



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

2020 ANNUAL REPORT

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



2020 Annual Report of the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan on the protection of human rights in the Republic of Azerbaijan has been prepared in accordance with Article 14 of the Constitutional Law on the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan.

The Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan submits an annual report to the President of the Republic of Azerbaijan not later than 2 months after the end of each year and speaks with that Report before the Milli Mejlis (Parliament) of the Republic of Azerbaijan.

The Annual Report is submitted to the Cabinet of Ministers of the Republic of Azerbaijan, the Constitutional Court of the Republic of Azerbaijan, the Supreme Court of the Republic of Azerbaijan and the Prosecutor-General of the Republic of Azerbaijan.

The Report is published in the newsletter “Azerbaijan” and in the “Compilation of legislative acts of the Republic of Azerbaijan “.

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INTRODUCTION

In our country, where human and civil rights and freedoms, ensuring a decent standard of living for the citizens of the Republic of Azerbaijan are defined as the highest goal of the state, comprehensive measures targeted at strengthening social protection and eradicating poverty have played an important role in strengthening trust between state and citizen.

Innovations applied in the management system in order to ensure sustainable socio-political stability, involve civil society in the decision-making processes, create equal opportunities for every citizen in various fields, ensure equality of rights, prevent discrimination, strengthen the fight against corruption and public control, increase the efficiency of government agencies manifest itself in ensuring openness and transparency, deepening respect for the Rule of Law, and reliable protection of human rights.

Changes in the sanitary-epidemiological situation because of the spread of a new type of coronavirus (COVID-19) infection in Azerbaijan, as well as around the world, the increase in the incidence of infections among the population has placed new responsibilities on the state for effective protection of human health, has created a need to reconsider a number of issues.

In accordance with the relevant instructions by the country President, there have been carried out preventive measures for reducing the negative impacts to the economy, social services, social protection and employment issues, and the entrepreneurship, along with social programs and projects addressing to support the vulnerable groups of the population.

Thus, persons registered as unemployed for a certain period of time were provided with unemployed-related benefits, the entrepreneurs were financially supported, tuition fees of full-time students from low-income families belonging to the disadvantaged groups were paid from the state budget, persons, whose unemployment insurance payment has expired, they have been provided with a minimum of payouts and cadets, who had breaks in vocational training were also financially supported, disability duration of persons with disabilities (PWDs), whose disability duration has expired and children with limited health capacities were prolonged, the discounts to monthly consumption of electricity for the population was increased, as well as other social support measures were implemented.

Meeting of public health services international standards, exploitation of newly opened health facilities and substantially strengthening material and technical base facilitate the sustainability in the national public health system to anticipated challenges.

Constructing modular hospitals according to international standards for the COVID-19 patients throughout the country, creating all opportunities for treating patients through supplement with the modern equipment, as well as courage of doctors and health providers had an essential role in fighting against the pandemic.

The measures implemented domestically, including the holding the Special Session of the United Nations General Assembly in response to the COVID-19 Pandemic, initiated by Ilham Aliyev, the President of Azerbaijan, provision of financial and humanitarian aid by our state to over 30 countries in this period of time, donation to international organizations, as well as 10 million USD donation to the World Health Organization to support efforts to fight pandemics and the especially poor member states of the Non-Aligned Movement were very much appreciated by many countries and relevant inter-state institutions.

This should be noted to the point that the Ombudsman Institution has also actively engaged in measures for fighting pandemic and has voluntarily donated to the created for this purpose the Coronavirus Response Fund.

The Ombudsman Institution has cooperated with the state bodies, CSOs, international institutions, foreign ombudsmen and national human rights institutions within its mandate as a means of restoration of human rights and freedoms, enshrined in the Constitution of the

Republic of Azerbaijan and international treaties, to which our state is a party and the human rights violated by the state and local governing bodies and state officials.

In 2020, the Ombudsman received 27.500 applications.

Under the paragraph 1.8. of “the National Action Plan (NAP) on the Promotion of the Open Government for 2020-2022”, approved by the Presidential Decree of 27 February 2020, it is recommended creating a unified hotline for appeals to the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan expansion of citizens’ ability to file complaints and increase the efficiency of their consideration. Relevant measures were taken in this direction, it was created a unified Call center 916 from all existed hotlines using modern information technologies with a view to ensuring effectiveness of accessibility of the applicants, and this was a significant effort made during the COVID-19 pandemic.

The Call Center 916 received complaints 24/7, call details were registered and imported to the database, this, unlike the previous period, facilitated their effective investigation without any need to the repeated written request. This approach was a key element in the reception of appellants during the pandemic and served to the satisfaction of the citizens.

Besides, creating opportunity for people to address the Ombudsman through social media platforms such as Facebook, Twitter increased the efficiency of the work and effective ensuring the right to appeal.

The complaints were analyzed within the competences of the Ombudsman, problems and challenges encountered by people were investigated, relevant state entities were requested for their consideration, actions have been taken to restore the violated rights and recommendations were made.

Throughout the year, appellants were legally consulted during the receptions held until the quarantine, via phone or mail at various times, and in many cases concerning the forms, methods and means of the protection of human rights and freedoms, and how to apply to the relevant bodies with this or other issues.

The Ombudsman also carried out awareness-raising activities, and in accordance with the requirements of the quarantine regime, most events were organized in the form of video conferences.

In the framework of the “Human Rights Month-long Campaign” announced by the Ombudsman in connection with 18 June – Human Rights Day in Azerbaijan, series of events have been held across the country with the participation of Regional Centers, central and local executive bodies and CSOs.

The discussions were continued through video conferencing in the framework of “Child Rights Month-long Campaign” with the engagement of the state bodies and CSOs.

The activity of the Institution carried out in the field of international cooperation were also of utmost importance. Ombudsman and her staff have participated in various international events through videoconferencing and exchanged the knowledge and experience.

The Ombudsman conducted fact-finding missions in Tovuz, Naftalan, Tartar, Ganja and Barda cities in order to assess, in the context of international law, the damage inflicted on the peaceful civilian population in Azerbaijan as result of the atrocities, vandalism, and other offences that amount to war crimes committed by Armenia in blatant violation of international humanitarian law (IHL), and to draw the attention of international community to them. Further, as regard to the human loss and damages inflicted by the internationally prohibited weapons in those cities, including Agdam, Agjabedi, Beylagan, Fuzuli, Jabrayil, Goranboy, Goygol districts and Yevlakh and Mingachevir cities, the Ombudsman has sent relevant statements, reports and complaint letters to the concerned international organizations, foreign ombudspersons and NHRIs, embassies of the Republic of Azerbaijan and the foreign embassies in the Republic of Azerbaijan, the Azerbaijani Diaspora, as well as to various religious

communities and confessions, made video calls, held online meetings and attracted the international community's attention to the realities of Azerbaijan.

During the 44-day of war, the Ombudsman has regularly visited the areas affected by the Armenian aggression, met with the relatives of the fallen persons, also with the wounded and victims, monitored the destructed houses and other residential structures, and had consultations with the local executive bodies concerning the eradication of the existed problems of citizens due to the damages.

The Ombudsman appealed the international organizations regarding the gross violations of the norms of international law and IHL rules, cruel and degrading treatment of, and torturing the Azerbaijani prisoners of war (POWs) by Armenia and other facts. Through those appeals to the international organizations, it was required conducting appropriate investigation into mistreatment of the captives by the Armenian armed forces to establish legal assessment of those facts, ending the offences against them, repatriating the Azerbaijani captives to the country in conformity with international law, as well as taking necessary measures for establishing an international legal liability for the Armenian military and political leadership, severely violated human rights and freedoms and criminal acts amounted to war crimes under international law.

Since 27 September of 2020, in general, the Ombudsman has sent seven reports, eight statements, and fifteen Appeals, including video-messages in relation to attacks by Armenia on civilian population and structures of various advantages in the territory of Azerbaijan.

The official website and Facebook and Twitter accounts, as well as national and international press provide the information about the activity of the Ombudsman.

Along with the abovementioned, the Ombudsman gave interviews to numerous local and international TV and radio channels and information agencies, including CNN, TRT World Channels, "Sputnik", "Eurasia Diary" information portals and quickly responded to the information spread through social media platforms and news portals.

I CHAPTER

The activity in protection of human and civil rights and freedoms

1.1. Protection of civil and political rights

Right to freedom. Everyone has the right to freedom. Everyone who is legally in the territory of the Republic of Azerbaijan may move freely, choose a place of residence, and leave the territory of the Republic of Azerbaijan.

Freedom of movement and choice of place of residence, also containing the professional activity of an individual, personal development and adequate standards of living and effective ensuring this right facilitate the person to enjoy other rights.

The applications concerning the freedom of movement lodged with the Ombudsman were about an assistance in lifting a travel ban imposed on an individual, or in placing a pass photo in Identification card (ID) or passport that does not contradict the International Civil Aviation Organization (ICAO) requirements, but in accordance with one's religious beliefs, as well as in returning to the country of citizenship during the COVID-19 pandemic.

While examining the applications addressed the Ombudsman related to the travel ban from Azerbaijan necessary measures were taken to ensure the applicants' right to freedom of movement, so the violated relevant rights were restored.

Case No. 2775-20

Applicant M. addressing the Ombudsman said that his father was in Azerbaijan and he was imposed a travel ban on, so, he could not join his family in Russia, also that his mother was seriously sick, and therefore, asked for lifting the travel ban and ensuring his father's right to freedom of movement.

In the course of the investigation, it was revealed that in accordance with the relevant decision of the Investigation Department for Serious Crimes at the Office of the Prosecutor-General of the Republic of Azerbaijan, the judgment on the detention in remand of the Applicants' father, who was accused and detained in Baku Pre-trial Facility, was terminated and sent to the Pre-trial Facility under the Ministry of Justice for the execution.

In addition to the foregoing, according to the relevant decision by the Surakhani District Court, the prison sentence of M., who was sentenced to one-year imprisonment under Article 234 (1) of the Criminal Code of Azerbaijan, was substituted for a fine sentence. Following the Ombudsman's request to the Ministry of Internal Affairs for the investigation of the concerns indicated in the application, the ban imposed on the father of the Applicant in the interdepartmental automated "Entrance-Exit and Registration" information retrieval system of the Ministry was removed.

Apart from the cases provided by law, the prohibition or restriction of the right of citizens to free movement at will caused to the violation of the right to freedom of movement.

Case No. 14211-20

The Applicant A. complained to the Ombudsman that the Narimanov District Court did not execute the decision of the Main Organized Crime Department at the

Ministry of Internal Affairs of Azerbaijan about the removal of a travel ban from the country imposed on her and asked for help.

In response of the Ombudsman's correspondence to the Ministry for the investigation of the violations indicated in the complaint, it was stated that the Applicant failed to pay her debt to the "Aqrarkredit" Closed Stock-Joint Credit Company and because no final decision has been made on the feature under investigation, it was not considered expedient to remove the ban. Therefore, the Court decision was not executed and the right of a person, protected under the law was not ensured.

Under Article 14 (1) of the Criminal Procedural Code of Azerbaijan, "the right to liberty may be limited only in cases of detention, detention on remand or imprisonment in accordance with the law." Article 154 (1) of the Code stipulates that "a restrictive measure is a coercive procedural measure intended to prevent unlawful behavior by the suspect or accused during criminal proceedings and to ensure the execution of the sentence; it shall be applied in the cases described in Article 155.1 of this Code."

The Ombudsman considers that the right of an individual to freedom of movement, including the travel ban may be restricted only by a court decision. Further, the court judgments related to the removal of restrictions shall be executed in the manner and within the periods established by law. In general, a person to be immediately informed by notice sent to his/her mobile, e-mail or home address etc. about the travel ban imposed and about the relevant decision in advance.

Having an ID card allows an individual barrier-free movement, free and unrestricted appeals to the competent state entities and the unimpeded exercise of rights.

In ID card issued to citizen contains first and last names of citizen, first and last names of his father, gender, date and place of birth, blood group, PIN number, the series and date of expiry, signature of the card holder and his/her photo in conformity with the International Civil Aviation Organization (ICAO) by virtue of Article 3 (Information contained in ID document) of the "Law on Identification card of citizen of Azerbaijan".

In accordance with Article 8 (Application for passport) of the "Law of Azerbaijan about Passports", states that photos in line with the requirements of the ICAO is carried out at the appropriate issuing authority.

Case No. 5656-20

Applicant I. complained to the Ombudsman that his wife wore a headscarf (hijab) and despite the conformity of her facial features with the ICAO photo requirements, Registration and Identification Document Division at Gadabay District Police Department refused taking a pass photo, and therefore, he asked for assistance in solving the issue in accordance with the law. In response letter to the Ombudsman's appeal to the Ministry of Internal Affairs to investigate the allegations in the application, it was stated that according to the Clauses 2 (10) of the Regulations on the Application of the "Law on Identification card of citizen of Azerbaijan", approved by the Presidential Decree (No. 3) of 23 October 2013, and 3 (8) of the Regulations on the Application of the "Law of Azerbaijan about Passports", approved by the Presidential Decree (No.908) of 11 June 2013, a photo of citizen for an ID or a passport meeting the ICAO standards is carried out at the authorities issuing those documents.

The Document (No.9303) of that Organization exactly indicates acceptable and unacceptable photo samples. Those photo samples indicate the inadmissibility of taking

photo in headscarves, but also consider specific circumstances provided by the authorized bodies as exception. Those circumstances include religious traditions, medical indications, and cultural traditions. However, the legislation in Azerbaijan do not consider such exceptional cases, therefore, it is unacceptable to be photographed with headscarf for the ID card or a passport.

Hence, the Ombudsman recommends making additions and amendments to the laws on Identification card, as well as the law about passports, concerning the use of admissible patterns of photos (use of headscarves etc.), bearing in mind that the Law on ID cards considers placing a photo in conformity with standards of the ICAO, but those standards have not been clarified, and that such cases have led to complaints.

The Ombudsman also sensitively approached all other received applications about the protection of the right to freedom and achieved the restoration of the violated rights.

Case No. 2563-20

A citizen of Islamic Republic of Pakistan, A. complained to the Ombudsman that he was living in Azerbaijan with his family, and that his/her applications for granting temporary residence permission were not considered, so he was not able to work and solve social problems of his/her family, therefore asked for assistance.

Following the appeal to the State Migration Service by the Ombudsman, the Applicant's, who was in marriage with a citizen of Azerbaijan, permission for temporary residence was prolonged.

According to Article 53 of the Constitution, the Republic of Azerbaijan guarantees legal protection and patronizes citizens of the Republic of Azerbaijan temporarily or permanently living outside its territory.

The Ombudsman continued her cooperation with the competent state bodies, as well as foreign colleagues towards protection of the rights of our citizens abroad.

This cooperation played major role in effective protection of the rights and freedoms of citizens of Azerbaijan, residing abroad, in having the information about violation of their rights and in their restoration.

Case No. 625-20

The Applicant H. complained to the Ombudsman that her son was murdered in Kyiv, Ukraine with extreme cruelty and the investigation of this criminal case initiated on this fact was conducted slowly and superficially, no effective measures taken for the search of the criminal and asked for assistance.

In this regard, the Ombudsman of Azerbaijan has sent appeals to the Ukrainian Parliamentary Commissioner for Human Rights (Ombudsman) for the complete, thorough, and objective investigation of this fact, bringing the perpetrator to justice as soon as possible, and keeping the investigation process under own control, as well as to the Embassy of Azerbaijan in Ukraine to protect legal interests of the Applicant. In addition, the Ombudsman also took over the case.

All citizens of Azerbaijan always are entitled to return to the country without any hindrance.

The Ombudsman also took note of the issues of protection of the rights of citizens of Azerbaijan, living abroad, and providing them with all possible legal aid.

In 2020, during the COVID-19 pandemic, the issues of protection of Azerbaijani citizens permanently or temporarily living abroad, in the Commonwealth of the States, especially in Russia, as well as foreigners of the noted states, living in Azerbaijan was paid special attention.

According to the instructions by the President, constant flights have been organized for the return of our citizens remaining in other countries, as well as significant actions were taken to bring them back to the country.

The challenges faced by the citizens regarding their legal situation during the COVID-19 pandemic, along with other issues were discussed with the High Commissioner for Human Rights in the Russian Federation during the videoconference on the protection of the rights and freedoms. In these discussions, it was requested for support to return the nationals of Azerbaijan from Russia to the country and underlined that this issue was under the control of the President.

Close relatives of some of our citizens temporarily living in the Russian Federation complained to the Ombudsman that they were detained by the competent state authorities in the frame of the response to the COVID-19 pandemic and isolated in the migration centers in various areas of this country, who are awaiting their deportation and asked for assistance in their return to Azerbaijan.

Furthermore, it was found that citizens of the Republic of Azerbaijan, detained in places of deprivation of liberty, for certain reasons, could not register in the internet portal created to assist to our nationals to return from foreign countries during period of special quarantine regime.

The investigations conducted by the Ombudsman found that Azerbaijani nationals detained in the temporary immigration detention center in Moscow, and other similar detention centers in Saint-Petersburg, Yekaterinburg, and Vologda cities, as well as Ural, Siberia, and Far Eastern federal districts of the Russian Federation.

In addition, in the complaints addressed to the Ombudsman, citizens said that they were in extreme helpless situation in the countries of destination because of the border closures due to the COVID-19 spread and have encountered with financial problems, and therefore, asked for assistance in their return to Azerbaijan.

Given that the nationals of Azerbaijan, kept in various detention facilities, were in helpless situation and wished to return to the country, and that this issue was of immense importance, in the context of the relevant measures, at various times, the Ombudsman requested the Cabinet of Ministers for their return.

As a part of this cooperation the Ombudsman managed to return 19 of citizens of Azerbaijan, being held in the immigration center in the Republic of Dagestan of the Russian Federation and were in difficult situation, to bring them back to the country by land. At the same time, after the Ombudsman's appeal to the competent state bodies, the returning of the bodies of Azerbaijanis who died in the Russian Federation was ensured.

In connection with the COVID-19 pandemic, the citizens, wishing to return to the country from Turkey, Russia, Iran, Georgia, Kazakhstan, Ukraine, Belarus, the US, and other states have returned to Azerbaijan.

The Ombudsman also paid special attention to the repatriation of Azerbaijan nationals remained in the combat zone in the Syrian Arab Republic.

Some group of persons, looking for their next-of-kin with Azerbaijani citizenship, in Syria complained to the Ombudsman at various times, saying that family members, including children and women, of their relatives fighting within different armed groups in civil war in that country, have been taken hostage inside the camps located in different areas of the country, as well as the wounded and the sick were deprived of medical care and remained at the neglected condition.

In her Appeals, at the same time, it was underlined that children and women detained in those camps were tortured and mistreated by various armed groups controlling certain area, children were either taken from their families by force or kidnapped or disappeared and that the situation in those camps was at a dangerous level for humanitarian disaster and human life.

The complainants either during the receptions held by the Ombudsman before the quarantine regime in response to COVID-19 or written official appeals addressed at various times, asked for assistance in the return of their relatives remained in Syria to the country. Hence, at various times, the Ombudsman has sent several requests to the Cabinet of Ministers, Ministry of Foreign Affairs and State Security Service for taking the necessary measures to return the Azerbaijani citizens, who were taken hostage by the armed groups in Syria.

Further, the Ombudsman has appealed to the International Committee of the Red Cross (ICRC) and its Delegation in Azerbaijan within their mandates, and in accordance with the 1949 Geneva Conventions to take effective measures for the protection of the interests of citizens of Azerbaijan, taken hostage due to the conflict in Syria, the obtaining and clarifying the information about these persons, raising this question before the peacebuilding missions, operating in the zone of combats, prevention of tortures and inhumane treatment of them during their detention, providing urgent humanitarian aid to the hostages in need in the tent camps and healthcare service to the wounded and sick, as well as for their return to Azerbaijan.

Moreover, during the videoconference with the Head of the ICRC Azerbaijan Delegation and the Protection Coordinator, the Ombudsman discussed the general situation of the Azerbaijani hostages in Syria and the cooperation in taking measures for their return. In response, the head of the ICRC Azerbaijan Delegation attached great importance to the cooperation with the Ombudsman Institution, and that those issues would be considered in coordinated interaction, and that the protection of the rights of hostages, especially of children, detained in Syrian camps would be paid special attention. In his turn, the Protection Coordinator noted that the detention places in Syria were monitored and that the problem would be managed in coordination despite the several existed challenges due to the global COVID-19 pandemic.

Besides, at the conference, the parties discussed the mutual activity mechanisms for the protection of the rights of citizens of Azerbaijan remaining in difficult situation in Syria, as well as the practical solutions for the effectiveness of the protection of the rights and legal interests of our fellow citizens in that country, as well as the development of the current mechanisms.

194 children, who were Azerbaijani citizen, living in prisons and children's homes in Iraq have been returned to Azerbaijan and given to the guardianship of their relatives after some repatriation in 2020 within the framework of the repatriation of the citizens of Azerbaijan from Iraq.

The right to liberty guarantees an individual to be protected from arbitrariness and unlawfulness, and to exercise other rights adequately. The Constitution states that right to liberty may be restricted only in accordance with the procedure prescribed by law, by detention, arrest, or imprisonment.

Based on the incoming appeals and national preventive mechanism activity, the situation relating to the right to liberty was investigated during regular monitoring in temporary detention places (TDPs) and administrative detention center of Ministry of Internal Affairs, TDPs and investigation isolator of the State Security Service, as well as investigation isolator and other places, which persons cannot leave on their own will under the Penitentiary Service of the Ministry of Justice of the Republic of Azerbaijan.

During the activity the situation relating to lawfulness of detentions, compliance with deadlines, and documentation have been scrutinized.

On the incoming applications, the Ombudsman requested the relevant investigation or judicial bodies for the promotion of imprisonment to alternatives. The relevant actions lead to the eradication of overcrowding in both detention places and prisons, and are of utmost importance in the humanism, economical and criminological contexts.

New fundamental legal reforms in the criminal legislation carried out in accordance with the Presidential “Executive Order On improving work in the penitentiary system, humanization of the punishment policy and expansion of alternatives and procedural enforcement measures not associated with isolation from society” dated 10 February 2017, are aimed at decriminalization.

Case No. 10083-20

An Applicant I., held in Baku Pre-trial Facility complained to the Ombudsman that she suffers from severe pregnancy sickness and was under the doctor’s control, therefore, asked for assisting in implementing detention in remand with house arrest.

Following the Ombudsman’s request to the Prosecutor-General, the Narimanov District Court has issued a decision on the replacement of the means of restraint imposed on a person with house arrest.

It should be noted that in 2020, the detention measures towards 906 people detained in the pre-trial detention facilities of the Penitentiary Service were changed.

Analyses of the situation with ensuring the right to liberty shown that probation measures undertaken at the national level led to positive developments in concerned field. Thus, there was an increase in the use of electronic bracelets compared to the previous year, a total of 2603 convicts were provided with electronic bracelets. The applications on the suspended sentence have been examined and relevant requests that were sent to the Ministry of Justice, were satisfied.

The Ombudsman has sent relevant requests to the competent state authorities for the investigation of the alleged violations of the right to liberty, indicated in the applications, which resulted in their solution.

Case No. 25458-20

Applicant G. requested to the Call Center of the Ombudsman that her husband was unreasonably detained for four days by the police officers of the 35th Police Station of the Khatai District Police Office because their son did not come to the Station voluntarily and asked for assistance in taking measures in this regard.

During the investigation conducted on the instructions of the Ombudsman, it was revealed that the person had been detained for more than the statutory period and was released. At the same time, the Khatai District Prosecutor’s Office was contacted in order to investigate the cases reflected in the complaint, as well as to prevent similar cases in the future.

Case No. 11178-20

In addition, a detainee D., held in the Investigation Isolator No.3 of the Penitentiary Service of the Ministry of Justice, complained to the Ombudsman that an investigation of his criminal case was not conducted objectively, and that he was pressured to confess to other crimes and asked to help in defense of his rights. After the

Ombudsman's request to the Office of the Prosecutor-General to check the allegations shown in the complain, the detainee was released.

The Ombudsman believes that the practice of selecting alternative punishments by courts and applying non-custodial punishments as a form of punishment should be continued.

Protection of the right to honor and dignity. Everyone has the right to protect his/her honor and dignity. The dignity of a person is protected by the State. Nothing can justify the humiliation of the dignity of a person.

No one shall be subjected to torture and abuse. No one shall be subjected to torture or degrading treatment or punishment.

The protection of this right by the officials of state authorities, especially the local and central executive bodies, as well as law-enforcement authorities is of utmost importance.

The complaints about the violation of the right to honor and dignity, addressed to the Ombudsman, were mainly about cruel treatment and violations of the ethical rules by the state officials. The Ombudsman sent requests to the competent bodies for the investigation of the violations shown in the complaints.

Some complaints were about cruel treatment of persons detained by the law-enforcement, place officers, including inquiry and investigation authorities or of those under investigation or inquiry.

In response letters to the Ombudsman by the competent authorities in relation to the investigation of alleged violations of this right, indicated in the complaints, it was stated that as a rule no such a treatment has been identified.

Case No. 18014-20

Complainant legal counsel S., complained to the Ombudsman that his client was beaten during the interrogation in the relevant Department of the Prosecutor- General Office, but those who are guilty in this have not held liable, and asked for assistance in identification of his client as victim and conducting forensic medical examination.

In response letter to the Ombudsman's request to the Office of the Prosecutor-General to investigate the circumstances shown in the complaint, it was indicated that the Department of Service Investigations of the relevant Office scrutinized the case based on the Applicant's duplicate application and the shown allegations were not verified, and not any staff member of the prosecutorial body did not demonstrate any unlawful actions towards the person the Applicant was defending. Therefore, in accordance with Article 39.1 (1) of the Criminal Procedural Code of the Republic of Azerbaijan, a decision was taken not to initiate criminal proceeding due to the fact that the circumstances indicated in the application were not verified and those acts had not criminal elements.

Case No. 7962-20

Applicant, a lawyer N. complained to the Ombudsman that his client, A., who was also serving his sentence in the relevant penitentiary facility of the Penitentiary Service, was beaten, tortured, humiliated, and subjected to degrading treatment by the facility staff and asked for assistance in defending his rights.

In response letter to the Ombudsman's request to the Penitentiary Service to check the violations reflected in the complaint, it was indicated that while entering the prison, the detainee was informed about his rights and duties, provided with necessary

material needs and medical and sanitary condition, and all conditions in prison were created for him to serve sentence in a situation that respects the human being. Besides, the detainee was not subjected to any physical or emotional pressure, cruel or degrading treatment neither by the prison staff nor prisoners during his detention period.

Some complaints were about cruel treatment towards complainants, along with the officials' indifference either in state bodies or enterprises or the local executive bodies. However, in response letters to the relevant bodies in relation to making investigation of the indicated circumstances, it was stated that the alleged violations have not been committed.

Case No. 5732-20

Applicant E. complained to the Ombudsman that he was registered as a jobseeker in Goranboy District Employment Center, during the job fair held at the center of the town, the director of that humiliated and pressured him/her and asked for restoration of his violated rights.

In response letter to the Ombudsman's request to the Ministry of Labor and Social Protection of the Population (MLSP) to investigate the alleged violations reflected in the complaint, it was stated that the job applicant was not subjected to any unethical treatment during the job fair, however, citizens have come to the relevant venue earlier, while the fair has supposed to be started at 11:00 a.m., and therefore, given that the representatives of offices, enterprises and organizations have not fully assembled, all those citizens have been asked to leave the building, but they have not been insulted or pressured.

Case No. 21208-20

Complainant S., complained to the Ombudsman that principal of one of the secondary schools in Ganja city had a bias against him to discredit him/her in the society, and asked for assistance in defending his/her right to honor and dignity.

In reference to the letter of the Ombudsman to the Ministry of Education to investigate the cases in the complaint, it was stated that during the monitoring in school, conducted by Ganja city Education Department, the surveillance cameras showed how a stranger – spouse of the complainant was entering the teacher's room during the meeting and staying there for a long time there, and the principal, who was acknowledged about his entrance and participation of him in the meeting, in writing under Article 186 (3) of the Labor Code of the Republic of Azerbaijan for failing to take any measures to prevent this.

Article 32.0.3 of the Law of the Republic of Azerbaijan "On Television and Radio Broadcasting" states that humiliation of people's honor and dignity, tarnishing of business reputation should not be allowed, and the rights and freedoms of individuals defined by the Constitution of the Republic of Azerbaijan should be respected.

Case No. 1723-20

Complainant H., complained to the Ombudsman that he filed a document with the court concerning the housing and therefore, was threatened by the spouse of the party to the civil case with the use of insulting remarks in mass media, and that a copy of his ID

card, as well as photos of them and the word “fraud” and the name of the Applicant were demonstrated in a live broadcast of the program “Bizimlesen” (You are with us) on the national “ATV” Channel, where the public was given the unreasonable information as if he and the party to the civil case had created an organized criminal group and deceived people, so, asked for help in protecting his rights.

In response letter of the Ombudsman’s request to the National TV and Radio Council to investigate the allegations indicated in the complaint it was stated that during the investigations conducted, it was revealed that the relevant paras. of the Article 32 (Requirements for the Program) of the Law “On TV and Radio Broadcasting” was apparently violated, according to which the management of the TV program in question, was invited to the Council and was seriously reprimanded.

