

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

**Provision and protection of human rights
and freedoms in Azerbaijan**

Summary of the Annual Report for 2008

Baku 2009

FOREWORD

The first Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan is concluding her seven years' activity.

The aim of the report based on summarizing of seven year long activity of the Commissioner is to evaluate the state of promotion and protection of human and civil rights and liberties in the country, to provide information on the analysis of the state of the important problems linked to human rights, restoration of violated rights, situation with provision of human rights protection and prevention of violations, as well as to inform about the measures and steps taken by the Commissioner for learning of the state of ensuring of human rights and liberties.

As usually, the report was prepared being based on the generalized analysis of the proposals and complaints, 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, camps and settlements of the refugees and internally displaced persons, healthcare and social care facilities, as well as on the cases discovered during meetings with the local population and investigations, official responses of the state bodies, officials also the information provided by mass media.

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

Shortcomings and problems revealed in the reviewed period, as well as the cases related to action (inaction) of different state bodies and officials, analyses of the Commissioner's activity, proposals and recommendations for more efficient provision and reliable protection of human rights and freedoms were highlighted in the report.

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.

Yours faithfully,
Professor Elmira Suleymanova

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

INTRODUCTION

Rapid development of economical potential of the Republic of Azerbaijan, deepening of the market oriented reforms, positive changes in the development of regions, inclinations observed in the country economy assumed vital importance in improvement of welfare of country population and our country stepped into the new stage of development, great opportunities were created during recent years.

As a result of speed economic growth state budget increased more than 10 times in four years, transformation of oil income to the improvement of non-oil sector created opportunity for the improvement of social status and the living standard of the country population, 766 thousands working places were set up, actions were continued towards the poverty reduction from 49 percent to 13.2 percent and gradually elimination of this problem. According to the report worked out by the World Bank Azerbaijan was announced “the most reformist country” in the sphere of improvement of business conditions.

Establishment of political stability, improvement and democratization of governance, increase of respect for rule of law and as a whole to human rights, prevention of discrimination in different spheres, increase of confidence of citizens in state bodies, broadening of struggle against corruption, adoption of amnesty acts at various times, pardoning of persons deprived from liberty, liberalization and conveying much more correctional and educational character of punishment, conduction of events on legal enlightenment of population, ensuring the participation of civil society in the issues of national significance, establishment of public control agencies in different spheres assume special importance.

Along with the above mentioned issues, proposals reflected in draft Referendum Act on “Annexes and Amendments to the Constitution of the Republic of Azerbaijan” put to a nation - wide voting to be held on March 18, 2009 are very important from the standpoint of more efficient ensuring and protection of human rights and freedoms.

Completing her term of 7 year activity, the Commissioner took numerous actions with the purpose of extra judiciary protection of human rights and restoration of violated rights during the reviewed period.

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 taking measures within her authorities, achieved restoration of violated rights in many cases.

During this period she concentrated her activity on fighting against delays in processing of documents and excessive bureaucracy, negligent and disrespectful attitude of some officials towards implementation of statutory requirements and supremacy of the rule of law, outdated methods of governance, indifference and self-will of officials and corruption that seriously hinder appropriate organization of protection of human and civic rights.

The Commissioner built her work in close collaboration with both the state bodies and civil society institutions, including non-governmental organizations, as well as mass media, international organizations and foreign colleagues, held regular meetings, public hearings with people both in the capital city and the regions of the country, with her clarifications and advice, direct intervention in issues, as well as involving local executive bodies in the process of restoration of human rights, contributed to strengthening of human rights protection and, thus, facilitated strengthening of statehood.

At the same time the Commissioner, with the purpose of facilitating a new form of the tradition of mediation in society, assisted in such important issues as simplifying of governance, timely response to the appeals made to state bodies, prevention of abuse of power by officials, listen to the problems faced by citizens, regular reception and proper treatment of citizens by them, importance of resolving problems in a transparent and unbiased manner.

In all cases when shortcomings and shortages were discovered, the Commissioner, besides criticizing the officials in a constructive way, tried to establish mutual collaboration with them.

The Commissioner curtly raised rebutes and proposals on certain problems, by showing the right way of solution to the problems, tried to eliminate them in co-operation with state bodies bearing the responsibility before the state and citizen, as well as the society and individual for ensuring human rights and freedoms enshrined in the Constitution of the Republic of Azerbaijan and other legislative acts.

As one of her duties the Commissioner held enlightening events aimed at raising of legal culture directed to perceiving forms and methods of protection of the rights of citizens in society.

During that period of time relevant measures were taken for restoration of violated human rights, motions were addressed to the respective state bodies, proposals and statements were made, rights and freedoms, duties, as well as rules defining borders of them were explained to the persons involved or incited to the conflicts, recommendations and proposals were given towards the solution of conflicts.

The Commissioner taking part in the implementation and monitoring of several state programs, provided her opinions and recommendations, evaluated them from the human rights perspective and participating in development of several projects, made proposals.

The Commissioner by establishing close intercourse, held regular

meetings, and receptions with people both in the capital city and regions, and monitoring of ensuring human rights several times, with her clarifications and advice, direct intervention in issues, as well as involving local executive bodies, local departments of central executive powers, representatives of municipalities, in the process of restoration of human rights, contributed to strengthening of human rights protection which is the highest priority goal of our state and, thus, facilitated increasing of the image of a state and strengthening of statehood.

One of the effective forms of her work is the arrangement of receiving of people on the spot and conduction the range of events jointly with the representatives of relevant state bodies and heads of local executive powers.

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, as well as in person during Commissioner's and her officers' visits to penitentiaries, investigatory and temporary detention centers, military units, orphanages, boarding schools, camps and settlements for refugees and internally displaced persons, healthcare and social care facilities.

During her term in office the Commissioner has received a total of 42, 260 appeals, including 8, 600 appeals in 2008.

In general 93% of total number of appeals, as well as 86, 6% appeals in 2008 were complaints.

According to the provisions of the Constitutional Law the Commissioner rejected consideration of a total of 52,6% of the complaints, including 51, 2% in 2008 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 complaints was re-submitted without any new information, facts or evidence on the matter complained.

47,4% of the complaints, as well as 48,8% in 2008 were accepted for consideration.

35, 7% of complaints received in 2002-2008, and 43, 3% of complaints received in 2008 were resolved.

One of the good indicators of the Commissioner's work is the increasing number of the letters of gratitude of persons whose rights were restored year after year.

Most of the complaints were on bureaucratic obstacles, procrastination and arbitrariness of officials. Some state and municipality bodies don't receive citizens, appeals are not responded in time, and by essence, measures are not taken in the frames of given competencies and consequently it results in violation of human rights and legal interests of citizens.

The Commissioner, during her term provided information on different cases of human rights violations, recommendations on solution to the problems to the country President, Milli Majlis (Parliament), Cabinet of Ministers of the Republic of Azerbaijan, different ministries, committees, and other executive bodies, along with her proposals for more efficient ensuring and protection of human rights and liberties.

During the seven year period to be summed up by the Commissioner, formation of new principles and norms, establishment and strengthening of strong collaboration with state bodies responsible for ensuring of human rights, the fact that the Commissioner is the person realizing mediation mission between citizen and state, and the Institution is an important body were already accepted by the society.

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. In order to ensure more active, organized participation of voters at the elections of the President of the Republic of Azerbaijan in 2008, the Commissioner together with the Ministry of Internal Affairs held joint monitoring aimed at investigation of the situation with provision of citizens with ID cards and improvement of the work on their provision with appropriate documents.

As a result of this monitoring, as well as legal enlightening work, realization of the proposals and recommendations addressed to the Ministry of Internal Affairs and its local agencies, moreover, of the collaboration with police bodies, comprehensive work carried out jointly with the departments of registration and

issuance of ID cards, during the last three years the problem of mass issuance of ID cards of the population was solved in the most of cases.

In each case numerous complaints received by the Ombudsman in connection with assistance in issuance of ID cards of citizens of the Republic of Azerbaijan who do not have living place due to different reasons were solved in the frames of legislation.

The Commissioner took necessary measures worrying because of aggravation of legal status of our compatriots living and working being settled temporarily abroad, as well as in the area of Commonwealth of Independent States, including the Russian Federation since their provision with civil passports, especially since coming into force of the new Law regarding migrants in the Russian Federation, thus, she held wide-scale discussions, meetings with administration of the Russian Federation and its subjects, including the Head Office of Internal Affairs of Moscow city, Ministry of Foreign Affairs, Migration Department, as well as with several officials, and proposed to assist in legalization of our compatriots, to give them more time for making official status of illegal migrants without application of methods of punishment on them, to consider health status, personal and family conditions approaching individually to each of migrant, to notify them before their expel from the country and to create conditions for making formal rules according to the Law, to reduce the five years period applied as prohibition of returning to the country at the deportation or forced expel from the country, and this has a positive impact on the situation.

The Commissioner repeatedly proposed organization of the work of the staff members of concerning bodies of the Ministry of Internal Affairs on spot in connection with issuance of civil passports of our citizens settled temporarily in foreign countries, taking concerning measures on solution of the problem. Serious steps were taken in connection with solution of mentioned problems and the cases caused anxiety to citizens were solved.

The Commissioner proposed to establish social asylums in order to organize social protection of people from vulnerable groups, became homeless dispossessed from their living places and living as wanderers spending the nights at different places, children who were forced to turn to streets being deprived of parental and family care, people leading a beggary life to provide their material status, those freed from penitentiaries, having no shelter, including people suffering from drug abuse, victims of trafficking in human beings, also juveniles who got into hopeless situation and being in an urgent need of state care.

In the reviewed period, considering the fact that a group of people who left the Republic of Afghanistan by different reasons and looked for asylum in Azerbaijan could not enjoy their fundamental rights and freedoms because of absence of appropriate documents confirming their personality and basing on

provisions of national legislation and international treaties to which Azerbaijan is a party, and after the proposals of the Commissioner in connection with solution of the problem to the Ministries of Justice, Internal Affairs, National Security, Ministry of Foreign Affairs, State Committee for refugees and Internally Displaced Persons for comprehensive investigation of legal solution of the issue the Cabinet of Ministers established the Working Group consisting of the representatives of these structures.

Considering several problems reflected in the received complaints, as well as detected during observations, the Commissioner proposed *application of serious rules in labor migration sphere considering the level of unemployment in the country, prevention of bureaucratic obstacles can be potentially arisen during giving status of immigrants to aliens and stateless persons, at the same time during solving of issues on acquiring citizenship, organization of asylums for aliens on which there are decisions on their expel from the country and stateless persons, acceleration of preparation of forms for registration of aliens living permanently in our republic or stateless persons and the problem was solved.*

The right to the security of the person. Cases of violation of the provisions of the laws during planning and construction of high-rise buildings in cities and regions of the country, particularly in the capital city, as well as breaches of occupational safety regulations by the construction firms have caused severe consequences.

There were cases of rough breaches by the construction firms of existing norms and rules on construction technologies during the construction of buildings without following the norms and rules of security, replacement of the construction materials with other cheap fragile ones and materials do not meet the technical demands. Construction of additional blocks and components which were not considered at the affirmed project raises the danger.

The results and official explanations obtained in the course of investigation of the complaints received by the Commissioner show that not all construction firms comply with health and safety regulations, sign contracts with employees, conduct trainings on rules of technical safety or provide them with protective equipment. Considering above mentioned facts the Commissioner proposed to work out the serious system of control on this sphere.

The Commissioner addressed a motion to the Cabinet of Ministers *containing proposals on strengthening control over compliance with the relevant safety rules and regulations during construction works, as well as over the quality of building materials, and conformity with the labor legislation, providing new accommodation for people living in buildings that had been brought into emergency conditions as a result of long-standing maintenance, erosion and the earthquake that happened in the country, especially in Baku in 2000, as well as taking into consideration city development perspective during construction of new buildings, laying wide pavements for convenient movement of persons with disabilities, etc.* Unfortunately, these proposals have not been considered yet. In many cases the pavements are used as stopping-place for means of transport or

captured by the construction companies and these creates problems for safe movement of pedestrians.

The right to protection of person's honor and dignity. Our country which has adhered the UN Convention against Torture and Other Cruel, Inhuman or degrading Treatment or Punishment, signed the Optional Protocol to this Convention on September 15, 2005.

The Commissioner making motion before the Milli Majlis and the Ministry of Foreign Affairs proposed to accelerate the process of affirmation of the mentioned protocol, to authorize to the Commissioner the functions of national preventive mechanisms taking into the consideration that according to the international experience these functions are fulfilled, usually, by national human rights institutions.

According to the Decree of the country President on Provision of implementation of the Protocol dated January 13, 2009, the Commissioner was appointed as an institution fulfilling the functions of the National Preventive Mechanisms; moreover, the Cabinet of Ministers was given a task to carry out necessary measures on implementation of this protocol.

In the reviewed period, the complaints received by the Commissioner informed about the cases of subjection to rude treatment, humiliation, degrading actions. The Commissioner held investigation on each of the complaint about torture or any degrading treatment, made appeals to the Prosecutor General of the Republic of Azerbaijan and Minister of Internal Affairs, as a result, criminal proceedings were instituted against persons allowed or committed violence or they were punished administratively.

On spot investigations were held on the information about death of three persons as a result of torture in the police stations in 2008, that were spread in the media, the appeals were sent to the Office of the Prosecutor General of the Republic of Azerbaijan. As it turned out, it was approved that these persons did not die as a result of torture, but two of them as a result of suicide, and one because of heart attack happened in the street even without entering the police station. The "culture of violence" inherited from authoritarian soviet regime is being replaced by the rules of democratic and humanist treatment, and as a result the number of complaints about the cases of torture and battery are gradually decreasing.

Despite decreasing number of the mentioned cases, it is undoubtedly that elimination of violence that is a result of habits and behaviors of old system needs time. Beside this, appraisal of each such case as a fact without holding of necessary investigations of the complaints about torture and battery and their presenting to the society are unacceptable.

Generally, cases of battery at police stations are usually explained by resistance of the detained persons, their refusal to obey officer's orders, whereas

in penitentiary system they are justified with violation of the rules of discipline by inmates and their disobedience to lawful demands of the personnel of penitentiaries.

Apart from the abovementioned facts, considering the existence of facts of use of the topics of torture for exploitation and speculative aims, the Commissioner called to the society and legal defenders through mass media and proposed to participate in joint investigations of complained cases of torture.

During her term in the office the Commissioner conducted series of regular enlightening events against the torture, rude treatment, or other degrading behavioral actions.

During all the term of her activity the Commissioner declared unacceptability of torture, other cruel, inhuman or degrading treatment or punishment in our republic integrating to the European zone as a member of the Council of Europe and provide sustainable and purposeful work in this regard jointly with competent governmental bodies and civil society.

Visits to the Penitentiary Services and Temporary Detention Places. In order to investigate the situation with ensuring of human rights and freedoms, the Commissioner and the staff members of her Office regularly visited Administrative Detention Station and Temporary Isolation Center for juveniles of the Baku City Head Police Office, including the Temporary Detention Centers of the Ministry of Internal Affairs in Transport and of the Head Office for Fight against Organized Crime, as well as of the regional and city offices, departments and stations of the police, the investigatory detention centers at the Ministry of Justice Penitentiary Service and the Ministry of National Security.

They met with the detainees personally, listened to their complaints, investigated their detention conditions, explained them their rights, got acquainted with their nourishment, the level of medical service, the documents related to provision of those persons with lawyers, explanation of human rights to them at the moment of their detention as suspects, the recommendations and proposals were given in order to improve detention condition.

In the reviewed period information given to the Commissioner on subjection of some persons to torture detained at temporary detention centers, investigation centers and prisons with participation of themselves or family members was urgently investigated but most of cases were not confirmed in the course of investigation. Besides, persons about whom the information was spread, declared that they had not given anybody such information.

As a rule during these meetings the detainees expressed satisfaction with detention conditions, told that they had not been exposed to violations, degrading treatment, at the same time they mentioned that they had faced such problems while they were detained or during the investigation process.

It was revealed that some officials of police offices, departments and sections did not create necessary conditions for meeting and conversation with

the persons detained in TDPs and get acquainted with appropriate documents confirming the legality of their detention as well as with registration book of persons brought to police station, the statement of the case was not drawn up, names of the persons brought to the station were not registered in a registration book. Cavils and proposals on elimination of offences, deficiencies and shortcomings also on relevant measures were addressed to the chiefs of police offices and departments, in necessary cases to the General Prosecutor, the Ministries of Internal Affairs and Justice of the Republic of Azerbaijan with the purpose of providing objective investigation of the case. As a result staff members violated human rights were subjected to disciplinary penalties, actions were taken on elimination of revealed shortcomings.

In the reviewed period the temporary detention centers of regional (city) police offices all over the country underwent substantial reconstruction, the buildings that did not meet the generally accepted norms and requirements were replaced with new ones, prayer rooms were opened in many centers and the detention conditions were brought into conformity with the European standards and consequently more efficient conditions were created for ensuring of human rights of detainees.

It is noteworthy that, the Commissioner, who constantly pays close attention to health state of persons in penitentiaries and TDPs, made proposals on increasing expenses to improve food and medical supply for detainees and reviewing relevant norms. Moreover, she sent appeal to the Milli Majlis (Parliament) and the Ministry of Finance and proposed to take into consideration these recommendations while discussing the draft law on state budget for each forthcoming year, as well as for 2009.

The Rapid Investigation Group (RIG) founded at the Ombudsman Office in the initiative of the Commissioner during first years of her term within the joint project with Baku Office of OSCE titled "To assist the Commissioner with investigation of cases on human rights violations and rapid response to the complaints" successfully continues its work. In the reviewed period more than 1500 visits were paid based on information, including on the complaints received by this Group from different citizens, as well as during the receptions and via 24-hour hot line, immediate measures were taken for provision citizens' rights and freedoms and restoration of violated rights.

