “Child year” in Azerbaijan. In the end of the Conference a Baku statement was issued. The international experts and ombudsmen highly appreciated the Commissioner’s activities in the field of protection of child rights in emergencies as well as children’s active participation in the conference.

Upon invitation of the Commissioner the participants of the Conference visited Quba mass cemetery which is the proof of massacre of the peaceful Azerbaijani population including woman and children by the Armenian armed forces with special brutality on

March of 1918 and got accounted with the facts of Armenian vandalism. The guide of the archeological expedition, Mr. Q. Agayev, informed the participants about the establishment of new open museum in the cemetery.

On 7-19 June 2009 it was organized VII International Baku Conference of Ombudsmen on **"Bioethics, human rights and new technologies: legal and ethical aspects of reproductive health and family planning"** dedicated to 60-th anniversary of Council of Europe and 18 June – Human Rights day in Azerbaijan. This Conference was the final and important event of human rights month long campaign.

During her activities the Commissioner continued fruitful collaboration with foreign counterparts. This collaboration was established in the frame of International Ombudsman Institute, European Ombudsman Institute and Asian Ombudsman Association as well as on the base of mutual contracts on cooperation with different Ombudsmen.

According to the mentioned contracts the staff of Azerbaijan Ombudsman Institute pay study visits to the other Ombudsman Institutes which are the parties to the contracts. The International Baku Conferences that are regularly organized in the Republic of Azerbaijan by the initiative of the Commissioner to where many international experts and ombudsmen are invited makes great contribution to the strengthening international cooperation. Through the cooperation with diasporas in foreign countries the Commissioner established good relations with many ombudsmen that helped to restore the violated rights of many azerbaijanis' in other countries as well as the foreigners' rights in Azerbaijan.

During the reviewed year the Commissioner received many representatives of international organizations as well as well known experts. During the meetings the guests were informed about the Commissioner's activities on human rights. Commissioner also gave information about the appointment of the Ombudsman Institute as a national preventive mechanisms according to **Optional Protocol to the Convention against Torture** and other Cruel, Inhuman or Degrading Treatment or Punishment of UN as well as its accreditation with "A" status among 11 esteemed ombudsman institutes by ICC of UN which entitles it to participate in the process of preparation of the reports of the government for the treaty bodies and Human Rights Council of UN.

Commissioner's participation in many international projects aimed at ensuring effective protection of human rights makes significant contribution both in the country, also in the region. Such events plays important role in communicating Azerbaijan realities to the world. On the regular basis the Commissioner and the staff of the Ombudsman Institute emphasized in these events the mass violation of the rights of one million refugees and IDPs as result of Armenian aggression to Azerbaijan that has been continuing for 20 years.

When visiting foreign countries the Commissioner always meet with Azerbaijani people and learn their problems and urge to the relevant bodies for support in their resolution. In her meetings with Azerbaijanis in foreign countries the Commissioner gives them new literature, books, the documents and her statements on Nagorno Karabakh realities.

Conclusion and recommendations

Commissioner realized her activities on protection of human rights and restoration of violated rights through close cooperation with state bodies, NGOs and mass media.

The recommendations on effective protection of human rights and fundamental rights as well as the resolution of the economic and social problems of different groups of population such as children, women, elderly people, disabled persons, refugees and IDPs, prisoners, military personnel took place in the annual reports which were submitted to the relevant bodies and at the same time attracted in the various legal acts.

As a result of the measures taken in respect of restoration of human rights it has been acquired important achievements in improvement of legislation, democratization of the governance and eliminating bureaucracy.

The amount of the complaints received during the year of 2009 was increased comparing with previous year and their structure changed.

The amount of the complaints related to the issuance of identity cards, the violation of the right to appeal, the inaccuracy in determining of pensions as well as the land problems were reduced. But the complaints related to the violation of property rights and ownership rights, none execution of the court decisions, provision and determination of addressed social aids, the activities of medical-social experts commissions, housing and communal problems as well as other important issues were increased.

Although advancements in the field of cooperation with state bodies there are still many shortcomings and challenges as well as bureaucracy and arbitrariness related to the service of public and municipality officers such as fail in receiving applicants, responding to the appeals of the citizens on time and taking necessary measures according to their mandate.