However, as it has been seen, the administrative liability of the management of the relevant TV Program has remained unsolved despite the serious reprimand. The reason of this is that there have not been established an administrative liability for the relevant violation

Under Article 41 (Liability for the violation of the Present Law) of the Law “On TV and Radio Broadcasting”, natural and legal persons acting in contradiction to the Present Law are responsible as provided by the Law.

Given all the above, the Ombudsman recommends establishing the administrative liability for the breach of Article 32 of the above-noted Law and making relevant additions to Article 384 of the Administrative Procedural Code of Azerbaijan.

The activity of the Ombudsman as a national mechanism for prevention of torture and other cruel, inhuman, or degrading treatment or punishment. In 2020, the Ombudsman, who was authorized to function as National Preventive Mechanism (NPM) under the Optional Protocol to the Convention against Torture (OPCAT) and her NPM Team conducted 176 visits to the places, where people cannot leave on their own will in order to monitor the general conditions of detention, treatment standards, investigation of the relevant incoming applications, the documentation process, and preventive measures taken in response to the COVID-19 pandemic and the existed sanitary condition.

There has been conducted visits to the facilities, subordinated to the Ministry of Internal Affairs (61 visits), Penitentiary Service of the Ministry of Justice (49), Ministry of Education (25), Ministry of Health (22), MLSPP (3), State Security Service (5), Ministry of Defense (1), and subordinated institutions of the local executive authorities (10).

Ensuring the confidentiality principle, 655 persons have been received in private during monitoring in places of deprivation liberty, and the situation of ensuring their rights was inspected, the raised questions were heard, and different types of appeals were satisfied.

Further, during monitoring, necessary actions have been taken to solve the issues indicated in the incoming applications to the Ombudsman, revealed shortcomings have been raised before the management of relevant bodies, and the issues that could be solved on the spot were immediately solved during the visit. The competent central and local executive bodies were sent requests, in connection with the shortcomings revealed, and given necessary recommendations and suggestions for the elimination of the existed problems until the next follow-up visits.

In the course of the preventive visits and monitoring conducted by the Ombudsman, within the frames of her activity as the NPM, in places of deprivation liberty, the applications about the possibility of ill-treatment were investigated on the spot. The applications of each appellant received, detained, arrested, or convicted, as well as those written by their family members or legal counsels were given immediate responses through the investigation of detention conditions or issues of treatment in those detention facilities, appointment and performing forensic medical examination and monitoring the situation of ensuring the

detainees' rights. Also, as a rule, Office of the Prosecutor-General, Ministry of Internal Affairs, Ministry of Justice and the other competent authorities were sent requests, investigations were carried out and the applications were replied in all cases.

The accessibility of every person, who wants to appeal to the Ombudsman was ensured and a newly created 916 Call Center became a positive development in terms of preventive measures against such issues.

Based on the monitoring conducted in penitentiary institutions and incoming applications written by detainees or their family members, it can be concluded that there is a lot of punishment in the form of transfer to the penal colony, punishment is chosen even if it is reasonable, or the same persons are repeatedly transferred to the penal room. Plenty of disciplinary measures in the form of transfer to the penal room showed that there are a lot of regime violations in the facility and that the responsibilities for the correction of prisoners had not been properly fulfilled. Wherefore, it is appropriate to apply new and modern approaches in the strengthening correctional works, as well as the usage of international experience in the relevant field.

Regular monitoring of detention conditions in penitentiary institutions and taking actions for the improvement of the situation are of key directions in the activity of the Ombudsman. The Ombudsman recommends finalizing the buildings for women prison (Zabrat settlement, Baku), correctional facility for juveniles, prison, being constructed in Umbaki settlement, and penitentiary complexes based in Ganja and Lankaran cities, and accelerating the transferring process of the detained persons to new buildings.

The Ombudsman and the members of the National Preventive Group carried out unscheduled visits to the facilities of the Penitentiary Service of the Ministry of Justice, as well as Ministry of Internal Affairs to monitor the preventive measures in response to COVID-19 outbreak and sanitary measures.

During the special quarantine regime applied within the preventive measures in response to the COVID-19 outbreak, the objective of the visits to the places of deprivation of liberty was to monitor the preventive measures to avoid the infection in these facilities, to learn the existed sanitary situation, detention condition, treatment of standards, level of nutrition, opportunities of accessibility to healthcare services in this challenging time, as well as to investigate the incoming applications and the documenting process.

Within the frames of the NPM mandate of the Ombudsman, the situation in state-owned child-care facilities were taken under control, the issues related to the existed opportunities, ensuring the rights of children, treatment of them, detention condition, efficiency and accessibility of medical services were monitored, as well as discussions were held with persons in charge and competent bodies. At this period, children living in boarding facilities were given to their families, the institutionalization process was halted, while special quarantine regime and social isolation measures were strengthened in other facilities.

As an outcome of the preventive visits conducted, the recommendations cover the issues of awareness of children and persons working with them in children's homes, education, health, and social service institutions about the pandemic, strengthening control over the appropriate treatment and detention condition, and expansion of access to medical and other social services.

Online learning applied during the pandemic created difficulties in education of children in children's homes and boarding houses. So, during the monitoring conducted in children's homes in Baku, Ganja and Sheki cities, and Secondary Boarding School for Children Deprived of Parental Care in Guba city, it was found that inadequate number of computers cause hardships for children to participate in online learnings, moreover, in some of similar facilities due to the unsatisfactory access to the internet, children were, at best, using the online classes, running on TV, only.

During the coronavirus pandemic, the institutions of the Ministry of Health and MLSP were conducted unplanned visits as a part of the NPM activity of the Ombudsman, the residents of and those undergoing medical treatment in these institutions, were confidentially received in conformity with the quarantine rules. Further, the situation with ensuring their rights, raised concerns and the documenting process were monitored on the spot, as well as some appeals about the medical aid were immediately solved.

Taking into account the Ombudsman's proposals, the overhaul of Ganja Psychoneurological Social Service Institution No. 4, construction of new buildings for Ganja city and Sheki district psychiatric hospitals is important in terms of ensuring the rights and improving the living conditions of people living and receiving treatment here.

During the visits to penitentiary institutions, temporary places of detention, education, health, and other facilities, legal awareness talks were conducted with staff and the detainees, and legal advice was provided in relation to the raised questions.

Within the framework of the NPM activity, during the inspections of state-owned child facilities, a survey was conducted among the children to evaluate their knowledge on child participation, the rights of child convicts, and on Ombudsman and its Call Center. Consequently, based on the results of the surveys addressing children of age range 10-18 residing in institutions in Baku and across the country.

In response letters to the Ombudsman's appeals to the relevant government agencies regarding the cases of ill-treatment reflected in some complaints, It was stated that the mentioned allegations were not confirmed.

Case No. 20992-20

Complainant R. complained to the Ombudsman that he was beaten, humiliated, and subjected to illegal actions by the police officers of the City-District Police Department and asked for assistance in taking appropriate measures.

The Ombudsman has requested the Ministry of Internal Affairs to investigate the cases in complaints and the abovementioned unlawful actions by the police were not verified.

Case No. 20679-20

Complainant A. complained to the Ombudsman that he was forcibly taken from his mother's home to the police station No. 3 of Khazar District Police Office by police officers, was beaten and subjected to torture to confess to a crime that he did not commit and asked in the protection of his rights.

In this regard, the Ombudsman has requested to the Ministry of Internal Affairs to investigate the allegations indicated in the complaint and referring to the response letter, the service investigation reveals that the allegations of being beaten, subjected to torture, and illegal actions by the police officers of the Police Station No. 3 of the noted Office were not verified.

Within the framework of the cooperation with the Justice Academy of the relevant Ministry and Police Academy of the Ministry of International Affairs, topics on human rights and preventive activity of the Ombudsman were included in the academic curriculum of those training courses, so, respectively, these lectures were delivered to the candidates for judges, persons accepted for the service in forensic expertise center and judicial bodies, listeners of the courses and staff of the police authorities during the preliminary long-term training courses, organized for them. During those lectures, the course attendants were informed about the

Ombudsman's activity in the field of protection of human rights, restoration of the violated rights, NPM mandate of the Ombudsman Institution, including preventive visits to places, which persons cannot leave voluntarily, follow-up process of the recommendations given.

In 2020, 43 press information, released and placed on the official webpage of the Institution to inform the public about the NPM activity of the Ombudsman, were published in media, and furthermore, the information was sent to the international organizations.

The Ombudsman Institution has prepared its Complementary Report to the UN Committee against Torture concerns Azerbaijan's Government fifth periodic review report and sent to the Secretariat of the relevant Committee. The report covers the situation of the implementation of the CAT, relevant legal reforms carried domestically, NPM activity of the Ombudsman, treatment, and detention condition-related issues in facilities, which cannot leave on their own leave, the measures taken during the pandemic, as well as other issues.

The right to information. Everyone has the right to legally seek, obtain, impart, produce and disseminate any information.

This right should be ensured freely, without interference, and equally for all and based on the principles of open society and democratic and state governed by the rule of law. Realization of this fundamental right facilitates the citizens' control over the implementation of public duties, transparency, and fairness.

The Universal Declaration on Human Rights, International Covenant on Civil and Political Rights explicitly provide that everyone has the right to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing, or print, in the form of art, or through any other media of his choice.

Target 16.10 of the UN Sustainable Development Goal enshrines "Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements".

In the period when information technologies are widely used and our country is rapidly integrating into global electronic space, there have been taken significant measures for the more efficient provision of the right to information provided under Article 50 of the Constitution of Azerbaijan and expansion of information accessibility opportunities. There have been taken measures to improve the normative and legal regulatory system in an information society, expanding the number of e-services, mobile applications for ensuring access to various types of information and services, bringing the official internet websites of state bodies into line with the norms of the legislation and other similar measures.

In 2020, "Department for the Protection of the Right to Information" was established in the Ombudsman Institution as per the national action plans on "Open Government Initiative" aimed at strengthening the control mechanisms and improving the institutional structure of the Ombudsman Office to fulfill the mandate of control over the implementation of the provisions of the Constitutional Law on Ombudsman of Azerbaijan and the Law on Access to Information.

The authorities granted to the Ombudsman stemming from the Law on "Access to Information" of Azerbaijan include the activity directions like fulfilling the control over the implementation of provisions of the above-noted Law by the information-holding state bodies, local self-governing bodies, and officials, investigating and analyzing the relevant complaints, monitoring of the legislation, and promoting the right to information.

Complaints addressed to the Ombudsman regarding violations of the legislation on access to information were promptly investigated within the scope of her mandate, necessary measures were undertaken to eliminate them, information inquiries were provided, and legal advice was provided to the complainants in some cases.

Case No. 10165-20

Complainant Sh. complained to the Ombudsman that his request for information, addressed to the “Azerbaijan Amelioration and Water Farm” Open Stock Joint Company, was sent to “Vilashchay” Water Reservoir Operations Department to be executed, although he sent a duplicate information request to that Department as well, the request was not executed.

During the investigation of the complaint, it was found that although the request was sent to the subordinated office by the above-noted OSJC, the request was not executed contrary to Article 42 of the Law on Access to Information.

Following the request of the Ombudsman to the OSJC, because of the actions taken, the request for information was executed by the “Vilashchay” Water Reservoir Operations Department.

Case No. 16061-20

Complainant E. complained to the Ombudsman that his/her information requests dated 22 May 2021 and 01 June 2020 addressed to the director of the public entity “Beylagan District central Hospital” were not answered and asked for taking necessary actions in this regard.

During the investigation it was revealed that the provisions of the Law on Access to Information were violated by that public entity and the time frame set by the Law for the execution was not followed.

After the Ombudsman requested the Administration of the Regional Medical Divisions (TABIB) under the State Agency on Mandatory Health Insurance, the request of 04 December 2020 has been answered.

Case No. 16650-20

A lawyer T. complained to the Ombudsman that the information request of his client concerning to obtain the information about his deceased spouse to the “Azerbaijan Caspian Shipping” Closed Joint-Stock Company remained without reply and asked to assist in investigating and answering the information request. The problem was solved by the Company with interference of the Ombudsman.

The applications pretended to be a request for information, but not considered a request for information in line with relevant legislative act, were respectively answered, in some cases, the appellants have been explained their relevant rights, and the competent authorities were requested concerning the issues falling within the Ombudsman’s powers.

Except for the cases related to having a requester a piece of individual information, under the law, it is not necessary to submit an identity document for the request for written information.

Under Article 4 of that Law, the recommendation, application, and complaint, regulated by the Law on “Appeals of citizens” are not fallen into this category.

However, the requirements for online applications in the online application sections on the official websites of government agencies also apply to requests for information that restricts the rights of the requester.

Taking off the all-above, the Ombudsman considers it necessary to bring the online application sections on the official websites of government agencies in line with the requirements of the Law of Azerbaijan “On Access to Information”.

Sometimes, the requests for information, prepared in compliance with the legislative acts, are not replied to by information holding state agencies on the pretext of confidentiality of information, that is, state secret, commercial secret, or service information. However, the precise list of this information is reflected in the relevant laws.

According to the legislation, when the information holding public authorities, as well as state bodies and municipalities lack the required information, they should determine the respective information owner and forward the request to him without delay, i.e., within 5 working days with notifying the requestor accordingly. Nevertheless, in some cases, information holders do not reply to requesters as they lack such information or unreasonably refuse to execute the request for information.

Under the respective law, except search operations, watching or persecution of a person, taking video and photo footage, audio recording, and subjecting to other similar action by media outlets and other persons without his/her knowledge or protest constitute a liability, established by the law. Unfortunately, this norm is in some circumstances, ignored and such violations remained unpunished.

Article 10.2 of the Law “On Access to Information” of Azerbaijan establishes that for provision of the right to information, the information owner appoints a person in charge of information matters or establishes a structural unit and provides information services.

Articles 30 and 32 of the respective Law set forth an obligation for the information holding public authorities and municipalities to create Internet Information Resources in a view to disclosing public information determined by the present Law. There are still shortcomings in the concerned area although that many public authorities obey the rules of the present Law. In addition, the municipalities have not taken sufficient appropriate actions in this field.

The information owners, including public authorities and municipalities, should benefit from national ICT reforms as far as possible, be aware of and execute their precise duties, and efficiently address the existed favorable opportunities for human rights, including the right to information.

Right to suffrage. Elections are an important democratic institution that guarantees the participation of a citizen to express his/her opinion and in political processes. In general, the right to suffrage is one of the significant ways for increasing the efficiency of state power and local self-governance and legal system.

The right to suffrage is among the fundamental rights of a citizen directly affecting the organization of state authorities and legitimizing state power. This right has a significant effect on societal development as it pertains to the interests of not only concrete individuals but the whole society.

Everyone is merchandized with the right to participate in the management of the state through his directly or independently elected representatives.

Elections as the manifestation of democracy play a significant role in the public and political life of every State. Holding elections as mandated by law, transparent elections, and favorable conditions, created by the state for the realization of the right to full suffrage as one of the basic rights, are indicators of democracy at the national level.

Free elections as a method for citizens to express their will directly and at the highest level, ensuring their rights to full suffrage at the highest level, raising awareness of the people, increasing the culture of voting are among the significant factors contributing to our country to build democratic, legal, and secular state.

The Central Elections Commission (CEC) conducted appropriate enlightenment work among the voters concerning the elections to the Parliament scheduled for 9 February 2020, dispensed guidelines among the citizens on the right to vote, also open and closed constituencies across the country in accordance with the Law on Freedom of Assembly.

Competent state authorities have taken complex measures for ensuring the right to freedom of assembly without any discrimination and established close collaboration with the public and civil society institutions in the concerned field. The observations of the preparatory works for the elections in the country found that polling stations were furnished with modern equipment and provided with ICTs. Also, in many stations there have been installed web-cameras.

On the day of elections, the Commissioner and the staff of the Head Office and Regional Centers in Ganja, Sheki, Guba, and Jalilabad observed the voting process, generally, in 360 polling stations of 62 constituencies established in Baku and 40 districts of the country, as well as in refugees' settlements, in some military units of the Ministry of Defense, investigation isolators of the Penitentiary Service of the Ministry of Justice and penitentiary institutions.

The Ombudsman herself observed the voting in polling stations in several constituencies in districts of Baku, as well as the Azerbaijan Higher Military Academy named after Heydar Aliyev. She also visited the administrative building of Yasamal District Second Constituency Election Commission No.16, held discussions with members of the Commission, inspected the general situation of the voting, and gave her suggestions and recommendations. The Commissioner for Human Rights met with the Precinct Election Commission members, local and international observers, and the voters and had the information about ensuring the right to suffrage and the voting process.

The information collected by the staff members of the Institution observing the elections throughout the country allowed to control the situation of the right to suffrage.

It was observed voter turnout, as well as active participation in the process and mutual respect of observers representing political parties, non-governmental organizations, neutral and international observers, who fulfill their duties within their competencies. During monitoring of elections, no intervention was made by any state authority, including by relevant local executive bodies or the police.

During the voting process, voting rights have been ensured, and all necessary conditions were created for the PWDs, the elderly, and persons suffering from various diseases. It was also found that the precincts were provided with chip card readers for the voters who possess next-generation ID cards, and in many polling stations, all conditions were created through web-cameras for monitoring the voting. Each voter made a free choice and voted for the candidate of their choice.

However, it was revealed some violations, not significantly affecting the results of the voting, which were eliminated on the spot after the request to the relevant polling station and constituency election commissions and the CEC was informed in this regard.

As a consequence of the monitoring conducted by the CEC, the Commission invalidated the voting results in 4 constituencies and 328 polling stations. On the day of polling, with regards to the request received through the hotline of the Ombudsman appropriate actions were taken immediately.

The elections to the Parliament of Azerbaijan were held in compliance with the Constitution, Code of Elections, and international standards, and the state confirmed that it is committed to principles of the legal and democratic state and to strengthening the traditions of national statehood.

Judicial guarantees for rights and freedoms. The judicial power is conducted by courts through the administration of justice in our democratic country, governed by the rule of law.

The rights and freedoms of all are administratively and judicially guaranteed. The judiciary is the main legal mechanism for the protection of the rights of individuals and citizens.

The courts, administering justice, protect the rights and freedoms, as well as legal interests of individuals, citizens and all entities, offices and organizations, political parties, public associations, and other legal entities, irrespective of the form of their ownership, which are provided in the national constitution.

The actions have been persisted in the country to sustainably improve the judiciary and facilitate the individuals' access to justice.

The steps were taken by the Judicial-Legal Counsel, including evaluation of the activity of judges, conducting monitoring and inspections to reveal gaps, taking, and concluding disciplinary actions against judges who violated the law have had a positive impact on increasing the efficiency of judicial guarantees of the rights and freedoms of citizens.

Following Article 1.6. of the Constitutional Law "On the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan", investigation of the activities of judges shall not be subjected to the powers of the Commissioner. However, under Article 1.9 of the Constitutional Law, it was stipulated that the Commissioner may examine complaints on violations of human rights relating to red tape, loss of or delayed delivery of documents in courts as well as delays in the execution of court judgments. The Commissioner endured her cooperation with the judiciary related to the matters above.

The incoming complaints on the violation of the judicial guarantees included the issues related to artificial and bureaucratic barriers hindering access to justice by the citizens. Identified issues include delays in obtaining a copy of the judgment, failure to return supporting documents to the application when refusing the latter, failures in duly delivering the summons to the parties according to civil-procedural legislation, failure to take appropriate actions for the parties to effectively participate in trial proceedings, abuses by the judge the code of judicial conduct during the proceedings, rejection of documentary pieces of evidence and failure to fulfill petitions, pressures on one of the parties during proceedings, unreasonable restriction to the right to appeal against the decision, correction of errors in decisions, failure to execute court decisions, and to respond for the requests leave to appeals.

The investigation of the complaints about the violation of the right to judicial guarantees of rights and freedoms by the Ombudsman has resulted in taking appropriate measures to restore violated human rights.

Although the responses to the requests sent by the Ombudsman to the relevant judicial authorities based on the citizens' complaints stated that the decisions were sent to the applicant on time and even re-sent after the appeal, such appeals and responses are worrying.

Case No. 10085-20

The complainant H. complained to the Ombudsman that he was not the decision about his criminal case pending before Baku City Court of Appeal and asked for help in obtaining the copy of that decision.

In the letter of response to the Ombudsman's request sent to the relevant court for the investigation of the allegations, it was stated that the copy of the decision of the Baku City Court of Appeal was sent to Baku Pre-trial Detention facility to be presented to the complainant and submitted to his legal counsel on the same day.

The failure of delivery of the relevant court decision to citizens in due time has violated his right to appeal.

The court judgments shall be delivered within a time provided by the law to the parties via registered mail or upon receipt. The analyses of the appeals to the Ombudsman show that in some cases the judgments are not duly delivered to the parties, which results in the break of the right to appeal against that judgment in a higher court.

Case No. 9626-20

The complainant G. complained to the Ombudsman that he was not provided with a copy of the decision of Sabail District Court, in the civil case, to which he is a party and asked for assistance in ensuring his procedural rights.

Following the Ombudsman's request to the relevant court for further investigation of the allegations stated in the complaint, a copy of the resolution has been delivered to the complainant.

Under the Civil Procedural Code of Azerbaijan, court resolution shall be sent or submitted to the parties within 3 days from the date of preparation thereof (Art. 227 (3)), copy of the resolution in absentia shall be sent or submitted to a party within 10 days from the date of issue (243 (1)) and the ruling rendered as a separate act shall be sent or delivered to the parties within 5 days from the date of its rendering (266 (1)). The analyses of the complaints show that in some cases the court decisions are not delivered to the parties on time that leads to the infringement of the right to appeal to a higher court.

According to that Code, a judge shall have the right to correct errors and obvious calculation mistakes in the text of resolution upon his initiative with notification of the parties to the case or upon petition of the parties (Art. 228.2).

Case No. 5373-20

The complainant H. complained to the Ombudsman that his inquiry to Baku City Court of Appeal concerning the explanation to the decision was ineffective and that the decision was not given an explanation. Therefore, he asked for an assistance.

The relevant court responded to the Ombudsman's request for further investigation of the fact that a petition of the complainant was ensured by the relevant ruling of the Administrative Board of Baku City Court of Appeal and an error in the conclusion part of that decision was corrected.

The Judicial – Legal Council was requested for further investigation of the cases reflected in the complaints received by the Ombudsman.

Case No. 10422-20

The complainant B. complained to the Ombudsman that the judge, who reviewed the civil case on divorcing, keeping a minor child at his plaintiff ex-wife and determining alimony in the amount of 500 (five hundred) AZN pending before Nasimi District Court, in a biased manner, violates the norm related to the participation of the relevant executive authority in the court hearing on the dispute related to the upbringing of children of the Family Code (Art. 73 (1)), and that the Guardianship and Trusteeship Body at the District Executive Office was not engaged in the civil proceedings within seven months in a view to defend the best interests of the child. He asked for considering the civil case within the law to protect the rights of his girl-child and taking appropriate

measures to avoid biases by the judge. The Ombudsman has brought the allegations indicated in the case to the attention of the Judicial- Legal Counsel.

Everyone has the right to quality legal assistance. So, effective provision of the right to quality legal assistance for poor individuals is an important factor in the administration of justice.

Article 67 (2) of the Civil Procedural Code provides that if this Code requires a lawyer's mandatory participation in the proceedings if the parties have insufficient funds to pay for the lawyer's services, the court that adopted the judicial act shall ensure the participation of the lawyer in the proceedings.

The lawyer participating in the proceedings as provided under Article 67 provides legal service to individuals with insufficient funds to have a lawyer in accordance with the court decision, free of charge and at state expenses. The amount paid as provided by the law may be paid to the state budget in proportion to the secured part of the claim through deduction from the individual against whom the court decision was issued.

Case No. 2358-20

Complainant P. complained to the Ombudsman that his request for provision with a lawyer to appeal against the judgment of the Baku Court of Appeal to which he is a party was ineffective and asked for appropriate assistance.

According to the letter of response to the Ombudsman's request for the conduct of the further investigation of the allegations, the request of the complainant was ensured by the relevant ruling of the Civil Chamber of the Baku Court of Appeal, as well as he was provided with a lawyer to write an appeal in cassation against the court resolution, to ensure his lawyer's participation in civil proceedings to the cassation court, to defend his rights and to provide him with high-quality legal service, and that the ruling was submitted to the Collegium of Advocates for the execution.

The expert shall give a written opinion no later than one month from the date of receipt of the court decision on the appointment of expert examination by the forensic examination office, and no later than 10 days, confirms it by his signature and sent it immediately to the court in respect of cases provided for in Article 172.2 of this Code. As regard to the cases provided for in Article 172.3 of this Code, an expert opinion shall be issued within 3 days.

Under Article 172.2 of this Code, cases on restoration at work, withholding alimonies, adoption, disputing resolutions, actions (inactions) of state authorities, social organizations, officials shall be heard and settled within a month. Article 172.3 stipulates that shorter periods for hearing and settlement of certain categories of cases shall be specified by law.

Notwithstanding the provisions in effect, in several cases individuals face bureaucratic hindrances in ensuring this right because of indifference by the competent state authorities, including forensic examination office or an entity mandated to conduct a forensic examination or issuing an appropriate opinion. Consequently, judicial protection of the rights and freedoms of an individual is continued to be violated, along with the other interrelated rights.

Incidentally, some applications cover the problems such as indifference of the lawyers to their profession and clients. Such challenges give rise to the insufficient attitude of law enforcement agencies and the judiciary towards lawyers acting as necessary and full participants in the inquiry, investigation, or proceedings. Hence, a lawyer without legal responsibility and demonstrating an irresponsible approach to his activity leaves his client to feel out helpless and unable to fully exercise this right.

There is a need for the training of lawyers with the aim to increase the quality of legal services provided to citizens.

In general, considering the importance of the lawyering institute in the protection of human rights, in her Annual Reports, the Ombudsman made recommendations to the competent authorities for increasing the number of lawyers in the country and increasing the amount of payment for lawyering provided at state expenses and supporting their activity.

The Ombudsman thinks it appropriate to remove the requirement for three-year of relevant work experience, including experience in academic and pedagogical fields for the period of not less than three years from the list of requirements for the candidate lawyers upon their admittance to the legal profession, as well as to create an opportunity for those, who has a doctoral degree (Ph.D.) in law, and has at least seven years of continuous service in civil service to be exempted from the written test and being engaged in compulsory training, but rather taking only a job interview, and for judges to practice as lawyers to be free from the written test, interview and being engaged in compulsory training.

Provision of legal aid to individuals with financial problems leads to the effective exercise of this right, together with ensuring the administration of justice. Therefore, across the country, it is necessary to allocate finance for establishing regularly operating law firms at the state expenses to provide legal services to poor people, as well as to take necessary measures to incentivize lawyers' activity in districts. This is an important element for more efficient protection of human rights, law violations, and arbitrariness of officials.

In addition, the Ombudsman in cooperation with the UN OHCHR Baku Office runs a project of free legal service addressing the low-income families in districts.

In a view of all, the Ombudsman is in the opinion that it is necessary to continue measures for strict observance of human rights by the state authorities, improving the national judiciary with the purpose of reliable protection of human rights and freedoms, further facilitation of the rights of individuals to appeal to a court and information, increasing transparency, and fighting against bureaucracy.

Duly and full execution of judgments plays a crucial role in the efficiency of the administration of justice and the reputation of the judiciary. Under Article 129 of the Constitution, law courts take decisions on behalf of the state; implementation of these decisions is obligatory. Failure to execute a court decision shall entail liability prescribed by law.

Articles 234 (2) and 234.2 (1) of the Civil Procedural Code specify that the court resolutions concerning the receipt for the maintenance of a person, including alimonies, shall be urgently executed.

Article 13.1.4-1 of the Law of Azerbaijan "About Execution" stipulates that implementation documents should be directed immediately to execution papers, issued based on court decisions on the receipt of funds for the maintenance of a person, including alimony.

The concerns in applications about the fulfillment of court decisions brought to the attention of the Ombudsman included failures in the fulfillment of judgments or long-term delays in executions, procrastination, and violations of the rules of ethical conduct by the executive officers against citizens.

The measures taken based on the applications related to the payment of alimonies, property salary arrears, evacuation of the occupied plot of land or property, many times, has resulted in the fulfilling of the relevant judgments, and the violated rights were restored.

The number of complaints to the Ombudsman about the non-execution of court decisions on alimony claims is being increased. This is becoming a serious problem for society. As a rule, the state authorities, particularly the Ombudsman Institution received many complaints by claimant single mothers about failures in the fulfillment of court decisions.

The Ombudsman taking account of the protection of the rights of single mothers, those in need of spousal support, also of children under guardianship, conducted necessary investigations to achieve the execution of the related judgments.

In some cases, the investigations of those complaints have resulted in full or partial payment of alimonies.

Thus, the relevant courts issued decisions on administrative warning, forcible appearance, penalty, administrative arrest, temporary restriction of the right to leave the country against debtors, who fail to fulfill their responsibilities for payment of spousal support, and in accordance with the relevant statements prepared by the execution officers when taken steps did not yield results. Also, there had been conducted inter-governmental searches at different times and presented statements in relation to subjecting to criminal liability.

In some circumstances, the execution of decisions has been accomplished.

Case No. 1013-20

Complainant M. complained that the decision about the payment of a child support was not implemented by the respondent, Barda District Judicial Executive and Probation Department did not take any appropriate measures for the execution of the resolution, asked to help in this regard.