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

Organization and improvement of legal enlightening work among police staff with the purpose of making joint visits with local police organs to the TDPs, investigation of the condition of detainees, fulfillment of the requirements of law in treatment of police staff with the suspected or prosecuted persons occupy special place among these events.

A book titled "Police and human rights" targeted at teachers, experts and the participants of human rights programs was translated from English into Azeri and published in the initiative of the Commissioner who considers its importance in the work of police staff. Furthermore, it was proposed to work out teaching modules together with the Police Academy of the Ministry of Internal Affairs on the basis of this book brought to conformity with local condition and to organize joint training-seminars for the staff members of interior organs. The manual "The Police and Human Rights: educational module", "The Police and Human Rights: commemorative booklet for police officers", educational program titled "Provision of human rights in the activities of internal affairs bodies" were prepared together with the Police Academy and joint trainings on the above mentioned manuals were held for police staff.

Freedom of expression and speech. In the initiative of the Commissioner at different times including in connection with "Universal Day of freedom of Press" and National Media Day events titled "Our national progress and press", "130 year of the national press: realities and perspectives", "Freedom of press and responsibility before the society", "Television and radio broadcast: achievements and problems", "Journalism and law" and other were conducted with participation of National Television and Radio Broadcasting Council, Press Council and other press agencies, as well as television and radio broadcasting organizations and journalists, discussions were held on freedom of expression and speech, and problems media faces.

In the reviewed period the Commissioner proposed to adopt and apply targeted state program embracing development of press. It should be noted that, Conception on state support for improvement of mass-media in the Republic of Azerbaijan" was approved according to the Decree of the President of the Republic of Azerbaijan adopted on July 31, 2008 for strengthening the role of mass-media in the civil society building process.

Considering the fact that broadcast of radios "Liberty", "BBC", and "Voice of America" was stopped via national frequency in Azerbaijan, the Commissioner made an appeal to the Chief of National Television and Radio Broadcasting Council and noted that this fact can damage the image of our country and proposed to make a decision on continuation their activity. She visited the Azerbaijani editorial office of radio "Liberty" in Prague, met with staff members, answered to their questions and explained the requirements of the relevant law. The Commissioner who considers protection of rights of the representatives of mass-media one of the priorities held a number of events. Furthermore, she paid close attention to the journalists exposed to attacks and violence, conducted independent investigations, addressed appeals to the General Prosecutor Office and the Ministry of Internal Affairs of the Republic of Azerbaijan for holding objective investigations, finding and bringing to responsibility the persons who procreated these actions.

The Commissioner having investigated the information on exposure of the staff member of “Liberty” newspaper to violence, Agil Khalilov met with him, kept his state in the focus of her attention, appealing to the Chief Prosecutor asked him to take the issue under the personal control, determine the personality of the persons procreated this act, and punish them in the frames of law by making answerable for the committed violence.

The state of Sakit Zahidov (Mirza Sakit), Eynulla Fatullayev, Ganimat Zahidov who are detained in investigatory detention centers and penitentiaries as sentenced and accused is in the focus of attention of the Commissioner, she herself or staff members of the Office according to her instructions regularly met with them, learned their states, treatment towards them, detention conditions as well as their nutrition and health were learned, maintained contact with administrations of penitentiaries and with the journalists detained. During the meetings these persons noted that they were not subjected to violations and degrading treatment but expressed dissatisfaction with the court decision.

Mirza Sakit was moved to penitentiary No. 10 after the Commissioner’s motion to the administration of the Penitentiary Service taking into consideration his request on changing his place to the institution near his house.

In the reviewed period the Commissioner who met with the founder and editor-in-chief of “Gundelik Azerbaijan” (“Daily Azerbaijan”) and “Realny Azerbaijan” (“Real Azerbaijan”) newspapers Eynulla Fatullayev and his father, got acquainted with the issue on the spot, as a result he was placed at medical facility of the institution and was taken under doctor’s control, besides he was given opportunity to have telephone conversation with his father and was provided with newspapers.

Addressing motion to the Commission on pardoning issues under the President of the Republic of Azerbaijan, the Commissioner drew attention to the existence of alternative measures (fine, to suppress the newspapers for a while and other) in world practice used in punishment of the representatives of mass-media violated law, and proposed to investigate their cases once again, take measures defined by law according to the actions they have committed, as well as to consider the journalists among the persons to be pardoned. It should be noted that journalists, Yashar Agazadeh, Faramaz Allahverdiyev, Samir Huseynov, Rovshan Mahmudov (Kebirli), Rafiq Tagiyev were pardoned. Moreover, the Commissioner sent appeal on pardoning the journalists detained and serving their sentence in prison.

During her term the Commissioner received the representatives of international journalists’ organizations, as well as mass-media functioning in foreign countries and answered their questions.

Freedom of conscience. Among numerous complaints received by the

Commissioner there were not cases such as persecution on the ground of religion, violation of freedom of religious belief, that is the cases when persons are forced to believe in one of the religions, change or refuse their religion. This fact indicates that the state does not priorities any religion and equal opportunities and conditions have been created.

At the same time, both in Baku city and other region of the country involving of children of school age to performance of religious ceremonies, activities of different religious sects, bringing and dissemination of the restricted books by religious organizations and communities in Azerbaijan cause religious quarrels. Consequently, these serve to violation of requirements of the legislation, as well as the freedom of conscience and establishment instable environment in the society.

Bringing and dissemination of books serving to a religious quarrel by “Yehova witnesses” in the country and consequently violation of the requirements of law concerned the Commissioner. At the same time different members of the community were brought to administrative responsibility or invited to police stations, for violating the requirements of law. After necessary investigation process they were set free.

Investigations were held on the complaints related to the fact that a group of students in hicab studying at Sumgait State University were not allowed to attend the classes. Stressing that they have the right to express their belief, and that creation opportunities for free beliefs and prays is one of the main attributes of secular state, the Commissioner gave necessary recommendations to the respective officials based on legislation for preventing restrictions in realization of this right. As a result the above mentioned students continued their education.

In the reviewed period holding regular meetings with local communities as well as the representatives of religious communities, national minorities, the Commissioner got acquainted with the situation of provision of freedom of conscience, met with representatives of relevant religious communities during the meetings in different regions of our country.

The Commissioner made proposals on particular nourishment of the detainees belonging to various religions, organization of regular meetings with representatives of relevant religious confessions and correction of sentenced persons by the mean of religion.

The Commissioner who participated at a symposium titled “The role of women in a truce among the religions” in Bucharest attended by leader women, specialists on human rights, religious figures representing different countries, religions contributing to the development of interreligious peace culture, in her speech noted that there is a tolerance in our country, brought to the attention the state concern for different religious communities, the activity and experience of women in interreligious dialog.

At the round table on “The role of the Ombudsman in ensuring freedom of conscience in the country”” with participation of the Head of State Committee on work with Religious Organizations (SCWRO), representatives of other state bodies and NGOs, the Coordinator of Global Religious Network in the Caucasus and Central Asia, as well as at other events devoted to ensuring of freedom of conscience, the role of Ombudsman in this sphere was discussed and the corresponding proposals were made.

Taking into consideration the fact that teaching of basics of traditional religions in schools has already been posed as a problem, and 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, being a Council of Europe member state, should be ready for this process as well.

Generally speaking, with the purpose of efficient and reliable ensuring of freedom of conscience, actions in the sphere of provision of human rights and freedoms disregarding their religious belonging, and improvement and monitoring of legislation on freedom of religion, promotion of religious enlightening work and education in the spirit of respect for freedom of conscience should be strengthened.

Freedom of assembly. Yet in the reviewed period the Commissioner suggested holding of discussions over the proposals on improvement of the Law of the Republic of Azerbaijan "On freedom of assembly" aimed at clearing misunderstandings related to the provision of the freedom of assembly, as well as reconsidering its implementation mechanisms. It is noteworthy that according to the law of the Republic of Azerbaijan "On annexes and amendments to the law on freedom of assembly" dated May 30, 2008, considering recommendations of the Venice Commission, some annexes and amendments were made in the law, consequently opportunity was created for more efficient and reliable ensuring of persons' right to freedom of assembly. One of the issues attracting attention is that the provision on reaching an agreement beforehand of relevant law was extracted and replaced by the provision of “written notification” in advance.

Bearing in mind the requirements both of the law and other legislative acts as well as the experience of previous years, *the Commissioner stressed the necessity for improving activities of the police in order to avoid resort to violence during assemblies, meetings, street marches and pickets, recommended to take necessary steps for conducting relevant trainings for the police* and these recommendations were realized.

The Commissioner held instructional work on the provision of freedom of assembly, also recommended allocation special places for assemblies in connection with election in seminar-discussions organized in 54 regions of the Republic and aimed at preparation for the elections of the President of the Republic of Azerbaijan. It is noteworthy that in 2008 in connection with the elections of the President of the Republic of Azerbaijan in Baku including all cities and regions of the republic open and appropriate closed places were provided for the meetings of candidates with voters and different kind of actions

and necessary conditions were created.

In general, meetings, actions held without permission in the reviewed period were not wide-scaled; human rights were not violated towards the participants by police staff.

Voting rights. During her term in the office the Commissioner paid considerable attention to preparation work on the eve of each election, as well as the monitoring process of the situation of ensuring of right to vote. In the Commissioner's initiative, with the purpose of getting acquainted with the situation of preparation work, regional seminar-meetings were held in all regions of the country on the eve of the presidential elections in 2003 and 2008, second call additional elections to the Milli Majlis on October 19, 2004, municipality elections, on December 17, in the same year, third call elections to the Milli Majlis on November 6, 2005, re-elections to Milli Majlis on May 13, and reelection, additional and new election held for the first time to municipalities.

As a rule, at different times representatives of Milli Majlis, the court and prosecutor bodies, the Ministry of Internal Affairs, local police offices, the Ministry of Justice, regions and station election committee, local executive powers, municipalities, NGOs and mass-media attended these events. The monitoring was conducted on fulfillment of the requirements of the election code, and presidential decrees on the improvement of election practice, the situation with ensuring of voting rights of citizens, precisising the voters' lists, and provision with ID cards were learned, buildings of district and station election committees were visited, recommendations based on legislation were given, questions were responded, problems and the ways of their solution were discussed during the meetings.

Events were held on "Election and Gender Factor", "The Situation of Institutions of Local Governments in Azerbaijan: Problems and Perspectives", "The role of Fair Election in Legal State Building Process", "Creation of Equal Opportunities for Candidates in the Election Process" and other topics. Commemorative booklets titled "Your Voting Right" embracing normative-legal acts providing voting rights, rules of voting, rights and duties of observers, the participation of journalists in elections, were distributed among the participants during the regular zonal seminar-meetings and as well as among voters during the meetings and receptions held in regions.

Considering it expedient to give the opportunity to NGOs that share of more than 30% foreign physical and judicial persons in charter capital and funded in a different way to participate in the elections held in our country, the Commissioner sent motion to the Milli Majlis for making relevant amendments to the law of the Republic of Azerbaijan "On Non-Governmental Organizations (public unions, funds)". According to the amendments made in the law, this ban was lifted.

Yet in the reviewed period the Commissioner proposed to pay attention to the recommendations of Venice Commission on the amendments to the Election Code.

It is noteworthy that, some above mentioned changes and amendments were made according to the law of the Republic Azerbaijan "On annexes and amendments to the Election Code of the Republic of Azerbaijan" dated June 2,

2008 and it created an opportunity for more efficient and reliable provision of voting right.

It has to be noted that, on 15 October, 2008 –the day of election of the President of the Republic of Azerbaijan, the Commissioner and 31 staff members of the Ombudsman's Office participated in 356 election stations on 96 electoral districts in 51 districts of the country and Baku city, observed election process in more than 30 refugees' and IDPs' communities, 7 military units of the Ministry of Defense and Justice and Frontier Forces, Investigation isolators, as well as penitentiaries, including Gobustan closed-type prison, Penitentiary № 4 for women. During a day the Commissioner periodically visited Election Information Center of Central Election Commission, operatively informed mass media as well as international journalists and the general public about the results of these observations.

It should be noted that as a result of observations these elections were conducted in a democratic, free, fair, **well** organized way in a proper order and in accordance with procedure established in legislation.

It should be specially mentioned that any complaints weren't received by the Commissioner on violation of the voting rights during the elections of the President of the Republic of Azerbaijan in 2008.

As a rule, international observers stressed that the elections had been conducted in accordance with Law on elections and universally recognized international standards.

Elimination of gaps existing in election process by the improvement of election legislation, including conduction of seminars on the topic of "Election monitoring" with involvement of representatives of Central Election Commission, district electoral committees, concerned state bodies, NGOs, international organizations, organization of trainings for observers on elections with the purpose of enlightening of people, as well as conduction of monitoring on preparation work for elections played significant role so that deficiencies and shortcoming observed in previous elections were not repeated in the elections of the President of the Republic of Azerbaijan.

Elections of the reviewed period once more proved that the Republic of Azerbaijan is loyal to principles of legal, democratic state building, ensuring of human rights, democratization of the society, improvement of administration, national legislation and election technologies, strengthening of national statehood traditions.

Right of appeal. Investigation of citizen's proposals, applications and complaints, their reception by officials of state bodies, institutions and organizations were at the centre of the country president's attention.

With the purpose of efficient provision of this right, since the issuance of Decree of the President of the Republic of Azerbaijan "On measures for speeding up socio-economic development in the Republic of Azerbaijan" on 24 November 2003, in which reception of citizens by the heads of central and local executive power bodies during determined hours, organization of timely consideration of their requests, appeals and complaints, as well as fulfillment of their justified requirements were reflected as duties the situation on provision of the right to appeal has significantly improved. Country President who regularly

brings the importance of unhindered provision of the right of appeal to the attention of officials, unacceptability of shortcomings in this sphere, always sharply evaluates the problems related to the reception of plaintiffs by them, charges with taking serious measures directed to elimination shortcomings in this sphere, preferred regular open meetings with people both in rural regions and different massifs of Baku, was in direct contact with them.

Even preference of meetings with population by the heads of local executive powers, direct contact with the rural population in regions, use of "open microphone" practice attracted the attention.

Organization of "hot line", use of 3 numeric opportunities (possibilities) in some state bodies (The Ministry of Internal Affairs, the Ministry of Education, the Ministry of Health, the Ministry of Emergencies, General Prosecutor's Office, taxes bodies etc) created opportunity for considering the complaints operatively.

Each complaint received by the Commissioner in connection with violation of the above mentioned right, was investigated and as a result in most cases violated rights were restored in the frames of legislation.

In 2008 523 (7%) of the complaints received by the Commissioner were related to the actions of local executive powers (including Baku city Khatai District Executive Power - 22, Nizami district - 20, Binagadi - 12, Shamakhi - 27, Shamkir - 24, Absheron - 15, Oguz - 14, Masalli - 13, Sabirabad - 11, Astara - 10 etc), 1200 (16.1%) - related to the work of the judicial bodies, (including Guba district court - 23, Goranboy - 18, Astara - 16, Imishli - 13 etc), 356 (4.7%) - the prosecutor offices (including Yasamal district Prosecutor office - 32, Sabunchu - 27, Binagadi - 21, Ganja - 44, Barda - 17, Calilabad - 14, Gadabay - 13, Bilasuvar - 13) and 388 (5.2%) - the police and other state bodies (including Surakhani DPO - 22, Yasamal DPO - 21, Khatai DPO - 20, Guba - 10, Absheron - 9, Khachmaz - 8, etc). The rest of the complaints were related to executive powers of different districts, municipalities, as well as ministries, committees and organizations.

In comparison with previous years, in the reviewed period, the number of complaints related to local executive powers decreased, most of complaints related to prosecutor offices were about the control over inquiry and investigation at police offices.

In general, violation of this right consisted of the facts that officials did not receive citizens, applications were not registered according to instructions, appeals were not responded on time, staff members refused to register citizen to the reception of particular officials, citizens were given formal, unbiased, unjustified or weren't given written answers.

During the investigation of complaints, some of the responses to the inquiries of the Commissioner received from the relevant state bodies contained false, insincere or formal answers. There were also recorded cases of persecution of the complainants or forcing them to withdraw their complaints on various pretexts, e.g. stating that they were in the state of "anger" or "agitation" while writing the complaint.

These facts first of all caused additional difficulties in restoration of their rights on time and in an efficient way.

However, the analysis shows that some of local officials, by threatening, punishing or resolving problems afterwards, manage to obtain necessary explanations from complainants.

The Commissioner using her competencies, tried to solve received complaints, or these complaints to be responded by state bodies, and in most cases she achieved that.

The Commissioner *recommended concrete determination of reception methods of citizens by officials of state bodies*, consequently it can contribute to the decrease of numbers of citizen's justified dissatisfaction, elimination of waste of time and money and unjustified tormenting of persons came to the center from different regions of the republic.

During her term in the office *the Commissioner made proposals on amendments to the Law of the Republic of Azerbaijan "On the Rules of investigation of citizen's appeals" and Administrative Offences Code*. These proposals included bringing to responsibility officials for violating of rules determined for investigation of appeals of citizens, for persecution of citizens by them because of giving proposals, applications and complaints or critics reflected in these documents. Unfortunately, these cases still can be observed in practice.

The meetings of the Commissioner with population in regions, investigation of complaints on spot, were regularly continued with participation of representatives of the Milli Majlis, officials of central executive powers and their local bodies, heads and representatives of local executive powers, chiefs of municipalities, as a rule it gave positive results.

Enforcement of rights and liberties. During her term in the office the Commissioner took measures aimed at strengthening of collaboration with courts with respect to enforcement of citizen's rights and freedoms.

The Commissioner met with the candidates passed test examinations successfully and participated in the courses of Legal Education Center of the Ministry of Justice and conducted trainings for them.

Moreover, the members of the Office delivered lectures at training courses devoted to the topics on protection of human rights organized with the purpose of enlightening Head Medical Office and Court expertise center of the Ministry at the Academy of Justice of the Ministry of Justice several times.