There have been cases related to unreasonable rejection of hearing of the complainant's application by the relevant state bodies or insincere, unreal and just formal responds to the complaints as well as tracing the complainers or rejecting the complaints explaining that it was written under emotional or health reasons.

Unreasonable rejection of hearing the applicants by some state bodies and municipalities, not responding to the complaints addressed to them on due time, not taking necessary measures according to their mandates caused to the violation of the rights and interests of the complainers.

Still many state officers can not perceive the meaning of human rights and freedoms while performing their duties or they are unwilling to do it.

All above mentioned cases bring to the conclusions that the relevant central executive powers should strengthen the control over the officers functioning in the local structures, solve the cases caused to the dissatisfaction of the citizens and take the legal measures about the responsible officers.

All the complaints addressed to the Commissioner were heard within the period of time as enshrined in the Constitutional Law on the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan. All the complainers were duly informed about the measures taken with regard to their complaints and the outcomes of the hearings. In many cases complainers were explained all forms of effective protection of human rights and freedoms and received legal advices such as applying to the relevant state bodies in order to solve their problems.

Beside the above-mentioned the Commissioner has been able to restore many cases caused to human rights violation through effective cooperation with state bodies, officials committed offences that resulted in violation of human rights were punished as prescribed in law.

According to the agreement between the Commissioner and the Minister of Internal Affairs on improvement of the cooperation on human rights protection, within the past period with participation of the chief staff of the police departments in Baku as well as in the regions there were organized joint events on effective protection of human rights in different parts of the country.

By the way it has to be mentioned that it is required to take necessary measures in order to prevent violence in police organs.

Commissioner has submitted many recommendations to the relevant state bodies on reflecting the guarantees and the rules of communicating the information on the activities of the state bodies to the public in respect of ensuring the rights of expression and media, establishment of data basis and their legal security, development of the use of information technology facilities in the state organs, creating conditions for obtaining public data, regulating the issues concerning circulation of personal data and improvement of the standards of journalist ethics.

Commissioner also positively appreciated the draft law on "Defamation" and put forward her feedbacks, opinions and proposals in this regard.

Commissioner submitted to the Milli Mejlis (Parliament) a draft law recommending the country to sign and ratify the European Convention on the "Protection of Children against Sexual Exploitation and Sexual Abuse" as well as adopt the law on "Protection of

children from the corporal punishment”. Meanwhile this convention has already been signed by our country.

Commissioner submitted a draft law to the Milli Mejlis regarding improvement the work of “the commissions on protection of the rights of underage teens” and establishment of child rights centers accordingly and this issue has already been agreed with the Ministry of Education.

Taking into account the conditions of low-income citizens the Commissioner recommended setting up free of charge legal advisory services facilities financed through the state budget. Meanwhile there were established regional legal consulting centers financed by the state budget for the low-income families according to “The State Program on reducing poverty and ensuring sustainable development for 2008-2015” approved by the order of the President of the Republic of Azerbaijan dated 15 September 2008.

Taking into consideration the low attorney’s fee as 0.99 AZN for hour the Commissioner recommended Cabinet of the Ministers to increase the fee to the reasonable level. Meanwhile the above mentioned fee has been increased two times by the Cabinet of the Ministers.

The complaints addressed to the Commissioner concerning traffic cops require serious measures to be taken in this field.

The analyses of the complaints indicate that in the most cases the inspectors of the “Avtonəqliyyat servis” Department of the Ministry of the Transport behave the drivers uncivilly, take illegal action by taking their car plate, seize their driving license and the registry documents of the car. Commissioner considers that it is necessary to take serious legal measures about such inspectors who don’t carry out their duties according to the law and regularly violate the rights of the citizens and also redesign the functions of the mentioned department.

Commissioner recommended taking into consideration the employment and settlement issues of the young girls who left their homes and settling them in special dormitories till the resolution of their employment and housing issues.

Taking into account the resolution of the Cabinet of the Ministers on “Encouragement of pedagogical personal to take duty in the public school in Villages” dated 22 June 2004 the attention of the heads of local education organs and the school directors should be drawn to handling this issue. In this regard the Commissioner advises to increase the payments envisaged in the resolution by taking into account the real conditions.