In the letter of response to the Ombudsman's appeal to the Ministry of Justice to conduct further investigation of the allegations, it was stated that according to the relevant execution order of Yevlakh District Court during the implementation of the order concerning the monthly payment of 120 AZN for the support of one child, the debtor has not paid an aliment regularly and there was no property belonging to the defendant to which the claim can be disposed. As a result of the measures taken during the investigation, the payment of some part of the debt was provided and a workplace of the debtor was determined, and the claim was disposed to his salary.

Case No. 1260-20

Complainant H. complained to the Ombudsman stating that a resolution about the payment of an alimony issued by Lankaran District Court was not executed and asked for the investigation of the case.

To the appeal of the Ombudsman to the Ministry of Justice, it was responded that according to the relevant execution document of Lankaran District Court during the implementation of the execution document concerning the payment of 160 AZN monthly alimony to the claimant for the support of a child up to his age of majority carried out by Ordubad and Khazar Districts Judicial Executive and Probation Department, the respondent did not pay the alimony, as well as the property to which the claim can be directed has not been identified. Consequently, during the investigation of the appeal, the debtor's place of work was determined, and the claim was directed to his salary.

Case No. 8540-20

Complainant, Y. appealed to the Ombudsman stating that the relevant decision of Guba District Court had not been implemented and requested assistance in protecting his rights.

In response to the Ombudsman's appeal to the Ministry of Justice to investigate the circumstances reflected in the complaint, it was stated that during the proceedings initiated by Garadagh District Judicial Executive and Probation Department, it was

revealed that the debtor was in military service in military unit N of the Ministry of Defense, but the claim was directed to 70 percent of his salary until the alimony debt was paid.

The analysis of complaints shows that even when the amount of alimony was very small, there were serious problems in the payment of alimony.

Case No. 8888-20

Complainant K. complained to the Ombudsman stating that Lerik District Court had not taken appropriate enforcement measures in accordance with the relevant decision of Lerik District Court on the payment of alimony in 2013 and requested assistance in the execution of the court decision.

In response to the Ombudsman's appeal to the Ministry of Justice to investigate the circumstances stated in the complaint, it was stated that according to the relevant executive document of Lerik District Court, alimony should be withheld from the debtor in the amount of AZN 20 per month. During the investigation, the complainant was provided with payment of alimony arising under the writ of execution.

It is interesting that according to the Law of Azerbaijan "On the subsistence minimum for 2013 in the Republic of Azerbaijan" dated November 30, 2012, No. 475-IVQ, the subsistence minimum for the main socio-demographic groups of the population in 2013 was 93 AZN for children. However, in the same year, the court determined alimony in the amount of 20 AZN. After the recommendation of the Ombudsman, the plaintiff filed a claim to increase the amount of alimony to the relevant court, and consequently, the amount of alimony was increased.

In many cases, some difficulties have emerged in the payment of the alimony debt or it was not possible to secure the payment due to the unemployment of a debtor, lack of formal job, lack of any property or other income to which a claim may be directed, the inability of an incapacitated debtor, lack of pension (benefit) or a small amount of pension or benefits, debt evasion through various illegal methods, concealment and leaving the country.

Case No. 9161-20

Complainant, M. complained to the Ombudsman stating that the court's decision to pay alimony in the amount of 320 AZN per month in favor of the maintenance of two children had not been enforced and asked for assistance in protecting his rights.

In response to the Ombudsman's appeal to the Ministry of Justice regarding the investigation of the circumstances shown in the complaint, it was stated that during the enforcement process initiated by the Judicial Executive and Probation Department on the relevant writ of execution of Yasamal District Court, based on the recommendation of the execution officer the debtor's vehicle was seized for non-regular payment of alimony, the relevant district on the fact that a debtor did not pay the alimony, part of the debt has been repaid and measures are being taken to enforce the court decision.

The above-mentioned problems caused non-execution of the writs concerning the payment of alimony.

In the process of enforcement of alimony court decisions, the debtor evaded the execution of the decision, did not comply with the requirements of the enforcement officer, and

hid in order not to pay the debt, according to the decision of the enforcement officer, a search case was opened against the debtor.

Case No. 9699-20

The complainant A. complained to the Ombudsman, stating that the decision of Shirvan City Court on the payment of alimony had not been enforced, and asked for assistance in protecting his rights.

In response to the Ombudsman's appeal to the Ministry of Justice to investigate the circumstances in the complaint, it was stated that during the enforcement process initiated by Saatli District Judicial Executive and Probation Department, it was revealed that the debtor did not regularly pay alimony and no property or income were found to be claimed. The executive officer took a decision on a search for the debtor as he changed his place of a residence without providing information and therefore, it was impossible to determine his whereabouts, and delivered the decision to the Saatli District Police Department, where a relevant search case was opened.

Putting property belonging to the debtor, including houses and apartments, business facilities, or cars in the name of other persons as private property, are also among some types of complications in ensuring the payment of alimony.

The analysis shows that the issue of alimony arrears is becoming increasingly serious. Therefore, the solution to the problem of non-payment of alimony by the debtor should be considered as an important priority.

According to Article 528.1 of the Code of Administrative Offenses of Azerbaijan, individuals are fined in the amount of 500 (five hundred) to 1000 (one thousand) AZN for non-compliance with the lawful requirements of the executive officer in connection with the execution of decisions of courts or other bodies. Sometimes, the application of this provision to cases of non-enforcement of court decisions on alimony claims leads to a contradictory situation. Because a debtor/respondent whose property and income are not disclosed and who is unable to make alimony payments on time due to financial difficulties is fined in the amount of 500 to 1000 AZN. In this case, the debtor/respondent first tries to pay the fine, and this situation again delays alimony payments.

Taking account of all the above and the specific nature of alimony obligations, it is proposed to specify the administrative responsibility for non-compliance with the lawful requirements of the executive officer in connection with the execution of court decisions on alimony in a separate article, with considering the circumstances of the case and a financial situation of an individual who commits an offense. In addition, it is recommended the establishment of a separate liability for intentional non-compliance with the lawful requirements of the executive officer in connection with the execution of court decisions on alimony.

It is necessary to make inclusions and amendments to the Code of Administrative Offences and the Law "About Execution" of Azerbaijan in connection with mandatory involvement of individuals, evading alimony obligations, as well as to develop mechanisms for the coordinated action of the enforcement bodies with employment bodies respectively.

Having this in mind, it would be better to reconsider the recommendation of the Ombudsman about the establishment of the Alimony Fund, put forward already in 2006.

With the relevant interventions of the Ombudsman, the enforcement of the court decisions was provided.

Case No. 8600-20

Complainant C. complained to the Ombudsman stating that the resolution of Yardimli District Court on the civil case in which he was a party had not been fully implemented so far and asked for assistance in resolving the issue under the law.

In response to the Ombudsman's appeal to the Ministry of Justice to investigate the circumstances reflected in the complaint, it was stated that according to the relevant writ of execution of Salyan District Court, the property mentioned in the writ of execution was taken from the debtor and returned to the complainant.

Case No. 19811-20

Complainant A. complained to the Ombudsman stating that the relevant executive document of Baku Court of Appeal had not been enforced by Sabunchu District Judicial Executive and Probation Department, and that appropriate measures had not been taken in this regard and requested that the matter be investigated and assisted.

In response to the Ombudsman's appeal to the Ministry of Justice to investigate the circumstances contained in the complaint, it was stated that according to the relevant writ of execution of Baku Court of Appeal, during the enforcement process initiated by Nasimi and Sabunchu Districts Judicial Executive and Probation Departments, the place of the car was identified and handed over to the petitioner.

Failures or delays in enforcement of judgments by the state authorities led to reasonable dissatisfaction of citizens.

Case No. 3125-20

Complainant M. complained to the Ombudsman stating that the the relevant decision of Shirvan Administrative-Economic Court on the payment of pensions had not been implemented by the Sabirabad city branch of the State Social Protection Fund under the Ministry of Labor and Social Protection of Population and asked for assistance in this regard.

In response to the Ombudsman's appeal to the Ministry of Justice to investigate the circumstances reflected in the complaint, it was stated that the claim was not voluntarily satisfied by the debtor organization during the proceedings on the writ of execution, therefore Sabirabad District Court fined the debtor 1,200 AZN. As a result of the measures taken, the execution of the court decision was ensured, and the enforcement of the execution document was terminated by the relevant decision of the executive officer.

Case No. 59-20

Complainant N. complained to the Ombudsman stating that the court decision on the supplement of his house in Ashagi Layar village of Gusar district with gas was not implemented and asked for assistance in ensuring his rights.

In response to the Ombudsman's appeal to the Ministry of Justice to investigate the allegations in the complaint, it was stated that according to the relevant executive document of Khatai District Court, the Azerigas Production Union was responsible for connecting the applicant's private house to the gas network. However, the demand was

not satisfied by the Azerigas Production Union during the initial enforcement measures carried out by Khatai District Judicial Executive and Probation Department.

Procrastination, rude behavior towards, especially, the plaintiff, indifferent or bias attitude toward the execution of court decisions, unreasonable delays in the execution of court decisions, as well as other similar shortcomings emerging during the enforcement proceedings also harm the efficiency of access to justice. Therefore, administrative, and judicial control over the activities of executive officers should be strengthened, and measures against enforcement officers who do not comply with the requirements of the law should be further tightened.

The rights of the defendants and other participants in the criminal proceedings. The criminal proceedings are instituted based on legal equality of everyone before the law and court of law. The bodies carried out criminal proceedings should respect for all human and civil rights of all participants of the proceedings guaranteed to them under the Constitution of Azerbaijan.

The Ombudsman continued to cooperate with prosecutorial, internal affairs, and other authorities in the field of protection of the rights of defendants and other participants of the criminal proceedings.

The main concerns indicated in the appeals received by the Ombudsman were about biased preliminary investigation or investigation, non-responding of appeals, failure to give information to citizen about pending inquiry procedure or investigation process, unjustified decisions on refusal of initiating the criminal proceedings, failure initiating the criminal proceedings based on the fact, suspension or termination of pending proceedings, procrastination, failure to make procedural decisions concerning the petition, failure to provide copies of the procedural decisions, and cruel behavior against citizens.

During the analysis of the complaints, after the Ombudsman's appeal to the prosecutor's office in charge of the investigation of the criminal case, concluding that the materials collected in some cases did not contain criminal content the lawfulness of the decisions on refusals of a criminal proceeding was checked. When it was identified that the investigations were not fully and thoroughly conducted the material was returned to the relevant investigative bodies for further investigation.

Case No. 1437-20

Complainant A. complained to the Ombudsman, arguing that he appealed to the 23rd Police Station of Nizami District Police Office regarding the infliction of injuries by the General Director of "GM Construction" LLC but without success and asked for an investigation and appropriate assistance.

In response to the Ombudsman's appeal to the Ministry of Internal Affairs of Azerbaijan to investigate the circumstances reflected in the complaint, it was stated that the 23rd Police Station of Nizami District Police Office conducted an investigation based on the applicant's complaint and due to the absence of corpus delicti based on the pieces of evidence, following Article 39.1.2. of the Criminal Procedural Code, it has been decided not to initiate criminal proceedings.

While examining the relevant materials on the case by Nizami District Prosecutorial Office, it was decided to refuse the prosecution and the case was sent back for further investigation.

Case No. 8799-20

Complainant G. complained to the Ombudsman stating that Baku Main Police Office has launched a criminal investigation into embezzlement (large scale-fraud) by a person named Tural, by the complaint of the victim, but that the Baku City Prosecutor's Office had conducted a prosecution non-objectively and that defended the other party, asked for assistance in the objective investigation of the issue.

In reference to the Ombudsman's letter to the Prosecutor General's Office of Azerbaijan to investigate the allegations in the complaint, it was stated that the investigation was started on the case by the Investigation Unit of the Investigation and Inquiry Department at Baku Main Police Office and it was decided to transfer the case to the Serious Crimes Investigation Department to conduct further investigation, whereupon criminal proceedings have been instituted under Articles 2 and 178.2.4 of the Criminal Code. That decision was canceled by the Baku City Prosecutor's Office and The Investigation and Inquiry Department was instructed to proceed with the investigation.

Following the Ombudsman's appeal, in some cases, the decisions to refuse to initiate a criminal proceeding were re-examined by the prosecutor's office, and a criminal case was initiated, quite contrary.

Case No. 166-20

Complainant Y. complained to the Ombudsman stating that despite the abolishment of a decision of the Barda District Police Department to refuse to initiate criminal proceedings by Barda District Prosecutor's Office to send back for the preliminary investigation based on his appeal, the same decision was made again. Furthermore, that his appeal to the Prosecutor General's Office was ineffective, and asked for assistance in protecting his rights.

In response to the Ombudsman's appeal to the Prosecutor General's Office to investigate the allegations indicated in the complaint, it was stated that the Inquiry Department at Barda District Police Department conducted an investigation based on the complainant's appeal to the "102" call center of the Ministry of Internal Affairs; as a result, according to Article 39.1.2 of the Criminal Procedure Code, due to lack of corpus delicti, a decision was made to refuse to initiate criminal proceedings.

The case material was studied in Barda District Prosecutor's Office, the relevant decision to refuse to initiate criminal proceedings was canceled and the proceedings were initiated under Article 221.3 of the Criminal Code of Azerbaijan.

Case No. 11228-20

Complainant I. complained to the Ombudsman, stating that his petition to Masalli District Prosecutor's Office regarding the seizure of 160,000 AZN misusing his official position of the representative of the head of Gargalig village administrative district of Masalli District Executive Power, was ineffective and asked for appropriate assistance.

In reference to the Ombudsman's appeal to the Prosecutor General's Office to investigate the circumstances stated in the complaint, it was stated that, given that the evidence collected during the investigation of a case was insufficient, under Articles 178.2.3, 32.4, 312.2 and 311.1 of the Criminal Code

and the case was initiated; as a result the preliminary investigation was entrusted to the Investigation Department of the Anti-Corruption General Directorate with the Prosecutor General of Azerbaijan.

Case No. 4335-20

Complainants, M., and N. lodged a complaint with the Ombudsman stating that they had been beaten by known persons, that the case investigation was pending before Nizami District Police Department, but no action had been taken on the case, despite it has been long, and asked for assistance in protecting their rights.

In response to the Ombudsman's appeal to Nizami District Police Office to investigate the allegations, it was stated that the investigator of the Investigation Department opened a criminal case in accordance with Article 128 of the Criminal Code on the fact of minor damage to the complainant's health.

Pursuant to Article 41.1 of the Code of Criminal Procedure, the preliminary investigator, investigator, or prosecutor may decide to discontinue the criminal prosecution at any stage of the pre-trial proceedings if they ascertain any circumstance provided for in Article 39 of this Code (including discontinuation of work on the criminal case).

Decisions on non-compliance with procedural law, as well as on termination of criminal proceedings in other cases, during inspections conducted based on the Ombudsman's appeals was annulled and returned to the re-investigation with a written instruction by the prosecutor in charge of the investigation.

The investigations conducted on the basis of the Ombudsman's appeals, it was revealed that sometimes there had not been conducted necessary exhaustive, complete and unbiased investigative acts, important investigative actions in the case was not fully executed and there were non-compliances with procedural legislation, also in other cases decisions to terminate criminal proceedings had been cancelled by the prosecutor, leading the investigation into the criminal case and submitted to another investigation agency for re-investigation.

Case No. 10243-20

Complainant S. complained to the Ombudsman alleging that his mother had been killed by a relative over a property dispute, that Khizi District Prosecutor's Office conducted the biased investigation and under Article 39.1.2 of the Criminal Procedure Code, the criminal proceedings had been terminated and that his appeals to the Prosecutor General's Office were ineffective in this regard and asked for appropriate assistance.

In response to the Ombudsman's appeal to the Prosecutor General's Office to investigate the complaint, it was stated that the district prosecutorial office questioned witnesses during the investigation of the case under Article 125 of the Criminal Code in connection with the death of the complainant's mother, the body was exhumed and conducted post-mortem examination by a forensic expert and other necessary investigative acts were carried out, as a result, the criminal case was terminated by the relevant decision. The criminal case was investigated by the Prosecutor General's Office, and as it was determined that it was necessary to conduct some investigative

actions, the decision was annulled, and the criminal case was reopened and returned to the District prosecutorial office for further investigation.

Case No. 1640-20

The complainant Z. complained to the Ombudsman arguing that Sumgayit City Police Office conducted a biased investigation into his case concerning the injuring of him by the known persons and that the investigation procedure was unreasonably terminated; therefore, he asked for appropriate assistance in this regard.

In response to the Ombudsman's appeal to the Ministry of Internal Affairs to examine the allegations shown in the complaint, it was stated that under Article 128 of the Criminal Code, the Investigation Department at the City Police Office has initiated an investigation into the fact of injury caused to the complainant during the dispute between him and another person; as a result of referring to the case materials amassed the investigative acts were terminated due to the corpus delicti of assault. The decision was canceled, and the case was transferred to the Prosecutor-General's Office investigation department for investigation.

Following the appeals to the prosecutorial bodies to investigate the circumstances shown in the complaints, in several cases, the actions of an accused were interpreted under other norms of the Criminal Code.

Case No. 371-20

Complainant H. complained to the Ombudsman stating that Baku City Prosecutor's Office investigated his son's death as a homicide but that he was not informed about the circumstances of the investigation and that the perpetrators had not been arrested. He asked for assistance in defending his rights.

In response to the Ombudsman's appeal to the Baku City Prosecutor's Office to investigate allegations, it was stated that a murder case of the complainant's son had been initiated under Article 124.1 of the Criminal Code and was submitted to the relevant department for investigation.

The offense was interpreted under Article 236.1 of the Code and the investigation was transferred to the Ministry of Internal Affairs.

In each case of receipt of information about a committed or planned crime, the inquirer, investigator, or prosecutor in charge of the procedural aspects of the preliminary investigation shall take one of the related decisions to initiate a criminal case, refuse to initiate criminal proceedings, and to send information on offense subject to a semi-public prosecution to the relevant court.

Sometimes, instead of investigating citizens' appeals under the law, the inquirer "accepts" the application but does not make any appropriate procedural decision.

Case No. 2964-20

Complainant, S. applied to the Ombudsman. She stated that she is pregnant and takes care of an infant and her spouse has the first-degree disability. The complainant also added that the husband's relatives did not allow her with a child entering the house, where she lived, as they closed the door of the apartment without having any

relevant court order. Therefore, she asked to investigate the issue and provide appropriate assistance.

In response to the Ombudsman's appeal to Absheron District Prosecutor's Office to investigate allegations, it was stated that during the examination of all case materials by the District Prosecutor's Office taken from Absheron District Police Office to examine, upon the request of the complainant, it was disclosed that the material obtained was unreasonably accepted for the investigation and the appellant was explained her right to appeal for civil litigation. Therefore, the material collected by the Investigation and Inquiry Department of the noted Police Department was sent back by the prosecutor's office to ensure a full, objective, and thorough inspection.

Case No. 3988-20

Complainant B. complained to the Ombudsman about his dissatisfaction with the investigation procedure conducted by Narimanov District Police Office and asked for assistance in the investigation of his complaint.

In response to the Ombudsman's request to the Ministry of Internal Affairs for investigation of allegations, it was stated that his appeals concerning the alleged illegal trade of drugs by his neighbors were repeatedly investigated by the district police office and 17th police station and decisions to refuse the proceedings were taken due to the lack of corpus delicti. The complainant's appeal was investigated accordingly and registered in the registry department due to the lack of corpus delicti.

The investigations conducted on a basis of Ombudsman's requests to the Ministry of Internal Affairs for examination of allegations indicated in some of complaints received by the Institution, resulted in subjecting to disciplinary liability the police officers, violating the law and abusing their powers, failing to fulfill ethical rules towards citizens, severely violating code of ethical conduct for the police authorities, demonstrating disrespect towards citizens, as well as those, who violated ethical rules concerning the drivers and the measures for improving the work in the concerned area were taken.

Case No. 2797-20

Applicant A. lodged a file with the Ombudsman concerning the failure to take appropriate actions for injuring of his son by some groups of people in the winter quarters in Absheron district based on his call to "102" call center of the Ministry of Internal Affairs, therefore, asked for help in the investigation of the assault case.

The relevant Ministry responded to the Ombudsman that Gobu Police department of Absheron District Police Office has initiated an inquiry on a basis of the applicant's appeal, the applicant's other son was explained the rights when he was received by the administration of the police department, also Amid Aliyev, field officer of Gobu Police Department was held disciplinary accountable for the defects in his work by the respective order of the head of the Department.

Case No. 472-20

G. appealed to the Ombudsman about the failure to conduct an objective investigation of the embezzlement case conducted by abusing his trust by the person known to him, by the 16th Police Station of Narimanov District Police Office and asked for assistance in resolving the issues following the law.

The Ministry of Internal Affairs responded to the Ombudsman's request for an investigation of alleged facts, it was stated that the person against whom the complaint is made had been identified and brought to the police station by the search-operations officer, Kamil Sharifov and released after getting a statement by inquirer Allahyar Allahyarli.

The search-operations officer, K. Sharifov interfered with the procedural activities of inquirer A. Allahyarli, conducted an unofficial investigation in absentia of the latter to ensure compensation for pecuniary damage. So, he made re-filed a statement of absence after the relevant amount had been paid by the applicant's parents.

The inquirer A. Allahyarli conducted a superficial investigation into the material collected in connection with the applicant's appeal and a decision to refuse to initiate criminal proceedings under Article 39.1.2 of the Criminal Procedure Code was taken. Narimanov District Prosecutor's Office cancelled the decision as it was unreasonable and transferred to the investigation department of the district police office, and a decision to refuse to initiate criminal proceedings under Article 39.1.2 of the Code was made.

The police officer, K. Sharifov was dismissed from his job by the order given by the Minister of Internal Affairs, but other officers have been disciplined for misconduct.

Case No. 1701-20

Applicant J. appealed to the Ombudsman about the failure to fulfill unbiased investigation of the domestic burglary case by Sabirabad District Police Department initiated upon his appeal and asked for assistance to solve this issue per the law.

The Ministry of Internal Affairs responded to the Ombudsman's request for checking the allegations, the district police department opened a criminal proceeding under Article 177.2.3 of the Criminal Code, and as a result, cops Rauf Sultanov and Gulaga Jabrayilov were disciplined for misconduct.

Case No. 23144-20

Applicant S. appealed to the Ombudsman concerning the insults and other illegal actions against him by the staff of Oguz District Police Department and asked for taking an appropriate measure.

In the response letter to the Ombudsman's request for the investigation of the alleged facts, the Ministry of Internal Affairs replied that because of service investigations, staff members, who made mistakes in drafting relevant documents and their submission accordingly were disciplined.

In the light of all above mentioned, it is necessary to strengthen the rule of law, especially to pay attention to strict observance of human rights and freedoms and expand measures to comply with ethical standards and norms with citizens.

The Ombudsman is of the opinion that all necessary measures, including the procedure of handling and reception of applications of citizens, in accordance with the established conditions, the work of informing the participants of the criminal proceedings about the progress in investigation by the investigation and inquiry bodies and procedural control over inquiry and investigation should be strengthened further.

1.2. PROTECTION OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Right to labor. Labor is the basis of individual and public welfare. Everyone has the right to freely choose a type of activity, profession, occupation, and place of work based on his ability.

The measures, taken to ensure the right to labor led to developing individual and public welfare and gradually eliminating the law violations.

The issues related to ensuring and protecting the right to labor took an important place during the special quarantine period due to the COVID-19 pandemic.

The appeals about the violations of the right to labor brought to the attention of the Ombudsman have mainly indicated concerns relating to job dismissals during the pandemic in violation of the legislative acts, failures in payment of monetary compensation for work-related injuries and lost wages for restoration to working, failures in duly payment of salaries, unused vacation (labor) leave, and employer's last invoice and failure to provide upon dismissal an employment record book.

The Ombudsman took appropriate measures to restore the violated labor rights of citizens as a result of investigations of complaints.

The first steps taken by employers when they face economic problems is either redundancy or at best, sending workers on long-term unpaid leave. Although the measures and serious efforts are taken to protect the rights of workers, the use of these methods by employers instead of the application of new methods arising from the requirements of market conditions leads to the continuing violations of labor rights.

The Ombudsman's relevant appeals concerning the investigation of allegations indicated in the complaints, including the restoration of the violated labor rights facilitated the appropriate investigations, which resulted in the restoration of the violated rights.

Case No. 1694-20

Applicant H. complained to the Ombudsman concerning the continuing pressures setting up on her by the principal of the secondary school named after Z. Bagirov in Yukhari Dashkesen settlement of Dashkesen district, who has not properly distributed the lessons and asked for help in defending her rights.

The Ombudsman was responded by the Ministry of Education that the investigation disclosed that the lesson distribution among primary school teachers was not done properly in accordance with the results of their diagnostic exams. So, the principal of the noted school was given a written warning for misconduct in accordance with the respective order given by the district education department, and the lesson plan for primary school teachers was redrafted. The teaching hours of the appellant have increased, and she was provided with 19 hours of workload.

Case No. 21206-20

Applicant S., a guidance counselor at primary school in Zagatala District Education Department, a teacher with 34-year of service records, who worked for 25 years as a primary school teacher at Humanities Gymnasium, and who was invited in 2011 to work in the education department as guidance counselor provided that she would work at both places as a mainstream teacher complained to the Ombudsman that she had participated in diagnostic assessment of teachers and had a score of 37, but the

education department suspended to provide her with teaching hours and asked for help in re-allocation with teaching hours as a single lady with financial hardship.

Following the appeal of the Ombudsman to the Ministry of Education, given that the appellant had a score of 37 during the diagnostic assessment, she was allocated with 6 hours of workload at Zagatala City Gymnasium on a specialty.

Case No. 7776-20

Applicant Z. complained to the Ombudsman saying that he was subjected to unfair redundancy despite his disability during the period of pandemic and since 1 April 2021, he has been fired from his job as an architect in Sumgayit City Department of Architecture and Urban Planning and asked for assistance in the investigation of the case and restoration of him to work.

In the response letter of Sumgayit City Executive Power Office to the Ombudsman, it was stated that as city Architecture and Urban Planning Department is a self-accounting institution because there were difficulties in payment of salaries of employees and other urgent matters, therefore, in accordance with the law, the applicant has warned two months in advance that he would be laid off. Because of the pandemic and quarantine measures, however, the workplace of the applicant was not subjected to redundancy and he was paid for all months he worked for.

Case No. 16728-20

Applicant A. complained to the Ombudsman, saying that he was working as a chief specialist in Binagadi District Prosecutor's Office but was unfairly fired from his job and his relevant appeals to competent authorities were ineffective. He asked for taking appropriate measures.

Following the intervention of the Ombudsman with its correspondence to the Office of General-Prosecutor, the issue was resolved.

Case No. 1023-20

Applicant M. lodged a file with the Ombudsman, stating that his salary was not paid by the construction company and his relevant request to the State labor Inspection Service was transferred to Yasamal District Department of the Service, which did not investigate the issue based on his request and asked for assistance in the restoration of his labor rights.

Following the correspondence of the Ombudsman with the Ministry of Labor and Social Protection of Population (MLSPP) to investigate the violations raised, as a result of subsequent investigations of the issue by the competent Service noted above, the "HN Construction" LTD had transferred the applicant's final settlement of wages to his bank account and the latter was provided a bank card.

Case No. 21248-20

Applicant Z. addressed the Ombudsman with a file, saying that his salary (temporary) supplements were not paid and asked for help.

After the correspondence of the Ombudsman with the Ministry of Health to investigate the issue, the applicant's request was satisfied per the Cabinet of Ministers'

Decree dated March 25, 2020 “On Determining Temporary Salary Supplements for Health Providers, taking part in the fight against novel coronavirus (COVID-19)”.

The investigations of complaints by the Ombudsman have resulted in disciplinary actions against some employers, who broke the labor legislation. In some cases, the employers were disciplined, and they were given binding instructions to ensure payment of salaries and final settlement of wages.

Case No. 7115-20

Applicant H. appealed to the Ombudsman, arguing that his family is in difficult life situations as he was fired from the “Azerconnect” LTD during the pandemic and that he is currently unemployed. Also, he stated his appeals were not considered and asked for help in defending his rights.

The Ombudsman requested the MLSPP for the investigation the allegations of the applicant, to which it was responded that the applicant was warned by the relevant by-law of the head of the LTD under Article 77 (1) of the Labor Code that his labor contract would be terminated due to the redundancy in “2nd Assistant Director (AD)” within the crew, and his labor contract was terminated accordingly.

While terminating the employment contract of the applicant, the latter was not paid for his last working day during the final settlement of wages in violation of Article 83 of the Code, therefore, the management of that LTD was administratively fined by the State Labor Inspection Service under the MLSPP.

Case No. 2744-20

Applicant A. applied to the Ombudsman, stating that he was forced to work overtime by the “Eviar” LTD in violation of his labor contract, he was engaged in labor during non-working days, and his settlement of final wage was not paid, which led to violations of his labor rights and asked for assistance in resolving the issue within the law.

Following the Ombudsman’s request to the MLSPP for the investigation, the latter responded that the labor contract concluded between the “Eviar” LTD and the applicant and the relevant notices about its termination have been included in the “Employment contract notification” subsystem of the Ministry. In addition, from an extract of the bank statement submitted by the applicant, it was found that there were violations in calculations and payments of his salaries and vacation pay, hence, the management of the “Eviar” LTD has been subjected to disciplinary action.