In the reviewed period the Commissioner delivering a speech at "The Third Round Table of National Institutions of Human Rights" organized by the Commissioner for Human Rights of the Council of Europe together with German Human Rights Institution, *proposed adherence of our country to the Protocol No. 14 "On the changes observation system to the Convention", "On protection of human rights and fundamental freedoms" reflecting new criteria for receiving complaints at European Human Rights Court, the participation of the Commissioner for Human Rights of the Council of Europe as a third party in investigation of cases which are under this court's execution*. This protocol that was approved by the Law of the Republic of Azerbaijan on April 4, 2006 requires co-operation of the Commissioner with the courts through new criteria.

Timely response of citizen's appeals by courts during the time determined by the law could save both courts and the Commissioner's Office from excessive correspondence.

Thus, as inquiries sent by the Commissioner to the courts in order to investigate the cases reflected in received complaints are not responded in time on merit hinder the protection of rights and freedoms of citizens.

Analyses of numerous complaints related to violation of this right show that problems in these sphere still exist.

But 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 violation of this right was decreased.

Appropriate information on the complaints related to the judges of courts received by the Commissioner was sent to Justice and Law Council, as well as measures were taken in order to investigate cases reflected in the complaints.

Generalized analysis shows that the bulk of these complaints was related to bureaucracy in courts, that copies of court decisions were not provided on time, notifications 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 warned (notified) about the denial of the appeal, counter-claims, petitions of appeal were not accepted under different pretexts, the grounds for rejection of claims were not specified in court decrees, inquiries addressed to courts were not responded to, principle of justice was violated, submitted documents were lost or not added to the case, applications were not heard during court meetings, cases and documents related to complaints were not sent to the courts of high instance according to the rule and time determined in the legislation, ill-treatment of court executors, that execution of court decisions was delayed.

In some cases courts do not respond to the citizens' appeals on time which causes dissatisfaction, repeated appeals, excessive correspondence and, thus, undermines the reputation of courts. For instance, in connection with 116 complaints having been addressed to the Commissioner by citizen A. for last three years, inquiries were sent to relevant bodies, including 10 to the Supreme Court, 29 to the Court of Appeal, 9 to the courts of the first instance, they were executed as a result of the Commissioner's intervention. Those inquiries were responded after the Commissioner's intervention.

The Commissioner notes that when inquiries of such nature are not responded on time, it results in many complaints and bureaucratic correspondence, at the same time has a negative impact on reputation of the courts and the Commissioner.

In spite of the fact that the documents consisting of 116 pages submitted by Baku citizen Z. to Nasimi District Court to be added to the appeal were received by the Court of Appeal, it was lost and could not been founded for a long time, consequently, it lead to the violation of citizen's right to appeal and to fair trial. After the Commissioner sent the appeal to the above mentioned courts many times the documents were found at the Court of Appeal.

The analysis of the complaints related to the courts shows that the legal illiteracy of population, the fact that they don't know their rights, hinders the realization of their efforts in the sphere of restoration of violated rights. On the

other hand, some courts don't strive for enlightenment of population. Undoubtedly, all these factors have an impact on formation of belief and attitude towards the fair trial.

The right to receive legal assistance. In spite of the fact that Law of the Republic of Azerbaijan "On Lawyers and **their** activity"" is one of the legislative acts that needs to be improved, its provisions create enough opportunities for a person to enjoy the assistance of a barrister.

However, the tradition of efficient enjoy of lawyer service has not been formed. On the other hand treatment of legal enforcement agencies and court power towards the lawyer as necessary, full and equal member of investigation or process has not been formed totally.

Lack of the number of lawyers causes difficulties in ensuring the right of citizens to receive qualitative legal assistance, as well as enforcement of right and liberties.

It has to be noted that number of complaints informing about the cases of getting money of a big amount from citizens by swindling or abusing their confidence, consequently, violate the right to get legal assistance, enforcement of the rights and freedoms and other related rights. Thus, in order to prevent such cases the College of Lawyers together with other concerned state bodies should work out necessary mechanisms, create opportunities for citizens to receive fair, qualitative legal assistance.

Though the state gave guaranty to render assistance free of charge to poor people, the cases of refusal of the detainees from this assistance were observed during the visits of the Commissioner to investigation isolators and TDPs. Those persons explained that in such cases barristers approach protection free of charge indifferently, and rendered service is of bad quality and useless.

Some complaints received by the Commissioner informed also about the cases that lawyers look like not defenders but mediators. Undoubtedly, these cases are not the result of gaps in the legislation but negligent and irresponsible approach of defenders to their duties.

The bar is the institution serving not only to the right to receive legal assistance, as well as provision of other rights, and there is a need to adapt the activity of this body to current standards of development of the country.

In some cases lawyers does not use their abilities, knowledge and skills while serving to the prosecuted or the defendant according to Criminal Procedural Code on free of charge legal assistance. As a result this violates the right of person deprived of qualitative legal assistance, to defender's assistance. In general, according to results, there were cases when the lawyer who didn't bear legal responsibility and took certain amount of money for the service he was rendering, left the person he was defending in hopeless situation by approaching irresponsibly to his work. Moreover, there also were cases when the lawyer even unofficially renounced defense by taking certain amount of money from the person he had to defend.

The Commissioner *recommended preparation and implementation of*

control mechanism over the activities of lawyers, and reducing the amount of obligatory state social insurance fee paid by the lawyers.

The Commissioner *made proposals on preparation and adoption of draft law on protection of the right of indigent people to receive specialized legal assistance of high quality by compensating lawyer's service from state budget, consequently it would provide rendering service to citizens with financial support from the state budget.*

The Commissioner considers that *in order to guarantee the right of citizens to receive legal assistance, the government, taking into consideration financial difficulties of indigent citizens, should create conditions allowing provision of such people with legal assistance of professional lawyers entitled to participate in court proceedings. Thus, conditions should be created for training of specialists qualified to provide legal assistance to citizens, professional and other requirements should be defined for lawyers, legal advice offices should be opened in regions of the country with financial support from the state budget.*

Collaboration of the Commissioner with the law enforcement bodies in the field of human rights protection. The Commissioner built an efficient collaboration with the law enforcement bodies from the perspective of effective human rights protection.

Collaboration with the prosecutor offices. According to the agreement between the Commissioner and the Office of the Prosecutor General of the Republic of Azerbaijan on improvement of collaboration in the sphere of human rights promotion and protection, successive events were conducted within the frame of the joint action plan during her term in office.

In accordance with the requests made by the Commissioner to the prosecutor offices for investigation of the information indicated in the complaints, a number of decisions on refusal to investigate criminal proceedings, on termination of the case, on suspension of investigation for the reason of impossibility of finding the perpetrator were annulled and the cases were returned for additional inquest or investigation as provided in the criminal procedure legislation.

A number of complaints contained information that biased investigations were conducted, evidences adduced by victims were not accepted or investigated and necessary investigation actions were not taken. The mentioned complaints mainly were related to local prosecutor offices. After the Commissioner's addresses to the Prosecutor General for investigation of each case indicated in these complaints, the necessary measures were taken.

In 2008, relevant measures reflected in the law on restoration of citizen's violated rights, and staff members of prosecutor offices committed such crimes

were taken. Thus, 26 staff members of prosecutor offices were subjected to disciplinary penalties.

As a result of the Commissioner's intervention problems indicated in a number of complaints were solved. But it is necessary to continue the measures taken for strengthening the control over inquest and investigation processes at internal affairs bodies, as well as for improvement of the procedures of reception of citizens and consideration their appeals.

Collaboration with justice bodies. Both in her annual report and in the appeals addressed to the Ministry of Justice the Commissioner recommended that public control over penitentiaries should be strengthened, the work of Public and Patronage Councils functioning before should be improved. Public Committee established by Election Commission is functioning successfully where the staff member of the Office also participates with the purpose of provision the participation of the society in the control over the correction of prisoners and activities of penitentiaries.

Adoption of "State Program for 2009-2013 on the improvement of Azerbaijani justice" approved with the Decree of the President of the Republic of Azerbaijan issued February 6, 2009 plays a significant role in provision of dynamic development of justice bodies and courts in the country, application of new information and communication technologies, improvement of normative-legal and material-technical provision, strengthening of social protection personnel potential as well as the staff members of justice bodies.

In the reviewed period a number of received complaints contained dissatisfaction with state registration process of state civil acts, and activities of notary offices.

The analysis of many complaints received by the Commissioner in relation to failure in execution of court decisions indicates that most of those decisions were not realized due to the fact that court enforcers responsible for execution of the court decisions announced on behalf of the Republic of Azerbaijan and deemed mandatory fulfillment did not observe the requirements of the Law of the Republic of Azerbaijan "On Execution of Court Decisions" and their irresponsible, unprofessional, and biased approach, negligent attitude to citizens and it resulted in violation of citizen's right to free trial.

Unjustified delay of the execution of court decisions, offences, deficiencies, as well as bureaucracy, torment of citizens affect negatively the efficiency of fair trial.

The majority of the court decisions delayed at the stage of execution are related to evictions, property evictions from illegally occupied apartments, recognition of titles to land, as well as to alimonies.

In the reviewed period the Commissioner made recommendation *on preparation and implementation of a mechanism according to which the*

alimonies determined by the court would be paid out by the State Fund of Social Protection (or "Alimony Fund" established by the respective state body and financed by the government) under the condition that the amount of the alimonies would be subsequently received from the debtor.

In addition to shortcomings, bureaucracy, negligent attitude to work committed by court enforcers during the execution of court decisions, there were cases of delay of investigation process due to negligent attitude to investigation of the complaints conducted by the Commissioner of citizens whose rights were violated, and to giving inexact information.

Collaboration with internal affairs bodies. According to the agreement between the Commissioner and the Minister of Internal Affairs on improvement of collaboration in the field of human rights protection in the reviewed period successive joint events, including seminar-meetings were held regularly on learning and realization of normative-legal acts related to provision of human rights and freedoms in different regions of the republic by police staff and uniting efforts in this direction. The events were attended by senior officials of the ministry, administrative staff of police departments of Baku city as well as other cities and regions of the country and heads of TDPs in cities and regions of our country.

Some of the complaints received by the Commissioner in relation to the actions of police bodies reflected cases of violation of the rights of arrested or suspected persons during inquest or investigation, as well as operative investigation processes.

Unprofessionalism of some police staff working in inquest or investigatory sphere, or their efforts to conceal all traces of a crime intentionally, as well as incomplete examination of collected information, and unjustified decisions on refusal to instigate criminal proceedings by committing procedural violations caused numerous complaints.

In such cases the Commissioner made appeals to the prosecutor offices supervising the investigation preventing the offences that she revealed, as a result decision on refusal to instigate the criminal proceedings was annulled, the violated rights of citizen were restored and positive results were gained.

In spite of the fact that relevant decision was annulled in a number of cases by the prosecutor office leading procedural guidance to investigation processes, necessary measures are not taken towards the officials made such decisions repeatedly for prevention reiteration of such cases.

In the reviewed period successive information appeared in press related to the measures to be taken towards the staff members of State Traffic Police (STP) stopped drivers reasonless, and to the improvement of work in this sphere.

The fact that STP staff treated drivers rudely claimed more money than

defined as a fine and other offences committed by them resulted in justified dissatisfaction of citizens and addressing complaints to upper state bodies.

It is necessary to strengthen struggle against corruption in law enforcement bodies for prevention the offences committed by some staff members of these bodies.

As a result of investigation conducted according to the instruction given to internal affairs bodies by the Commissioner in relation to the investigation of the cases reflected in complaints, serious measures were taken towards the police staff committed offences and stain the reputation of police violated the norms of ethical behavior, demonstrated disrespect in regard to citizens, used force against them exceeding their authority.

In 2008 according to 113 facts unjustified bringing to police station and holding accountable without a reason, violation of the right to private life, as well as rights of drivers, rude treatment towards citizens, hiding of citizen's appeals from registration, violation of victim's rights during the investigation process etc), 154 staff members were subjected to disciplinary penalties and other measures enshrined in procedural legislation, as well as 4 person were brought to criminal responsibility, 17 persons were dismissed from services at internal affairs bodies, 19 staff members were dismissed from their positions, 114 staff members were subjected to different kind of disciplinary penalties. In addition, primary investigation was held by the prosecutor office on five criminal proceedings related to offences committed by the police staff. Out of the mentioned facts primary investigation on three cases related to three staff members of the police were completed and sent to the court, execution of one case was partly terminated, investigation process on one case is continued.

Furthermore, appeals received in relation to offences committed by police staff, were taken under supervision and relevant measures were carried out.

Above mentioned facts once again prove that there is a need for continuation of reforms in law enforcement bodies.

Combat against corruption. In the reviewed period the Commissioner held successive enlightening events on the provision and protection of human rights and combat against corruption with participation of the representatives of state bodies, as well as central and local executive powers, including, court and prosecutor offices, municipalities, communities, NGOs and mass media both in Baku city and other regions of the country.

The Commissioner recommended that *state bodies should build their work in broad collaboration with the public, including, NGOs and mass-media* in order the fight against corruption gave efficient results.

In the first years of her term in office, at events organized in the initiative of the Commissioner with participation of the representatives of state bodies, NGOs and mass-media, the Commissioner made proposal *on urgent adoption of the*

law on “Combat against corruption” and respective state program meeting the requirements of international standards, as well as reflecting systematic fight against corruption, for the purpose of strengthening of struggle against corruption in the country. Besides, the Commissioner proposed to work out and adopt “Procedural –Administrative Code” regulating relations of state bodies and civil servants with population and enshrining norms based on democratic procedure of participation of citizens in state governing.

According to the mentioned proposals of the Commissioner the staff members of the Office took active part in the work of the Working Group established for coordinating of relevant measures enshrined in “State Program on combat against corruption (2004-2006)” and in preparation process of “National Strategy on Increasing Transparency and Combating Corruption”.

The Commissioner made a number of proposals aimed at the improvement of the project “On Increasing Transparency and National Strategy against Corruption in the Republic of Azerbaijan”.

In the reviewed period the Commissioner had efficient collaboration with NGOs specialized in the sphere of combating corruption, particularly “Transparency International – Azerbaijan”, “Coalition for fighting against corruption”, “Information and cooperation network of NGOs fighting against corruption”.

The complaints received by the Commissioner reflected the cases of dissatisfaction with the activities of some state bodies responsible for provision of rule of law, legal regulations, and ensuring of citizen’s rights and legal interests, apart from information related to illegal acts and offences committed by officials.

At the same time using the power bestowed upon her by the Constitutional Law, the Commissioner raised a question before upper state bodies, addressed Prosecutor General of the Republic of Azerbaijan and other respective state bodies for investigation of the information that officials became corrupted, and punishment of the perpetrators in according with the requirements of legislation if the information was proved true. The Commissioner paid regular attention to this problem.

In the reviewed period the Commissioner made proposal for preparation and adoption of the Code of Conduct of Civil Servants, which reflect the principles of regulation of relations between the officials and entrepreneurs and norms of business behavior contributing to ensuring efficient protection of free enterprise in the country. It is noteworthy that, the Law of the Republic of Azerbaijan “On Norms of Ethical Conduct of Civil Servants” has been adopted.

From the point of the above mentioned facts, according to relevant Decrees of the country president ensuring the organization of the activity of entrepreneurs according to the “one window” principle resulted in decrease of administrative procedures and number of documents, increase of opportunities

aimed at creation of favorable conditions for increase of tax payers to a considerable extent. Consequently, the number of entrepreneurs registered in the first three months was equal to the total number of entrepreneurs registered within previous five years.

Application of “one window” principle Since January 1, 2009 in control of goods and transport means, crossed through frontier admission post and conduction of import-export operations in compliance with present requirements created auspicious condition for elimination of artificial obstacles by realization of veterinary, phito-sanitary, and sanitary control over goods, only by customs bodies and consequently for prevention of monopolism.

Stressing the importance of improvement mechanisms and methods of combating corruption, the Commissioner recommended *continuation of actions aimed at provision of civil servant's needs and improvement of their social-housing conditions, as well as taking of successive measures for prevention and elimination of corruption and determining the reasons for committing such offences by some state officials.*

Generally, in different spheres of social and economic life, for instance in registration of documents at state civil acts registration bodies and agreements in notary offices, buying or leasing plot of land, the processes of unwarranted constructions, applying for references to housing bureaus and district committees, determination of disability level, at high and secondary profession schools corruption gained systematic character.

From this standpoint, in the reviewed period the Commissioner proposed *to carry out structural reforms in housing - communal facilities, to abolish housing bureaus and transfer their functions to municipalities, to reorganize the work of “Commissions on the issues of juveniles and protection of their rights” attached to city and regional executive powers and Medico-Social Expert Commission (MSECs) as well as to improve the mechanisms of allocation of social aid and measures should be taken for this purpose.*

Combat against human trafficking. The Commissioner addressed proposals to concerned state bodies in relation to improvement of legislation and taking different actions for fighting against human, particularly women and children trafficking.

During first years of her term in office the Commissioner made proposals *for adoption of a law on combat against human trafficking, as well as targeted state program in this sphere, organization of crisis centers for women and children exposed to violence, asylums for juveniles freed from penitentiaries, establishment of aid centers for children deprived of parental care, adoption of normative –legal acts regulating legal status of persons deprived of permanent residence, the homeless, roamers, as well as persons set free from penitentiaries, sheltered in railway stations, carriages, yards of buildings.*

Including *a respective article on human trafficking in the Criminal Code, preparing legislative acts on women's rights, gender equality and prevention of domestic violence* are proposals of such nature.

Events devoted to the combat against human trafficking and attended by the representatives of state bodies and NGOs were held in the initiative of the Commissioner during her term in office for the purpose of discussing problems in this sphere.

In the reviewed period the Commissioner addressed inquiries to the law enforcement bodies in relation to received complaints, conducted monitoring in asylum for victims of human trafficking many times, kept the issue at the focus of her attention.