Official determination of 20-25 AZN as a social addressed aid considered for the low income families and the families which should care for disabled persons and elderly people is not satisfactory. Besides in many complaints it was indicated that the credit cards for getting the social addressed aids kept without any reason by the officers of the relevant organs responsible for determination of the amount of the aid and delivered to the complainers after 2-4 months by misappropriating the fund in the card balance considered for this period. This situation requires the Ministry of Labor and Social Protection of the Population to strengthen the control over the places.

Commissioner advises to make necessary amendments to the current legislation with regard to resolution of the problems related to the technical inventory acts over the “Alatava”, “Zığ”, “Vorovski”, Xutor”, “NZS”, “UPD”, “Keşlə”, “Südchülük sovxo zu”, and other settlements and stopping the registration of slum houses.

Poor service in public utilities makes the current problems more complicated. For this reason the Commissioner, within the past period, proposed to abolish the housing operation gradually, which are practically useless, and to pass their powers to the municipalities.

Another important problem is to improve living conditions of IDPs and return the houses occupied by them to the real owners in respect of restoring their violated rights. Commissioner emphasizes the necessity of the gradual resolution of the problem in the implementation process of related state programs as well as the execution of the court decisions in this regard.

Upon Commissioner's initiative 309 prisoners in general have been pardoned or released through amnesty act.

Commissioner also paid special attention to the pardoning of teenagers, women and elderly prisoners and it should be noted that by the last pardon decree 2 women and 1 teenager have been also pardoned.

In order to take necessary measures with regard to strengthening the discipline in the Military Forces, ensuring effective protection of the rights of military servants, extending the activities in the field of legality and rule of laws in the military units as well as prevention violence against militaries the Commissioner submitted recommendations to the relevant state bodies. Commissioner also suggested the realization of the public control system in the army in previous annual reports.

According to the analyses, the opinions and the recommendations made in the annual report of the Commissioner we can say that the measures taken by the State on the protection of human rights and freedoms are giving positive results that lead to stability, cooperation, sustainable development and progress in our society.

Upon appointment as a national preventive mechanism, which is envisaged in the Optional Protocol of UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, according to the related order of the country President the Commissioner realized many activities in this regard and applied to the relevant state bodies with recommendations.

It should also be noted that the report on the Commissioner's activities, for the year of 2009, as a national preventive mechanism on "Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment" is being prepared.

Commissioner submitted many recommendations to the Milli Mejlis (Parliament) on improvement of the Institution's functions, speeding up the process of reception and hearing of the complaints and overcoming the bureaucratic obstacles related to on-the-spot investigation.

Commissioner carries out intensive work with regard to rapid reaction to the applications concerning human rights violations by setting up Rapid Reaction Team functioning 24 hours, in order to prevent human rights violation in the temporary detention places and penitentiary institutions and child rights hotline service with the phone number of 916 to prevent violation of child rights. Taking into account of the Commissioner's above mentioned activities it is inevitable to make necessary additions and amendments to the Constitutional Law.

By the way it is worth to note that the malicious resistance to lawful performance by the Commissioner of her duty entails an imposition of a fine in the amount of 20 AZN to 40 AZN according to the article of 310.1 of the Code of Administrative Offences which is being inadequate preventive measure under the real conditions.

Commissioner is also functioning as a mediator by establishing bridge between state institutions and the society that leads to regular improvement of the cooperation with state administration, development of civil rights and human rights and freedoms as well as provision of rule of law and strengthening the statehood.

For more prompt protection of human rights, specialized advisors of the Commissioner were appointed on the rights of refugees and IDPs, prisoners, servicemen,

children, women, elderly and disabled persons, as well as on the problems of corruption, trafficking in human beings, freedom of conscience, etc.

In order to improve the communication with population and to provide their easy access to the Commissioner, regional offices were created and they are successfully functioning for four regions in Guba, Sheki Jalilabad and Ganja covering surrounding rayons.

Commissioner's recommendations and opinions on effective protection of human rights and freedoms as well as the restoration of violated rights which are addressed to different state bodies should not be ignored and necessary measures have to be taken on their implementation.

In conclusion the Commissioner's activities on protection and promotion of human rights and freedoms once again indicated the necessity of mutual and effective cooperation and coordination among the state institutions, civil society and mass media in the name of effective promotion and ensuring of human rights.