Case No. 9404-20

Applicant A. appealed to the Ombudsman, saying that he was not allowed to his workplace by the director of the “TAC” LTD, but transferred to “Azerichap” LTD, where he was not provided with an employment contract. Furthermore, his salary was paid not in full, and therefore asked for help to restore his violated rights and solve the issue.

To the request of the Ombudsman for the investigation, the MLSPP responded that the employment contract concluded between the “TAC” LTD and the applicant was terminated under 68 (2) (a) of the Labor Code and the applicant was hired by the other LTD “Azerichap”. Later, the employment contract with the latter company was

terminated by Article 68 (2) (b) “about the expiring of the employment contract”, however, the final settlement of wage was not paid. An official of the “Azerichap” LTD was subjected to disciplinary action in connection with this and he was instructed to eliminate law violations found in the company.

Article 83 (2) about documenting termination of employment contracts of the Labor Code specifies that an employer’s order (decree, decision) to terminate an employment contract must be signed by the employer and authenticated by the enterprise seal. a copy of this order shall be given to the employee together with the employee’s record book and the employer’s final payment (compensation for unused leave time due to the employee and other payments) during the last working day.

Case No. 21885-20

Applicant A. has brought to the attention of the Ombudsman the fact of failure to provide him with an employment record book by the Baku Business University despite his voluntary resignation, which hindered his chances of resuming work and asked for help.

With the intervention of the Ombudsman in this matter with the correspondence to the educational facility, taking account of the health status of the resigned applicant, the latter was returned the employment record book under Article 69 (3) of the Labor Code.

Thus, it is necessary to create new workplaces, professions, and specialties meeting the criteria of the labor market, increasing the availability and quality of existing labor resources, adaptation to the requirements of the labor market, and increasing the efficiency of the use of labor force.

One of the most important guarantees provided by the state to job seekers and the unemployed in our country is the involvement of citizens in paid public works and assistance in self-employment.

In some cases, the Ombudsman, who is investigating the appeals about helping them to find a job expediently was succeeded in resolving similar problems.

After the Ombudsman’s interventions, numerous citizens have been provided with jobs.

Case No. 2241-20

Applicant G. appealed to the Ombudsman, saying that his family is in difficult life situations and complaining about ineffectiveness of his appeal to Shemkir district department of the State Social Protection Fund and asked for finding a job.

After the Ombudsman’s request to the MLSPP, the applicant was provided with a job at “DOST Business Center” LTD.

Case No. 1075-20

Applicant M. lodged a file with the Ombudsman saying that he is unemployed and as a jobseeker, his application to Gabala District Employment Service was not considered and asked for appropriate help.

So, after the Ombudsman’s appeal to the MLSPP concerning the investigation of allegations in a complaint, the applicant was approved for employment in the district

employment service and he was assigned employment insurance, but at the same time, he was hired by the "DOST Business Center" LTD.

Case No. 1985-20

Applicant B. appealed to the Ombudsman saying that his appeal to Samukh District Employment Center for employment of his spouse was unsuccessful and asked for help to be employed.

With the intervention of the Ombudsman and sending the correspondence to the MLSP, the applicant's spouse was provided with a job at "DOST Business Center" LTD through referral of the Center.

Case No. 13880-20

Applicant A. sought help from the Ombudsman that he was in a difficult life situation, saying that he needed a job.

The Ombudsman had intervened in this matter and sent a correspondence to the MLSP, the State Employment Agency's 18th territorial Employment Center contacted the applicant, and the applicant was hired by the "DOST Business Center" LTD as a social worker.

Case No. 13656-20

Applicant H. appealed to the Ombudsman, stating that he was unemployed and asked for help in finding a job.

After the Ombudsman appealed to the MLSP, the State Employment Agency's 16th territorial Employment Center contacted the applicant, and an employment contract was concluded between the "DOST Business Center" LTD and the applicant.

Independent or with state support, citizen's engagement in self-employment programs play a critical role in ensuring their right to labor.

In self-employment programs, the persons receiving targeted state social assistance (TSSA), persons with disabilities, persons approved for unemployment over than a year, persons less than two years before retirement age, and persons newly released from penitentiaries are given preferences.

After the investigations of the complaints by the persons engaged in self-employment programs received by the Ombudsman, necessary actions have been taken in this respect.

Case No. 12170-20

Applicant M. Complained to the Ombudsman that employees of Aghdam District Employment Agency offered him sick cattle within a self-employment project, and because of this, he refused those assets. He made numerous appeals in this regard, which were ineffective. Under the business plan (asset quantity and quality) sought help to obtain healthy cattle.

After the Ombudsman appealed to the MLSP to investigate the allegations, it was known that the applicant had been involved in self-employment training, and his business plan had been positively assessed and despite the supplier had repeatedly provided assets to him, but the latter refused to accept those assets claiming that they

were not appropriate. As a result, he was offered new assets in accordance with the business plan at the next stage of the transfer of assets.

Case No. 165-20

Applicant G. appealed to the Ombudsman saying that he is unemployed and despite that he was approved for the self-employment program by Mingachevir City Employment Agency as a jobseeker, no action was taken and therefore, sought the appropriate help in investigation of the issue.

The MLSPP answered the request of the Ombudsman for the investigation of the allegations that the applicant was involved in self-employment training (production of flour products) by the city employment agency and defended his business plan and was provided with assets.

Case No. 717-20

Applicant I. lodged an application with the Ombudsman stating that the assets provided to him in the frame of the self-employment program were useless and the assets were inadequate to the resources allocated by the state and asked for defending his rights and investigating the issue.

The Ombudsman appealed to the MLSPP in this regard, and the Ministry responded that the applicant was approved as a jobseeker and he applied for participation in the self-employment project. In addition, the applicant was succeeded in the selection process and participated in the project, and he successfully defended his business plan and was provided with assets by the supplier company. After a while, the applicant submitted a medical document issued by Imishli District Veterinarian Office about the death of one of the cows and he was provided with a new bovine instead of a dead one by the supplier agency.

Case No. 17526-20

Applicant A. complained to the Ombudsman that he was unemployed and asked for help in engagement in self-employment program and finding a job.

After the Ombudsman appealed the MLSPP, the applicant was engaged in a self-employment program, and his living conditions were monitored under Article 24 of the Law “On Employment” and “Rules on the Organization of Self-Employment of the Unemployed”, approved by the Cabinet of Minister’s Order No. 168 and were supplied with assets, including 21 small ruminants and 400 kg food.

In 2020, during the COVID-19 pandemic, following the Cabinet of Minister’s Order No. 263 dated July 23, 2020, the supplement of the jobless and jobseekers (entitled by the legislation) approved by the local state employment agencies under the MLSPP with materials, equipment, and other property in-kind based on the business plans, prepared with the support of local authorities played a crucial role in terms of employment of this category of persons without engaging them in relevant training.

The employment of needy people without concluding an employment contract by the employers remains a serious problem. The Ombudsman, in its Annual Reports or

correspondences with the competent state agencies, recommended taking necessary measures in this respect.

In the period of the COVID-19 pandemic, this problem has become more serious due to the special quarantine regime, which led to numerous people working in day-to-day affairs being deprived of their source of earnings.

In the current situation, measures have been taken to reduce the negative impact of the pandemic on employment and businesses in the country, it has been decided to provide a lump-sum payment of 190 AZN to those approved by the State Employment Service as the jobless, and tens of thousands of people have benefited from this social support.

However, some applicants got in touch with the Ombudsman stated in their complaints that they were not unfairly provided with that one-time subsistence.

Case No. 22249-20

Applicant T. complained to the Ombudsman that his family is really pressed and, therefore, he applied for a lump-sum payment, for which he was denied this social support because he had a land slot. However, the applicant stated that was not true and evidenced this by the official document, issued by the State Real Estate Registry Service and asked for help and investigation of this issue.

In the correspondence of the MLSPP addressed the Ombudsman, it was stated that the applicant was denied one-time subsistence because he owned agricultural land in accordance with the Cabinet of Minister's Order No. 127 of 7 April 2020 "on Approval of conditions and procedure for payment of lump-sum to persons registered as unemployed due to the application of a special quarantine regime during the coronavirus (COVID-19) pandemic", about which he was informed by SMS.

Despite all the above, the official document provided by the State Real Estate Registry Service at State Service on Property Issues under the Ministry of Economy and the applicant was repeatedly denied subsistence without expressing any appropriate attitude.

Case No. 22445-20

Applicant A. appealed to the Ombudsman that he suffered from financial hardship and needed help and he was unfairly refused a lump-sum payment of 190 AZN for what he applied for due to the situation with the COVID-19 pandemic. The reason for the refusal was that his spouse had an employment contract. However, the applicant said that their marriage was annulled in 2011 and asked for assistance and provision with financial support.

The appeal of the Ombudsman to the MLSPP to investigate the allegations indicated in the complaint was responded that the applicant was refused from one-time subsistence minimum because he was seen in the information Database of the Ministry of Justice as a married and that his spouse had an employment contract.

Case No. 8423-20

Applicant S. complained to the Ombudsman that despite the death of his spouse two years ago, he was denied a lump-sum payment of 190 AZN due to the presence of the taxpayer identification number in the name of his spouse, however, his appeal was ineffective despite the submission of the death certificate to the MLSPP and Shamakhi District Employment Agency. So, he asked for assistance in providing social benefits.

The Ombudsman appealed to the MLSPF to investigate the case, it was responded that the applicant was registered in the “Employment” subsystem of the centralized e-information system as unemployed, but he was denied a lump-sum payment since according to the database of other state authorities obtained by the relevant Ministry, the applicant’s ID card indicated the marital status of the applicant as “married” and the latter did not appeal to make changes on the document.

In the light of all above, the Ombudsman is of the opinion that it is appropriate to establish a state security system and related mechanisms for the payment of debts to employees by insolvent non-state agencies on wages and work-related injuries.

Right to social security. Everyone has the right to social security. Every person is entitled to social security upon reaching the age specified by the law, due to illness, disability, survivor benefits (loss of head of household), loss of functional capacity, unemployment, and in other cases foreseen by the law.

The amount allocated for social security benefits for the population groups with special needs, including low-income families, pensioners, and PWDs is increasing year by year as a result of the improved social security benefits and allowances for low-income families.

The legislation regulating the pension provision system is being advanced as well.

In addition, the Ombudsman analyzed the draft law on “Amendments to the Law on Labor Pensions (No. 54-IIIQ) dated February 7, 2006” prepared by the MLSPF and made its appropriate recommendations.

The Ombudsman considered that it would be inappropriate to remove the wording “including subsequent increases” in Article 1.0.5 (Article 1. Basic concepts) of the draft law. It must be noted that depending on the rate of development growth, the social security expenditures are constantly increasing amount. In addition, for example, the "motorized infantry battalion commander" has the same responsibilities, both now and 10 years ago, under military regulations. However, this is a different matter, that is, for example, for the same position the salaries paid in 2000, 2010, and 2020 are completely different. It is clear that the removal of the wording “including subsequent increases” will lead to different pensions for those holding the same positions at different times, in a breach of the principle of equality and discrimination. So, it is necessary to maintain this expression, given that at different times it will lead to the violation of equality of rights and discrimination between persons working in the relevant fields, even in the same positions.

The complaints concerning the social security of citizens received by the Ombudsman were mainly about the incorrect calculation of recalculation of pensions, failures in the appointment of TSSA or social benefit, failures in engagement in self-employment projects, failures to execute judgments in respect of payment of pensions, and assessment of disability.

In some complaints, it was stated that the decisions taken and upheld by the courts on the payment (lump-sum) of the difference in the amount of the old-age pension to the claimant on preferential terms were not implemented.

The Ombudsman took investigations into each case of the violated rights for their restoration.

Case No. 2428-20

Applicant G. complained to the Ombudsman that Shirvan City Department of the State Social Protection Fund subordinated to the MLSPF had not yet implemented the court resolution on the lump-sum payment of the unpaid difference and asked for assistance in protection of his right to social security.

The Ombudsman appealed to the Ministry to investigate the allegations and it was responded that according to the relevant court decision, Shirvan Department of the Fund in question was assigned to appoint the applicant an old-age pension on a preferential basis. So, the applicant's pension was calculated by the Fund from the relevant date, and he was paid the full amount of the unpaid difference.

Case No. 9859-20

Applicant C. complained to the Ombudsman concerning the failure to fully execute the decision of the Supreme Court on assigning Shirvan City Department of the State Social Protection Fund under the MLSPP to appoint the applicant an old-age pension on preferential terms and the payment of the lump-sum payment differences and asked for assistance in protecting his rights.

The Ombudsman requested the competent Ministry to investigate the case, to which it was responded that according to the Supreme Court decision, the applicant was appointed the old-age pension on preferential terms. In addition, based on the submitted by him, application and supporting documents, the amount of the applicant's pension increased, as well as under the Presidential Order No. 1802 dated June 02, 2020 "On indexation of the insurance part of labor pensions", the amount of labor pension was recalculated and increased.

According to the related court decision, the amount of pension accrued for the previous period is paid in accordance with the requirements of Article 32.1-1 of the Law "On Labor Pensions" by dividing the number of months in the previous period by adding a certain amount per month to the applicant's pension.

Case No. 1292-20

Applicant A. lodged a file with the Ombudsman saying that the court decisions on lump-sum payment of the difference in old-age pension on preferential terms that are in force were not executed by Shirvan City Department of the State Social Protection Fund and asked for assistance.

In response to the Ombudsman's appeal to the MLSPP to investigate the allegations, it was stated that according to Article 32.1.1 of the Law "On Labor Pensions", the total amount of pension accrued for the previous period was paid by adding it to the monthly pension. However, the court decision issued on behalf of the Republic of Azerbaijan and entered into force has not been implemented.

The Ombudsman appealed once more to take further measures to enforce the relevant court decision, it was responded that the construction section of the "List of industries, professions, positions and indicators entitled to an old-age pension on preferential terms", approved by the Cabinet of Minister's Order No. 12 dated January 23, 2007, considers only artists working underground. During the investigation, it was found that the applicant had worked as an artist in the construction and installation department for the relevant period and that the court had not examined whether the area where he worked belonged to the underground area. It is envisaged that the applicant will apply to the court as a new case from the relevant decision of the Supreme Court on determining his right to an old-age pension on preferential terms.

All the above and under Article 129 of the Constitution of Azerbaijan, the applicant's pension was recalculated, after the next appeal of the Ombudsman to investigate the issues, according to the relevant decision, the pension of the applicant was recalculated and half of the difference for the previous period was also paid to him.

Furthermore, pursuant to Article 32.1-1 of the Law “On Labor Pensions”, the rest of the amount was paid to the applicant by adding it to his monthly pension and transferring it to the relevant card account every month.

The investigations were carried out on the applications of citizens who were dissatisfied with the pension’s amount determined during the determination or recalculation, and measures were taken to restore the violated right to social security.

Case No. 899-20

Applicant M. complained to the Ombudsman about the less amount of labor pension despite his 47 years work experience and holding managerial positions for a long time and stated that his appeals to the competent authorities for the recalculation of his pension were ineffective.

In the correspondence with the Ombudsman, the MLSPP responded that the applicant's old-age pension was calculated and increased taking account of his 33 years and 8 months of service until 1 January 2006 as provided by the law and the pension capital accumulated in the insurance part of the personal account from 1 January 2006 to 23 August 2017, when he was fired.

Case No. 12242-20

Applicant M. complained to the Ombudsman about suspension of disability pension for a spouse with the second-degree disability and asked for help in restoration of their right, considering that he was bedridden.

The Ombudsman has sent correspondence to the MLSPP to investigate the case, and it was responded that the complaint was upheld, and pension of the applicant’s spouse had been restored from the date of its suspension.

The low-income citizens have continued to be provided with targeted state social assistance under the Law “On targeted state social assistance” in the past period as well.

The rights and legitimate interests of citizens are constantly being improved, considering the shortcomings and legal gaps identified in the implementation of legislation adopted to ensure this right, as well as obstacles to the practical implementation of the right to social security.

The Ombudsman investigated each application for targeted state social assistance and restored the violated rights.

Case No. 1583-20

Applicant M. with the second-degree disability complained to the Ombudsman about unfair refusal to provide him with TSSA and procrastination by Sabunchu District Department of the State Social Protection Fund despite his family registered through the Unified Electronic Application and Appointment Subsystem (VEMTAS) and asked for help in investigation of the case.

The Ombudsman appealed to the MLSPP to verify the allegations, to what it was responded that VEMTAS automatically provided TSSA to his family for two years based on his e-application.

Case No. 17309-20

Applicant A. lodged an application with the Ombudsman saying that his family, including three minor dependents, was in difficult life situations and unreasonable refusal of his appeals in connection with the appointment of TSSA for his family and asked for assistance in investigating and taking appropriate measures.

The Ombudsman appealed to the MLSP in this regard, and it was stated that the applicant's family had been appointed TSSA.

Several measures are being taken for the social adaptation of persons released from prison in accordance with the law in the framework of state social support measures addressed to population groups in need. One of such measures is the provision of one-time cash benefits to people released from incarceration and in need of social adaptation.

Even though, there were some shortcomings in provision of such benefits, and sometimes procrastination due to the released persons' inability to know their rights.

Case No. 384-20

Applicant M. appealed to the Ombudsman saying that he was prematurely released in accordance with Khatai District Court relevant decision and asked for assistance in accelerating the process of provision of one-time allowance, given the difficult life situation of his family and his relevant application to Binaqadi District Department of the State Social Protection Fund.

The Ombudsman had intervened in this matter and the complaint was upheld, as a one-time allowance was transferred to the bank account in Binagadi District branch of the Kapital Bank.

Case No. 227-20

Applicant A. addressed to the Ombudsman saying that he was released from prison and appealed to Absheron District Department of the State Social Protection Fund in connection with the appointment of a one-time allowance. So, the applicant asked for help in this regard.

The Ombudsman appealed to the relevant state authority, which responded that the ex-offender applicant was paid the allowance in accordance with the documents required for the allowances for the persons, who are in need of social adaptation.

Disability pension is determined in connection with the disability of the insured person due to mental or physical challenges caused by illness or injury. In some cases, delays in the assessment of disability in the manner prescribed by law, failure to inform citizens in a timely manner about the decision, led to dissatisfaction and complaints. The Ombudsman investigated each of these complaints and the rights of citizens were ensured.

Case No. 22416-20

Applicant G. complained to the Ombudsman about the suspension of the allowance given to his autistic child, who was registered in the Ganja City Psychoneurological Dispensary, for the necessity of his ongoing reviews and asked for help. The applicant also added that the child has been re-examined and the medical referrals had been formalized.

The Ombudsman appealed to the MLSPP to investigate the circumstances shown in the complaint, to which it was responded that the applicant's child's disability was last assessed on the basis of a referral from a public health facility in accordance with the "Rules for Disability Assessment" approved by the Cabinet of Ministers of the dated January 16, 2020, and it was decided that the child's health incapacity would last for three years.

Case No. 597-20

Applicant H. complained to the Ombudsman about unfair refusal to execute his appeals for determining his disability and asked for help.

The Ombudsman appealed to the MLSPP to investigate the allegations indicated in the complaint, in accordance with Order No. 11 dated 16 January 2020 the "Rules for Disability Assessment", the disability status of the applicant was assessed on the basis of the referral issued by Ganja City Polyclinic No. 5, and he was assigned the third-degree disability for general reasons.

Case No. 13332-20

Applicant M., who suffered from cancer, complained to the Ombudsman concerning the failure to submit his medical documents to the Medical and Social Expert Commission (MSEC) by Barda City Polyclinic, where the applicant was registered, to assess his disability state and procrastination. So, he asked for assistance in taking appropriate measures.

Following the appeal of the Ombudsman to TABIB to investigate the case, the latter was responded that after a Form-088 was issued on the basis of the medical documents of the applicant, registered in the oncology department of Barda City Polyclinic, and their submitting to the MSEC, the applicant was assigned the third-permanent degree of disability according to the "Rules for sending referrals for medical and social examination for the purpose of assessing disability" approved by the Cabinet of Ministers on 16 January 2020.

Case No. 18987-20

Applicant E. appealed to the Ombudsman that his daughter was diagnosed with moderate dementia, and behavioral disorders, and asked for assessing his daughter's disability.

The Ombudsman appealed to the MLSPP to investigate the case, which responded that the disability status of the applicant's daughter was assessed on the basis of a referral from Zardab District Central Hospital, and as a result, she was given the third permanent degree of disability for general reasons in fulfillment of the "Rules for Disability Assessment" approved by the Cabinet of Ministers on 16 January 2020.

Case No. 20667-20

Applicant M. complained to the Ombudsman about the ineffectiveness of her appeal to the responsible authority concerning the assessment of the health incapacity of her one-year-old child with hemophilia.

The Ombudsman appealed to the MLSPP with regard to this matter, to which was responded that the applicant's child's status of disability was assessed on the basis of a

referral from United City Hospital No. 24 in Baku, who was assigned temporary health incapacity for three years under the “Rules for Disability Assessment” of the Cabinet of Ministers order No. 11 dated January 16, 2020.

The Law about Social Benefits under its Article 4.0.2.2 considers benefit on the child's birth. The Ombudsman examined the relevant applications about the payment of child's birth benefits were upheld.

Case No. 20552-20

Applicant M. complained to the Ombudsman stating that her appeal to the competent state authority for the payment of lump-sum child benefit to her for the birth of a baby 4 months ago have failed and asked for appropriate assistance.

In response to the Ombudsman's appeal to the MLSPP regarding the investigation of the circumstances indicated in the complaint, it was stated that according to the “Processing account schedules of the insurers” subsystem of the Centralized Electronic Information System of the relevant Ministry, the “lump sum allowance” invoice was submitted electronically to be paid to the applicant.

Ombudsman concludes that it is important to increase the amount of social allowances for the child's birth, for the annual treatment of people having radiation-related injuries, for burial ceremonies, for old age allowances, for loss of the head of household, low-income families with one-year-old dependents, considering the continuous improvement of the Law about social benefits, regulating legal basis for determining and providing social benefits to population groups in need of care to protect the rights of the population and the payment of lump-sum benefits provided by law as deemed it necessary.

Right to health. Everyone has the right to health and medical care. The State takes necessary measures to improve all types of public healthcare service, operating based on different types of property and guarantees sanitary-epidemiological safety, and facilitates various forms of medical insurance.

Protecting the right to health of individuals, further improving the medical services in balance with the socio-economic development rate, as well as increasing its efficiency are always areas of interest of the State.

Organization of quality medical services aimed at protecting the health of the country population and bringing health facilities into alignment with international norms and standards being remained a priority.

Thus, changes in the sanitary-epidemiological situation in Azerbaijan because of the COVID-19 pandemic and its outbreak among the population have necessitated reconsidering the health problems that erupted in a particular period in terms of effective protection of human health.

The development and modernization of medical services provided to the population, the commissioning of new health facilities or the substantial strengthening of the material and technical base, as well as the dedication of doctors and health providers have allowed the country's health to withstand unexpected challenges.

According to the instructions of the President, the establishment of the Operational Headquarters under the Cabinet of Ministers, the construction of modern modular hospitals and clinics in the capital and regions of the country to treat COVID-19 patients, the creation of favorable conditions for the treatment of patients with modern equipment, the establishment of field hospitals to organize the initial examination of persons entering the territory of Azerbaijan

from checkpoints, increasing efficiency during preventive and urgent measures, and monitoring activities of expert groups across the country became important and timely taken preventive measures in response to COVID-19.

According to the relevant Presidential Orders and Decrees, all the above preparatory and preventive actions have allowed to establish the Coronavirus Control Support Fund, establish periodic supplements to the salaries of employees of public hospitals due to COVID-19, introduce and tighten special quarantine regime, control the sanitary-epidemiological situation in Azerbaijan and strengthen measures to prevent the spread of the infection in Azerbaijan.

The applications about the violations of the right to health received by the Ombudsman mainly concerned about conducting medical treatment and examination at the expense of the state, provision with medicaments, and other aspects related to this field. Necessary investigations were carried out on the issues reflected in the appeals on the violated health-related rights and measures were taken to restore them.

In addition, the Ombudsman paid attention to the situation with the rights of quarantined individuals in connection with the COVID-19.

After the appeals made to the Ministry of Health and TABIB with regard to the applications by the low-income families concerning the help for the state-financed medical examination and treatment, the specialized, field, or local medical institutions were instructed to organize the examination and treatment of patients and providing them with necessary medicines.

Case No. 3752-20

Applicant G. wrote to the Ombudsman saying he was suffering from a deviated septum and was not able to undergo surgery due to the lack of financial resources. So, the applicant asked for help to have surgery in the specialized hospital through examination and treatment at the expense of the state.

Following the appeal of the Ombudsman to the State Agency for Compulsory Health Insurance, the applicant was summoned to Agsu District Central Hospital, where his concerns were heard and his medical records were reviewed, as a result, considering a medical condition of the applicant, the latter was provided with a referral for examination and treatment in the specialized health facility named after acad. Mirgasimov.

Case No. 2283-20

Applicant M., a mother of a martyr and who suffers from an ischemic heart disease, sent a telegram to the Ombudsman asking for assistance in having surgery on her heart given that she had a financial hardship and her spouse had third level of disability.

After the Ombudsman intervened in the issue and appealed accordingly, the applicant's request was upheld, and she underwent coronary artery bypass and discharged from the hospital in satisfactory condition.

Also, no application by citizens with motor impairments left behind, which were also resolved in cooperation with the State Agency for Compulsory Health Insurance. The citizens like this were referred to the Scientific Research Institute of Traumatology and Orthopedics for the examination and treatment on the motions of the Ombudsman.

Case No. 1247-20

Applicant V. asked the Ombudsman to help him to be provided with state-financed examination and treatment and to have a surgery given that he was in need of surgery on the knees and suffered from the lack of finance at the moment.

After the appeal of the Ombudsman to the TABIB, the applicant was provided by TABIB with a referral to Scientific Research Institute of Traumatology and Orthopedics for the relevant examination and medical assistance.

The applications by individuals of eye diseases requesting for the treatment at state expense were also considered, and they were referred to the National Ophthalmology Center named after Academician Zarifa Aliyeva based on the relevant appeals by the Ombudsman.

Case No. 630-20

Applicant T. asked the Ombudsman for the help to obtain a health referral to the National Ophthalmology Center named after Academician Zarifa Aliyeva for the assessment of the disability status of his child for the next time.

Following the appeal of the Ombudsman to that Center, the applicant's child was examined and diagnosed with Hyperopic astigmatism, who was prescribed optic glasses accordingly.

The measures related to securing the right to health of the patients with oncological disorders were also taken. Thus, some citizens were referred to the National Oncology Center for examination and treatment.

Case No. 1290-10

Applicant M. got in touch with the Ombudsman to ask for assistance in state-funded examination and treatment of his child, who was suffering from an oncological disease due to the lack of financial resources.

Following the appeal of the Ombudsman to the Ministry of Public Health, the applicant's child was referred to the National Oncology Center for examination and treatment by the health facility by specialty.

Timely and fully provision of medicines prescribed by the state to the persons from advantaged groups and entitled to be provided with drugs free of charge remains a problem. In addition, there is need for expansion of the types of medicines or drug substitutes for the patients under constant medical supervision.

Case No. 2523-20

Applicant H. appealed to the Ombudsman requesting for an help to be provided with medicines bases necessary for her child, who underwent a surgery, at estate expense on preferential given that she lacked finance to obtain them.

To the appeal of the Ombudsman addressed to TABIB concerning the verification of the circumstances indicated in the application, it was responded that given that the Cabinet of Ministers did not include oral medicine "Lonsurf" in the "List of drugs allocated annually for the treatment of patients with cancer", it is impossible to provide the applicant's child with this drug.

In view of the above, it would be appropriate to revise the “List of free prescription drugs”, specified under para. 2 of the Cabinet of Ministers’ Order No. 38 dated March 7, 2005, but approved by the Ministry of Public Health, as well as strengthen control over the quality of medicines in order to increase the types of medicines or the use of medical substitutes for the patients under constant medical supervision.

Key measures are being taken domestically to protect the health of children, including improving the quality of healthcare services, reducing child morbidity, disability, and mortality. Furthermore, priority issues such as early detection of child diseases, improvement of child health, implementation of treatment, and rehabilitation measures should be kept a priority.

Case No. 1130-20

Applicant A. complained to the Ombudsman about the ineffectiveness of his appeals to the relevant health facilities regarding his children’s diseases and asked for assistance in the protection of the rights and treatment of his children.

After the Ombudsman appealed to the Ministry of Public Health to check the circumstances indicated in the complaint, the applicant was provided with a referral to Psychoneurological Children's Home for the examination and treatment of his both children, 9-year-old son with a diagnosis of Autism spectrum disorder (ASD), Kanner’s syndrome, and severe behavior disorder” and 7-year-old daughter, suffering from severe mental behavior and speech disorders, and child cerebral palsy (CP) who were registered in Absheron District Central Hospital and were provided with allowances as children with health problems by specialty.

Case No. 3999-20

Applicant A. wrote to the Ombudsman to ask for help in the treatment of his 3-year-old child at the expense of the state.