Opening of asylum having all necessary facilities for psychological and medical rehabilitation of women victim of human trafficking is worth of esteem. The Commissioner recommended *broadening the collaboration of state bodies and NGOs specialized in this sphere with international organizations for fighting against human trafficking*.

Establishment of Fund of Relief for victims of Human Traffic attached to the Ministry of Internal Affairs with the purpose of paying expenses of victims of human trafficking, assisting them and funding other activities on their social rehabilitation are one of the significant steps taken in this sphere.

The Commissioner recommended *conduction of broad enlightening events on combat against human trafficking, covering risk groups, and establishment of Public Watch Group consisting of the representatives of concerned state bodies and NGOs*.

Keeping in her attention the fact that combat against human trafficking is one of the priorities of the state, the Commissioner built her mutual activity with State Migration Service, Department of Combat Against Human Trafficking of the Ministry of Internal Affairs, State Border Service and other state bodies in a coordinated manner.

2. Protection of economic and social rights.

Labor rights. The Commissioner with the purpose of improvement of labor legislation addressed several proposals to Milli Majlis related to changes and amendments to the Labor Code, as well as proposed *to approve articles of the revised "European Social Charter" signed by our country such as, Article 2 related to just condition of work, Article 3 related right to safe and healthy working conditions, article 10 related to appropriate facilities for vocational training, article 13 related to the right to social and medical assistance, article 15 related to the rights of disabled persons to independence, social integration and participation in the life of the community, article 23 related to the right of elderly people to social*

protection, article 30 related to the right to protection against poverty and social exclusion, article 31 related to the right to housing in the near future. The Commissioner also considering the main provisions of the Convention of ILO No 156 “On Equal Approach and Opportunities for Men and Women: Workers Having Family Responsibilities” and the Convention No 183 on review of the Convention dated 1952 “On Maternity Protection” recommended their ratification by our country.

Taking into account the fact that the first report worked out on the UN Convention “On Protection the Rights of All Worker Migrants and Their Family Members” that Azerbaijan adhered on 11 December, 1998, presented to the UN High Commissioner for Human Rights and to be heard in April 2008, does not give comprehensive information on the current situation the Commissioner addressed motion to the Ministry of Foreign Affairs to appeal respective UN body for the purpose of working out the report once again by involving corresponding state bodies, holding broad discussions of the document with public and concerned non-governmental organizations, sending her the project to review, postponing of the date of hearing of the report at the Committee for a while.

The analysis of the complaints received by the Commissioner during the reviewed period, indicate that some enterprises in private sector engaged citizens to work without signing contracts, evaded from paying salaries by hiding incomes, used two kind of salary tables- one of which is an official table where little amount of salary on staff was indicated and the other one is an unofficial table where the amount paid actually was indicated. Considering above mentioned facts, the Commissioner by making appeals to the Ministry of Taxes and State Social Protection Fund proposed to work our mechanisms on elimination such facts, those proposals were supported, and reflected in relevant normative – legal acts.

The analysis of the complaints received by the Commissioner indicate that, salaries were not paid, provision of compensation for injuries suffered by employees at work places was refused, the requirements of the legislation were not observed while signing or annulling the contract, a contract reflecting all main terms of labor was not signed with workers, people were engaged to work without signing a contract, the amount of salary is indicated less in contract than paid in reality, salaries were not paid in the size as it was enshrined in the table, annual leaves were not provided, unused leaves were not substituted as set by law, giving of work-book, the copy of order and last calculation while dismissing from work were delayed and that was resulted in violation of labor rights. These are the cases of labor rights mostly violated.

Concrete steps were taken by the Commissioner with the purpose of restoration of violated rights, in some cases violated rights were restored during the investigation of complaints. However, cases of violation of worker’s rights by

employers were not scaled down despite of taken measures and serious efforts in this direction.

In some cases it was impossible to provide workers with salaries as the privatized enterprises did not have investments. The Commissioner considers that for solution of the problem, with the purpose of payment of salaries on time a relevant provisional system should be created and necessary mechanisms should be worked out.

The Commissioner proposing the establishment of trade unions in international and joint institutions paid close attention to the problems in this sphere during her work.

The changes made to the Labor Code related to the increase of role of trade unions are worth of esteem. However, the increase of role of trade unions in institution and the whole society, creation of real conditions for their independent activity having necessary authority in the sphere of protection of workers for the purpose of gaining serious progress in the spheres of social protection and provision of workers is very important.

Everybody has the right to work in safe and healthy environment. Observing the norms and rules of protection of labor is obligatory for parties of trade relations and other physical and juridical persons. Nevertheless, the level of labor protection is not satisfactory. The Commissioner considers that, fulfillment of state provisions in the sphere of labor protection, at the same time certification and investigation of conformity of industrial enterprises to the requirements of labor safety and hygiene for keeping the necessary level of social protection of workers, broadening of list of harmful hard production, professions and duties, giving the workers whose work condition is harmful and hard, related to high sensibility, excitement, mental and physical tension the right to additional leave according to work conditions and function features is expedient.

The Commissioner also proposed to create rapid mechanism enabling increasing of the interest of employers for creation of safe and healthy working conditions for workers.

Expressing her dissatisfaction on the cases of avoiding from provision of compensations for injuries suffered at work places by private enterprises, the Commissioner proposed to pay the debts for damage to the worker before or after privatization of the enterprise from the funds that state earned from privatization act or the funds of the SSPF. It is noteworthy that the "Rules of covering the debts on social payments of the state enterprises, privatized or given under management" as well as "Rules of compensations on monthly payment base for persons whose health was ruined or damaged due to the labor conditions at the state or privatized enterprises or for their family members and other persons being under the auspices of the person that died because of the abovementioned reasons" were approved by relevant Decrees of the country President and the problem found its solution.

State uses all opportunities for solution of unemployment problem. It is necessary to assume as a basic principle “work and welfare for everybody” on the basis of employment policy is one of the main directions of economic policy. Consequently, this factor sets restoration of labor places, opening new ones, providing their stableness as a duty.

Prevention of use of cheap labor force, and creation of guaranteed work places for all protected people from a social standpoint. Except the persons working by signing a contract both in state and private sector, the other capable part population works in different spheres without registering their labor officially. Vacancies in the lists of employment bodies mainly consist of the positions and jobs with low salary. Small number of appeals of people to employment centers is related to the above mentioned factor. In some cases the Commissioner achieved provision of persons with work and appealed for this purpose to different employers in the frames of her responsibilities according to the Law.

During the first years of her activity, the Commissioner proposed *preparation, adoption and application of national concept and targeted state program with the purpose of provision with employment in the society, noted that it will play a key role in elimination of unemployment, creation of work places in accordance with education, specialty, as well as skills and abilities of people from different strata of population.* At the same time, she participated in discussions of employment strategy worked out by the Ministry of Labor and Social Protection of Population” and made considerable proposals.

The right to social security. The complaints received by the Commissioner mostly refer to the cases of concern with the fact that pensions of pensioners are not recalculated. The analysis of those appeals shows that some provisions of the Law of the Republic of Azerbaijan “On Labor Pensions” do not reflect the social-economic development of our republic and principle of just social security.

Yet during the first years of her term, the Commissioner addressing the motion to the Milli Majlis proposed *to conform the amount of pension of persons from the same category, and retired at different times, giving a special financial maintenance to the aged (for instance, life insurance etc), increase the minimal degree of pensions up to **the** minimum living level.* In response of the appeal addressed by the Commissioner to the State Social Protection Fund it was declared that appropriate investigations had been conducted related to salary limit used in calculating of pensions of persons retired till a relevant law would come into force, presentation of proposals for solution of problem in the frames of legislation, according to the results of this investigation are planned.

In the first annual report of the Commissioner stressed the necessity of considering first of all the interests of children, pensioners, persons with disabilities, refugees and IDPs, the aged as the most vulnerable category of

population in need during the formation of new national social security system was brought to attention.

The Commissioner addressed motion to concerned state bodies *on increase the amount of allowances for part of population in need, and noted the necessity of this issue. It is noteworthy that, the amount of social allowances was increased on September 1, 2008 for the purpose of strengthening the social security of indigent groups of population based on the Decree of the President of the Republic of Azerbaijan issued August 27, 2008.* Steps taken in the direction of bringing the amount of these allowances closer to minimum need criteria by gradually increasing are commendable.

Though the amount of pensions and allowances don't meet the realities against the background of continuous rise in prices, measures are taken aimed at additional allocations for this sphere. With this purpose, the Commissioner during first years of her term emphasized the importance of involving of each person to social insurance system, increase and provision of stability of the level of material security considered for disability, illness, accidents, lose of the head of family, unemployment and senility, by means of social insurance system, improvement of legislation and legal basis in regulation of insurance relations.

The draft law of the Republic of Azerbaijan "On state addressed social aid" was discussed with broad participation of representatives of respective state bodies, including Milli Majlis, the Ministry of Labor, Social Protection of Population and SSPF, other state bodies, and NGOs in the initiative the Commissioner several times.

It should be noted that, the limit of need criteria for 2009 increased up to 60 manat.

The Commissioner made proposals *for realization public control in regions for transparent implementation of addressed social aid program, to diminish bureaucratic obstacles in determining addressed social aid, as well as to reduce number of 17 documents to be submitted, conduction of joint monitoring in this direction, reducing the two year penalty for failure in giving by the authorities correct information that may result in losing the right to get social aid to one year, instead of six month term for payment of social aid with one year, conduction of broad enlightening work among people to provide the stableness of social development, and trainings in IDP settlements by involving communities, organization of social workers institution and training of specialists in this sphere taking into consideration the fact that there is no infrastructure in relevant area, continuation of collaboration for elimination and solution of problems in this sphere. It is noteworthy that, above mentioned proposals were included into amendments to respective law.* Moreover, by the decision of the Cabinet of Ministers, necessary amendments were made to "Rules of appeal for, assignment, payment, or refusal to pay social aid", "Methods of calculating

average of monthly income of the family”” and some of the Commissioner’s proposals were considered. However, this area needs to be improved.

During the debate of draft law on state budget for 2008 at Milli Majlis, the Commissioner proposed to include the amount of allocation into the sum of total need criteria while determining addressed social aid (considering the persons with disabilities, the aged and other persons unable to work).

Most of the complaints received by the Commissioner related to the violation of the right to social security refer to the dissatisfaction on the activities of zone medico-social expert commissions functioning in different regions of the Republic.

The complaints received by the Commissioner in relation to assignment of the disability degree and numerous meetings in the regions reflect the cases of bureaucratic barriers, arbitrariness, rough treatment of the medico-social expert commissions towards them, their unjustified refusals to admit documents for consideration, as well as exaction of bribes for assignment of the disability degree. Generally, inaccurate assignment of disability degree by the medico-social expert commissions as well as biased approach, don’t give an opportunity for correct evaluation of disability degree.

The right to live in healthy environment. In the reviewed period, important actions were taken aimed at broadening of network of specially protected landscape of the country, development of ecotourism, efficient use of natural resources and large scale promotion of natural heritage of the Republic.

Although the complaints addressed to the Commissioner in relation to the right to live in healthy environment constitute a small part of all complaints received, the scope of the raised problems requires taking immediate actions.

During the capital reconstruction, road and bridges building and carrying out other work in Baku city, in some cases attention was not paid to preserving and restoration of park-landscape ensembles, moving perennial trees to other places, hundreds of different sorts of those trees were perished.

Taking into consideration the fact that rare carrying of home waste caused ecological tension, the Commissioner proposed *to establish facilities for refining of the waste, expedite regular cleaning of litter containers by defining special determined places. From this point of view, establishment of “Clean City”” Open Shareholder Union according to the Decree of the President of the Republic of Azerbaijan “On Improvement of Home Waste Management”” issued August 6, 2008 assume vital importance.*

In the reviewed period in the initiative of the Commissioner, discussions were held on the situation of ensuring the right of people to live in healthy environment, as well as problems related to ecology and their solution with participation of the representatives of concerned state bodies, the Ministry of Ecology and Natural Resources, the Ministry of Agriculture, NGOs, mass media.

At those events the Commissioner made proposals on strengthening of supervision over the activity of the enterprises, extracting a lot of waste, establishing mechanism to regulate organization of sanitary zones, in enterprises, prevention of destruction of green plantations around construction areas, defining of quality normative of ecology. The Commissioner highlighted the importance of continuing of reforms contributing to the reduce of dose of noxious gases throwing or flowing to environment, tumult and other harmful effects, protection of reserve zones, and animal sorts included into the Red book of the Republic of Azerbaijan, strengthening of control over pesticides, and other noxious agro-chemicals used in agriculture in the quantity compliance with norms, refining of fuel and motor oil as well as their processing and improvement of quality. It should be noted that, “norms of vibration and tumult pollutions” that have negative impact on environment and human health” was approved by the Decree of the President of the Republic of Azerbaijan dated July 8, 2008. Considering it necessary to observe the legislation seriously while using natural resources, the Commissioner noted the importance of organization of control over the exploitation of lands and quarries, that sacrificing the right of people of surrounding settlements to the right to live in healthy environment to the material interests of different people is unacceptable.

It is necessary to increase ecological education and knowledge of population and involve every citizen to the formation of healthy environment.

Moving of oil refinery factories outside the city line will play a positive role in the improvement of the ecological state of Baku, including purification of air.

Serious measures have to be taken on elimination of a strip of forest as a result of both cutting down of precious trees for tree processing as well as furniture industry and different sorts of trees for home needs in the regions of Azerbaijan. For elimination of the problem first of all it is necessary to strengthen legal responsibility and take prophylactic measures.

The reason for cut of olive trees, that form the unique design of Baku city, as well as perennial green belts, is the illegal occupation of these territories; therefore control over these issues should be strengthened.

Settlements using mostly drinking water in most cases shed polluted water to streets instead of canalization and engine oil to canalization instead of filling it in special containers.

Besides the above mentioned facts, rules of damaging harmless or destruction of outdated or crashed transport facilities, wagons, iron and other wastes and they remain on the sides of roads for years.

Sanitary-hygienic norms, as well as terms against epidemics are not observed in trade-catering establishments which result in pollution of environment and have a negative impact on people's health.

All above mentioned cases arose because of inactiveness of central and

local executive powers and weakness of control.

Terror, genocide and ethnic cleansing accepted as state policy of Armenia are damaging not only the Azerbaijani history, culture, religious monuments but also its natural resources and ecology.

At present in these territories besides extensive work done in the sphere of storage and export of narcotics, forests are being set in fire, rivers and water basins are being polluted.

Fires set with the intention of destruction of flora and fauna of Azerbaijani territories, result in flow of wild, creeping, rodent, and other animals from those areas to other areas and disorder of balance, and *monitoring conducted by international organizations don't give any results.*

The Commissioner considers that legal evaluation should be given to these actions incompatible with the requirements of international law by the world community, to be prevented.

The right to health. Allocations for healthcare sphere from state budget are increasing year after year. Thus, these allocations increased from 182,8 million in 2006 to 509,6 million in 2009.

It should be noted that, appeals sent to the Ministry of Health by the Commissioner about numerous problems of citizens addressed from different regions of the country were solved and necessary measures were taken.

The Commissioner during her activity in office several times proposed *to fund medical treatment of indigent families, people provided with weak social protection, and persons suffering from chronic diseases from state budget and appealed to respective state bodies with this purpose.* It should be specially mentioned that, abolishment of paid services in state funded healthcare facilities subordinated to the Ministry of Health since February 1, 2008, was a positive change in this sphere.

The Commissioner has stressed that as the prices of modern medicaments are becoming less suitable to financial capacities of citizens, this leads to buying cheap drugs by people and illegal circulation of drugs and proposed that *the government should take immediate measures to resolve this problem in compliance with law.*

It is noteworthy that according to the Law of the Republic of Azerbaijan "On annexes and amendments to some legislative acts of the Republic of Azerbaijan" dated June 16, 2007, criminal as well as official responsibilities were determined for violation of legislation on medicines preparation. It should be noted that measures are being taken by the Ministry in this direction.

Taking into consideration the fact that dissatisfactory condition of medico-prophylactic actions is one of the most serious problems of national healthcare system, the Commissioner recommended *to attract more attention to the promotion of healthy life style to priority level, besides prophylactic measures*

aimed at prevention of diseases.

The Commissioner stresses the necessity of using of resources of Olympic centers by attracting children and the youth on a mass scale with the purpose of promotion and organization of healthy life style.

In order to fight against drug abuse it is necessary to broaden and intensify prophylactic work, as well as awareness raising campaigns on harmful habits and diseases leading the teenagers to drug abuse and relevant organizations should take serious action together with the public for prevention this evil among pupils at schools.

For more efficient organizing struggle against tuberculosis on a national scale the Commissioner yet during first years of her term proposed *to work out and implement state program "On Prophylactic, Prevention and Combat Against Diseases related to Social Factors"* as well as *targeted program "On Immediate Measures in Struggle Against Tuberculosis"*, involve not only state healthcare system but also respective state bodies, non-state sector, as well as NGOs to participation in struggle against this disease, take immediate measures, including planned, medico-prophylactic ones and conduct enlightenment campaigns and noted that it would regulate the situation in this sphere and reduce diseases and death indicators.

Establishment of haemodialysis centers both in Baku city and regions, funding of haemodialysis procedures from state budget play an important role in treatment of persons suffering from nephrite and kidney insufficiency. It should be noted that the number of complaints addressed to the Commissioner in this regard has reduced considerably.

During her term in office the Commissioner paid special attention to children **suffered** from blood diseases including hemophilia and thalassemia, different events were organized in order to assist them. On the eve of "20 June-International Children's Day" the Commissioner called the public to help children, initiated blood donor campaign for ten days to help the children who need blood. It should be mentioned that the Commissioner and the staff members of the Commissioner's Office joined this good will mission and gave donor blood.

The Commissioner proposed *to announce a national "Donor Day" for improvement of blood services and active attraction of citizens to donor movement. It is noteworthy that "State Program on heritable blood diseases Hemophilia and Thallasemia", "Rule on Provision of Persons with Heritable Blood Diseases - Hemophilia and Thallasemia with sanatorium-spa treatment", "State Program on Improvement of Blood, Donor of Blood Components and Blood Services", "The List of Diseases Limiting Donor Functions", "Rule on Medical Examination of Donor, Letting Blood and Blood Components" were approved with respective orders of the Cabinet of Ministers.*

The Commissioner stressed the necessity of *preparation and adoption of the law on state responsibility for children suffered from hemophilia and thalassemia*. From this point of view adoption of the Law of the Republic of Azerbaijan “On State Concern for Persons Struck by Heritable Blood Diseases- Hemophilia and Thallasemia”” contribute to solution of many problems in this sphere.

Foundation of specialized center and blood bank for treatment of sick and disabled children in our country in the frames of “Motherland free of Thallasemia”” project realized in the initiative and support of the President of Haydar Aliyev Foundation, goodwill ambassador of UNESCO and ISESCO, member of the Parliament Mrs. Mehriban Aliyeva assume vital importance.

During her term in office the Commissioner, range of events were held in Baku and outside of the capital, including Gyanja, Lenkoran, Sheki, Guba including a campaign against HIV/AIDS for the purpose of discussing and evaluating problems in the sphere of protecting the rights of HIV infected people, state of this people and specially children born with this disease, he ways of solution of the problems.

During the reviewed period the Commissioner on the eve of “Universal Day of Mental Health”” visited psycho neurological facilities, as well as mental-Nerve Hospital No 1, clinic mental hospital No 2, clinic Hospital No1, psycho neurological orphanage, Ganja Psychiatric Hospital, investigated conformity of the conditions and standard of medical service there with European standards, and gave necessary recommendations.

Public debate of a draft law “On Protection of Reproductive Health and Family Planning” was held in the initiative of the Commissioner with participation of representatives of the Milli Majlis, state bodies, international organizations, NGOs and mass-media. “Supply on organization of public service in family planning”” was also presented at the event.

It should be noted that, during the reviewed period number of healthcare facilities were built, renovated, provided with modern equipments and given for people’s use. However, there is a great need for renovation and construction of medical ambulatories, medical attendant-obstetric stations in rural areas.

Right to education. Considering that special attention should be paid to the development of secondary education, and that is important for students to know their rights and participate actively in social life, the collaborated with the Ministry of Education and over the whole period of her term. The Commissioner and her staff held joint events directed towards education in the sphere on human rights.

Together with the Ministry of Education hierarchic system of education in the sphere of human rights was approved and preparation work is being carried out for its implementation with participation of children themselves.

The Commissioner took regular action in the sphere of protection of child rights, realization of their right to education, joint events, competitions and exhibitions aimed at improvement of personal capacities of talented children were organized. In many rural areas especially in villages, do not allow their children to attend schools where buildings are in emergency conditions because of safety concern parents, or those are located three or six kilometers away from the village. As a result many children, especially girls do not go to school.

Above mentioned cases cause increase in the number of early marriages, and in some cases divorces, consequently lonely mothers, children without registered fathers, and incomplete families. The Commissioner made proposals *for conduction monitoring of such cases and organization of broad advertising work in regions and villages jointly with the Ministry of Education.*

It should be noted that in the reviewed period more than 1600 schools were built and repaired. However, there is a need to build new schools, renovate and provide them with **heating** system.

Improvement of teaching programs, simplifying of the language of text books, and their composition so that children could understand is very important. Thus, the Ministry of Education should increase its attention to above mentioned issue, control should be strengthened over involve not only scientists but also experienced specialists who know school, education work, pedagogic, teaching methodic profoundly to preparation of manuals and improve their quality.

During her visits to regions the Commissioner appealed to the Minister of Education in relation to the lack of teachers in regional and village schools, particularly, in the refugee and IDP settlements, recommended to send alumni from pedagogical faculties of universities to rural schools, as well as to new refugee and IDP settlements. Appreciating highly the Commissioner's recommendations the Minister of Education supported and realized them.

The Commissioner recommended that *stimulating method should be applied in paid education at state higher and secondary trade institutions, the amount of tuition fee should be reduced, exemption of students from paying this fee should be reconsidered. The Commissioner also proposed to free orphan children and children deprived of parental care studying at higher and secondary schools from paying tuition fee.*

The Commissioner considers that pursuant to the processes of development going on in the society, it would be expedient to reconsider the list of professions, to exclude a number of outdated and unnecessary professions and to include in this list a number of required and perspective professions, such as the profession of a "social worker" and "psychologist" as well as to organize vocational trainings for such professions.

The Commissioner addressed to the Milli Majlis and the Ministry of Finance with proposal of considering additional allocation in state budget of the

Republic of Azerbaijan for 2009 during the debate of that draft law, for increasing stipends for students (if necessary by applying targeting principle to the students arriving from regions and villages and living in houses for rent, as well as to the students in need of help in payment of intercity transport expenses and for buying manuals. From this point of view, increase of stipends of the postgraduate scholars studying at state education institutions, students of state higher, secondary trade, vocational schools and trade colleges, according to respective Decree of the country President with the purpose of increasing state concern for them, and strengthening their social security was met with satisfaction.

Considering it expedient to teach “Human Rights” as a separate subject in secondary schools and institutes of higher education, the Commissioner proposed to include this subject in curricula of compulsory subjects and establish Human Rights Departments at universities.

Besides the above mentioned facts, considering that there is a need in training of specialists in human rights sphere and that promotion of human rights, legal education is necessary. The Commissioner during the reviewed period appealing to the rector of Baku State University proposed to establish Human Rights department of UNSECO at the “International Relations and International Law” faculty, the issue has being considered.

The Commissioner considers that *in order to increase the efficiency of the reforms carried out in education system should be cleaned from bribe-takers, the persons subjected to corruption, unaware of the problems of education and unable to advance an idea for solutions of those problems, or uninterested in this sphere, the ones who are not professional and skilled, as well as abusing their position and the Ministry of Education should increase the attention to this problem.*

The Commissioner made her proposals for the draft law “On Education” and hopes that the Law will be adopted by the Milli Majlis during the spring session.

Right to housing. Provision of indigent citizens with accommodations still remains as a **big** problem. There is an acute need for improvement of housing conditions of thousands of citizens. However, the Commissioner considers it expedient to use the houses allocated from newly constructed buildings to state home foundation for provision of the families in need of home, besides the citizens possessing the right to buy home out of turn or in first turn by Baku Executive Power.

The construction of accommodations corresponding to the financial capacities of poor citizens engaged in practical activities, and provided with long-term credits, consequently the continuation of this process can accelerate

solution of housing problems in near future.

For provision of citizen's housing rights, it is necessary to prepare and implement a mechanism for building and sale of accommodations that will be cheap and affordable for people with low or medium income.

During the first years of her term the Commissioner recommended *to work out and implement national conception and State Program reflecting complex approach to the solution to the issue of provision of country citizens and young families with housing, as a way of solution of this problem.*

However, the process of the hypothec credits practicing showed that one of the most serious obstacles for young families to get this credit is high interest rate and total income of a family is below than the required for payment the credit.

The Commissioner who considers it necessary to encourage citizens to buy houses by hypothec credit, introduce credit to young families, with more abate terms as well as to prepare mechanism for transformation to social hypothec credit, proposed the restoration of the process of introduction of hypothec credits, increase mortgage credit terms and decrease interest rates.

The fact that a certain number of citizens live in the old buildings that are in emergency state is an issue of concern.

As a result of earthquake that happened in the country, particularly in Baku in 2000, floods in the river Kur and other natural disasters, a number of buildings fell into disrepair; dangerous situation arose for people living there. Tragedies happened as a result of demolition of houses in a number of places, require taking necessary measures in realization of housing rights of the citizens. Considering the above mentioned issues, the Commissioner proposed *to work out and implement a State Program on moving of residents from old buildings that are in emergency state.*

During the first years of her term the Commissioner proposed *to allow citizens to privatize during the privatization of the enterprises the flats in hostels where they had been living and which were in the balance of those facilities where they worked for the years.*

The analysis of the complaints addressed to the Commissioner by the persons living around the new high-rise buildings built in Baku city, a number of owners realizing construction create condition for pollution of environment, limited free movement of others by occupying additional space apart from the area allocated for them with relevant order, threatened life and property of residents of neighboring buildings, violating technical safety and construction rules. During the investigation of the complaints of such nature, instead of taking practical measures in the direction of restoration and protection of human rights, local executive powers contended themselves with common answers.

One of the problems existing in housing sphere deals with illegal constructions, which were built by particular persons sometimes long years ago in seized territories in Baku city and areas close to the city.

In spite of numerous appeals to the Cabinet of Ministers, these problems causing anxiety of thousands of people have not been solved yet.

There is no doubt that those constructions, as a rule, were built by unofficial consent of chiefs of housing bureaus, local interior bodies, Executive power of Baku and local regional executive powers, as well as municipalities.

On the other hand, the houses which were sold by the municipalities for building of private houses according to the legislation, even in several cases, the houses allowed to be built by the Decrees of chiefs of local executive power, were destructed because of their construction upon gas and water lines or under high tension current line-conductors or as this land areas were out of the municipalities' authority, and complaints of many citizens about unwarranted destruction of their property without court decision and payment of any compensation remain unsolved.

During the reviewed period, especially during the time when issuance of territories under the area of municipalities' jurisdiction was stopped temporarily from December 1, 2007, in order to determine in legislation the rules of issuance of these territories to property, usage and rent through lottery and tenders, the Commissioner received numerous complaints about issueless of appeals to municipalities on issuance of estates for construction of private houses.

Nowadays, according to the appropriate amendments made to the Law of the Republic of Azerbaijan "On land reform" dispense of holding of auctions or tenders during the process of issuance of areas for building of accommodations to the property of citizens living permanently in the territories of municipalities, and, moreover, being registered up settlements no less than five years was appraised positively.

The Commissioner considers *that accommodation as well as other buildings and properties that were built by non-official consent of ranked officials or by other ways can be destructed only by the court decision and paying of appropriate compensation according to the market price.*

The Commissioner made proposal *on making of state registration of inventory of all land areas all over the republic, including houses which have been built in appropriate territories by citizens for years and this problem must be solved without delay.*

In numerous complaints related to housing issues citizens have expressed their dissatisfaction with housing bureaus, that they do not fulfill their duties, do not pay attention to sanitary conditions of housing areas, do not carry out necessary repair works according to established order, and they are forced to pay bribe to receive references and other documents.

In the reviewed period in several complaints received by the Commissioner the citizens informed that for issuance of "Form 2" references chiefs of housing bureaus demanded that citizens paid their utility debts (water, gas and electricity) and in the case when citizens are incapable to pay these debts they are forced to pay bribe to get the required reference, as well as asked to assist in straight solution of this problem beware of procrastination. Thus, as a rule, the actions of the chiefs of housing bureaus procure anxiety, rude treatment, creating of inappropriate bureaucratic obstacles and cases of corruption.

The Commissioner in her first report stated that as Housing Code adopted in 1982 and subjected to several amendments and is still in force do not meet modern requirements, the citizens faced additional problems during realization of the housing rights and proposed preparation and adoption of Housing Code meeting the modern demands. From this point of view, the work carried out by Milli Majlis in the direction of preparation of the new project of the Housing Code is estimable.

The welfare of people is closely connected with stability and the social and living conditions of communal service sphere. During the last period several important steps were taken in provision of population with potable water, natural gas and **electric** energy. At the same time, the reforms being realized in this area and aimed at welfare of people do not always cause desirable results to certain citizens because of some local executive bodies and officials, and favored numerous complaints.

Generally, complaints received by the Commissioner were about shortcomings in provision of natural gas, potable water and electrical energy. Due to the Commissioner's intervention the violated rights connected with various problems of communal service were restored.

Installation of gas-lines for the first time to some villages of Lerik, Yardimli, Fizuli and Quba regions, as well as Khinaliq village resulted in solution of several problems of population.

During the meeting of the Commissioner with people in Quba region it became known that gas feeding to the region was suspended and this caused mass disaffection (dissatisfaction). Considering that winter months are approaching, weather is cold, and there are problems with heating of classrooms in schools, after the Commissioner's appeal to "Azerigas" JSC gas supply of the region was restored.

The same problem in construction of Oguz-Gabala-Baku water-line was also reflected in certain complaints received by the Commissioner.

Considering that social-economic development in the country and financial stability create suitable conditions for repayment of citizens' deposits in State Deposit Bank from 1992, the Commissioner at different times made appeals to related governmental structures with proposal on indexing of deposits and their gradually repayment to elderly people in the first place taking into account their age.

According to the Decree of the President of the Republic of Azerbaijan from September 15, 2008, the “State Program on Reduction of Poverty Level and Sustainable Development in the Republic of Azerbaijan for 2008-2015 periods”” was affirmed. At the same time, the project of “State Program On Social-economic Development of the Republic of Azerbaijan for 2009-2013 periods”” is being prepared by the Ministry of Economic Development.

Enlightening work in the direction of economical awareness of entrepreneurs and protection of their rights was continued, as well as regular events in regional offices of ministries were conducted on increasing of efficiency in this sphere in the southern, western, low-lands, and northern regions of the

republic.

The Republic of Azerbaijan was announced as “The most reformist Country” in the world in improvement of business environment in the influential report of “Doing Business” highlighting evaluation of enterprise environment prepared by the World Bank and published from September 10, 2008, took 96th place among 178 countries at the previous year’s report, and in the last report took 33rd place among 181 countries. Our country left behind all the countries highlighted in the report for its temps of growth and such increase has never been observed before in the periods covered by the concerning reports. Sustainability of provided events, aimed at prevention of artificial obstacles, putting an end to groundless interventions to business activity, is one of important conditions serving to reliable ensuring of the right to free enterprise. From this standpoint, application of “one-window” system by appropriate presidential decrees in registration tax and custom services offices, as well as in administration of migration processes assume great importance.

The complex of actions put forward by the president of the Republic, including the necessity of consumption price fall, struggle against monopolism, as well as financial monitoring, continuation of investments to economy, support of social obligations, orientation of industrial facilities to domestic market, ensuring of food security, provision of sustainable development in social-economic fields will have a positive impact.

From this point of view, consideration of allocation of concession credits of larger sum for realization of projects by businessmen will ensure active participation of national entrepreneurs in regional development.

The complaints related to violation of the right to free enterprise received by the Commissioner generally reflected the cases of non-payment of the sum enshrined in contract for carried work or rendered service by entrepreneur, demolition of shops and kiosks being in private property during the process of constructional and surfacing works without court decisions or payment of compensations, non-execution of court decisions on payment of damages to the property of businessmen.

Analysis of received complaints shows that, citizens who want to begin the business activity had to face with indifference and arbitrariness of local and particularly ranked officials.

However, due to the intervention of the Commissioner in some cases the problems highlighted in complaints were solved and violated rights were restored.

The entrepreneur A. from Sumgait city (4077-08) making appeals to the Commissioner at different times asked for assistance in admission of goods being imported in related vans through custom post. After intervention of the Commissioner these goods being registered were put into free circulation.

The abovementioned facts show once again that continuation of efforts aimed at improvement of enterprise and strengthening of competitive economic system for *sustainability of social and political and economic stability* in the society.

The impact of agricultural development on provision of economic and social rights. The attention paid to agricultural development in our country is gradually increasing. Satisfaction of needs in necessary level to techniques and equipments and other capitalized products, restoration and reinstallation of damaged irrigation systems, realization of measures aimed at cleaning of saline lands and restoration of their fertility, elimination of challenges in satisfaction of needs to fertilizers and other chemicals, efficient organization of provision with seeds, expanding of processing facilities network are among factors which assume a great importance in increasing of agricultural goods production.

According to appropriate presidential decree, necessary means were allocated to and measures were taken for increasing agricultural goods production, satisfaction of needs of producers in high-reproductive wheat – seeds and pedigree cattle and mineral fertilizers, as well as building of retention of mineral fertilizers and techniques.

From the beginning of her activity the Commissioner attracted the attention to complaints about problems in agrarian field in summarized reference on received complaints related to land reform and use of lands, submitted to the president of the country. It was noted that the majority of this complaints were about delinquencies occurred in the process of liquidation of collective and state farms by reforming, including shortcomings committed during determination of land areas, non-fair acre allocations, re-allocations, as well as non-issuance or substitution of state act on land property right, occurrence of obstacles in realization of enterprise in rented lands.

As a result of delinquencies of local commissions on agrarian reforms, several citizens were deprived of their lands which they possessed according to law; besides these regional commissions on agrarian reforms demonstrated indifference to the problems of village habitants by preferring court investigation of the issues and going beyond from the solution of these problems, and this caused numerous complaints of those people to central state structures.

Moreover, re-division and re-distribution of land areas by their taking back from citizens under the pretext of allowance of shortcomings in related documentations in the process of land reform, giving of inferior lands or areas of less square than it is reflected in state acts, as well as forcedly capture of land areas due to the intervention of ranked officials overstepping their competences caused numerous complaints.

The complaints also inform about the cases when the quality level of lands was not determined correctly or was not considered during their distribution process, as well as several owners cannot use these lands as they are unfertile.

Another issue of great concern to citizens in the sphere of agriculture is connected with irrigation.

Beside this, many artesian wells were dug and used nowadays in different rural areas.

There is a great need to take targeted measures for development of agriculture and its different areas, including plant-growing, tobacco, wine-growing, silk production, stock breeding. Therefore allocations of credits for local agricultural production will bring positive results in the future.

At the same time there is noticeable progress in improvement of tea-growing, wine – growing and rice production.

Serious problems occurred in selling of products cultivated by population because of absence of purchase markets and measures which should be carried out by concerning state organizations. And decline of products cultivated with hardship has a negative impact on economic conditions and status of people who have formed their whole life on this work.