In the letter of the response of Ganja City Health Department to the Ombudsman, it was stated that the applicant’s child was treated in the neurological department of the Centralized Child Hospital No. 1 in 2019 and was examined in the polyclinic. The applicant was medically consulted and provided with a referral, as a result, it was considered to refer the applicant’s child to the Republic Child Neurological Hospital for another ongoing treatment.

In his duplicate application, the applicant informed the Ombudsman that the noted health facility was indifferent to his appeal about the next treatment of his child by specialty.

Following the appeal of the Ombudsman to TABIB to check the allegations shown in the complaint, the applicant was referred to Republic Child Neurological Hospital for the ongoing specialized treatment of his child with “residues birth injuries, paraparesis, and epileptic syndrome with recurrent seizures” registered in the polyclinic No.1 in Ganja. Thus, the child of the applicant was summoned to the polyclinic to be referred to the Centralized Child Hospital No. 1 for inpatient examination and treatment.

In some applications, citizens raised their concerns about refusals by the MSEC through given referrals (known as form-088), which failed to be completely filled indicating claims for additional treatment, including the necessity of ongoing specialized and inpatient treatments, even though relevant referrals about the disability statuses were registered several times into the “Register of referrals for medical and social examination” to determine the status of disability

on the basis of the medical protocol of the Medical Advisory Commission of the relevant medical institution.

As can be seen from the responses of the MLSPP given to the Ombudsman with regard to these complaints, it was stated that the disability or health incapacity will be assessed in accordance with existing legislation only after detailed examination and specialized treatment of the individuals in question by the health facility, as well as upon re-formalizing the referral after the shortcomings indicated in the decision of refusal would be eliminated.

In some cases, failures by medical institutions to fulfill the requirements for disability assessment criteria and to fill in completely and in detailed the relevant referrals about the patient's health status had impede for timely determination of the degree of disability or health incapacity.

Case No. 2100-20

Applicant A. complained to the Ombudsman saying that his spouse was suffering from several diseases, but his spouse disability was not assigned despite the referral was registered in the registry of the MSEC by the hospital, as well as the applicant's appeal regarding the relevant matter was ineffective. The applicant asked for appropriate help.

The Ombudsman appealed to the MLSPP to check the allegations reflected in the complaint, to whom it was responded that the disability status of the applicant's spouse was assessed on the referral of the health facility and the decision to be further treated was taken.

Case No. 8724-20

Applicant B. made a complain to the Ombudsman about suspension of allowances for health incapacity to his child and ineffectiveness of his appeal by the relevant authority. The applicant asked for the investigation of this issue and appropriate assistance.

The Ombudsman appealed to the MLSPP to investigate the allegations, in accordance with the "Rules for Disability Assessment", the health incapacity of the applicant's child was assessed on the basis of referral issued by the health facility and the decision about that referral was filled in incomplete was taken.

Some complaints were about failures to formalize referrals to MSEC for disability assessment and procrastination.

Case No. 12275-20

Applicant A. lodged a complaint with the Ombudsman about that he was not subjected to any medical examinations and treatment by Barda District Central Hospital and that the latter failed to provide a referral for re-assessment of the disability status due to the current health conditions; therefore, the applicant asked for appropriate help.

Following the appeal of the Ombudsman to the State Agency on Mandatory Health Insurance, the case concerning the reconsidering the applicant's degree of disability, including the preparation of his medical documents (form 088) by the hospital management to be reviewed by the Medical Advisory Commission and inclusion of them in the MSEC registry if the indicators would meet the criteria were taken under control.

Case No. 1368-20

Applicant J. made a complaint to the Ombudsman that his child born in 2006, was suffered from kidney failure since 2014 and that he underwent partial nephrectomy (kidney removal) surgery of one kidney. The applicant also added that his appeal with regard to the process of formalizing a referral for the assessment of disability to Shabran District Central Hospital remained static. So, the applicant asked for appropriate assistance.

After the Ombudsman appealed to TABIB, the applicant's child was examined by the relevant Medical Advisory Commission of Shabran District Central Hospital, and the referral for the determination of disability status based on the medical protocol issued by the Commission was electronically formalised and included in the MSEC registry.

The development and implementation of new methods of combating drug addiction and the spread of illegal drugs and psychoactive substances can play an important role in preventing addiction in society, especially among adolescents and young people.

Case No. 10040-20

Applicant R. complained to the Ombudsman about ineffectiveness of his appeals to Gazakh Inter-district Psychiatric Hospital concerning the treatment of his drug addiction and dipsomania son there, and asked for protection of the rights and organization of his treatment.

Following the appeal of the Ombudsman to the Ministry of Public Health, the management of Ganja City Inter-district Narcological Dispensary was instructed to render necessary healthcare service to the child of the applicant.

Case No. 3871-20

Applicant D. made an application to the Ombudsman concerning the placement of his drug-addicted child to the relevant narcological dispensary for his treatment and rendering healthcare. The applicant added that his appeals in this regard were ineffective and asked for the appropriate assistance.

Following the appeal to the Ministry of Public Health by the Ombudsman, the applicant's child was sent to the Republic Narcological center for the proper medical care.

Addition to the foregoing, the oversight of the fulfillment the requirements for diagnosis of diseases and treatment of patients (examination and treatment protocol) by the medical specialists affiliated in private health facility must be strengthened.

The Ombudsman deems it necessary to accelerating the draft law on “The Protection of the Patients’ Rights” to ensure the reliable protection of the rights.

Ombudsman considers it necessary to develop and implement projects and programs encouraging healthy lifestyle to strengthen effectiveness of the public health and protect children and young people from drug abuse and harmful practices, as well as to expand preventive health, sport and other measures, especially good practice-based projects running for the organization of leisure time.

Right to education. Everyone has the right to education. The effective ensuring this right and implementation of modern education system allowing to be educated in line with modern standards play a crucial role in the development of society and personality of an individual.

In the relevant academic year, the learning was organized in person and at distance. However, the education process in all educational facilities were continued mainly at distance due to the pandemic to prevent the spread of the infection, increasing the efficiency of preventive measures and to intensify the protective measures, disinfectant and other preventive measures carried out at the national level in the frame of the emergency pandemic response.

During that period, investigations were made regarding the applications received by the Ombudsman and appropriate inquiries were made to the Ministry of Education, and other relevant bodies.

One of the biggest issues of the year was the covering of tuition fees of the students coming from vulnerable families in terms of effectively ensuring their right to education.

According to the Order No. 138 by the Cabinet of Ministers dated April 13, 2020 “On the payment of tuition fees for students who are members of families belonging to socially vulnerable groups”, the tuition fees for 2020 academic semesters of full-time students studying on a paid basis and coming from socially vulnerable groups (entitled to TSSA), those whose both parents (the person himself in case if s/he has a single parent) or whose legal representatives belong to any (persons with I and II degree of disability, unemployed, old-age pensioners, old-age social beneficiaries) are paid at the state expense, except for the repeated higher and secondary special education.

The Ombudsman received some complaints from the members of such socially vulnerable groups concerning failures to consider them to the list of state-funded students.

Following the appeals by the Ombudsman, those complaints were considered, and the violated rights were restored.

Case No. 12155-20

Applicant made a complaint to the Ombudsman about the failure to be considered socially vulnerable families, whose children were entitled to study at the state expense despite enclosing all supporting documents in the relevant portal, arguing that they belonged to socially vulnerable group as he and his spouse had the second degree of disability and had financial hardship to cover tuition fees of their child, who studied at the Azerbaijan University of Architecture and Construction. The applicant asked for assistance taking account of their family situation.

After the intervening the Ombudsman in this issue and appealing to the Ministry of Education, in the information database, it has become apparent that the applicant's child belonged to the socially vulnerable family and the tuition fee for the second (spring) semester of 2019/2020 academic years was paid from the budget.

Case No. 12410-20

Applicant appealed to the Ombudsman saying that he was studying at the Azerbaijan State Academy of Physical Training and Sport on a paid basis, and his parents were unemployed, and his family lacked finance to cover tuition fees, therefore, asked to be exempted from those fees.

Following the appeal of the Ombudsman to the Ministry of Education, in the information database of the Ministry, it has become apparent that the applicant belonged to the socially vulnerable family and the tuition fee for the second (spring)

semester of 2019/2020 academic years was transferred to the account of the noted Academy.

Case No. 12660-20

Applicant complained to the Ombudsman informing her his family was in a difficult social situation as he became unemployed due to the pandemic.

In addition, he, and his spouse with the second degree of disability received unemployed status by Narimanov District Employment Agency and registered in the electronic information system of the MLSP. So, due to the lack of financial resources, they were unable to pay the tuition fees of their daughter studied at Azerbaijan State of Oil and Industry University on a paid basis.

Although all the above, in the personal cabinet of their child in the relevant portal, it was indicated that their child was not considered as one who belonged to the socially disadvantaged group and therefore, they had to verify the information and re-apply. However, the applicant's duplicate application was ineffective even though the required documents have been enclosed in the system. As a result, the applicant asked for assistance in payment of the tuition fees at the state expense.

After the Ombudsman appealed to the Ministry of Education to check the allegations, the applicant's child tuition fee for the spring (second) semester for the 2019/2020 academic year were covered by the state as it was determined in the system that the student belonged to the socially vulnerable family.

The abusive treatment of teachers and students by some school principals and their deputies in the process of investigating the allegations in the complaints has sometimes led to tensions between teaching staff.

Investigations were carried out in cooperation with the Ministry of Education to eliminate the cases reflected in the complaints on the violations of the right to education in secondary schools, and relevant results were achieved.

Case No. 1606-20

Applicant M. and others made collective application to the Ombudsman arguing that a Deputy Director for educational affairs at Piralkand secondary school in Gusar district constantly used offensive language against students and academic staff and the latter were subjected to ill-treatment and violence. So, they asked for assistance in legal assessment of the unlawful actions of that teacher and the principal inappropriate with the ethical standards for the educators.

In addition, from the supporting documents enclosed to the application, it was found that the teacher violated ethical behavior was held administratively responsible under Article 510 (minor hooliganism) of the Code of Administrative Offences and was taken disciplinary action against him according to the order given by the principal.

Following the appeal of the Ombudsman to the Ministry of Education to investigate the allegations, relevant investigative measures were conducted, and the Ministry instructed Gusar District Education Department to strengthen control over the education processes, to prevent disturbing educational environment, to ensure compliance of student-teacher relations with the rules of ethical conduct and to increase the quality of teaching.

Case No. 1912-20

Applicant P. complained to the Ombudsman about pressures to be fired by the acting Director of Sumgayit city secondary school No.9, where the applicant was working. It was also added that there were corruption offences in the activity of the Director and asked for appropriate in defending his rights.

After the appeal of the Ombudsman to the Ministry of Education to check the allegations, because of the investigations, the acting director was dismissed from the job.

Case No. 889-20

Applicant S. made an application to the Ombudsman saying that her young daughter was left out of the education process as a result of pressures by the Director of Bilasuvar city secondary school No. 1, where she was studying. The applicant also indicated that her daughter's school bag had been confiscated by the Principal and had not been returned. So, she asked for appropriate assistance.

Following the intervention of the Ombudsman, in this case, the question was resolved, and the request of the applicant was upheld.

Case No. 1491-20

Applicant B. complained to the Ombudsman about the demeaning of the schoolteacher to the child of the applicant, who was a student of primary classes, and that her appeals concerning the protection of the rights of his child were ineffective, as a result, asked for appropriate help.

The staff of the Ombudsman institution, under the instructions of the Ombudsman, investigated the spot in presence of the school principal, the teacher in question, and other teaching staff. Consequently, the conflict was resolved through mediation and conciliation.

As can be seen from all the above, failures to properly organize the secondary education process and to perform the duties by the school administration following the law have led to complaints.

During online classes, there were difficulties in ensuring the right to education of children living in state children's institutions to prevent the spread of the COVID-19 pandemic.

Incidentally, it has become apparent that children in boarding houses No. 1, 2, and 3 in Baku and Sheki Mixed Type Orphanage continued their lessons mainly through TV lessons broadcast on the "Culture" Channel and did not have the necessary technical facilities to join online lessons. Thus, it was determined that children could join classes in turn, as the number of computers in these institutions was inadequate. The lack of technical capabilities of the computers, cameras, and headphones in some of them, and slow Internet connection, and caused difficulties.

During the monitoring, a similar situation was observed in the Educational Institution of the Penitentiary Service of the Ministry of Justice of Azerbaijan, where the children were left out of the education process.

Some group of university entrants filed a complaint to the Ombudsman about the failure to access online classes from homes and normal preparations for exams due to the COVID-19 pandemic and the closure of schools, as a result of which they could not score high for this and other reasons. They also stated that they were troublesome because the dates for University

entrance exams have been changed, which had resulted in failures by many applicants to meet the eligibility criteria for the competition, at least in part. In addition, several entrants had applied to the State Examination Center to soften the conditions of the competition and asked for appropriate assistance considering all the above. As a result, the Ombudsman appealed to the Examination Center to consider the application.

One of the problems that has received considerable attention in the past was about the rejection of appeals concerning the expelling from and reinstatement to the Military Medical Faculty of the Azerbaijan Medical University after being treated due to medical reasons as a result of which students were exempted from military service while underwent a medical examination by the military-medical commission following the established rules.

Case No. 12717-20

Applicant Kh. appealed to the Ombudsman saying that in 2013, he got high scores (424 out of 700) and admitted to the Military Medical Faculty of the Azerbaijan Medical University but was expelled from that educational facility at the end of the fourth grade due to be found by the military medical commission unfit for the military service. In addition, it was indicated that the applicant filed in court of law with statement of claim due to the denial to him to be reinstated to the Faculty of General Medicine of that University on the paid basis. Thus, the applicant asked for help in reinstatement to the University under the noted specialization considering his wish to continue his higher education.

So, as a result of the investigation by the Ombudsman the appeal was upheld and the applicant was reinstated to that University taking account of his wish to become a doctor, who were studying in that educational facility between 2013-2017 academic years, to which the State had allocated particular amount of money in order to make him a mature specialist.

The clause 4 of the “Templates of state documents for undergraduate and graduate levels of higher education and the Rules for their issuance” approved by the Order No. 82 of the Cabinet of Ministers dated April 29, 2010 states that diplomas to the alumni of tertiary educational institutions are issued within 10 days after graduating from the Azerbaijan National Academy of Sciences (ANAS).

Despite the above, in many cases, higher education institutions do not comply with the rules and the issuance of diplomas is delayed, and as a result, alumni face procrastination.

Furthermore, it should be considered that according to these Rules, diploma forms are issued by the Ministry of Education to all higher education institutions and ANAS according to the number of the alumni, regardless of subordination and form of ownership.

Failure to issue diplomas to alumni on time violates not only their right to education, but also other related rights, including labor and social security rights and artistic freedom.

Case No. 2045-20

Applicant M. filed a complaint with the Ombudsman arguing that he was not provided with a bachelor diploma by the Azerbaijan State Economical University, where he was studied at the undergraduate level. So, the applicant asked for help in this regard.

Following the appeal of the Ombudsman to the Ministry of Education to verify the circumstances reflected in the complaint, the relevant diploma form issued in the name of the graduate was handed over to the Azerbaijan State Economic University.

Case No. 18476-20

Applicant R. appealed to the Ombudsman saying that he graduated from Faculty of Dentistry of the Azerbaijan Medical University in 2000 but was not provided with transcripts and asked for help in this regard.

Following the investigation carried out by the order of the Ombudsman, the applicant was provided with the transcripts.

In the light of the above narrated, the Ombudsman believes that the relevant Rules for issuing relevant diplomas to students graduating from higher and secondary special education institutions, the requirements should be strictly observed, the practice of issuing diplomas electronically should be expanded, and relevant legislation should be amended.

Right to adequate housing. As a rule, this right is guaranteed by the state bodies for the exercise of the right to housing, housing security, its inviolability, the inadmissibility of unjustified deprivation of the right to housing, the unimpeded exercise of this right, legal security, including access to infrastructure and adequate housing, as well as the restoration of violated housing rights.

Implementation of capability approach housing policy for people in need and a comprehensive approach to solving the problem with housing is aimed at the progressive realization of the right to housing and the solution of problems in this area.

The applications received by the Ombudsman about the violation of the right to housing were concerned about the restoration of houses damaged by hazardous processes, including earthquakes, landslides, floods, individual and residential areas housing repairs, failure to eliminate construction-related damage to the neighborhood by construction companies, failure to provide land for individual housing construction and shortcomings in the provision of utilities.

Last year, as a result of the earthquakes in the Shamakhi, Ismayilli, and Agsu districts, some people faced serious difficulties, but as a result of urgent and continuous measures taken on the instructions of the President, the damage was eliminated, destroyed houses were rebuilt, damaged houses were repaired. infrastructure has been restored.

Case No. 24-20

Applicant R. appealed to the Ombudsman saying that his house in Garavelli village of Shamakhi district was damaged as a result of the earthquake that occurred on February 5, 2019, and his appeal to Shamakhi City Executive Office regarding the restoration, in the letter of the response of Shamakhi City Executive Office it was noted that the experts of the Ministry of Emergency Situations studied the damages and decided that the house was in need of restoration. Despite that, it was promised to start the restoration process, but to no avail, and asked for an investigation and assistance.

Following the appeal of the Ombudsman to the Ministry of Emergency Situations to investigate the case, the experts studied the damages based on the list provided by the executorial authorities and have drawn an act. According to the act, the applicant's private house was included in the list of houses in need of restoration, and appropriate measures were taken in this regard.

Case No. 12572-20

The applicant Z. complained to the Ombudsman about the failure to restore his damaged house, which was in an emergency and uninhabitable condition and where his family consisted of seven people was living. The applicant said that he informed the Ministry of Emergency Situations in this regard and the relevant commission studied the damages. Furthermore, the applicant also stated that despite the emergency was confirmed and a decision about repairing was made, no action was taken and therefore, asked for appropriate assistance.

Following the appeal of the Ombudsman to the Ministry of Emergency Situations, the ministry's specialists studied the condition of the damaged house and included it in the list of houses in need of repair.

In addition to the above-mentioned, some residents whose houses were in an emergency in such areas in their appeals to the Ombudsman concerned that the relevant commissions failed to study the damages, their appeals were not upheld, and no measures were taken to eliminate the damage.

Case No. 980-20

Applicant H. appealed to the Ombudsman informing her that the earthquake that occurred in 2019 in Shamakhi stroke his private house in Adnali village and the house is currently in an emergency condition. However, the Commission did not study the damages caused by the natural disaster and that his appeals to the competent authorities were ineffective. So, the applicant asked for help.

The Ombudsman appealed to the Executive Power Office of Shamakhi District and the Ministry of Emergency Situations to investigate the allegations shown in the complaint.

In the response given by the Executive Power of Shamakhi District, it was stated that it was not possible to uphold the request of the applicant due to the fact that the studying damages caused by the earthquake by the relevant Commission was completed and the applicant has not applied within the relevant period.

In response, the Ministry of Emergencies was informed that based on the lists submitted by the local executive authority, the Commissions consisting of specialists of the Ministry inspected damaged houses in the earthquake zone for six months and drew up relevant acts, but the applicant was not possible to assist due to the completion of the inspection.

The Ombudsman concludes that the completion of the work done by relevant commissions for one reason, or another may not justify the failure to secure the houses damaged by disasters. Therefore, it is extremely important to restore the work of the commissions, to identify and register houses in emergency condition with the participation of representatives of local executive authorities and their administrative-territorial units, as well as to allocate the necessary finance for their rehabilitation to solve these problems.

Case No. 8290-20

Applicant Sh. made a complaint to the Ombudsman saying that his private house in Hamargishlag village of Jalilabad district fell into an emergency as a result of a landslide that occurred in August 2012; So, the applicant's disaster-related property damages were inspected by the specialists of the Ministry of Emergencies in presence of representatives from local executive authorities and the relevant act was drawn up,

according to which the applicant's house was included into the list of houses in need of rehabilitation. However, the necessary rehabilitation works have not been done. Therefore, the applicant asked for assistance.

After the Ombudsman appealed to the Ministry of Emergencies to investigate the allegations, the ministry's specialists conducted a visual inspection of the applicant's house with the presence of the representatives of the local executive authority, and the relevant act was drawn up; as a result, the applicant's house was considered as that needed rehabilitation and appropriate measures have been taken in this regard.

Case No. 2703-20

Applicant G. complained to the Ombudsman about the ineffectiveness of his appeals to the competent state authorities concerning the rehabilitation of the building seriously damaged by a gas explosion that erupted in 2018 and asked for help in defending his rights.

In this regard, the Ombudsman appealed to the Executive Office of Ganja City to check the allegations indicated in the complaint, to whom responded that on November 20, 2018, as a result of gas leakage at 138 Shahlar Huseynov Street, Ganja, the doors and windows in some apartments of other surrounding buildings were damaged. A Commission consisting of staff of the Ministry of Emergencies studied the blast effects in that particular and other buildings in the neighborhood and identified the damage. It was also indicated that the construction of a 5-storey, 50-apartment building was completed at the expense of the state at the address where the explosion happened. Furthermore, the applicant was informed about the assistance to him and other residents in case of allocation of necessary funds for the repair of other buildings damaged as a result of gas leakage explosion at that address.

The above-mentioned cases show that it is necessary to take urgent measures to eliminate the consequences of natural disasters in different parts of the country, including earthquakes, landslides, floods, as well as damage caused to citizens for reasons beyond their control.

In accordance with the relevant instructions of the Ombudsman, as a result of investigations into the deficiencies existing in utility services, including natural gas, water, and electricity based on relevant complaints, a number of problems were resolved and violated rights were restored.

Case No. 948-20

Applicant M. made a complaint to the Ombudsman about the inaction of the competent authorities to provide a pipeline for natural gas to his private house in Sangachal settlement, Garadagh district, despite the payment of the state fee by him, and therefore, asked to investigate the matter and provide appropriate assistance.

The applicant's complaint was upheld as a result of the measures taken after the Ombudsman's appeal to the State Oil Company of Azerbaijan (SOCAR) to the AzeriGas Production Union to verify the circumstances set out in the complaint.

Case No. 765-20

Applicant I. and others filed a collective complaint to the Ombudsman saying that despite the installation of a gas meter in his house, they were not provided with a smart

card about what the applicants' appeals to the competent AzeriGas Production Union were ineffective. Therefore, the applicants asked for help in solution of this issue.

With the intervention of the Ombudsman, the new gas meters installed in the private houses of those applicants were considered and they were provided with smart cards.

Case No. 9038-20

Applicant I. complained to the Ombudsman concerning the ineffectiveness of their appeals to competent state authorities about the emergency of the water pipes where he lived. It was also stated that despite the water was not used at that address, the applicant was unreasonably issued a debt. So, the applicant urged the Ombudsman to defend his rights.

The problem was solved by the "AzerSu" Open Joint Stock Company after the Ombudsman intervention.

Case No. 704-20

Applicant A. made a complaint to the Ombudsman about the ignorance of his appeals about the intermittency of electricity supplement of his apartment, as a result, he asked for help.

Following the intervention of the Ombudsman, the power supply at the apartment of the applicant was restored by the "AzerIshig" Open Joint Stock Company.

Case No. 2756-20

Applicant S. complained to the Ombudsman about the risk to the lives of his family as the power lines pass over his house and the failure of Guba city Power Branch of the "AzerIshig" OJSC to relocate those lines by ignoring his relevant appeal. So, the applicant asked to investigate the case and for appropriate assistance.

Following the appeal of the Ombudsman to that OJSC to investigate the allegations, a 0.4 kV cable line was relocated to another area by the company's staff.

Some complaints received by the Ombudsman were about procrastination during the process of state registration of rights to a house (apartment) by the territorial divisions of the State Real Estate Registry Service under the State Service for Property Affairs (formerly the State Committee for Property Affairs) under the Ministry of Economy.

Case No. 17318-20

Applicant R. complained to the Ombudsman saying that his appeals to the regional department of the State Real Estate Registry Service concerning the registration of his rights to his private house were ineffective and he was procrastinated. So, the applicant asked for ensuring his property rights.

Following the appeal of the Ombudsman to the State Service for Property Affairs under the Ministry to check the allegations in the complaint, the applicant's late father's ownership of the house was registered in the State Real Estate Register. Thereafter, in accordance with Gadabay District Notary's Certificate on the Right to Inheritance by Law, the applicant's ownership of the individual house was also registered in the State Real Estate Register and issued an electronic statement.

Case No. 12077-20

Applicant R. appealed to the Ombudsman informing that his appeals to the Territorial Office No. 3 of the State Real Estate Registry Service about the discrepancy between the size of the land plot on the contract for the house and the previous documents were ineffective. Therefore, asked for ensuring his property rights.

Following the appeal of the Ombudsman to the State Service for Property Affairs to investigate the arguments in the complaint, the applicant's application for the elimination of discrepancies in the contract given by the Ganja Territorial Department of the State Register of Real Estate considered the case, eliminated the existing discrepancies, and compiled a new electronic contract for the private house.

Case No. 5947-20

Applicant M. lodged an application with the Ombudsman asking for help with the indication of the land plot of the house in accordance with the technical passport in the contract for the house from the register. Because the applicant stated that even though according to the technical passport drawn up in 1987 for his private house, the land plot in both documents and in fact was indicated as 0.004562 ha, whereas, on the contract for the house issued by Absheron territorial office of the State Real Estate Registry Service the land plot indicated as 0.00342 ha.

After the Ombudsman appealed to the State Real Estate Registry Service to investigate the case, the applicant's application was considered by Absheron Territorial Office No. 4 and as a result, his application was granted.

According to the Presidential Order No. 569 dated June 20, 2014, "On additional measures to improve the social and living conditions of PWDs and families of martyrs in connection with the protection of the territorial integrity, independence and constitutional order of Azerbaijan", houses were built in Baku and in different parts of the country in accordance with the instructions given to the MLSPP to provide housing or individual housing in stages for 2014-2028 to the relevant category of persons and families of martyrs registered as in need of housing in local executive authorities by January 1, 2014.

Case No. 1807-20

Applicant M., a war veteran with the second degree of disability, appealed to the Ombudsman about his dissatisfaction with a repair of the house built for him in the area inhabited by the families of martyrs and invalids of the Karabakh war in Hajigabul City. So, the applicant asked for appropriate assistance.

In response to the appeal of the Ombudsman to investigate the circumstances contained in the complaint, the MLSPP stated that the construction contractor of the applicant's private house was instructed to study the existing problems that emerged during the construction process and eliminate them in a short possible amount of time.

In his duplicate application to the Ombudsman, the applicant stated that his house was not supplied with natural gas, power, and water pipes, and the rainwater easily leak into the house due to bad repair, and as a result of which, the repairs of the house was suspended. Therefore, the applicant asked for assistance in the restoration of his house.

After the repeated appeal to the Ministry in connection with this duplicate application, the appeal was upheld, thus, a power line was laid to the living area and equipped with an electricity meter. As well, the construction of a gas line and installation of a gas meter was carried out by the contractor company, and the planned work was completed.

The Ombudsman considered it important to build the private houses and apartments for people and families of martyrs, who became disabled or fallen for the maintaining the territorial integrity, independence, and constitutional structure of the State, to a high standard and utilities, must be completed and the condition of those buildings must be constantly monitored.

Business and human rights. The Working Group on Business and Human Rights at the Ombudsman continued its work online due to the COVID-19 pandemic. The surveys related to business and human rights, issued by relevant regional and international institutions were implemented and recommendations on how the business-related activity can be improved were prepared and sent accordingly.

The Draft Recommendations related to the protection of human rights through non-state-based protection mechanisms prepared by the UN Office of the High Commissioner for Human Rights were analyzed by the Ombudsman and responded to in an appropriate manner. Thus, the response provided information on good practices of Azerbaijan in the field of business and human rights, the Boards of Appeal, established within central and local executive authorities and operated on the public-bases under the Presidential Decree, newly established mediation institution, commercial courts newly established as part of the judicial reforms, and Working Group on Business and Human Rights. It was noted also that the WG was initiated by the Ombudsman and consisted of relevant state agencies and civil society organizations. The Group facilitates the organization, implementation of business-related human rights protection mechanisms, and coordination of the different relevant stakeholders, and effectiveness of the awareness-raising.

Recommendations related to the items indicated in the UN Guiding Principles on Business and Human Rights (UNGPs) were prepared. Also, it was recommended to implement the “accountability” and “monitoring” mechanisms to identify, mitigate or eliminate and avoid similar human rights-related violations during business activity in the future. Alike, it was also recommended to apply oversight over the implementation of the non-State protection mechanism of human rights and involving NHRIs in this process.

The UN Working Group on Business and Human Rights call for inputs for its “2020 Report on Business in Conflict and Post-conflict Periods” also was analyzed and answered accordingly. In the response it was underlined that it was failed to control the fulfillment of the norms of international law, the principles of the UNGP in relation to the protection of human rights during conflict and post-conflict periods due to the lack of control of Azerbaijan over its occupied areas and prevent all human rights violations there.

In addition, it was noted that the facts of illegal exploitation of natural resources, also including copper, molybdenum, and gold deposits by the Armenian separatists in the occupied areas, which were unanimously recognized by international law as an integral part of Azerbaijan, have been evidenced by the “Azercosmos” OJSC by taking photos from the satellite. It was also stated that although the facts of illegal exploitation by the foreign commercial corporations operating in those areas have been approved, it was impossible to impose criminal penalties on those business entities for their illegal activities due to the loss of control over those territories.