In the complaints received from rural areas refer to bureaucratic obstacles and procrastinations in receipt of compensations for fuel, motor oil and fertilizers used for agricultural production as determined in laws.

As a result of intervention of the Commissioner, agricultural problems, as well as delinquencies in allocation of properties and land areas in many cases were eliminated.

Consequently, from the beginning of her activity the Commissioner recommended *carrying out serious work in the direction of forming of new economic mechanisms meeting demands of the republic to food and other agricultural raw materials by adapting to provided agricultural reforms and to adopt necessary legislative acts.*

3. Protection of rights of different groups of population

Protection of rights of refugees and internally displaced persons (IDPs). The measures provided by state and aimed at solution of problems of refugees and IDPs are regularly being realized.

In the result of ethnic cleansing policy procured by the Republic of Armenia more than 200 thousand Azerbaijanis were exposed to unprecedented torture, inhuman treatment, and violence being forced to leave their native lands, moreover, as a result of *occupation* of integral parts of Azerbaijan 20 percent of country territory was occupied more than 700 thousand Azerbaijanis became IDPs, settled in cities and regions of the republic.

According to the instruction of the country President, IDPs living in miserable conditions in tent camps were settled to new settlements meeting modern standards with full infrastructure.

During the reviewed period, on the day of liquidation of the last three tent camps and finish of moving of IDPs temporarily living there to the new settlements, an event was held on the occasion of closing of the last tents of Qalaqayin tent camps in Sabirabad region in the initiative of the Commissioner with collaboration with the State Committee for Refugees and Internally Displaced Persons and participation of international organizations, including the Azerbaijan representative of the UN Office of High Commissioner for Refugees.

Generally, during the last five years period other seven tent camps were closed and in their place 30 settlements of 460 thousand square meters were built for 8916 families, this means 41 thousand persons, temporarily living in wagons over railways in Barda and Imishli districts, in Agdam, Bilasuvar, Sabirabad, Saatli, Fizuli, Sabunchu and Davachi districts. As well as 40 secondary schools, four musical schools, 16 kinder gardens, 24 medical units, 19 telecommunication facilities were constructed, 303 kilometers of roads, 364 kilometers of water-lines, 468 kilometers of overhead power transmission lines were installed and moving of IDPs to those settlements was provided.

As a result of Commissioner's activity in protection of rights of refugees and internally displaced persons (IDPs), the attention of several state structures was attracted to conditions of these people who are in great and durable (sustainable) need of care. At various times the Commissioner received many refugees and IDPs appealed to her, assisted in solution of different problems of

these people.

The Commissioner also was paying close attention to collaboration with representative of the UN High Commissioner for Refugees in Azerbaijan.

During the previous years the Commissioner regularly visited IDPs settlements in Saatli, Sabirabad, Bilasuvar, Beylagan, Aghjabadi, Barda, as well as “Gayidish” settlement in Fizuli District, met with IDPs, made proposals to relevant governmental bodies with respect of solution of revealed problems, took measures in this direction.

During her trip to Fizuli district the Commissioner jointly with representatives of the UNICEF and the Ministry of Education visited new comprehensive schools in “Qayidish” settlement, got acquainted with teaching and education of children in preschool education facilities and work condition of teachers, presented to them books, visual aids, swaddling sets to babies.

The Commissioner made appeals to the Cabinet of Ministers, as well as ministries of Finance and Education, State Committee for Refugees and IDPs with respect to the problems of kinder-gardens that could not to start their work because of financial delaying, teachers and service workers who could not get their salaries, and as a result problems were solved and necessary measures were taken towards starting of work of kinder-gardens.

In the frames of this trip in order to investigate received complaint on the spot, the Commissioner visited Boyuk Bahmanli village situated in front line of Fizuli District and was under Armenian occupation for some period, and investigated land – related complaints with participation of the representative of the Cabinet of Minister, Chief of the Regional Executive Power and other officials. Managing solution of a number of complaints on the spot the Commissioner gave recommendations on solution of others to concerning authorities.

The Commissioner also made appeal to related competent authorities with regard to provide school buildings with heating system and the problem was solved.

Keeping under her attention the missing persons, hostages and captives in the result of Armenian – Azerbaijan Nagorno-Karabakh conflict, the Commissioner various times made appeals to international structures, built her work on this issue in close cooperation with the Ministry of National Security and International Committee of the Red Cross (ICRC), made motions on different times to the Head of the ICRC Office in Geneva, discussions were held.

The Commissioner made statements on the genocide of February committed in Khojali, on March 31 – the Day of Genocide of Azerbaijanis, as well as other acts of violence committed against Azerbaijanis by the Armenian Armed Forces in Nagorno-Karabakh and surrounding regions, addressed them to the UN Secretary General, UN High Commissioner for Human Rights, UN High Commissioner for Refugees, Council of Europe, OSCE, International Ombudsman Institute, European Ombudsman Institute, Asian Ombudsman Association, to the ombudspersons who are the members of these organizations, Embassies of other countries in the Republic of Azerbaijan and embassies of our republic in foreign countries, as well as organizations of Azerbaijani Diasporas in several countries and disseminated those statements.

By the way, this year in the frames of the campaign of support to children from Khojali, school children from different regions of the country collected more than 314 thousand signatures and sent them to the UN Deputy Secretary General – special representative on Children and armed conflicts Mrs. Radhika Kumarasvami and invited her to our country to get acquainted with condition of children suffered from the war.

Publications, statements and CDs prepared by the Haydar Aliyev Foundation, the Ministry of National Security, as well as the Ombudsman Office and containing information about tragedies that our nation has faced were disseminated by the Commissioner and her staff at all attended international events.

Protection of the rights of inmates. Important measures were undertaken during the last five years period in the direction of bringing of penitentiary system of the country to conformity with modern requirements and European standards, the control on the work of penitentiaries was strengthened.

The Commissioner made motions on increasing of expenses for improvement of nourishment and medical provision of inmates and persons detained in investigation isolators to the Milli Majlis (Parliament) and the Ministry of Finance and proposed their consideration at the discussion of draft law on state budget of the Republic of Azerbaijan to 2009 year.

The Commissioner and the staff members of the Office regularly visited investigation isolators and penitentiaries, including Gobustan closed prison, inspected the dormitories, medical units, canteens, sports grounds, libraries, clubs, rest-place of penitentiaries, met with inmates placed in camera typed cells, isolation wards, learned their problems. They also got acquainted with labor conditions in production units of penitentiaries. In the course of monitoring they

investigated the situation of ensuring of inmates' rights, treatment to them, made recommendations to the administration of the facilities on elimination of revealed shortcomings and gaps, made appeals to the Ministry of Justice on required cases, as a result, a number of deficiencies were removed.

Due to the Commissioner's efforts several appeals about difficulties in pension provision of inmates, their health and social, domestic and other problems were solved.

Besides this, for allowance or commitment of delinquencies chiefs of Penitentiary № 3 (Abbas Huseynov), Penitentiaries № 6 (Rafael Gouliyev), № 11 (Yashar Ahmedov) and № 14 (Rafael Dadashov) were dismissed, chief of the Penitentiary № 15 (Yusif Allahyarov) and head of operation department of this institution (Tofig Aslanov) were dismissed and removed from the service in justice structures, and chiefs of other facilities were given cautions to bring changes in their work.

During the reviewed period a range of legal enlightening events were conducted in penitentiaries. During these events surveys among inmates were held and by summarizing the proposals the results were sent to the Ministry of Justice Penitentiary Service. These proposals were appraised positively and their consideration was recommended while sending to related spheres of the Penitentiary Service.

It should be noted that, appropriate conditions were created for detainees for their worship, as well as detention conditions; nutrition and medical service were noticeable improved in comparison with previous years.

Considering that detention of inmates for longer period than it is provided in penitentiary, as well as common detention of inmates suffering from infections, mental diseases or drug addiction together with healthy inmates is inadmissible, the Commissioner always kept this issue under her attention, made regular appeals to the Ministry of Justice, in many of the cases problems in this regard were removed.

Considering requests of several life-sentenced inmates about their provision with legal, religious, medical and fiction literature, besides these, books on teaching of the English language received during the investigation to the closed prison Gobustan, the Commissioner sent there 100 books and editions.

Taking into account inmates' appeals, the Commissioner made motion to the Department of Caucasus Muslims and as a result 50 copies of the Koran translated into the Azerbaijani language was presented these inmates on the eve of the Ramazan Holiday.

It also should be noted that according to appropriate law more than 150 colored televisions were installed in cameras of life-sentenced inmates at the expense of state budget for enable to watch TV programs for four hours a day.

If life-sentenced inmates were permitted to have 10 minutes' long calls six times a year before, nowadays this term has been increased fourfold to 15 minutes' long calls twice a week. Adoption of decision on deduction of costs for detention of working inmates from their earnings is also very important.

The Commissioner regularly, as well as on the eve of holidays meets with imprisoned women, juvenile inmates, learns their conditions and problems.

The issues which are in the focus of attention of the society and mass media are under the Commissioner's constant surveillance.

The meetings were held with ex-ministers F. Aliyev and A. Insanov imprisoned on different terms by court, as well as former Head of "Azpetrol" company R. Aliyev, their detention and health conditions were investigated, and appropriate recommendations were made.

Considering requests of prisoners and their family members, the Commissioner addressed the Pardoning Commission under the President of the Republic of Azerbaijan with motions and raised clemency applications. These appeals were considered and during the period of work of the Commissioner totally 241 inmates were pardoned in her clemency applications.

The Commissioner also pays special attention to the issues of pardoning of imprisoned women, under-aged, and elderly, disabled and gravely ill prisoners and application of alternative punishments upon them for their actions.

Generally, this is unprecedented case in the world experience that by 8 amnesties and 45 acts of pardoning thousands of people were set free and returned to the society and families. As a result the number of prisoners in the country being sharply decreased currently is 200 per 100 000 people.

Protection of rights of servicemen. The Commissioner and staff members of the Office held investigations of cases reflected in complaints, as well as conducted regular monitoring in military units of the Ministry of Defense, Ministry of Internal Affairs, State Border Services, and detention rooms of military police structures, closely learned the situation with ensuring of rights of military servants, their service and social-living conditions, gave recommendations on elimination of revealed shortcomings and gaps.

The Commissioner made proposals to the Milli Majlis and the Ministry of Finance on bringing cash compensations for nourishment of servicemen to conformity with real demands, increasing maintenance costs of servicemen, exemption from physical body's income tax of salaries or other incomes of officers, military servants of overtime service or other equivalent persons, increasing of compensation paid for rent of their temporary flats, as well as consideration of transport costs in the case when servicemen live far from the place of service, and proposed to consider these during discussion of draft law of state budget for 2009.

Failure of the Ministry of Defense to pay out compensations to demobilized servicemen remained as one of the long lasting problems and the actuality of its solution was stressed in previous reports of the Commissioner. After the Commissioner motion to the Prime Minister of the Republic of Azerbaijan the measures were undertaken as provided in laws and the problem was solved.

The Commissioner's observations as well as analyses of received complaints show that relations outside the army regulations are still experienced in some military units. These facts *undermine* the reputation of the Army and discredit it in the minds of the youth of military age who consider their service to Motherland as a sacred duty.

The intention of military administrative bodies providing realization of military conscription, to fulfill the plan of conscription often causes hasty and groundless decisions by related commissions without consideration of serious problems in health status of future servicemen.

Thus, military administrative bodies and conscription commissions must take into account the quality of draft as well and feel their responsibility before the state. Realization of this work under public control is also admissible.

Besides this, there are the cases of illegal, degrading treatment of commanders to subordinated servicemen, these actions cause extend of corruption in the army and discredit reputation of commanders and undermine trust of personnel to them.

The Commissioner is particularly concerned about cases of injuries and deaths not related to engagement of soldiers in fighting. Deficiencies in organization of legal and educational work, and a failure of exigency to ranked persons responsible for maintenance of disciplinary control created conditions for relations of army regulations.

Facts of humiliation, battery or torture on servicemen, violation of regulations during mutual relations of servicemen which are not subordinated,

pressure of commanders, as well as excess by ranked military officers of their competences concern great anxiety.

Considering unbearable the cases of violence during relations out of regulations and bringing to attention negative impact of such delinquencies on military discipline, the Commissioner made appeals to the Ministry of Defense and military prosecutor's office on these cases.

Considering the fact of violation of mutual relations among servicemen who are not subordinated, infringement of regulations by subjection of sufferer to humiliating and degrading treatment, use act of force and containing of criminal actions in this case which was spread by video material in mass media (6615-08), the Commissioner made immediate appeal to the military prosecutor of the Republic of Azerbaijan on legal treatment of the mentioned case, detection of perpetrators and institution of criminal proceedings against them. The result of investigations held by the Military prosecutor confirmed these facts and the criminal case was started under the Article 331.1 of the Crime Code (subjection of servicemen to battery, humiliate or torture), soldiers A. and R. of that military unit No N were prosecuted under this article, and they were arrested. Moreover, the Chief of the military unit and his deputy on education issues were dismissed for allowance of serious deficiencies at their service execution.

Information about another such case was spread in web-pages, and as a result of inquiry it was known that the investigation was held on criminal case upon several soldiers of different military units under the Article 333.2 of the Criminal Code (violation of regulations of reciprocal relations among servicemen who are not subordinated by average detriment to sufferer's health), and the case was submitted for investigation to the Baku Military Court.

Beside the abovementioned, due to the Commissioner's intervention a part of appeals with respect of end of service term in compliance with contract and voluntary demobilization of servicemen as it is provided in laws were solved positively.

Considering that taking of only administrative measures in solution of problems dealing with military service is not enough, the Commissioner also proposed to introduce a system of public watch over the service in the army in order to ensure more efficient protection of servicemen's rights, full and quality delivering of food portions to soldiers, provide transparency during examination of young people in conscription process, consider their health state, strengthen lawfulness and legal rules in military administrative bodies, as well as to increase sense of responsibility of ranked military officers and during the previous period several measures were undertaken in this direction.

Moreover, the Commissioner also proposed strengthening ideological work in the army, conducting of a set of events, seminars, educational lessons, different competitions and contests reflecting patriotism, moral, ethical and treatment of officers, soldiers, discipline regulations, struggle against relations out of army regulations, as well as efficiently organizing of their leisure time.

Protection of women's rights. The Commissioner jointly with representatives of appropriate state bodies, non-governmental organizations, as well as mass media organized several events with the purpose protection of women's rights, promotion of gender equality, carrying out efficient enlightening work in this field, discussing existing problems, and determining of ways of their solution, and proposals were addressed to competitive governmental structures.

Investigations were held on numerous complaints of women on property, accommodation, payment of alimants, reinstatement in job, allocation of credits to business activity, cases of violence against women, addressed to the Commissioner and in many cases the mentioned problems were solved.

The Commissioner considers that provision of equal rights of women and men in **business must** be fully realized, and it is important to create real conditions for improvement of moral potentials of women, their creative activity and initiative, participation in public administration.

The Commissioner held several important meetings in 2008. During receiving the Head Deputy of the Department of Youth Policy and NGOs issues of the Sweden Ministry of Integration and Gender quality Ann Karin Lindblom, the Commissioner brought to the notice measures taken by the government in connection with more active participation of women in administration and electoral bodies, their education, inadmissibility of early marriages, opportunity to business women to get credits, creation of equal opportunities for labor rights and their activity, as well as existing needs.

Women's rights and problems of gender equality were also discussed at the round table organized in the initiative of the Commissioner jointly with UN Population Fund on the occasion of International Day of Population.

Attending the regional conference entitled "Political activity of Caucasus Women"" organized by the UNESCO in Derbent city of the Dagestan Republic (Russian Federation), the Commissioner delivered a speech in which she noted that as a result of consecutive reforms important steps were taken in women's rights protection as well as creation of equal rights and opportunities.

Participating at the round table on the topic “Azerbaijani and American women: towards partnership” the staff members of the Office informed about the Commissioner’s activity in more efficient protection of women’s voting rights.

During 2008 on the eve of the elections of the President of the Republic of Azerbaijan in the Commissioner’s initiative a set of events and trainings dedicated to the topic “Increasing the activity of women at the elections” were held in Jalilabad, Shaki, Quba and Mingachevir cities.

The staff members of the Office participated and held exchange of experience at the training devoted to women’s rights and organized by Sweden International and Development Agency (SIDA) in Raul Wallenberg Human Rights and Humanitarian Law Institute in Lund, Sweden.

Protection of Child Rights. Protection of violated child rights take important place in many – branched activity of the Commissioner. She became founder and the first national coordinator of Azerbaijan NGOs Alliance on Child Rights, due to her efforts significant actions were taken in child rights protection in our country.

In connection with 20th anniversary of the Convention on the Rights of the Child observed world-wide the Commissioner made a call for more efficient protection of child rights in our country and joining efforts of related governmental bodies, non-governmental and international organizations, and 2009 was announced as the “Child Year” by the country President. The Commissioner presented many proposals to the Action Plan prepared in this regard.

The Commissioner with support of the UNICEF held the regional meetings on implementation of the Declaration “The world fit for children +5”. During those events the discussions were conducted on the topics of education, health, social provision, violence against children, early marriages, child labor, juvenile justice, children with disabilities, organization of leisure-time and enlightenment on child rights with participation of representatives of state organs, including local executive power, court, police, education and healthcare bodies, prosecutor’s offices, commissions on Juvenile issues and Protection of their rights, communities and children, achievements gained during the last five years, existing problems and their solutions ways were discussed and proposals were sent to concerning state bodies and the UNICEF.

The cases of violence against children cause serious anxiety. Such cases, mainly, occur in families, institutions where children live or detained, sometimes by people who in fact must take care of them, or in educational institutions by

their peers. The Commissioner jointly with the UNICEF held researches in concerning institutions in order to investigate the cases of violence against children, motions on existing problems were addressed to appropriate structures. It should be noted that failure of institution of criminal proceeding against teachers and educators tolerated the cases of violence as provided in laws, impacts negatively upon prevention of violence against children. It is necessary to establish interrogation centers equipped with special facilities using international experience for interrogation of children in order to improve psychological state of those who became victims of sexual violence, to prevent them from durable disorder.

One of the problems provoking anxiety is dealing with parents debarring their daughters from educations force them to espouse against their own will. According to official data the number of children being born adulterate by mothers of *mainly* 15-17 years old is increasing yearly. The Commissioner notes with regret that no measures were taken on reflected in the previous annual report proposal on making stricter the sanctions enshrined in the Article 152 of the Criminal Code in order to solve this problem.

For strengthening of combating violence against children in the country the draft law “On protection of children from corporal punishment” prepared by the Commissioner with support of the UNICEF was submitted to the Milli Majlis (Parliament). Besides this, the adoption of the law “On Domestic violence” which was discussed in Milli Majlis is also important. Beside the abovementioned facts, the Commissioner recommended ratification by our republic of the Convention of the Council of Europe on Protection of Children from sexual exploitation and abuse. Considering existence of numerous problems with payment of alimonies determined for maintenance of child according to the court decision by debtor, the Commissioner recommended establishment and application of mechanisms on taking them away from defendant and giving to claimant, payment of alimonies determined by the court through State Foundation of Social Protection or any other “Alimonies Fund” established at appropriate state organ and financed by state on the assumption of compulsory returning of that alimony from defender by the state.

The Commissioner also made proposals on allocation of financial means for measures considered for increase of efficiency of implementation of “The State Program on Alternative Care and return of children from state child institutions to families (de-institutionalization) in the Republic of Azerbaijan for 2006-2015 years” affirmed by the Decree of the President of the Republic of Azerbaijan from March 29, 2006. In order to learn the condition of children returned from institutions to biological and alternative families, in 2007 the

Commissioner held independent monitoring, and monitoring with participation of representatives of the Ministry of Education, addressed the results to the Ministry of education and proposed taking of concerning measures.

Ensuring of orphans with ID cards, and sometimes with birth certificate still remains as a problem. Thus, mechanisms should be created and applied for this purpose as it is provided in laws.

In her previous annual reports the Commissioner proposed carrying out of preventive measures for prevention of institutionalization of children, establishment of asylums and rehabilitation centers for temporarily placement of children in need of special care and children from high-risk group and rendering social and psychological support to them.

The Commissioner considers reasonable teaching “Human Rights” as independent discipline in secondary, specialized secondary and high schools and its undoubted including to list of compulsory disciplines.

Protection of rights of the elderly. Protection of rights of elderly persons was one of the main directions in the activity of the Commissioner in human rights and freedoms provision.

Regularly visiting retirements’ homes, homes for persons with disabilities, meeting with these people, learning their problems and trying to assist in their solution, the Commissioner gave recommendations to the administration of these facilities for capital repairing of homes for senior and disabled persons in order to improve living conditions of elderly and disabled people living in these buildings and their provision with medical rooms, as well as for raising the standards of nutrition, clothing and medical service rendering in boarding houses, and improvement of material well-fare of workers rendering service to these people. These problems were discussed at the events organized in the Commissioner’s initiative, proposals were sent to appropriate governmental bodies.

The elderly people are among many of complainants addressed to the Commissioner. They complained that their pensions are not counted right, and the sum does not meet real demands, and failure in organization of medical work and rendering of discounted medicines. The Commissioner approached these complaints with great sensitiveness, undertook measures on solution of problems, in required cases assisted in placement of lonely and neglected elderly people in retirements’ houses.

In order to support elderly morally, contribute to solution of their physical,

psychological and legal problems, organize their leisure time, gratuitous medical – psychological services, legal enlightening work is rendering in the Resource Center for the Elderly established in the Commissioner's initiative. Mainly people from refugee and IDP, war victims and lonely elderly were involved to this Resource Center working regularly.

In the Commissioner's initiative different events devoted to education of elderly people and lifelong education were conducted on various times with participation of the deputies of the Milli Majlis, representatives of related governmental and non-governmental organizations, international experts. These events were targeted at promotion of the 10th anniversary of the UNESCO program "Education for everybody", expansion of legal enlightening work.

The Commissioner also proposed affirmation of the reconsidered and adhered by Azerbaijan "European Social Charter" Article 23 on the right of aged persons to social protection along with several other articles. The programs for solution of problems of elderly and long-liver should be worked out; proposals to related state bodies should be submitted, social-domestic problems, organization of medical psychological and social service and other issues should be solved comprehensively in cooperation with governmental and non-governmental organizations.

Protection of rights of persons with disabilities. The Commissioner kept in the focus of her attention the issues connected with conditions and protection of rights of persons with disabilities, undertook different measures for their integration to the society.

During the reviewed period different events aimed at protection of rights of these people were conducted by the Commissioner, as well as the results of several important proposals forwarded to related state bodies were kept under control and in many of the cases the issues reflected in these proposals were positively solved.

In the annual report for 2006, the Commissioner proposed signing by Azerbaijan of the UN Convention on Persons with Disabilities adopted by the UN General Assembly on December 13, 2006 and announced open for signing by the UN members from March 30, 2007 and the Optional Protocol to this convention, as well as their ratification on subsequent stage. It is commendable that the Convention on Persons with Disabilities and its Optional Protocol were affirmed.

The Commissioner proposed authorization of the functions of preventive

mechanisms to the Commissioner's Institution for implementation of the provisions of the Convention on Persons with Disabilities, especially of the Article 8 on awareness of society on this Convention, determination of coordinative institution for ensuring coordination among different state structures at local and central levels (Article 33) and promotion and monitoring of implementation of the Convention.

The Commissioner held monitoring of the "Complex Program on the problems of disabled and physically challenged children in the Republic of Azerbaijan" affirmed by the Decision of the Cabinet of Ministers dated May 10, 1994, in order to analyze the condition of implementation of the document. As a result it was known that in spite of consideration of realization of several important events aimed at social protection of disabled persons, they were not carried out comprehensively.

Motions of the Commissioner in this regard were met positively and as a result of installation of special phone booths on an accessible height for disabled persons using wheelchairs, ramps in entries of several telephone offices has been realized, as well as 30 sounded traffic lights were installed for the blind and cecutient people on the streets where traffic is particularly intense, as an example, in Baku for their safe movement, as well as the buses convenient and equipped with special means for physically impaired people were purchased.

The Commissioner proposed creation of conditions for free movement of disabled persons, organization of special places for free entrance and exit of wheelchairs in domestic and educational buildings, medical facilities and other, installation of school desks (ramps and other) in educational facilities.

According to the decision of the Boarding of Alliance of Disabled Persons' Organizations, the Commissioner was awarded with Certificate of Honor of this organization for active support of integration of persons with disabilities to the society, protection of their rights and their consolidation.

CHAPTER II

THE ACTIVITIES OF THE COMMISSIONER FOR HUMAN RIGHTS (OMBUDSMAN) OF THE REPUBLIC OF AZERBAIJAN IN THE FIELD OF LEGAL EDUCATION, SCIENTIFIC – ANALYTICAL WORK, COOPERATION WITH CIVIL SOCIETY AND MASS MEDIA AND INTERNATIONAL RELATIONS

1. Human Rights education

Legal enlightening of population, improvement of their legal knowledge,

sense and culture were one of the main direction of the Commissioner's activity in the reviewed period as well, and wide promotion work was carried out in this regard.

Legal enlightening events targeted at different groups of population, including refugees and IDPs, inmates, servicemen, women, children, elderly and disabled people were organized by the Commissioner.

With the purpose of implementation events considered in "The National Action Plan (NAP) on Protection of Human Rights in the Republic of Azerbaijan" which assumes great importance in human rights development and protection, the public hearings and enlightening events were conducted by the Commissioner with involvement of state bodies, their local offices, electoral commissions, municipalities and communities, NGOs, different strata of population.

As a part of efficient cooperation with the Milli Majlis, "Human Rights: the manual for the members of Parliament" was translated from the English language into the Azerbaijani language in the initiative and under general redaction of the Commissioner, and was used as an important edition during the training-seminars planned to be conducted in this field.

The events on "Modern challenges of human rights", "Citizen's education", "Freedom of expression and terrorism", "Actual problems in human rights education", events devoted to the provisions of the Universal Declaration of Human Rights (UDHR), the European Convention of Human Rights attended by international experts and organized by the Commissioner in the frames of Human Rights Month Campaign, assumes importance from the standpoint of necessary awareness of the staff of concerning bodies on existing issues.

During the reviewed period the staff members of the Office jointly with the Center of struggle against AIDS of the Ministry of Health conducted a set of events aimed at protection of rights and awareness of people suffering from this disease in Baku and regions, organized training-seminars for teenagers and the youth, gave appropriate enlightening materials to local mass media, as well as TV and Radio programs were shown.

The Commissioner conducted a range of events devoted to 60th anniversary of the UDHR, and the UN Convention on the Prevention and Punishment of the Crime of Genocide adopted on December 9, 1948, and the report in this regard was highly evaluated by the UN High Commissioner for Human Rights.

In 2009 in connection with the 60th anniversary of the Council of Europe

and the 50th anniversary of the European Court for Human Rights the Plan of actions considering legal enlightenment of staff of governmental bodies was prepared and being implemented. Beside this, on the occasion of the 20th anniversary of adoption of the UN Convention on the Rights of the Child conducting of wide legal enlightening events in the frames of announced by the country President “Child Year”” was drafted out considering the Commissioner’s proposal.

The forms of partnership were determined between the Commissioner and the legal clinics functioning in high schools of the country, including Baku State, Western, Khazar, Azerbaijan, Odlar Yourdu, Caucasus universities and the Azerbaijan International University. Moreover, the Child Rights Clinic established in the Commissioner’s initiative is successfully functioning nowadays.

Several students of the Academy of Public Administration, Baku State, Baku Slavic, Western, Caucasus Universities, and the Azerbaijan University of Languages annually undergo internship at the Commissioner’s Office.

The booklets, brochures, commemorative booklets, books titled “Rules of application to the European Court for Human Rights””, “The rights of under-aged in the penitentiary institutions””, “Introduction to the Gender theory””, “Appeal to the Commissioner for Human Rights (Ombudsman) if your rights are violated””, “Your fundamental rights and freedoms””, “Legal status of sufferer””, “Legal status of suspect””, “Legal status of special accuser and civil plaintiff””, “Legal status of accused””, “Legal status of imprisoned person””, “No to torture””, “What you should know while being detained””, “What you should not forget when you arrest”” and other manuals were published and distributed among population.

Besides, the books on “Human Rights and good governance”, “Police and Human Rights””, “Human Rights: a manual for the members of Parliament””, “Human Rights defenders: protecting the right to defend human rights””, “A new chapter for Human Rights””, “Economic, social and cultural rights: textbook for National Human Rights Institutions (NHRIs)”” were translated from the English language into Azerbaijani and published in the Commissioner’s initiative.

2. Scientific – analytical work

The main activity of the Commissioner in scientific – analytical sphere generally consisted of preparation of proposals aimed at improvement of particular provision of legislative basis ensuring real implementation and

protection of human rights and freedoms. For this purpose the monitoring of different legislative acts, including Crime, Criminal Procedure, Civil, Civil Procedure, Administrative Infractions, Labor, Family, Housing Codes were conducted. Beside this, public discussions on draft laws “On Education””, “Protection of Reproductive Health and Family Planning””, numerous proposals were put forward.

In order to improve the Commissioner’s activity in human rights protection, several proposals on making amendments to some provisions of the Constitutional Law on the Commissioner or Human Rights (Ombudsman) of the Republic of Azerbaijan were sent to the Milli Majlis.

During the reviewed period, majority of the Commissioner’s proposals upon the Law “On Child Rights””, “On Labor Pensions””, “On targeted state social aid””, “On Patent””, “Disciplinary arrest of officers””, “On ethics of conduct of civil servants””, “On provision of gender equality (equality between men and women)””, “On the state population registry of the Republic of Azerbaijan””, “On detention of crime suspects or accused persons””, “On prevention of conflict of interests in the activities of the authorities””, “On social adaptation of persons released from penitentiaries””, were taken into consideration and adopted.

In the cases of violation of human rights by the existing normative acts, the Commissioner made appeal to the Constitutional Court, and in this respect appropriate decisions and *resolutions* were made.

3. Cooperation with civil society and mass media

Public relations and cooperation with non-governmental organizations. Special attention was paid to mutual relations with different governmental and non-governmental organizations in order to aware the society on the Commissioner’s multi-branched activity, to learn public opinion about any proposed new ideas and initiatives of the Commissioner, to form adequate opinion; building of these relations was based on the principles of objective information, thrust and transparency.

For ensuring more useful and sustainable collaboration in this field, the Council of independent Experts established by the Commissioner and consisting of representatives of state bodies and NGOs, is sustainable functioning. Representatives of NGOs took active participation in preparing of proposals on involvement of the society to research of ways of solution of different issues in human rights field, development and improvement of human rights provision, as

well as in implementation of the NAP, in public hearings provided by the Commissioner in 54 regions of the republic.

The round tables and seminars conducted in connection with International Human Rights day, the 60th anniversary of UDHR and devoted to such topics as “Peace and peacemaking mission: from the scope of sustainable development and human rights””, “Equal opportunities and rights to persons with disabilities””, “Integration of disabled persons into the society””, “Protection of migrants’ rights in Azerbaijan: problems and perspectives””, “Legal aspects of provision and protection of the right to intellectual property””, “International standards on Human Rights””, as well as devoted to the results of the first year of implementation of the National Action Plan assumed great importance.

Cooperation with mass media. Regular efficient collaboration of the Commissioner with mass media was one of the integral parts of her activity during the previous period.

Information service of the Commissioner plays positive role in awareness of the society about objectives and intentions of the Office through mass media.

During the whole period of the functioning of the Office totally 5911 and 804 in 2008, articles and information were passed to be printed in the newspapers and journals.

During the period of the activity, nearly 200 interviews and articles of the Commissioner were published in different newspapers. In this period 1566 press releases, including 326 in 2008, were issued, more than 1300 of them were translated into the English language and sent to the Council of Europe. More than 200 TV and radio programs about the Commissioner’s activity were shown; two documentary movies were made, as well as video collection with more than 350 video materials was organized.

Traditional competition of journalists’ articles on the topic “Human Rights – to all of us!”” and children’s art competitions on “Me and my rights”” were conducted in connection with “December 10 – International Human Rights Day”” and the 60th anniversary of the Universal Declaration of Human Rights, winners of the 1st, 2nd and 3rd places of the both competitions were awarded with cash prizes and certificates. Briefings and press conferences devoted to January 20 – National Condolence Day, anniversary of Khojali genocide, March 31 – Day of genocide of Azerbaijanis, anniversary of occupation of Shusha, the 20 years lasting of the Armenian aggression against our republic. 26 statements of the Commissioner, including 7 statements in 2008, in connection with those events were published in press in Azerbaijani, Russian and English languages, also

were addressed to the UN Secretary General, High Commissioner for Human Rights, Commissioner for Refugees, the Council of Europe, OSCE, International Ombudsman Institute, European Ombudsman Institute, Asian Ombudsman Association and to the ombudsmen – members of these organizations.

During the meetings and receptions the Commissioner emphasized the importance of increasing of professionalism of journalists in Azerbaijan, noted assignment of cash means for this, as well as stressed necessity of application of alternative mechanisms on these problems, peaceful solution of issues.

4. International relations

The Commissioner established close collaboration relations with different international organizations, including the UN Development Program (UNDP), Children Foundation (UNICEF), UN High Commissioner for Human Rights (UN HCHR), Organization of Security and Cooperation of Europe (OSCE), Council of Europe (COE) and embassies.

As it is known, in connection with Human Rights Day observed in Azerbaijan from June 18, 2008, Month-long “Human Rights” Campaign was conducted in the Commissioner’s initiative from May 19 to June 18 and in the frames of this month campaign a set of events, round tables, seminars, monitoring, inquiries were organized.

The International Baku Conference of Ombudsmen (June 18-19, 2008) held in the Commissioner’s initiative with support of the UNESCO, was a significant final of this campaign. The Conference entitled “Human Rights in the globalized world”” was devoted to the 60th anniversary of the UN Declaration of Human Rights and National Human Rights Day. The country President Ilham Aliyev received the participants of the Conference, gave comprehensive information about the work carried out in human rights protection and implementation in our country.

The next significant event of the Ombudsman institute was the international seminar on “Implementation of European standards on human rights by national human rights institutions”” which was held in connection with the 55th anniversary of the European Convention of Human Rights in Baku, in the frames of cooperation with the COE, jointly with II Head Directorate of COE Human Rights. The event was attended by influential international and local experts, representatives of mass media. The Commissioner delivered a speech on the topic “Situation with human rights protection in Azerbaijan””.

The Commissioner’s Institute was accredited with “A Status”” in 2006, among 9 other influential European ombudsman institutions by International

National Human Rights Institutions (NHRIs) International Coordination Committee (ICC) functioning at the UN High Commissioner for Human Rights (UN HCHR). This status give to the Ombudsman Institute the competences to participate in preparation of state report submitted to UN Treaty Bodies, Human Rights Council (UN HRC), give references to these reports, prepare alternative reports, provide monitoring of international agreements in human rights sphere to which Azerbaijan is a party. Considering this, according to the HRC Resolution 5/1 from June 18, 2007, appropriate resolution on the mechanism of the Universal Periodic Review was prepared by the Commissioner and submitted to the UN HCHR on September 8, 2008.