By indicating this and other facts, the Ombudsman invoked international organizations to demand from Armenia to respect and obey the norms and principles of international law,

including IHL and fulfill its international obligations. First, it was recommended to impose sanctions on the Member States, which involved transnational corporations in their illegal business activities in the occupied territories in violation of the territorial integrity of another Member State, recognized by international law. Second, it also proposed to sanction such corporations, cease the activity of those corporations, and develop compensation mechanisms for the victim States.

The aforementioned document also included the information on creating necessary conditions in the village Jojug Marjanli of the liberated from Armenian occupation Jabrayil District, constant measures for the development of the business activity, putting into operation of the mobile workshop for manufacturing and sales of agriculture products, measures undertaken for the export of manufactured products to domestic and international markets, capacity-building training launched for those, who were accepted for the job in the created enterprises, with the participation of national and foreign experts, and other necessary measures undertaken for the employment and alleviating other social problems faced by the population.

The UN Steering Committee's inquiry document on business and human rights was analyzed and responded to. The survey covered the responsibility of the state for respect and observance of human rights in the activities of businesses, corporate social responsibility, access to legal remedies in case of violations, as well as the need to develop a unified state program in this area.

It should be noted that the UN has developed guidelines for the development of relevant state programs for the Member States, and several countries have already adopted NAPs on Business and Human Rights on the basis of those guidelines. It is also expedient to develop a single state program in this area or to add a section on business and human rights to existing State Programs in Azerbaijan.

1.3. PROTECTING THE RIGHTS OF POPULATION GROUPS

Protecting the rights of refugees, internally displaced persons, and migrants. The liberation of our territories being under the occupation around 30 years and restoration of territorial integrity as a result of counter-offensive operations carried out by the armed forces of Azerbaijan in order to prevent the Armenian aggression against our country, protect the rights and freedoms of civilians and liberate the occupied territories, has allowed hundreds of thousands of people to return to their homes.

The State is being continued the complex of measures to demine the areas liberated, construction of roads, communication, and utilities, as well as to safely return the internally displaced persons (IDPs) back to their lands.

During the 44-day of war, the Ombudsman carried out fact-finding missions to our cities and districts affected by the war crimes of Armenia and conveyed the facts to the world community and kept an eye on the issues of restoration of the violated fundamental rights of civilians. The Ombudsman invoked the international community with numerous statements and public appeals, and fact-finding Mission Reports in connection with the aforementioned, also including the public appeals about the use of prohibited weapons, targeting civilians, mistreatment of prisoners of war (POWs), using mercenaries and terrorist groups, ecological terrorism, and destruction of religious and cultural monuments in violation of IHL.

The Ombudsman continued its cooperation with the UN and its specialized agencies, including the UN High Commissioner for Refugees (UNHCR), as well as the Committee on Migration, Refugees and Displaced Persons of the Parliamentary Assembly of the Council of Europe (PACE), and the International Centre for Migration Policy Development (ICMPD) and others.

During the economic crisis related to the coronavirus pandemic, social projects aimed at care and solving problems of IDPs have been implemented at the national level.

The videoconferences of the Ombudsman with representatives of international organizations, as well as international and national events focused on the protection of the rights of refugees and IDPs as vulnerable groups.

The appeals from refugees, IDPs and migrants addressed to the Ombudsman were investigated in cooperation with the State Committee for Affairs of Refugees and Internally Displaced Persons, as well as other competent authorities, measures were taken to address the identified problems, and suggestions were made.

The appeals of IDPs addressed to the Ombudsman focused mainly on problems related to employment, health care, education, as well as the provision of soft loans for entrepreneurial activity, the establishment of a single monthly allowance, involvement in the self-employment program, as well as a number of social problems.

Case No. 6146-20

Applicant R., an IDP from Lachin, but settled in Agjabedi district complained to the Ombudsman saying that his requests to the competent state authority for housing as an IDP family were ineffective. So, given the difficult living conditions, asked for assistance.

After the Ombudsman intervened the issue and appealed to the State Committee for Affairs of Refugees and Internally Displaced Persons, the applicant was provided with housing in a 144-family settlement built in Agjabedi district.

Case No. 1396-20

Applicant I., an IDP from Kalbajar, and settled in Goranboy district appealed to the Ombudsman that the supplement of power to his apartment was suspended due to non-payment of unreasonably written energy bill. In addition, it was stated that his appeals to the competent body were ineffective, therefore, asked to investigate the case and protect his violated rights.

Following the appeal of the Ombudsman to the “AzerEnergy” OSJC, the receivables of the applicant have been written off.

Necessary additions and amendments were made to the legislative acts, new normative acts were adopted in order to improve the state policy in the field of migration and regulate the relevant management system and migration processes.

The Ombudsman also focused on the prevention of irregular migration and the creation of favorable conditions for migrant workers, along with the protection of the rights of foreigners, stateless persons, and other participants in migration processes. Thus, activities were carried out in the field of protection and promotion of the rights of such people, as well as prevention of offenses, and measures were continued in cooperation with the State Migration Service, applying best practices in this area. Employees of the institution were elected members and participated in the activities of the “Working Group on Statelessness” established under the Service.

Staff of the Ombudsman Institution also participated in the meetings of the Working Groups on “Integration and social protection of foreigners granted refugee status” and “Reintegration of Readmitted Citizens of Azerbaijan”, represented by the Service and other government agencies and made suggestions.

The NPG of the Ombudsman conducted visits to Detention Center for Irregular Migrants of the State Migration Service in Baku and Yevlakh cities. The aim of these visits was to monitor the conditions of detention and treatment standards in these institutions, investigate appeals from migrants and their legal counsels, and check the documentation. Voluntary migrants placed in the facility were talked confidentially and their appeals were investigated. It has become also apparent that the recommendations previously given were implemented. In the end of the visit, in accordance with national and international legislative frameworks, the management of the facility were given recommendations on detention conditions and treatment standards.

These issues have been kept in mind during the current pandemic as well.

We continued our work also in the WG on Asylum and Migration, which operates under the Strategic Plan of the European Network of National Human Rights Institutions (ENNHRI) for 2018-2021.

The Ombudsman held online meetings and exchanged views with representatives of international organizations in order to effectively ensure the rights of foreigners, stateless persons, and migrants, to work in this field in a professional and coherent manner, to improve activities in this field, to expand international cooperation and study international experience.

Measures have been taken to register foreigners at the place of their residence, issue temporary and permanent residence permits, extend permits, issue permits for paid employment, as well as obtain certificates confirming the length of service, and issue duplicates of relevant documents. Furthermore, issues related to the solution of documentation and other problems of citizens of the Russian Federation living illegally in the territory of our country were raised before the relevant agencies.

Measures also have been taken with regard to expanding access to the social, educational, medical, and other services for a number of foreigners, stateless persons, and asylum seekers, as well as registration of migration of foreigners and stateless persons, and ensuring their rights to stay in the country and choice of residence, etc. In addition, the State Migration Service, other competent authorities, and foreign ombudspersons were appealed and most of the problems were resolved.

Case No. 3149-20

The Commissioner for Human Rights of the Republic of Dagestan of the Russian Federation appealed to the Ombudsman of Azerbaijan stating that N., registered in Yevlakh district, has been living in the territory of the Republic of Dagestan without documents since 2015, and asked for assistance in providing him with relevant documents.

Following the appeals of the Ombudsman of Azerbaijan to the Ministry of Internal Affairs and the State Migration Service of Azerbaijan, that person was provided with the necessary documents.

Case No. 5910-20

Applicant G. appealed to the Ombudsman stating that his brother was born in Masalli District in 1958 but has lived in Russia since 1998 and that his appeals to investigate his citizenship of Azerbaijan were ineffective and asked for assistance.

Following the appeal of the Ombudsman to the State Migration Service, a decision was made not to recognize the brother of the applicant as a citizen of Azerbaijan, and the application for reinstatement of Azerbaijani citizenship was taken for execution by the Service.

In addition to the rights of refugees and IDPs, the Ombudsman made several proposals to ensure the effective protection of the rights of foreigners, stateless persons, and migrants. Furthermore, it was recommended to take joint measures to provide legal, psychological, and other assistance to aliens and stateless persons when deemed necessary.

Recommendations of the Ombudsman also included preparing specialized modules of, legal publications and posters on the linguistic and cultural development of migrants, organization of joint assessment work on the fulfillment of obligations arising from the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, creating conditions for paid employment of foreign students studying in the country and the establishment of an Action Plan at the national level for the effective implementation of the Global Compact.

Protecting the rights of persons held in places of deprivation of liberty and convicts. The Ombudsman continued to work to ensure the rights of detainees and prisoners, including the investigation of their appeals and conduct visits to detention facilities.

During the visits conducted to the places of deprivation of liberty and penitentiaries, the situation with ensuring the rights of detainees was inspected on the spot, the rights of the detainees on the issues raised were explained, and the appeals addressed to the Ombudsman were accepted.

Issues that can be resolved within the facility, including requests for meetings, phone conversations, and medical care were provided on the spot.

The outcomes of the preventive visits were analyzed, and if necessary, appeals were transferred to the relevant state agencies with proposals to improve the work of relevant detention facilities.

The alternatives to detention and imprisonment are broadly applied pursuant to the Presidential Order of Azerbaijan dated February 10, 2017, on “Improvement the penitentiary system, humanization of penal policy and enhancing the use of alternatives to punishment and coercive procedural measures not associated with the social isolation”.

The Ombudsman also paid special attention to the fact that from the moment of his/her arrest or detention, a person would be ensured with legal counsel.

The analyses of the appeals received by the Ombudsman showed that compared to previous years, the number of obstacles created for lawyers has decreased. In practice, the Ombudsman intervened to the complaints about obstruction to lawyers immediately. In general, the Ombudsman has taken urgent measures to prevent possible obstacles in the process of ensuring the right of lawyers to meet with their clients. In this regard, the 24/7 Call Center 916 created at the Ombudsman Institution, is one of the effective mechanisms.

Case No. 21729-20

A lawyer A., calling to the Call Center of the Ombudsman argued that he was obstructed to meet with his client held in the Main Department of Organized Crime of Ministry of Interior and asked for assistance.

By the instructions of the Ombudsman, the request was investigated as quickly as possible and was upheld.

The Ombudsman immediately implemented the appeals of the detainees and prisoners regarding their right to health, and appropriate measures were taken on the spot. The appeals were about provision of medical examination, inpatient or outpatient treatment, determining the

disability, being assisted to undergone surgery, and other similar issues, which were granted accordingly.

Case No. 21-20

Applicant S. appealed to the Ombudsman stating that his son serving his sentence in Prison No. 13 of the Penitentiary Service needed medical examination and treatment due to health problems and asked for his transfer to the Medical Institution under Penitentiary Service.

Following the appeal of the Ombudsman to the Main Medical Department of the Ministry of Justice, the prisoner was assigned to outpatient treatment in the medical and sanitary unit of the penitentiary and was transferred to the Medical Institution under Penitentiary Service for re-treatment and supportive care.

Case No. 1156-20

Applicant Ch., appealed to the Ombudsman saying that his child, who was detained in Baku Pre-trial Facility of Penitentiary Service had problems with health and asked for help in his examination and treatment.

Following the appeal of the Ombudsman to the Main Medical Department of the Ministry of Justice, the convict was transferred to the Medical Institution under Penitentiary Service and continued to receive supportive care in the therapy department.

Case No. 1203-20

The applicant, G. appealed to the Ombudsman to assist in the treatment of his son in the Medical Institution under Penitentiary Service.

After the appeal of the Ombudsman to the Main Medical Department of the Ministry of Justice, the convict was transferred to the Medical Institution under Penitentiary Service, underwent clinical and laboratory examinations, consulted by a therapist, neurologist, cardiologist, and psychiatrist, and received supportive treatment in the neurology department.

The Ombudsman made appeals to the Ministry of Justice of Azerbaijan regarding the applications to extradite Azerbaijani citizens serving criminal sentences abroad, and vice versa foreign prisoners in penitentiaries in our country.

Incidentally, within a year, 25 convicts were extradited to their home country, and 7 were extradited to Azerbaijan.

Case No. 3721-20

Applicant A. appealed to the Ombudsman to extradite his child, serving his criminal sentence in Makhachkala city of the Russian Federation to serve the remainder of his sentence in a penitentiary in Azerbaijan.

After the appeal of the Ombudsman to the Ministry of Justice Azerbaijan, it was considered possible to admit the convict to the country to serve the remainder of his sentence here, and as a result, this question was raised before the Ministry of Justice of the Russian Federation to be considered.

The Ombudsman received numerous appeals to postpone or cancel a sentence, to exempt from sentence due to illness, to parole, to substitute the unserved portion of the sentence with a mitigated sentence, and to change the type of penitentiary institution.

Within the response to prevent a novel COVID-19 pandemic, the Ombudsman appealed to the relevant authorities to issue statements in relation to PWDs, convicted mothers with many children who sincerely regretted their actions and were rehabilitated and no longer pose a threat to society, juveniles, those over the age of 60, and inmates with serious health problems while considering the parole, based on the requirements as provided by the law, and the principle of humanism.

During the period of the pandemic, 2 072 inmates were released on parole, 422 inmates were transferred into precinct penitentiary institutions, 10 inmates were released due to serious illness, 334 inmates were released from punishment and 591 inmates' number of sentence years were reduced, as well as the means of restraint about 906 of accused were changed considering also the recommendations by the Ombudsman.

The situation of ensuring the rights of detainees, including juveniles and female prisoners, was monitored, legal awareness-raising events were organized, confidential meetings were held, and problematic issues were raised before the relevant state bodies and judiciary on the basis of their appeals.

Considering appeals of prisoners and their families, the Ombudsman appealed to the Pardon Commission under the President of Azerbaijan.

Because of the spread of a new type of coronavirus infection in the world, considering the appeals of the elderly prisoners (over 65years old) in need of special care due to their age and health problems and their families to the President of the country, inmates were pardoned by the Presidential Order "On pardoning a number of convicts" dated April 6, 2020, due to their health status and behavior during the sentencing and based on the humanism principle. In total, the pardoning Order applied to 176 convicted persons.

Thus, the motions of the Ombudsman helped the release of 10 convicts from the unserved part of the sentence. In total, 702 convicts were pardoned by the motions of the Ombudsman.

In total, 11 amnesty acts were adopted, 66 pardoning decrees and orders were signed, and thousands of convicts were released from the unserved portion of their sentence.

The Ombudsman concluded that it would be appropriate to rehabilitate the inmates encouraging them to acquire work habits and to establish create new areas of modern production in the penitentiaries, to take necessary measures to acquire new professions, as well as to apply taxes and other benefits to entrepreneurs in order to involve them more actively in the production process.

The Ombudsman believes that it is important to develop a new and modern mechanism to address the problem of employment of inmates, increase the number of social adaptation centers in the regions to adapt the ex-offenders, expand social and psychological assistance services and staff them.

In terms of improving the detention conditions in penitentiaries and effective protecting rights of the prisoner, the completion of construction of new buildings for Medical Institution under Penitentiary Service, Juvenile Correctional Facility, Detention Facility for Female Convicts, Pre-Trial Detention Center No. 2 and Prison and the relocation to new buildings is essential.

Protecting the rights of military servants. Strengthening the material and technical base of the Armed Forces and staffing with professionals, strengthening the material security and social protection of personnel, the reconstruction of housing and living conditions in military

units in alignment with modern standards have played an important role in ensuring the rights of servicemen.

The Presidential decrees and orders were of utmost importance for strengthening the social protection of servicemen and families of martyrs, and persons became disabled as a result of the war for the protection of the territorial integrity, independence, and constitutional order, improving their housing conditions, and increase state care for this category of people.

In July 2020, the Ombudsman conducted a fact-finding mission to Tovuz district in order to investigate the violations like human deaths and damages inflicted on civilian settlements as a result of armed provocations committed by Armenia. During the Mission to Tovuz district, the Ombudsman met with the affected residents, visited the family of a killed civilian, attended the funeral of martyred servicemen, visited a military unit in that area, had a talk to the military personnel, and visited the military hospital to visit wounded soldiers and inquired about the course of their treatment.

During conflict and post-conflict periods, the Ombudsman has frequently visited our wounded soldiers and released POWs in the hospital and inquired about their health.

The Ombudsman invoked the relevant international organizations for the release of our captured servicemen and the protection of their rights during their captivity.

The Ombudsman visited the servicemen wounded in the patriotic war (Second Karabakh War), as well as the families of martyrs, and learned their problems.

During the active hostilities, the Ombudsman made frequent visits to the scene of the missile attacks on Naftalan, Tartar, Ganja, and Barda cities, conducted prompt investigations, visited the war victims at hospitals.

In addition, the appeals of servicemen and their families addressed to the Ombudsman were investigated in cooperation with relevant government agencies, and necessary measures were taken.

Complaints received by the Ombudsman reflected some problems with housing for active-duty military personnel, reserved or retired servicemen, as well as the families of martyrs, failure to pay monetary compensation to reserved and retired servicemen for their unused vacation days in a timely manner, and involvement of some citizens in military service without taking into account concessions, the indifference of central and local executive bodies to the application of benefits and privileges to servicemen, including families of martyred provided by the law, concerns related to appointment or payment of pensions to reserved or retired servicemen, including social payments and issuance of the relevant archival certificate.

The Ombudsman and employees of the institution held meetings with personnel in military units, educational and medical institutions to investigate the above-mentioned appeals, as well as to organize legal awareness-raising events, to study the social and living conditions of servicemen and their treatment on the spot.

There are still some problems with the payment of insurance benefits to servicemen who lost their health during military service, as well as those who died in the line of duty because of injuries and illnesses received during the service.

During the investigation of the appeals, it was revealed that several court decisions granting certain rights to ex-servicemen, persons with war-related disabilities and war veterans, and the families of martyrs were failed to be fully implemented or simply rejected by the relevant executive bodies under various pretexts. Consequently, the violation of the rights, guaranteed by the Constitution and failures to enforce court decisions result in the violation of human rights, as well as a negative impact on the reputation of the judiciary.

Case No. 22700-20

Applicant R. appealed to the Ombudsman and informed the State Insurance Commercial Company of Azerbaijan that the relevant executive document of Nasimi District Court in connection with the deduction and payment of insurance indemnity in the amount of 6600 manats was not executed and asked for assistance in protecting his rights.

In response to the appeal of the Ombudsman to the State Insurance Commercial Company to investigate the allegations reflected in the complaint, it was stated that according to the Decision of the Plenum of the Constitutional Court of Azerbaijan dated January 28, 2014, on the interpretation of some provisions of the Law on Compulsory Personal National Insurance of the Military Personnel Servicemen prior to the enactment of the Law on State Compulsory Personal National Insurance of Military Personnel on May 20, 1997, military servicemen who died, went missing, were injured in the hostilities for the territorial integrity of Azerbaijan in 1991-1997, but did not receive insurance, it is recommended to the Parliament of Azerbaijan to determine the procedure and conditions of payment of this amount to employees as quickly as possible and the issue will be considered after the adoption of the relevant normative legal act.

In some complaints, the applicants stated that their children had been incorrectly recruited and sent to active duty in connection with mobilization or conscription by local bodies of the State Service for Mobilization and Conscription, despite the grounds for deferment of conscription.

As regards the problem concerned, the relevant agencies investigated the case based on the request of the Ombudsman, according to which in some cases, these facts were fully or partially confirmed.

Case No. 23136-20

Applicant N. appealed to the Ombudsman, saying that his son, a full-time first-year student at the University of Azerbaijan, was wrongly involved in mobilization by Gabala District Department of the State Service for Mobilization and Conscription and sent for military service on September 29, 2020 and asked for help in recalling his son from military service.

Following the appeal of the Ombudsman to the Service to investigate the allegations, a relevant list was sent to the Ministry of Defense of Azerbaijan for a decision on the recall of the son of the applicant from military service, considering that he was studying at a higher education institution.

Case No. 23264-20

Applicant M. appealed to the Ombudsman, stating that his son, who has three minor children under his care, was conscripted into the army by Imishli District Department of the State Service for Mobilization and Conscription, and asked for help in recalling his son from military service.

After the appeal of the Ombudsman to the Service concerned, the relevant documents for being reserved were sent to the Ministry of Defense of Azerbaijan, given that the son of the applicant had three minor children under his care.

Problems related to the late payment of monetary compensation to reservists and retired servicemen for unused leave during active duty have almost been resolved.

Case No. 2700-20

Applicant M. appealed to the Ombudsman stating that his appeals for full compensation for the days he had not used during his military service as a junior sergeant in the military unit were ineffective.

Following the appeal of the Ombudsman to the State Border Service of Azerbaijan to verify the allegations reflected in the complaint, pursuant to Part 1 of Decision No. 217 of the Cabinet of Ministers of Azerbaijan dated September 28, 2012, compensation calculated for unused vacation days during active duty was transferred to the bank account of the applicant at the International Bank.

The Ombudsman also investigated the appeals by servicemen, their families, and the families of the martyrs.

Case No. 18017-20

Applicant R. complained to the Ombudsman that he served in the army, in the Internal Troops of the Ministry of Internal Affairs of Azerbaijan, and in the Ministry of Defense as a “sergeant”. The applicant added that he was a reservist for age. The applicant also said that his application for housing as a person who has served in the army for more than 20 years was not granted and noted that the Presidential Decree No. 569 dated December 28, 2011, “On measures to strengthen the social protection of servicemen of the Armed Forces of the Republic of Azerbaijan” does not apply to him. Therefore, he asked for assistance in providing housing as a person in need and a reservist to improve social and living conditions.

While examining the supporting documents to the complaint, it was found during his active duty the applicant had indeed been awarded the 1st, 2nd, and 3rd-degree medals for flawless service and other medals on behalf of the country President.

In response to the appeal of the Ombudsman to the Ministry of Defense, it was stated that given that the applicant served in active duty less than 20 years, it was beyond the authority to add his name to the lists compiled by the Ministry in accordance with the decree noted above.

Unlike the aforementioned, the para. 1 of the relevant decree provides state-funded housing to servicemen, who served 20 years or more within the armed forces of Azerbaijan, but not the army of Azerbaijan.

Since the Armed Forces consisted of the Azerbaijani Army and other armed formations, the applicant’s duration of service in the Internal Troops of the Ministry of Internal Affairs should be considered service in the Armed Forces, but this period was incorrectly considered as service in the Armed Forces. Given that the Armed Forces consisted of the Army and other armed formations of Azerbaijan, the length of service of the applicant in the Interior Ministry's Internal Troops should be considered as service in the armed forces, but this period was incorrectly not considered as service in the armed forces.

The wording “*The Republic of Azerbaijan establishes the Armed Forces and other armed formations to ensure its security and protection.*” in Part I of Article 9 of the Constitution has been replaced by the wording “*The Republic of Azerbaijan establishes the Armed Forces to ensure its security and protection. The Armed Forces are composed of the*

Azerbaijani army and other armed formations.” by the referendum held on September 26, 2016.

Case No. 18289-20

A group of reservists, who served over 20 years of active duty collectively appealed to the Ombudsman, first informing that they made some mistakes during their years of service, but later were promoted in the military, their military ranks were elevated, and were awarded in various ways for excellence in service. However, the Presidential Decree “On measures to strengthen the social protection of servicemen of the Armed Forces of the Republic of Azerbaijan” does not apply to them, as a result of which, they were not provided with housing and their appeals to various relevant bodies in this regard were ineffective.

Case No. 12190-20

A group of reservists and retired servicemen from the State Border Service of Azerbaijan applied to the Ombudsman with a duplicate application, asking for assistance in providing them with housing under the Presidential Decree on the measures to strengthen the social protection of servicemen of the Armed Forces of Azerbaijan.

The applicants also added that they had appealed to the relevant authorities with regard to this issue, but their request was not granted. The applicants had justified their request referring to the relevant Decree, which provided that the servicemen who served in the Armed Forces of Azerbaijan, not the “Army” for 20 years or more shall be provided with housing at the expense of the state.

It is clear from the incoming appeals regarding the housing problem that despite committing violations during their years of service, some servicemen have been promoted and their ranks were elevated considering their long-term service in the military. However, when applying to the relevant body for housing, it was stated that it was impossible to provide them with state-funded housing due to misconduct.

Late issuance of archival reference documents to reservists and retired servicemen caused failures to realize several their rights. However, after the intervention of the Ombudsman, the applicants were provided with archival references on their services in all cases.

According to the relevant Workplans agreed between the Ombudsman, the Minister of Defense, the Headquarters of the Internal Troops of the Ministry of Internal Affairs, and the Civil Defense Troops of the Ministry of Emergency Situations, the staff of the Institution launched legal awareness events for the subordinated military units, health, and educational institutions at various times, measures were taken, as well as appeals were investigated on the spot, and the servicemen legally consulted about the issues raised. These legal awareness works were aimed at increasing the awareness of servicemen.

The situation of ensuring the rights of servicemen was studied, the living quarters of conscripts, including bedrooms, rest areas, library, kitchen, bathroom, sanitary unit were inspected, service and social conditions, the health status of soldiers were monitored. Furthermore, the quality of the food and medical care was studied, and consequently, the existing situation was positively assessed. However, recommendations were given to the relevant military unit command and facility management to eliminate the identified shortcomings and their causes

These ongoing measures were important in terms of protection of human rights and freedoms of servicemen, ideological, legal enlightenment, and education in the Armed Forces of Azerbaijan, as well as the psychological condition of personnel, as well as loyalty and patriotism.

Protection of women's rights and ensuring gender equality. Ensuring the participation of women in all spheres of socio-political life, especially in decision-making, as well as the role of women in society on the basis of equality with men, is of great importance in the development of society.

Protection and promotion of the rights of women, ensuring gender equality, restoration of the violated rights of women are among the priorities in the activity of the Ombudsman.

Measures were taken to monitor and improve legislation with the purpose of developing effective national mechanisms to ensure gender equality, as well as the events, were held in connection with 12 areas of the Beijing Declaration and the Action Platform.

The Ombudsman continued her work on gender issues, as well as the effective protection of the rights of women in close cooperation with government agencies, non-governmental organizations, the media, communities, as well as international organizations.

The violations of the rights of women reflected in the incoming appeals, including problems related to labor, employment, social protection, protection of health, execution of judgments on alimonies, prevention of domestic violence (DV), and similar issues were investigated by the Ombudsman Institution. The competent state bodies were appealed in this regard. Measures have been taken to restore the violated rights, as well as suggestions and recommendations, have been made in this direction.

Those events that were organized with the participation of state agencies, civil society organizations, community representatives, as well as human rights experts and activists, were continued in the form of video conferences due to the COVID-19 pandemic.

The staff of the Ombudsman Institutions participated in national and international online events, including training and seminars on various topics of gender equality, provided detailed information on the activity of the Institution, and proposals made to create equal opportunities in all spheres of public life.

During the 16 Days of Activism Against Gender-Based Violence international campaign, the Ombudsman Institution organized awareness-raising events from November 25 to December 10 to draw public attention to the fight against gender-based violence (GBV), including DV. Such events were of utmost importance as family conflicts and GBV are on the rise due to the challenges created by the pandemic in many areas of public life.

The Regional Centers of the Ombudsman held educational video conferences for young people to raise their awareness of gender equality. At these events, the provisions of the Law of Azerbaijan "On Prevention of Domestic Violence" were explained, and information was provided on national and international human rights protection mechanisms.

The Ombudsman Institution runs a Project entitled "Gender Violence - a Tragedy of Our Society", within which extensive events and discussions were organized in several secondary schools where students were informed about the application procedures to the Ombudsman and on how to call 916 Call Center of the Institution.

A research internship was organized when undergraduate and graduate students got necessary and practical knowledge about the protection of the rights of women and gender equality. Consequently, some groups of students from the Academy of Public Administration under the President of the Republic of Azerbaijan, Baku State University, and the Azerbaijan University of Languages have had internships with the Institution where they extended their practical knowledge on the related issues and participated in the investigation of appeals concerned.

The Ombudsman taught the course “Introduction to Gender” and conducted online lectures on women’s rights, gender equality, combating violence, and other topics at Baku State University.

Several online trainings were held during the national Child Rights-Month Long campaign, initiated by the Ombudsman in order to strengthen measures to prevent early marriage. The training was focused on the issues related to the protection of the rights of girl-children, prevention of school dropping out and DV, maternal and infant mortality.

The protection of the rights of human trafficking victims and female prisoners was focused on. The National Preventive Mechanism team of the Ombudsman regularly visited institutions and shelters where individuals could not leave on their own will, as well as detention centers for irregular migrants of the State Migration Service of Azerbaijan. The trafficked women had been explained their rights and necessary measures were taken.

In addition, visits were made to Detention Facility for Female Convicts No. 4 of the Ministry of Justice Penitentiary Service to investigate detention conditions and treatment of female inmates, as well as appeals. The facility administration was given recommendations to ensure the rights of female convicts.

The Ombudsman appealed to the Pardon Commission under the President of Azerbaijan at various times taking account of the applications of women prisoners and their family members. Incidentally, given the spread of the COVID-19, according to the Presidential Decree on pardoning dated April 6, 2020, 10 female convicts were also pardoned.

The Ombudsman paid special attention to the protection of the more than one million refugees and IDPs, who were displaced from their native lands as a result of the ethnic cleansing and occupation policy of Armenia.