During this period 10 agreements on bilateral collaboration and cooperation were signed with the Ombudsmen of foreign countries in the Commissioner's initiative. These states are Poland, Russian Federation and its subjects, including Moscow, Sverdlovsk, Saratov, Dagestan Republic, Tatarstan Republic, as well as the Ukraine, Georgia and Uzbekistan. The last bilateral treatment on cooperation was signed with Poland on June, 2008. Due to the efforts of the Commissioner, the contacts between our Diaspora organizations and the Ombudsman institutions in other countries, and as a result of mutual partnership with the abovementioned institutions, appropriate measures were taken in the direction of restoration of violated human rights of our compatriots accommodated abroad and foreign citizens of those states on our country.

In 2008, the Commissioner received representatives of many of embassies, international organizations and well-known experts.

Among these meetings the meeting with co-reporters of the Monitoring Committee of Parliamentarian Assembly of the Council of Europe A. Herkel and Y. Jivkova should be noted. During the meeting it was emphasized that the National Action Plan was affirmed, regular discussions with participation of representatives of state bodies, NGOs, legal clinics and mass media which are executors of this Plan, were conducted at the Office in the Commissioner's initiative, the Working group under guidance of the Commissioner was established and public hearings embracing all the regions of the republic were provided.

The Ombudsman and the staff of the Commissioner's Office participated at different international conferences, seminars, held exchange of experience with ombudsmen and their staff of several countries.

The Commissioner participated at the annual seminar of the International Peace Bureau in Alexandria, Egypt. The international seminar entitled "Sustainable disarmament for sustainable development" was attended by

influential international experts, legal specialists, diplomats, representatives of NHRIs, civil society and journalists from different countries. The delegation consisted of eight persons from Azerbaijan also participated at the seminar. The Commissioner delivered a speech on the behalf of the Azerbaijani delegation.

The Commissioner participated and made an intervention at the Global Peace Summit on “New approaches to peace building, leadership and worthy governance in 21st century” held by Universal Peace Federation in Seoul, Korea.

The Commissioner participated at the international conference held in the occasion of the 60th anniversary of the UDHR and the 10th anniversary of the Ukrainian Ombudsman Institute by the Institute of the Commissioner for Human Rights of the High Rada of the Ukraine in Kiev, on April 12-14, 2008.

The Commissioner attended the 3rd international Forum of the Global Network of Religion for Children held on June 2008. at the Conference (Forum) the Commissioner emphasized that efficient work was carried out in the direction of protection of rights of refugee and IDP children, orphans, improvement of their education, skills, intellectual level, involvement of children and the youth to solution of the issues of the state priority.

The Commissioner also participated at the 9th annual conference of the Central Eurasia Researches Society at the Georgetown University in Washington, USA. 500 representatives from the USA, Central Asia and Southern Caucasus countries, influential international experts in human rights, representatives of NHRIs, civil society, as well as public figures, professors and teachers of famous high schools also attended the conference. The Commissioner as a member of the Central Eurasia Researches Society made the presentation on “Conflict Resolution and sustainable development” at the workshop entitled “Tolerance building in the Southern Caucasus”.

The Commissioner attended a set of events on human rights in Nairobi, Kenya. The main subject of the conference was devoted to exchange of experience on improvement of cooperation between concerning institutions and court, police and penitentiary institutions for more efficient protection of human rights. The 9th conference of the National Human Rights Institutions (NHRIs), 21st Session of the International Coordinating Committee (ICC), NGOs Forum and other were among conducted events. In the frames of the conference presentations on events provided in different countries in connection with the UDHR 60th anniversary were delivered by regional coordinators, the activity carried out in this field was emphasized.

By the way, the Commissioner participated as a NHRI with “A Status” at the hearings during the UN HRC session on the report of the UPR related on Azerbaijan, held in Geneva, Switzerland.

The Commissioner made interventions during the events on the topic “Stabilization processes in the Southern Caucasus” which were organized by the Federal Foreign Office of the Germany Federative Republic (GFR) and held with participation of state officials and representatives from Turkey, Georgia and Armenia.

The Commissioner took participation at the Conference organized in Prague, by OSCE Office of Democratic Institutions and Human Rights and Legal School of Great Britain Bristol University; and participated at the discussions on the Optional Protocol to the Convention against Torture (OPCAT), its essence and implementation.

The Commissioner and the staff members of the Commissioner’s Office attended the international conference on the topic “The role of National Human Rights Institutions and Non-Governmental Organizations in changing of the society” devoted to the UDHR 60th anniversary and organized by the UNESCO and Human Rights Council of Egypt in Cairo. Having joined the conference by the invitation of the Boutros Boutros Ghali, the Commissioner made the presentation on “Contribution of women to peace, tolerance and sustainable development” and referring to different appropriate international documents stressed the importance of increasing of women’s role in the society, told about the measures undertaken in this field in Azerbaijan and informed about establishment of the Alliance for Peace and Development for women’s rights protection.

The Commissioner participated at the international conference on human rights issues in Poland. This significant international event was devoted to the 60th anniversary of the Universal Declaration of Human Rights. In the frames of the Conference it was held the ceremony of presentation of Golden Cross Merit “Officer” degree Order by the President of Poland Lech Kachinsky to persons for their services in human rights sphere and strengthening of international partnership with the Republic of Poland. The Commissioner for Human Rights of the Republic of Azerbaijan was also awarded with this degree.

CONCLUSIONS AND RECOMMENDATIONS.

The first Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan is concluding seven years' period of her activity.

During this period, the Commissioner, being constantly in the focus of attention of society, built her activity in close collaboration both with state bodies, civil society institutions, mass media, and international structures and foreign colleagues.

In spite of that the post of the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan was established for restoration of human rights enshrined in the country Constitution and international treaties to which Azerbaijan is a party and violated by state bodies and municipalities, ranked officials, all activities of the Commissioner are directed at protection and

prevention of violation of human rights, as well as learning of the situation with ensuring of human rights, and thus, fundamental progress and positive experience were achieved in human rights protection, development and improvement.

Attitude of the society to the concept of “human rights” has been positively changed; legal education and culture are being formed in new intention. The Change in attitude to the essence of human rights both of state structures and ranked officials, and particular individuals of the society, including persons whose rights were violated, was also changed.

Proceeding from the essence and philosophy of the Commissioner’s Office, as it is in other countries, the Commissioner using the competences authorized to her by the Constitutional Law plays the role of mediator among the state and civil society and this institution has already found its place in the country.

During the term of her activity the Commissioner was received by all ranked officials without delay, as well as organized a set of events aimed at discussion of different problems and their solution ways and official dates, provided enlightening events directed at better understanding of forms and methods of human rights protection and increasing of legal culture, as well as the Commissioner also addressed to concerning governmental bodies numerous proposals and recommendations, and this served for more efficient ensuring and reliable protection of human rights and freedoms.

The “National Action Plan on Protection of Human Rights” adopted by the country President on December 28, 2006, with the Commissioner’s proposal, plays the role of completely new mechanism in human rights protection in the country.

Providing guidance upon the activity of the Working Group established for the purpose of coordination of implementation of the Plan, the Commissioner during the reviewed period held public hearings in all cities and regions of the republic with participation of representatives of related governmental bodies, their local offices, legal enforcement agencies, courts, electoral commissions, municipalities, communities and different strata of population. Beside this, two conferences devoted to the implementation of the NAP was organized in “Gulistan” Palace on January 30, 2008, - devoted to the first year, and on February 20, 2009, - devoted to the second year of implementation of the Plan, positive results and shortcomings were discussed, ways of their solution were determined. The activity on this Plan is regularly continued nowadays.

According to the appropriate decree of the country President it was decided to celebrate June 18 as a National Human Rights Day in the Republic of Azerbaijan.

In the Commissioner's initiative Month-long Human Rights" Campaign was announced from May 19 to June 18, 2008, and enlightening events were organized in every city and regions with participation of representatives of governmental organizations, NGOs, mass media, involved in implementation of the National Action Plan.

Important measures were taken in restoration of human rights and freedoms violated by state bodies, municipalities, ranked officials, and protection of human rights and prevention of their violation, learning of the situation with ensuring of these rights. During the period of her activity the Commissioner was in relations with different groups of population, including refugees and IDPs, migrants, inmates, servicemen and their family members, women, elderly and children, disabled persons, national minorities and religious communities, paid special attention to their problems, made recommendations or appealed with motions on several of their problems to state structures, achieved solution of problems in many of the cases, and therefore, fundamental progress and great experience were achieved in human rights protection, development and improvement.

The Commissioner made appeals to the President of the Republic of Azerbaijan in previous years in the cases of social importance of the human rights violations and in some cases when rights of many of people were violated or when contradiction with their lawful interests occurred, including land-related problems, and provision of the right to court ensuring of citizens' rights and freedoms, determination of subordination of "Hovsan Dairy State Farm (Sovkhoz)"" and 12 other areas which became the point of dispute among the Absheron district and Azizbeyov district of the Baku city, as well as pardoning and amnesty issues.

Several inquiries of the Commissioner who made motions before the Constitutional Court in the cases of violation of human rights by valid normative acts were provided, moreover, the Chamber having discussed some of the inquiries made positive decisions on conception and constitutional legal meaning of particular legal norms and which correctly directed the legal application experience.

The investigations and regular events held jointly with the General Prosecutor's Office of the Republic of Azerbaijan, ministries of Justice, National Security, Internal Affairs, Culture, Health, Education, Labor and Social Protection

of the Population, Youth and Sport, the State Committees on Family, Women and Child Issues, on Land and Mapping, State Social Aid Foundation, State Service of Real Estates Registry were useful from the scope of human rights and freedoms protection.

It should be noted that in comparison with the previous years, significant improvement has been achieved in collaboration with the state bodies on matters of efficient provision, protection of human rights and freedoms and restoration of violated human rights. For example a number of complaints about failure in ID cards issuance, violation of the right to appeal, incorrect counting of the pensions, land-related problems and other issues has been decreased.

But some shortcomings and challenges still exist. Thus, it could be referred to the problems dealing with determination and allocations of targeted social aid, execution of court decisions, serious gaps in the process of returning of the buildings and land areas being in the property of citizens, motivating with state and public demands, activity of the defenders, socio – medical expert commissions, municipalities, housing and communal services, including gas, electric energy, as well as other problems piled up for years and waiting for their solution.

Persons subjected to persecution from several officials also were among the complainants appealed to the Commissioner on violation of their rights and freedoms. There are still a number of officials who do not realize that their everyday functions are aimed at protection of human rights and freedoms, which in some cases negatively affects collaboration with state bodies.

Generally, it should be noted that as the civil society in its stage of development and the legal knowledge of certain part of population is not at right level, these have impact upon the situation of work in respect and following to human rights and freedoms in our country.

From a different standpoint, lack of knowledge of citizens of rights, duties and their limits as provided in the Constitution of the Republic of Azerbaijan and in laws, failure in realizing the responsibilities, disrespect to and non-fulfillment of provisions of laws, neglectful attitude to rights and lawful interests of other citizens impact negatively at the state of society.

It should also be noted that the pack of proposals on amendments to the Constitutional Law of the Republic of Azerbaijan on the Commissioner for Human Rights of the Republic of Azerbaijan which were presented to the Milli Majlis by the Commissioner more than two years ago, were not considered.

As it is provided in the Article 310.1 of the Administrative Offences Code,

surcharge in the amount of 20-40 manats is considered for limiting of lawful activity of the Commissioner or intervention to her activity, but this provision as an ineffective mean carries only formal character.

During the period of the activity the Commissioner using human and material resources under her disposal also put forward important initiatives on prompter protection of human rights.

Thus, 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 other problems, such as corruption, trafficking in human beings, freedom of conscience.

With the purpose of simplification of communication with population and their access to the Commissioner, regional offices of the Commissioner were opened and are successfully functioning in four regions with embrace of surrounding districts – in Guba, Shaki, Jalilabad and Gyanja. Moreover, the Commissioner's institute was established in Nakhichevan in the initiative of the Commissioner for Human Rights of the Republic of Azerbaijan. But, in spite of the fact that the cooperation relations with the administration of the Nakhichevan Autonomous Republic and state bodies are constructive and efficient, and that the Article 1.3 of the Nakhichevan Autonomous Republic "On the Commissioner for Human Rights of the Nakhichevan Autonomous Republic"" enshrines that "The Commissioner coordinates with the Commissioner for human Rights of the Republic of Azerbaijan her activity on human rights and freedoms protection, legal, scientific – analytical, informational and methodical issues""", as a result of weak initiative of the Commissioner of the Autonomous Republic the cooperation relation were not set at the required and necessary level.

Generally, paying attention to still existing several shortcomings and difficulties, the Commissioner hopes that each ranked official will draw appropriate conclusions analyzing their activity and eliminate shortcomings and gaps in the activity, as well as will improve the work of the structures they lead, in compliance with requirements of democratic legal statehood building in Azerbaijan and national development priorities. Consequently, will assist in prevention of citizens' rights and freedoms, and to the efficient activity of the Commissioner's Office which assumes distinctive significance both in improvement of democratization and at the same time becomes extrajudicial legal-enforcement organ.

It is also important that particular attention is paid to forming of network coordinating the activity of the Commissioner and state bodies, as well as municipalities. Involvement of specialized non-governmental organizations to this

network in human rights protection field is also important. The gained work experience of the Commissioner's Office in human rights protection gives the ground to say that the cooperation and coordinated activity from this scope assume great importance.

Summarizing both the complaints received from citizens and opinions of the broad society and numerous international experts, it could be mentioned that significant progress has been achieved during the whole activity of the Commissioner in provision of human rights, restoration of violated rights, in cooperation with governmental bodies.

In comparison with the previous period noticeable results were achieved in elimination of bureaucratic obstacles, of shortcomings in reception and appeals of citizens, improvement of legislation, modernization and democratization of administration in concordance with human rights development and other as a result of wide measures conducted in the process of restoration of human rights by this Institute providing extrajudicial protection of human rights.

Participating in the process of preparation, implementation and monitoring of a number of the drafts of state programs realized in the country, the Commissioner gave her references and proposals, evaluated them from human rights and freedoms provision standpoint, at the same time, recommended to continue expired state programs embracing particular groups of population with new ones.

The Commissioner proposed involvement of representatives of civil society organizations, communities and society, apart from concerning state structures to the state programs preparation processes, as well as prevention of procrastination and bureaucratic approaches in implementation of already adopted programs, improvement of public watch in order to increase urgency, the sense of responsibility for implementation and its results.

During the reviewed period the Commissioner made motions to the related state bodies on efficient provision of human rights and freedoms, solution of several social problems of different groups of population, including elderly person, women, children, disabled people, refugees and IDPs, servicemen, imprisoned persons, and national minorities, as a result, a part of them were considered and reflected in relevant concerning legislative acts as well. At the same time, the Commissioner considers it necessary to ensure the proposals reflected in annual reports in order to eliminate several problems still waiting for their solution.

Generally, it should be noted that proposals and references on provision, protection of human and citizen's rights and freedoms, as well as restoration of

violated human rights addressed by the Commissioner to state bodies considering existing demands, and reflecting anxieties of population and recommendation on their elimination should not remain out of heed, vice-versa, their consideration in the processes of realizing measures in this sphere is necessary.

Provided investigations, references, proposals put forward gave the ground to say that the measures undertaken by the state in provision and protection of human and citizen's rights and freedoms give the results, and this serves to stability, maintenance of dialogue and cooperation, sustainable development and progress in the society.

The Commissioner considers that development of democracy and formation of the society, activity of this institution, in the condition of cooperation and coordination with state bodies, NGOs and mass media in the name of more efficient provision of human rights and freedoms of every one should be more improved.

The activity of the Commissioner in restoration of violated human rights shows again that, the highest values for her are human rights and protection of these rights.

And that is a real fact that serious process is going on in sustainable, constant and consecutive improvement of human rights, establishment of democratic institutions and precedents.

The Commissioner's activity proves once again that in spite of her independence, at the same time she owns the opportunities to work jointly, collectively with state and society, in the condition of network in the name of human rights protection. She did not abstained from serious criticism of ranked officials in all of the cases of revealing of shortcomings and deficiencies, but at the same time preferred constructive collaboration.

Wide theoretical knowledge, work experience, different democratic and humanist approach gained by the staff members of the Commissioner's Office in human rights protection field during the previous period underscore that in the frames of this institution the new generation of lawyers was formed in protection of human rights according to modern standards, and the new school of human rights protection has been formed in the real meaning of the word.

Therefore, owning seven years of experience in restoration of violated human rights, protection and prevention of violation of human rights, learning of the situation with provision of human rights, the first Commissioner of the country, building her activity basing on the principles of independence,

transparency, legality, justice, avoiding discriminative and impartial approach, established a serious change in this sphere, achieved institutionalization, formation and improvement, of the Office, its authority among the population, establishment of traditions of collaboration among state and civil society, and by mentioned facts, created convenient condition for the activity of the next Commissioner.

Building of democratic, legal, secular state is ongoing process based on such an important principle as protection of human rights.

It should be noted that in spite of that our country is at the beginning of the democratic development path, it has passed successful development way during the short term of its independence. Beside this, there are still many problems solution of which is very important, and they should be solved in the condition of mutual collaboration of state bodies and civil society institutions.

Successes in human rights field in our country were approved once again during the discussions on Universal Periodic Review in the UN Human Rights Council.

It should be noted again that particular importance assumed implementation of amnesties adopted on different times, pardoning of persons deprived of liberty, serving of the essence of applied punishments more to correction and education of persons subjected to punishment, establishment of political stability, improvement and democratization of administration, increase of respect to rule of law and human rights, prevention of discriminative approach in different spheres, increase of trust of the citizen to state bodies, expanding of struggle against corruption and trafficking in human beings, conducting of events on legal enlightenment of population, ensuring of participation of civil society in issues of national priority, establishment of public watch institutions in different fields.

All forces of the society, including state bodies, civil society institutions, mass media, communities, particular individuals should continue cooperation based on mutual trust and reliable attitude for solution of priority issues in order of more efficient provision and reliable protection of human rights in the country in the name of the principles enshrined in historical words of the national leader of the Azerbaijanis Haydar Aliyev - "State independence of Azerbaijan is immortal, constant, steadfast!"