As a result of new provocations against Azerbaijan and indiscriminate attacks on residential areas in Azerbaijan by Armenia, taking advantage of the global pandemic situation, many civilians, including women, were killed by heavy artillery and missiles fires and prohibited weapons. Therefore, the Ombudsman made a public call to the international community and organizations and sent substantiated reports about serious violations of international human rights instruments applicable to international armed conflicts, including the 1949 Geneva Conventions, as well as the UN Declaration on the Protection of Women and Children in Emergency and Armed Conflict.

The Ombudsman has also taken important steps to effectively protect the rights of women through the expansion of its cooperation with the UN and its specialized agencies, the Council of Europe, and other international organizations. Furthermore, similar critical actions were made to integrate international anti-trafficking laws into domestic laws.

The Ombudsman Institution, as a national human rights institution, submitted its Complementary Report on Implementation of the CEDAW at the national level to the relevant UN Committee as a part of its cooperation with the UN Treaty Bodies.

The Ombudsman paid close attention to the situation of family members of Azerbaijani citizens fighting in Syria, especially women held hostage in various detention camps in Syria, which was also discussed with the Head of the ICRC Delegation in Azerbaijan.

The Ombudsman has frequently proposed to ratify the COE Istanbul Convention. The Ombudsman also deemed it appropriate to take measures to achieve the SDGs, including Goal 5 on ensuring gender equality.

In addition, the recommendations made by the Ombudsman have also been considered in the “Action Plan on the prevention of gender-biased sex selection for 2020-2025” approved by the Order of the Cabinet of Ministers on 24 February 2020.

The Ombudsman also recommended ensuring the effective protection of the rights of women and ensuring gender equality, increasing attention to gender issues, and expanding a

network of regional shelters for women victims of violence, given the CEDAW Recommendations.

Protection of child rights. The Ombudsman continued its cooperation with state agencies, CSOs, and international organizations to investigate incoming applications on the violation of child rights, restore the violated rights, raise awareness on child rights, and draft recommendations for improving the situation of children.

In addition, the information shared on print media and social media platforms has been expeditiously investigated, along with incoming complaints about violations of child rights. The problems with access to medical, social, and psychological services and other challenges were upheld.

During the COVID-19 pandemic, the 916 Call Center of the Ombudsman played an important role in the accessibility of children, their parents or legal guardians, and advocates, and facilitated ensuring their rights. The incoming calls were mainly concerned about the violation of the right to education, health, housing, non-payment of alimony, incorrect or failure to re-determination of health disabilities in respect to children, failure to ensure the child's right to see a parent, failure to appoint a guardian or custody, failure to issue a birth certificate, domestic violence, neglect, and other related issues.

The Ombudsman Institution and its NPM Team conducted 40 visits to 24 state-owned child-care institutions in Baku and other districts covered by Ganja, Sheki, Guba, Jalilabad Regional Centers as a part of the activity in the relevant field. In the course of those monitoring, living conditions, and treatment standards, ensuring the rights of children placed in these facilities, including the organization of their medical care and socio-psychological work and preventive measures against COVID-19 infection were investigated.

Similar monitoring was held to boarding schools for children with limited physical capacities and children's homes for those deprived of parental care, gymnasiums under the Ministry of Education, child-welfare social service agencies for children with limited physical capacities under the MLSPP, orphanages (children's homes) under the local executive authorities, nurseries under the Ministry of Health, a correctional facility of the Ministry of Justice, and related shelters. The detention conditions in these child-friendly institutions and existing situations were investigated. Private interviews were conducted with the randomly selected children, as well as with the management and staff of the institutions.

The shortcomings found during the monitoring impeded decent and equal education and ensuring the right to education of children. It was found that in child boarding houses No. 1, 2, and 3 in Baku and Sheki Mixed Type Child Boarding House had troubles with online lessons held due to the pandemic as the number of technical equipment for joining classes were inadequate or simply lacked. Furthermore, there were difficulties due to a slow internet connection. In addition, in the special boarding house No. 12 for children with limited physical capacities, it was observed that the repairing works in the facility were not completed and were ready for the educational year, the children with health challenges faced with the severely restricted right to education.

It was observed that juveniles in the correctional facility under the Penitentiary Service of the Ministry of Justice were absent from classes for some time due to the pandemic. Thus, the Beijing Rules (UN Minimum Standards for the Administration of Juvenile Justice), the UN Standard Minimum Rules for the Treatment of Prisoners, COE Recommendation No. R (89) 12 of the Committee of Ministers to the Member States on Education in Prison, and other local and international rules and principles state that education is an integral part of the reintegration of children into society and that their right to education must be guaranteed, and emphasize the importance of paying attention to illiterate prisoners, as well as those without primary education or training.

Systematic shortcomings in the organization of socio-psychological work with children, lack of staff in institutions, lack of individual work plans for children, the existing problems in the effective organization of leisure time create difficulties in ensuring the rights of children.

During the monitoring of Ganja City Nursery under the Ministry of Health, it was found that no socio-psychological work with children was conducted, there was a lack of medical staff in the facility, furthermore, minor patients are not taken outside for fresh air in the Republican Psychiatric Hospital No. 1, the number of medical and support staff was insufficient and rehabilitation measures were weak and the documentation was not carried out properly. Alike, it was observed that the important measures such as rehabilitation and social reintegration-focused policies were not almost carried in the correctional facility of the Ministry of Justice Penitentiary Service. Therefore, given the negative life experiences (various types of violence, neglect, domestic difficulties, etc.), of most institutional children as a result of which they are likely to be exposed to future health and social risks, it is especially important to strengthen socio-psychological work.

In addition, it is crucial not only to strengthen mechanisms for the rehabilitation and social integration, and life skills of children in conflict with the law but also to improve the protection of juveniles as witnesses, victims, or accused in juvenile delinquency proceedings. Therefore, it is necessary to increase the age limit specified in Article 228 (2) of the Criminal Procedure Code of Azerbaijan to 18 years in alignment with the UN CRC, to amend the norms in connection with the participation of teachers, psychologists, and legal representatives in all criminal proceedings.

It appears necessary to develop standards for children's homes and social institutions, as well as to apply child protection mechanisms. Furthermore, it is necessary to reconsider the "norms on the nutrition of children in kindergartens, orphanages and preschool sanatoriums" approved by Order No. 103 on March 9, 1994, as well as the norms on supplying children placed in boarding schools of all types, special needs boarding schools, children's homes, state care establishments for orphans and children deprived of parental care with clothes, shoes and soft inventory, approved by Decision No. 15, dated January 17, 1994, by the Cabinet of Ministers as those norms do not meet the needs and age characteristics of children.

The recommendations of the Ombudsman were considered in the National Child Strategy of Azerbaijan for 2020-2030, which was approved by the Presidential Order dated June 2, 2020. The main goal of the strategy is to fully align the child protection system in Azerbaijan with the Constitution and the UN CRC, to create equal opportunities for all children, to protect their best interests, to protect the rights of children who are in need of state care more effectively and provide them with modern social support services.

The closure of pre-schools (kindergartens) in connection with the COVID-19 pandemic also creates difficulties in accessing inclusive education and rehabilitation services for children with special needs. Bearing in mind that quality education in early childhood has a positive impact on the physical, socio-psychological, and emotional development of children, instilling in them cognitive and behavioral skills, it appears necessary to strengthen alternative solutions to the comprehensive and sustainable development of preschoolers.

At the initiative of the Ombudsman, several measures were taken to improve the implementation and more effective protection of the rights of children.

The Ombudsman issued a statement on June 1 – International Day for Protection of Children, and launched "Human Rights Month" and "Child Rights Month-long" national campaigns, and child drawing competition "Me and my rights" on December 10 - international Human Rights Day. During these month-long campaigns, the Ombudsman Institution held online child rights awareness events together with state agencies, local executive authorities, municipalities, NGOs, and communities to promote child rights and increasing child participation.

Since 2008, the Ombudsman Institution, as a member, has been actively involved in the work of the European Network of Children's Ombudsmen (ENOC). In this framework, the Ombudsman held an online meeting with the President of ENOC and the Children and Young People's Commissioner of Scotland. During those meetings, the host briefed the activity to effectively protect the child rights during the pandemic, the civilian casualties, including killing, wounding of children, including those who lost both parents as a result of heavy artillery and rocket fires by the Armenian armed forces on densely populated settlements in Azerbaijan. Furthermore, international experts and ENOC members have been invited to Azerbaijan to conduct fact-finding missions. It should be noted that as a result of this aggression, 12 children were killed, 50 children were injured, and 4 others became orphans.

The Ombudsman held discussions with the UNICEF Regional Director for Europe and Central Asia in Geneva to help in the solution of challenges faced by children of Azerbaijani citizens taken hostage in Syrian detention camps and in their return to Azerbaijan.

According to the Rolling Work Plan signed by the Ombudsman with the UNICEF Office in Azerbaijan, additional social workers and lawyers were involved to support the child component of the National Preventive Mechanism, a methodology for preparing reports on the rights of children in conflict with the law was developed. Work had been done to raise awareness of the activity of the Ombudsman and child rights.

The Ombudsman addressed an appeal to a number of international organizations, including the UNICEF Regional Director for Europe and Central Asia, regarding Armenia's military aggression against territories and civilians of Azerbaijan. The Appeal states that Armenia has grossly violated the provisions of international conventions to which it is a party, in particular the CRC, and demanded that the UN relevant Committee initiate special proceedings against Armenia and conduct a joint Fact-finding Mission.

The Ombudsman submitted Appeals to the UN OHCHR, UN CRC, UN Special Representative of the Secretary-General for Children and Armed Conflict and ICRC concerning the establishment of international legal assessment of war crimes such as killing of innocent civilians, including children as a result of indiscriminate attacks of Armenian armed forces on residential and densely populated areas located beyond the zone of active hostilities with the use of prohibited weapons, recruitment of children in hostilities, using of kindergartens and schools as objectives of military advantage (command centers and ammunition depots), and others.

In addition, the Ombudsman invited all the noted above international institutions to conduct a joint independent Fact-Finding Mission to investigate war crimes and human rights violations committed by Armenia against civilians, especially children on the spot, by collecting factual evidence in order to assess from the standpoint of international law.

Provided that the need to restore the psychological health of families and children affected by the Armenian aggression is a matter of utmost importance, a wide range of psychological aid campaigns, initiated by the Ombudsman were carried out in Ganja and surrounding areas, covering a wide range of people.

Protection of the rights of the elderly. The Ombudsman continued its collaboration with government agencies and CSOs in order to protect the rights of the elderly, including the restoration and promotion of the violated rights, as well as to improve the relevant legislative framework.

The appeals addressed to the Ombudsman were mainly related to the dismissal of the elderly due to age, recalculation of pensions, determination of the degree of disability, assistance in treatment at state expense, payment of a lump sum of 190 AZN, property and inheritance, housing, assistance in placement of social services, DV and other issues.

916 Call Center of the Ombudsman was an important tool in accepting appeals by the elderly during the new COVID-19 pandemic and served to ensure their rights and applicants' satisfaction.

During the mentoring and visits, the Ombudsman inspected the situation with ensuring the rights of the elderly in social service institutions in line with the principles of international treaties as a contracting party and the Madrid International Plan of Action on Ageing. Access to the conditions created, nutrition, medical care, and social services for the elderly, effective organization of leisure time were investigated, and awareness-raising activities were continued. Based on these principles, it was proposed to develop and adopt a "State Program for the Protection of Social Rights of Senior Citizens" for the coming years in order to increase the attention to this age category of people and ensure their social and legal protection.

Similar activity was continued under the special quarantine regime applied due to the COVID-19 pandemic, and protection of the rights of the elderly living in social welfare institutions was also focused on.

Incidentally, during the pandemic, the elderly (older than 65) have received increased attention, and given that they are in high-risk groups, it was taken preventive measures, also provided with social, medical services, and food assistance.

Global Demography of Ageing poses new challenges for the family, society, social security, health, and education. It is very important to further develop close cooperation with state agencies, civil society, and the private sector in a view to strengthening the scientific basis for the development of social protection of senior citizens in perspective development programs, taking measures for adult education, meeting socio-cultural needs, ensuring active participation in the socio-economic and political life of society.

Protection of the rights of persons with disabilities. As an NHRI, the Ombudsman exercises the functions of an independent mechanism to promote, protect and monitor the implementation of the UN Convention on the Rights of Persons with Disabilities (CRPD). The Ombudsman took necessary steps to address the social problems of PWDs, investigated their appeals, and cooperated with relevant government agencies and CSOs to restore their violated rights.

The Ombudsman Institution established a PWDs Rights Protection Unit to ensure more effective protection of the rights of these socially vulnerable groups.

The appeals on the violation of rights of PWDs received by the Ombudsman mainly covered the problems with determination of the degree of disability, the organization of medical examination and treatment, the determination or payment of pensions or benefits, provision with wheelchairs, housing, and so on.

The Ombudsman, the staff of the Institution, including the National Preventive Mechanism Group continued monitoring in education, health, penitentiary, and social service institutions. During the monitoring, the situation and needs of PWDs were investigated, and recommendations were given to solve their social problems, ensure their health and other rights. The necessary measures were taken to raise their legal awareness and restore their violated rights.

The Ombudsman addressed a public appeal to state and local self-government bodies, officials, as well as business entities to effectively implement the social and legal protection of PWDs in the context of the COVID-19 pandemic. The Appeal also covered the global call of the UN Special Rapporteur on the Rights of PWDs to protect this category of persons, made during the global outbreak of the COVID-19 pandemic.

Bearing in mind the situation with a new type of COVID-19, the Ombudsman proposed the parole of prisoners with special needs, and therefore, she requested the Ministry of Justice in this regard.

The Ombudsman raised the issues concerning the provision of people from low-income families, PWDs with special needs who are unable to take care of themselves and live alone, with personal protective equipment (medical alcohol, masks, and gloves) regularly, and involving PWDs, suffering from various diseases, in mobile medical examination, treatment, and rehabilitation services before the relevant agencies. Relevant suggestions and recommendations were given. Persons with special needs registered at the dispensary, as well as those who are at risk and suffering from various diseases, were provided with the necessary medicines at the place of residence.

One of the most important difficulties in the social integration and inclusion of PWDs is the lack of accessibility in all spheres of public life. At various times, in the annual reports and the appeals to the competent state bodies, the Ombudsman has proposed providing the accessibility. Therefore, the Ombudsman-initiated ramps were installed at the entrance of the “Government House”, where the Ombudsman’s Office is located.

The recommendation made by the Ombudsman to apply appropriate discounts on utility costs to persons with special needs, as well as to extend expired pensions and benefits cards of PWDs by the relevant banks within the corporate social responsibility strategy, was considered.

The Ombudsman suggested taking urgent measures for the placement of persons with special needs in the shelter and Social Rehabilitation Institution for the vulnerable groups of population and increasing attention and support to PWDs by the employers, considering the current situation.

At the time of the COVID-19 pandemic, at the initiative of the European Network of National Human Rights Institutions’ (ENNHRI) Working Group on Protection of the Rights of Persons with Disabilities webinar on “On-site monitoring of the rights of PWDs during the COVID-19 pandemic” was organized. The activity of the Ombudsman was considered a good practice.

At the 23rd Session of the UN CRPD Committee, which was also attended by the staff member of the Ombudsman Institution, various discussions were held on the topic.

Another event, which was attended by the staff member of the Ombudsman Institution was a webinar organized within the UNGA 75th Session on “Strengthening commitments to prevent, respond and protect against Sexual and Gender-based Violence in humanitarian crises.”

The Ombudsman takes the view that it is crucial to allocating finance and human resources for the inclusive education of persons with special needs, preparing CWDs for inclusive education from an early age, and preparing specialists working with them, including psychologists, correctional educators, deaf (surdo) pedagogues, speech-language pathologists, oligophrenic educators, and typhoid pedagogues, deaf and dumb audiologists, teachers and social workers who teach individual and group training programs, increasing their professionalism, jointly educating parents of persons with health problems, and taking measures to eliminate other similar socio-psychological problems in society.

The Ombudsman paid special attention to cooperation with CSOs in the protection and promotion of the rights of PWDs. Thus, the implementation of the provisions of the UN CRPD, the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled, as well as has extensively cooperated with CSOs to ensure the rights and freedoms in the concerned area.

The online meetings held by the Regional Centers of the Ombudsman in Human Rights Month-long campaign, which titled “The role of the Ombudsman in the protection and promotion of the rights of children and youth with limited physical capacities” briefed the large-scale activities in the field of protection and promotion of the rights of PWDs guaranteed by the Constitution, relevant Convention, and other legislative frameworks.

In her media interviews in connection with 3rd December - the International Day of Persons with Disabilities, the Ombudsman spoke about the adoption of the UN CRPD, the state obligations of all State Parties stemming from the Convention, and its implementation in national legislation.

CHAPTER II

ACTIVITY IN THE FIELD OF LEGAL EDUCATION, SCIENTIFIC-ANALYTICAL WORK, INFORMATION AND COOPERATION WITH CIVIL SOCIETY ORGANIZATIONS, INTERNATIONAL COOPERATION

2.1. HUMAN RIGHTS EDUCATION

In a legal, democratic, and secular society, citizens need to have a sound legal mindset and a high legal culture. Legal thinking is a set of people's attitudes to law, legality, and justice, their ideas, and ideas about legal behavior. The legal culture of a citizen means to be aware of their rights and fulfilling the obligations arising from these rights.

In Azerbaijan the period between May 18 to June 18 of each year is announced national Human Rights Month, which lasts a month and aimed to strengthen the activities in the field of protection and promotion of human rights, to inform the public about the accomplishments, to identify future challenges to be able to eliminate them, to develop legal thinking and legal culture and to promote the importance of non-discrimination. In this Ombudsman-initiated month, relevant government agencies, central and local executive authorities, scientific and educational institutions, CSOs, NGOs, and the media held a range of related events across the country using the modern ICT.

During this month, a series of awareness-raising online events entitled “Youth Rights” were held jointly with the Ministry of Youth and Sports, as well as videoconferences on “The importance of online training and events related to the sustainable development of young people in the field of education and career”, “The importance of distant education during a pandemic”, “The role of Ombudsman in promotion of the rights of children and youth with limited physical capacities” and “Activities to address the social problems of refugees and IDPs and future tasks.”

In the online events launched by the Ganja, Guba, Sheki, and Jalilabad Regional Centers of the Ombudsman in connection with the 21st September - International Day of Peace, it was noted that given that peace is important for mankind and the Azerbaijani territories were occupied by Armenia, it is significant to establish peace in the region.

Annually, on the eve of the anniversary of the adoption of the CRC, between October 20 to November 20, the Ombudsman declared a “Child Rights Month-long Campaign” throughout the country to increase further attention to children and further improve the implementation of child rights. The CSOs and NGOs with the participation of the media held videoconferences, in strict compliance with the rules of the special quarantine regime.

In 2020, the Ombudsman-initiated but supported by the Ministry of Education, a Project “Hierarchic Education on Child Rights”, running in secondary schools, was carried out only for 2 weeks in schools in the Narimanov district (No. 36), Yasamal district (No. 158), Nasimi district (No.54), Binagadi district (No.244), Khazar district (No.121), Surakhani district (No.208), Khatai district (No. 55) and Pirallahi district (No. 235) due to the pandemic.

The Ombudsman Institution and its Regional Centers hosted a series of events in connection with the 30th anniversary of January 20 tragedy, the 28th anniversary of the Khojaly Genocide, and the 102nd anniversary of March 31 of 1918 – Day of Genocide of Azerbaijanis.

At a videoconference on “The protection and promotion of human rights during COVID-19 pandemic and martial law” held on December 10 in connection with the International Human Rights Day, the Ombudsman discussed the challenges in the field of education, health, women’s, and children’s rights, assessed the work done to address their problems, as well as new approaches formed during this sensitive period. At the end of the event, the winners of the writing competition for journalists under the theme “Rights for All!”

and child drawing competition titled respectively “Me and My Rights” organized on the occasion of 10 December- international Human Rights Day and dedicated to the liberation of the occupied territories of Azerbaijan as a result of Second Karabakh War, which facilitated the fulfillment of the requirements of international law and ensuring the rights of about one million refugees and IDPs, were announced.

From November 25 to December 10, the Regional Centers of the Ombudsman organized videoconferences about more effective protection of women's rights with the participation of relevant state agencies, CSOs, and communities as part of the annual international campaign - 16 Days of Activism Against Gender-Based Violence. During those events, it was noted that one of the most effective solutions for combatting violence is education.

Awareness-raising events were also held in the frame of the “NAP for 2020-2024 on Combatting Trafficking in Human Beings in the Republic of Azerbaijan” approved by the President Decree dated July 22, 2020.

The undergraduate and graduate students have had internship and research experience with the Institution in the frame of cooperation with higher education institutions. Thus, undergraduate students of the Faculty of Law of Baku State University, the Faculty of Political Management of the Academy of Public Administration under the President of the Republic of Azerbaijan, and the Faculty of International Relations and Regional Studies of the Azerbaijan University of Languages had practice in the Ombudsman Institution. The master students of the Law Faculty of Baku State University majoring in “Human Rights” and “Medical Law” underwent research internships at the Institution. In 2020, in total, 446 students of undergraduate and graduate levels underwent internships and research studies at the Institution.

The Ombudsman, who chaired the specialized scientific councils established for the defense of master theses in “Law” majoring in “Human Rights” and “Medical Law” at the Faculty of Law of Baku State University concluded that students had a high level of scientific and professional training and ability to justify their work scientifically, therefore, recommended them to extend their scientific research in the field of human rights. In addition, she suggested giving more space to scientific topics in the concerned area to develop teaching and human rights research.

Publications of the Ombudsman Institution are of special importance for legal education. Thus, a total of 205 publications have been prepared over the past years, 23 foreign literature on human rights and good governance have been translated into Azerbaijani language, 57 materials were translated into English and 42 into Russian and published and distributed to a wide audience and libraries to increase the efficiency of work in this area.

Within the framework of a common project with the State Migration Service of Azerbaijan and the UNHCR was developed, a Booklet “Do you have a document? You have Problems with documents?” was produced.

The human rights educational materials, including 870 copies of 59 posters, bulletins, booklets, and leaflets on various directions of the human rights activity of the Ombudsman Institution and on the COVID-19 pandemic produced by the UNICEF Azerbaijan Office in 2020, were distributed to libraries, museums, penitentiary and educational institutions of the Penitentiary Service by the Special Library of the Ombudsman Institution.

In addition, in advance of November 20 - World Children's Day, a video clip “A child was crying in my sleep tonight” dedicated to the victims of the Armenian military aggression was produced in Azerbaijani, English, and Russian languages . The exhibitions on the themes, “Karabakh is Azerbaijan!”, “Coronavirus! Protect yourself from the infection!”, “Publications of the Ombudsman Institution” and “New Publications” were organized. Furthermore, a staff member of the Ombudsman Institution participated in the “Library - says no to the coronavirus” and “Martyrs will not die, the Homeland will not be divided!” Projects organized by Yasamal District Centralized Library System.

170 articles on the activities of the Ombudsman Institution, published in periodicals were made available to readers.

2.2. SCIENTIFIC-ANALYTICAL WORK

The scientific and analytical activity of the Ombudsman Institution includes the preparation, implementation, and monitoring of existing strategic documents for the protection of human rights and freedoms, preparing opinions and legislative proposals, preparing inquiries the Constitutional Court of Azerbaijan for the verification of the compliance of the provisions of normative legal acts, including judicial acts with the Constitution.

Provided that many items of the “NAP to Raise Effectiveness of the Protection of Human Rights and Freedoms in the Republic of Azerbaijan” approved by the Presidential Order dated December 27, 2011, have expired, the Ombudsman, who coordinates the implementation of the document, recommended adopting a new strategic document in keeping with the times.

The Opinions and proposals of the Ombudsman concerning the draft Action Plan on the implementation of UNSC Resolution 1325 on Women, Peace, and Security in respect in Azerbaijan for 2020-2023, the Strategy for Children of the Republic of Azerbaijan for 2020-2025, and the related NAP for the implementation of this strategy and the UN Sustainable Development Cooperation Framework between for Azerbaijan (2021-2025) were submitted to the relevant authorities.

The activity of the Ombudsman concerning the Development Concept “Azerbaijan 2020: Vision for the Future”, “Action Plan of the State Program “Azerbaijani Youth in 2017-2021”, “Action Plan on Prevention of Gender-Biased Sex Selection for the period of 2020-2025”, “NAP for 2020-2022 on the promotion of the Open Government” was analyzed, summed and submitted to the relevant state agencies.

The Ombudsman proposed to develop and adopt “the Program of Action to Combat Human Immunodeficiency Virus (HIV/AIDS) Disease”, “the Program of Action to Protect Maternal and Child Health”, and “the Program of Action to Provide Cancer Patients with Basic Anti-tumor Drugs”.

The “Strategy of the Republic of Azerbaijan for Children for 2020-2030”, “NAP for Combating Domestic Violence in the Republic of Azerbaijan for 2020-2023” and “NAP for 2020-2024 on Combating Trafficking in Human Beings in the Republic of Azerbaijan” were approved taking into account the proposals by the Ombudsman.

The Ombudsman proposed to accede to international human rights treaties, of which our country is not a party. Thus, the Ombudsman proposed to ratify the following international agreements:

-International Convention for the Protection of All Persons from Enforced Disappearances;

-European Social Charter (Revised):

Article 2 (the right to just conditions of work);

Article 3 (the right to safe and healthy working conditions)

Article 10 (the right to vocational training)

Article 13 (the right to social and medical assistance)

Article 23 (the right of elderly persons to social protection)

Article 15 (the right of PWDs to independence, social integration, and participation in the life of society)

Article 30 (the right to protection against poverty and social exclusion)

Article 31 (the right to housing);

- Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR),
- CoE Convention on preventing and combating violence against women and domestic violence (Istanbul Convention).

The Ombudsman submitted proposals to the country Parliament concerning the adoption, repeal, or amendment of laws to ensure human rights and freedoms.

Draft proposals concerning the amendments in the Criminal, Criminal and Procedural, Labor and Family Codes, the legal acts “On Child Rights”, “On Advocates and the legal profession”, “On Education”, “On the State Dactyloscopy and Genomic Registration in the Republic of Azerbaijan”, and “On General Education”, the improving the Criminal Code, the draft of “Civil Service Code”, and the Law on Labor Pensions were prepared in view of the provisions of the COE Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention) and the current national laws and sent to the relevant authorities.

The Ombudsman reviewed draft normative legal acts submitted by the Ministry of Justice and the MLSP, prepared relevant opinions and proposals, and delivered them to the relevant authorities.

The Ombudsman sent inquiries to the Constitutional Court of Azerbaijan, pursuant to Part VII of Article 130 of the Constitution and Article 13 (2) (8) of the relevant Constitutional Law, as well as Article 32 of the Law “On the Constitutional Court”, and relevant acts were adopted with regard to the inquiries.

The Ombudsman sent inquiries to the Constitutional Court to check the compliance of Articles 85.3 and 85.4 of the Criminal Code, with Part I of Article 12, Parts IV and V of Article 17, Part II of Article 26, Parts I and II of Article 71 and Parts I and III of Article 149 of the Constitution. Furthermore, the Ombudsman made inquiry into the compatibility with regard to the compatibility of Article 1193 of the Civil Code with Parts I, III, IV, and V of Article 25, Part II of Article 26, Parts I and VII of Article 29, Parts I and II of Articles 71 and 149 of the country Constitution.

The Plenum of the Court had issued decisions (including three rulings) in respect of 22 inquiries out of 38 in total, which were delivered by the Ombudsman Institution, while the Court Chamber issued rulings about 13 inquiries, which accompanied by wide interpretations of both theoretical and practical significance, as well as 3 inquiries would be considered by the Plenum for the review. The decisions and rulings are important from the perspective of the theoretical and practical point of view, in a correct understanding of human and civil rights and freedoms enshrined in the Constitution and other normative legal acts, and in their accurate application and provision in practice.

2.3. COOPERATION WITH THE PUBLIC AND CIVIL SOCIETY INSTITUTIONS

The Ombudsman continued effective cooperation with CSOs in the field of public awareness, organization of social and cultural events, improvement of legislation in the field of protection of human rights and freedoms, and implementation of state programs.

Staff members of the Ombudsman Institution are represented in the WGs at the Institution on various areas of human rights, and in WGs established under auspices of various government agencies, in which members of CSOs are also represented, as well as in the Election Commission of the Public Committee under the Ministry of Justice. In addition,

representatives of CSOs were engaged in the activities of the National Preventive Mechanism of the Ombudsman.

Throughout the year, at the initiative of the Ombudsman, online human rights events were launched with the participation of government agencies and CSOs, exchange of views and discussions, suggestions, and recommendations were submitted.

The Ombudsman conducted a training seminar on “Anti-discrimination in practice for the field officers of the Commissioner for Human Rights of the Republic of Azerbaijan” jointly with the Coe and EU in Guba with the participation of representatives of NGOs, local communities, and national minorities.

An Ombudsman-initiated “Human Rights Month” was held with the participation of central and local executive authorities, CSOs between May 18 - June 18, in the run-up to “Human Rights Day in Azerbaijan”. In this month-long campaign, as well as on the eve of September 21 - International Day of Peace, the Regional Centers of the Ombudsman held videoconferences under the themes “National values of national-religious tolerance, peace, and humanism among the youth”, “Protection of human rights and freedoms and culture of peace”, “Peace is the highest value of mankind”, and “International humanitarian law violated as a result of Armenia’s military aggression against our country” with the participation of government agencies, municipalities, educational institutions, community representatives and youth in a number of cities and regions.

In addition, on September 21 - International Peace Day, the Ombudsman also released a public appeal on the next provocation committed by Armenia, which resulted in the human loss.

The Ombudsman created official Facebook and Twitter accounts to provide more effective access to the Ombudsman and to provide the public with more flexible information about the activities of the Institution. This innovation has also played a major role, especially during the COVID-19 pandemic, in ensuring that people have access to the Ombudsman.

One of the important strategic priorities in our country is to effectively use the creative and innovative potential of young people, creating ample opportunities for their active participation in various fields, as well as the development of the volunteer movement.

Provided that the year 2020 was declared as a “Year of Volunteers” in Azerbaijan according to the Presidential Order of 30 December 2019 and the requirements of the Law “On Volunteerism”, the Ombudsman involved young people in volunteering activities. The volunteer young people in the Institution gained both theoretical and practical knowledge about the activities of the Ombudsman, and the Ombudsman presented certificates to active volunteers.

The videoclips under the mottos “*Stay at home - Be healthy!*” and “*We are strong together*” were produced and “*Stay at home*”, “*We are strong together*” hashtags were brought to and posted on the official website, Facebook, and Twitter platforms of the Ombudsman and the media in a view to promoting lockdown rules in response to the COVID-19 pandemic.

Within the quarantine period in the country, the low-income families, vulnerable groups, including lonely adults older than 65, solo living and people with special needs, who are unable to take care of themselves across the country were supplied with food under the motto of the President “We are strong together!”.

In Human Rights Month-long campaign, the Guba Regional Center of the Ombudsman hosted a videoconference with the participation of members of the Scouting Association aimed at helping educate the youth of Guba and Khachmaz districts to form them as patriotic and perfect people.

On the occasion of December 10 - International Human Rights Day, the Ombudsman organized a children's drawing competition on "Me and my rights", as well as writing competition "Rights for All!" for journalists.

More than 150 paintings across the country were submitted to the children's drawing competition, and the winners of this competition were awarded diplomas. Among the winners were talented children representing children's homes in the regions, as well as children's art centers and art studios in the capital and rural areas.

The writings by journalists submitted to the competition are dedicated to the violations of human rights by Armenia in the 44-day-long Second Karabakh War.

The Ombudsman sent an open letter to Amnesty International, an international NGO, outlining gross violations of IHL by the Armenian armed forces, calling them to be fair and avoid double standards when reporting on the conflict.

Delivering the activities of the Ombudsman for ensuring and protecting human rights to the public is important both in terms of transparency and public awareness. The official website of the Ombudsman is regularly updated, information on the activities, including news releases, statements, appeals, reports, and other documents are posted on the official website of the Institution, disseminated to numerous news agencies, newspapers, magazines, and TV and radio channels, and to the general public.

The Ombudsman addressed the public in connection with the introduction of a special quarantine regime in the country due to the COVID-19 pandemic, as well as took initiatives to protect the rights of various vulnerable groups.

Along with statements addressed to the international community on the anniversary of the Khojaly Genocide and March 31 - the Day of the Genocide of Azerbaijanis, the Ombudsman issued various statements and appeals, including a statement protesting the so-called elections in Nagorno-Karabakh, regarding June 1 – International Day for Protection of Children, "Human Rights" and "Children's Rights" month-long campaigns, also those on Armenia's aggression against Azerbaijan.

As well, the Ombudsman made statements on the provocative attack of the Armenian armed forces in the direction of Tovuz district of Azerbaijan and concerning the facts of violence against our fellow citizens living abroad who took part in peaceful protests and published a report on the fact-finding mission.

During the 44-day war, which started after the next provocation of Armenia against Azerbaijan on September 27, the Ombudsman conducted a total of six fact-finding missions to the areas affected by war crimes and terrorist attacks against our country. The information about the Missions was regularly disseminated through mass media, and from the scene, the Ombudsman gave interviews to many TV and radio channels. The issued and translated Mission Reports were placed on the official website and shared through print and online media and social networks of the Institution.

During that period, the Ombudsman promptly disseminated her statements, appeals, and media statements concerning indiscriminate attacks with the use of prohibited weapons on civilians in Naftalan, Tartar, Ganja, and Barda cities, also targeting of Mingachevir Hydro-Power Station and Baku-Tbilisi-Ceyhan Oil Pipeline, destruction of Tartar cemetery by artillery fire, environmental terrorism in the occupied territories, the burning of Shusha forests, as well as the Day of Remembrance for all Victims of Chemical Warfare.

The video appeals of the Ombudsman in Azerbaijani and English languages were broadcast to bring to the attention of the international community the facts of terrorist acts and war crimes committed by Armenia, civilian casualties, and the damage of civilian objects. In addition, the Ombudsman issued a video appeal from the scene of the attack in Ganja city to make see the international community to the attacks on civilians, as well as the destruction of Ganja Imamzadeh Religious Complex were prepared and broadcast.

The Institution has produced a video clip demonstrating a poem dedicated to children affected by the conflict between Armenia and Azerbaijan, as well as photographs depicting the chronological events and Fact-finding Missions of the Ombudsman.

The Ombudsman gave interviews to CNN, TRT World, Sputnik, Eurasia Diary on crimes committed against civilians during the 44-day war by the Armenian military, as well as spoke on “Azerbaijani Television”, “Khazar” and “Azad Azerbaijan” TV Channels.

The thematic Statements, Appeals, and various types of Reports of the Ombudsman were addressed to the UN Secretary-General, the Security Council, HRC (Council), OHCHR, UNHCHR, UNICEF and UNESCO, EU, CoE, OSCE, International and European Ombudsman Institutions, Asian Ombudsman Association (AOA), Association of Ombudsmen of Organization of Islamic Cooperation (OIC) Member-States, European Network of Ombudspersons for Children (ENOC), International Peace Bureau, foreign ombudsmen, embassies of Azerbaijan abroad, Azerbaijani diaspora organizations, or international organizations and various NGOs, respectively.

A briefing was held at the Institution on the results of the Fact-Finding Mission carried out by a delegation led by Mr. Şeref Malkoç, the President of the Association of Ombudsmen of the OIC, Chief Ombudsman of Turkey, who visited Azerbaijan at the request of the Ombudsman.

The articles on human rights of the Ombudsman in connection with significant historical dates were published. Thus, in the June 18, 2020 an Article by the Ombudsman titled “Continuation of activities to protect, ensure and promote human rights in accordance with the requirements of the time as a strategic priority” was published by “Respublika” Newspaper, an Article “Human rights and media: Azerbaijan’s experience as a positive example ” was published in Issue July 24, 2020 of the “Xalq” (People) Newspaper and an Article “Armenia’s violation of international humanitarian law is a logical continuation of its domestic approach to human rights” was released in the Issue November 5, 2020 of the same newspaper.

The Ombudsman gave interviews to various international and local news agencies in connection with the World Refugee Day, Human Rights Day in the Azerbaijan, International Day for Protection of Children, International Day of Persons with Disabilities, International Human Rights Day, and the interviews released through Modern.az, 525.az, Trend.az, Apa.az, E-huquq.az are like this.

In 2020, local and foreign media published 4,661 news related to the activities of the Ombudsman Institution, and 257 news were released in Azerbaijani, English and Russian languages. Newsletters were prepared and sent to international and regional organizations.

2.4. INTERNATIONAL COOPERATION

The study of good human rights practices, the establishment of cooperation with international and regional organizations, including foreign colleagues, and conducting joint projects are among the priorities of the Ombudsman to more effectively protect human rights and freedoms. So, the cooperation in these areas was continued and the experience was exchanged.

Prior to the COVID-19 pandemic, the Ombudsman met with officials of the UNHCHR, Heads of UN Treaty Bodies, as well as the UNICEF Regional Director, and exchanged views on future prospects. During the meetings, the process of submitting complementary reports on relevant areas of human rights to the UN, to the UN Treaty Bodies by the Ombudsman Institution, acting also as a NHRI was discussed as well.

Complementary Reports prepared by the Ombudsman on the implementation of CEDAW, CRC, and CERD at the national level were submitted to the relevant UN Committees.

The OHCHR Questionnaires on the protection of ethnic minorities and women's rights, environmental protection, business, and human rights, and other areas were responded to.

The Ombudsman held meetings with UN Resident Coordinator in Azerbaijan, Head of the Representation of UNHCR, Chief Adviser of the South Caucasus Office of OHCHR, Head of UNICEF Country Office, and the representative of International Organization for Migration (IOM) Mission to Azerbaijan in order to effectively protect the rights of all groups and strengthen international cooperation in this field.

Since the first days of the special quarantine regime issued in the country due to the COVID-19 pandemic, the Ombudsman had released three statements on the rights of PWDs, children, and migrants to protect the rights of vulnerable groups. The Recommendations of the UN Special Rapporteurs also considered in the Statements. This activity of the Ombudsman was indicated as good practice on the official website of the OHCHR and ENNHRI.

The Ombudsman Institution has implemented a number of measures within the Eastern Partnership Program, by expanding its cooperation with the COE and EU. So, the implementation of the COE/EU funded Project “Strengthening access to justice through non-judicial redress for victims of discrimination, hate crimes and hate speech in Eastern Partnership Countries”, in which the Ombudsman Institution of Azerbaijan was involved in 2019, was successfully continued in 2020 as well.

As part of the project, a two-day seminar with the participation of foreign experts was organized in Guba in order to strengthen the capacity of the Ombudsman Institution in the fight against discrimination. The seminar was attended by the staff, local religious communities, and ethnic minorities. The seminar was useful in terms of studying international principles and practices in the field of anti-discrimination, the analysis of the Ombudsman's mandate, as well as relevant national legislation. The issues related to the mandate and activities of foreign ombudsmen in this field, including those who joined the Eastern Partnership Program, were also discussed in the seminar. In addition, the idea of expanding the mandate of the Azerbaijani Ombudsman in accordance with international norms and principles, as well as modern requirements was supported as well.

Within the framework of the project, several meetings were held online meetings between the representatives of the COE and the Ombudsman Institution of Azerbaijan, where the issues to put theory into practice by the staff were discussed.

Alike, to learn international conventions and principles in the field of anti-discrimination in-depth in this project, 7 staff members of the Institution were awarded certificates of completion of a 4-month COE HELP online training course, entitling them to act as a trainer. The courses were taught by judges of the European Court of Human Rights, experts of the CoE Committee against Torture, and other international experts.

To effectively combat discrimination and given the adaptation of the national legislation with the international treaties to which our State is a party, as well as the Recommendations indicated in the Report of the Council of Europe against Racism and Intolerance (ECRI) on Azerbaijan in 2016, the collaboration between the COE, EU and Ombudsman Institution, was continued, several meetings were held with representatives of civil society, and views were exchanged.

As is known, the Ombudsman Institution of Azerbaijan was first accredited by the UNGA in 2006, as a NHRI following the Paris Principles adopted by the Assembly and adopted as international criteria for national human rights institutions. Consequently, the Institution is continuing its cooperation with the Global Alliance of National Human Rights Institutions and ENNHRI as a full member.

In cooperation with the ENNHRI, the staff of the Ombudsman Institution is represented in WGs on the protection of the rights of persons with special needs, asylum, and migrants of this Network, which are members of more than 40 European NHRIs and exchanged

experiences. Information on the activities carried out to protect the rights of PWDs was raised at the WGs meetings, and related good practices were published on the official website of this organization.

During the events organized as a part of the EU Project “Human Rights and Conflict/post-conflict situations”, has been running since 2018, in which the Ombudsman Institution of Azerbaijan participated, the staff of the Institution frequently attracted attention to the facts of mass and severe violations of rights and freedoms of over one million refugees and IDPs, fell into this situation as a result of ethnic cleansing and occupation policies pursued by Armenia. To finalize this project in 2020, it was prepared a special material, containing guidelines for the protection of human rights during the conflict, also provided information about the activity of the Ombudsman in the field of protection of the rights of refugees.

The Ombudsman immediately issued a statement on the military attacks of the Armenian armed forces to seize positions in the direction of the Tovuz district of Azerbaijan, starting from July 12, 2020 and addressed to the relevant international organizations. During the aggressive military attacks, A 76-year-old disabled civilian was killed, and civilian objects were badly damaged as a result of heavy artillery shelling of civilian settlements far from the line of contact by the Armenian armed forces.

While the attacks continued, the Ombudsman established an urgent Fact-Finding Mission to the conflict-affected areas. As a part of the Mission, the Ombudsman met with the conflict-affected people visited the damaged civilian objects. In a short period, the first Interim Report related to the Mission was prepared based on the collected factual evidence and submitted to relevant international organizations, foreign ombudsmen and NHRIs, diplomatic missions, and diaspora. The Report provided information about the physical attacks by the Armenian nationalists with the support of international terrorist groups operating abroad under the name of the diaspora, demonstrating their hatred for peaceful protesters condemning the next Armenian aggression.

During the military attacks in the direction of Tovuz, the international community was informed about the activity of the Ombudsman in response to misleading information spread by the supporters abroad who support Armenia's policy of aggression and terrorism through the official website, Twitter, and Facebook social media accounts of the Institution.

Our lands, which were under occupation for 30 years, have been liberated as a result of counter-offensive operations launched by the army of Azerbaijan to prevent provocative attacks of Armenia, holding new territorial claims towards Azerbaijan. During the active hostilities, occupying armed forces of Armenia fired on civilian settlements far from the conflict area with prohibited weapons to kill civilians in gross violation of IHL, which was a clear manifestation of the long-running hatred policy against Azerbaijanis pursued by the Armenian political and military leadership.

To Ombudsman Institution issued a total of 10 appeals and 8 statements and sent them to international human rights organizations, NHRIs, and other relevant organizations to bring these crimes against humanity to the attention of the international community, which caused great destruction and human loss.

During the war, 7 reports were prepared and sent to the relevant international organizations based on factual materials obtained within the framework of 6 different fact-finding missions carried out by the Ombudsman in the areas of destruction, and widely disseminated on the official website, Facebook, and Twitter accounts.

The Ombudsman Institute produced 5 video appeals concerning this matter subject in Azerbaijani and English and brought them to the attention of the local and international community. These appeals were also posted on the YouTube Channel of the Institution.

Information about the attacks of the Armenian armed forces on the settlements in Azerbaijan with internationally banned weapons was regularly brought to the attention of the heads of international organizations cooperating with the institution during videoconferences.

During the meeting with the head of the ENOC Ombudsmen, the Ombudsman noted that many children were killed or injured as a result of military attacks by the Armenian armed forces on civilians, and children who lost their parents suffered severe psychological trauma.

To urge UNICEF to take an objective approach, avoiding double standards, the Ombudsman sent a Letter of Protest to the Head of Organization in question as the latter issued a Statement about the child deaths during the conflict, which confused the international audience. Thus, in the Statement, UNICEF tried to divert the real culprit by hiding the surnames of the children killed and the name of the exact places of crimes committed. However, such statements must be transparent, objective, and impartial.

An aggression policy of Armenia against Azerbaijan, gross and mass human rights violations have been regularly brought to the attention of the international community, both orally and in writing. Thus, the Ombudsman addressed appeals and statements to international human rights organizations in protest of the aggressive, ethnically hateful statements of the Armenian political leadership in support of the occupation of Azerbaijan.

A member of the Board of the OIC Ombudsmen Association, the Ombudsman during the Board meeting, spoke about vandalism committed by the occupying Armenian military against the civilian population of Azerbaijan and invited them to Azerbaijan to inspect the human rights violations. President of the Association, Şeref Malkoç, Turkish Chief Ombudsman visited Azerbaijan with a delegation, investigated the areas of wreckage in Ganja as a result of rocket attacks by the Armenian armed forces, during the active hostilities to amass factual evidence. Finally, the ombudsmen of the two countries issued a joint statement to the local and foreign media regarding the results of the Mission.

Incidentally, in the frame of the visit, İlham Aliyev, President of Azerbaijan has received Şeref Malkoç, as well.

The Turkish Ombudsman Institution prepared a special report based on the factual materials from Mission and presented it to both, the local and international community. The Turkish Ombudsman regularly informed the Turkish media on the report and gave his observations and comments.

The Ombudsman spoke about the crimes committed by the Armenian army against civilians in Azerbaijan at the IV International Conference “Problems of human rights protection in the Eurasian space: exchange of best practices by ombudsmen” held under the auspices of the High Commissioner for Human Rights of the Russian Federation. The conference was also attended by the Public Defender of Armenia.

The Ombudsman addressed appeals to the relevant international organizations regarding the involvement of mercenaries and recruitment of children during the war by the Armenian armed forces. In the special report concerning the child casualties that had occurred as a result of military attacks on civilian settlements by the military of Armenia, the Ombudsman also proved factual materials on the recruitment of children in military operations with the open support of the political and military leaders of Armenia.

The Ombudsman met with the head of the ICRC Delegation in Azerbaijan through videoconferencing on the facts of torture and ill-treatment of Azerbaijani POWs by the Armenian side and demanded that appropriate measures are taken to put an end to such cases. The Ombudsman also kept in touch with the parents of our captive soldiers and arranged for them to meet with the Head of the ICRC in Azerbaijan via video conference.

Azerbaijan had demanded the European Court of Human Rights to apply Rule 39 of its Rules regarding the immediate withdrawal of Armenian armed forces and military equipment from our territories and the establishment of interim measures to ensure that they do not target

civilian settlements. In this regard, Mission Reports of the Ombudsman were submitted to the Court.

The Ombudsman investigated the state of ensuring the rights, health status, and treatment of the POWs and hostages released from the captivity of Armenia and brought to Azerbaijan when visiting them in the health institutions, where they were medically examined and treated. The Ombudsman met with these individuals in person, and, prepared a special report based on the information obtained from them and personal observations, and addressed it to the relevant international organizations. The relevant international organizations were called upon in connection with the war crimes committed by the military and political leaders of Armenia in gross violation of IHL, in particular the 1949 Geneva Conventions, and, to bring the perpetrators to justice.

With the use of prohibited weapons against civilian objects in Azerbaijan by Armenia during the active hostilities, the Ombudsman addressed an open letter to Amnesty International, which had got positive feedback in a short period of time. Thus, after this Letter, the Organization confirmed on its official website that Armenia had attacked the Azerbaijani city of Barda with banned weapons.

The Ombudsman received representatives of the Human Rights Watch, an international NGO, and drew their attention to the facts of severe violations of HR and IHL by Armenia, and provided detailed information on the results of Fact-finding Missions.

An online meeting of the Ombudsmen of Turkic-speaking countries was held. The meeting was attended by the Ombudsmen of Azerbaijan, Turkey, Uzbekistan, Kyrgyzstan, Kazakhstan, and the Turkish Republic of Northern Cyprus. Speaking at the meeting, the Ombudsman stressed the importance of the establishment of the Association of Ombudsmen of Turkic-speaking countries to effectively protect human rights, strengthen the exchange of experience in this field, and expressed readiness to provide the necessary support as the Azerbaijani Ombudsman.

The Ombudsman delivered a speech at an online conference on “The role of human rights institutions in preventing human rights violations during the war and collecting facts about war crimes” organized by the Human Rights and Equality Institution of Turkey (TIHEK) on the occasion of December 10 - International Human Rights Day. The event had brought together the head of the Committee on Human Rights Inquiry of the Grand National Assembly of Turkey, the Turkish Ombudsman for Children, legal scholars, and human rights activists conducting research in the field of international criminal law. In her speech, the Ombudsman stressed the importance of the online conference, which coincided with the “Victory Parade” holding with the participation of Ilham Aliyev, the President of the Republic of Azerbaijan, Commander-in-Chief of the Armed Forces, and Recep Tayyip Erdogan, the President of the Republic of Turkey. She thanked the brotherly Turkish people for their moral support in just work of Azerbaijan.

To investigate the crimes committed by Armenia against the civilian population of Azerbaijan and prepare a special report, it was decided to establish the Karabakh Observation Group, which will include members of the TIHEK and independent experts from Turkey and Azerbaijan.

CONCLUSIONS AND RECOMMENDATIONS

The measures taken in various fields at the national level, including the improvement of legislation, have aimed at effectively ensuring human and civil rights and freedoms, especially the welfare of low-income families and people in need.

Improving governance in accordance with new challenges, further increasing mutual trust and confidence in state-citizen relations has played an important role in the development of society and increasing the reputation of the State on the international stage.

The Ombudsman, while mediating between citizens and state agencies and local self-government bodies, has taken initiatives aimed at the effective provision of human rights and freedoms, as well as the solution to the challenges of various groups of the population.

The analyses conducted by the Ombudsman suggest that the control over the activities of local executive bodies, as well as local branches of central executive bodies, which are responsible for ensuring human rights and freedoms, should be further strengthened.

The Ombudsman's proposals, which continue to work in close cooperation with state and local self-government bodies, are gradually finding solutions to the effective provision of human rights and freedoms.

The proposals of the Ombudsman, who continues to work in close cooperation with state and local self-government bodies, are gradually finding solutions to the effective provision of human rights and freedoms.

However, a number of proposals and recommendations put forward by the Ombudsman in the Annual Reports, and submitted to the relevant government agencies, are still pending.

It is crucial to further expand measures aimed at effectively ensuring the rights and freedoms of vulnerable groups, such as children, the elderly, people with special needs, families of martyrs, refugees, IDPs, and convicts.

To effectively ensure human rights and to find solutions to the challenges faced by the vulnerable groups of the population, the Ombudsman proposes the following:

- To adopt a new strategic document in keeping with the times, provided that many items of the "NAP to Raise the effectiveness of the protection of human rights and freedoms in the Republic of Azerbaijan" approved by the Presidential Order dated December 27, 2011, have expired;

-To make additions and amendments to the Law "On Identification card of a citizen of Azerbaijan", as well as the Law "On Passports", concerning the indication of admissible photo templates (usage of religious headwear, etc.) on the ID card in accordance with the requirements of the ICAO, whilst the Law on ID card does not provide any explanation to such requirements;

-To establish administrative responsibility for violation of Article 32 of the Law of "On Television and Radio Broadcasting" (Requirements for the Program) of Azerbaijan and amend Article 384 of the Code of Administrative Offenses;

- To add a norm to the legislation stipulating the imposing restriction on the departure of an individual only based on a court decision and sending warning notices to the relevant individual's means of communication (mobile phone, e-mail or home address, etc.) about that decision.

- To establish of a mechanism (Alimony Fund) for the payment of alimony (child support) determined by the court by the state (subject to subsequent compulsory collection from the debtor);

- To develop and enforce a mechanism for the allocation of financial resources to the appropriate debtor government agencies in order to ensure the payment to citizens in accordance with court decisions;

- To develop an administrative implementation mechanism of deregistration at the place of residence at the request of the owner (property owner) when the person is evicted from the place of residence or the right to use the place of residence is terminated and make additions and amendments to the Law “On registration at the place of residence and location”;

- To establish a state security system and form a related necessary mechanism to the repayment of arrears for wages and work-related injuries by insolvent non-state enterprises to employees;

- To prohibit termination of labor contracts of women 10 years and men 7 years before the retirement age to protect the labor and social security rights of employees at least 5-7 years before the retirement age in the event of redundancy, and make relevant additions to Article 79 of the Labor Code of Azerbaijan;

- To alter the Law “On Social Insurance” in order to effectively ensure the right of social security of working pensioners and exempt them from paying compulsory state social insurance premiums;

- To remove the benefits for children with special care under the age of 18, benefits for women with more than five children and debt (including loans) from the list of current incomes received by family members and to amend the rules applying for, receiving, granting and refusing to provide targeted state social assistance approved by the Order No. 37 of the Cabinet of Ministers on February 5, 2016;

- To increase in the amount of benefits paid for the birth, to radiation injured persons for the treatment, funeral benefits, for the loss of the head of the family, and low-income families with children under one year of age, given that the lump-sum benefits provided for by the Law “On Social Benefits” are paid in necessary cases;

- To improve the “List of free prescription drugs” provided in Part 2 of the Decision No. 38 dated March 7, 2005, and approved by the Ministry of Health to increase the types of medicines or use substitutes for the diseases for which the dispensary is registered and conduct quality oversight for drug product;

- To develop, approve and implement a strategic program for family planning in order to ensure the availability of means of family planning and cut back problems in this area;

- To speed up the adoption of the Law on the Protection of Patients’ Rights in order to ensure their rights;

- To improve the norms “On the application of food norms of citizens in educational institutions, hospitals and other public social institutions” approved by the Cabinet of Ministers order No. 103 on March 9, 1994, following the new requirements;

- To align the norm on supplying children placed in boarding schools of all types, special needs boarding schools, children’s homes, state care establishments for orphans and children deprived of parental care with clothes, shoes and soft inventory, approved by Order No. 15, dated January 17, 1994, by the Cabinet of Ministers with the new requirements;

-To take measures to identify, reconstruct or overhaul schools and kindergartens in the emergency condition through monitoring in the regions conducted by the relevant central and local executive authorities;

-To strengthen control over the issuance of university-level diplomas within the period specified in clause 4 of the “Rules on templates of undergraduate and graduate-level documents” approved by Order No. 82 of the Cabinet of Ministers dated April 29, 2010, in order to make sure that the rights of graduates of higher education institutions and the ANAS to education, labor, and social security, as well as the right to create art, are ensured;

- To remove subparagraph 4.3 (2) with wording (unless otherwise provided by the insurance contract, the insurance contract shall not be concluded for persons with the first and second-degree disability) from the “Rules on life and death insurance of the borrower under loan agreements provided to individuals” approved by the Decision No. Q-21 of the Board of the Ministry of Finance given that this subparagraph restricts the PWDs, who wants to obtain a mortgage loan or other loans to improve their financial situation, to conclude insurance contracts and enjoy this right;

- To organize the work of competent commissions to identify natural disaster houses affected in the past, but have not been restored for various reasons, and allocate the necessary funds for this purpose;

- To prohibit by law the sale of apartments in multi-apartment buildings, which are not allowed to be used by the state admission commission in the manner prescribed by law, and are not registered as private property in the state register of real estate and are not insured;

- To name streets of immovables and transport infrastructure in residential areas and new housing estates;

- To develop a State Program based on the UN Guiding Principles on Business and Human Rights" and the "Guidance for National Action Plans on Business and Human Rights" or add a section to existing relevant state programs in a view to respecting for human rights and freedoms in the implementation of entrepreneurial activities, making effective remedies more accessible, creating of opportunities for entrepreneurs to more actively participate in the socio-economic life through the promotion and application of corporate social responsibility, and coordinating the activities of relevant agencies in this area;

- To control the situation in the process of operation of individual houses and apartments provided to PWDs and families of martyrs;

- To amend to the Presidential Decree No. 569 of December 28, 2011 “On measures to strengthen the social protection of servicemen of the Armed Forces of the Republic of Azerbaijan” to adapt it to Part I of Article 9, of the Constitution, which was amended by the Referendum held on September 26, 2016, to ensure the right to housing for servicemen who have served in the Army of Azerbaijan for 20 calendar years or more and need housing;

- To determine the amount of monthly compensation for the rent of temporary housing for active military servicemen who have been provided with housing on preferential terms (except for servicemen in active military service) or provided with housing as a serviceman in need of accommodation, but subsequently changed their place of service;

- To adopt the State Program on “Correction and social integration of convicts in penitentiaries” in order to rehabilitate prisoners in penitentiaries, develop their personality and adapt to society after their release;

- To make an addition to the Code of Execution of Punishments, providing video meetings for persons who are unable to attend a short-term meeting, given that video calls of family members or relatives of the prisoner have positive impacts on the rehabilitation process by strengthening their ties with each other, it may save travel expenses (especially for those living far away), and prevent the entry of prohibited items into the facility, as well as this experience is widely used internationally;

- To set a mechanism to ensure the participation of juveniles held in Correctional facility of the Penitentiary Service and convicts in further higher education, to create opportunities for them to sit entrance university exams and make relevant amendments to the Code of Execution of Punishments considering that the Standard Minimum Rules for the Treatment of Prisoners stipulates education to prisoners who are able to continue their education, and provides opportunities for the participation of detainees in Penitentiary Service to take final examinations;

- To develop an effective mechanism for placement of persons suffering from mental disorders or significant changes in mental health during their imprisonment in psychiatric hospitals and redesign and adopt subsequently the “Rules for medical examination of convicts suffering from serious diseases that prevent the imposition of punishment” approved by the Decision No. 4-N Board of the Ministry of Justice on November 29, 2011;

- To adjust the amount of monthly monetary compensation paid to military servicemen in actual military service (except for conscripts), as well as the reserved or retired, to the value of the minimum consumer basket;

- To increase the amount of monthly compensation for the rent of temporary housing for homeless servicemen (except for conscripts) and married cadets of special educational institutions training military servicemen;

- To determine transport costs for officers, ensigns (midshipmen), and overtime active military servicemen whose place of residence is far from the place of service.

The implementation of these proposals, both in terms of improving the legislation and in the process of implementing state programs and targeted projects, will serve to ensure a decent standard of living for the people.

Cooperation between government agencies and civil society must be continuously developed in order to ensure the sustainability of the successes achieved through the consistent development and reliable protection of human and civil rights and freedoms.

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