



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

**2021 ANNUAL REPORT**

**of the Ombudsman on the protection  
of human rights in Azerbaijan**

**Baku - 2022**



*The 2021 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 following 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).*

*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 the “Compilation of legislative acts of the Republic of Azerbaijan “.*

***Sabina Aliyeva***

*The Commissioner for Human Rights*

*of the Republic of Azerbaijan*

## INTRODUCTION

The State of Azerbaijan takes measures to ensure increasing well-being, social protection, and a decent life for its people and every citizen.

Ending of 30 years of longing as a result of the liberation of our occupied territories by the brave Azerbaijani military under the leadership of the Supreme Commander-in-Chief paved the way for ensuring the fulfillment of the well-known UN Resolutions and restoration of the violated rights of hundreds of thousands of Azerbaijanis.

The Republic of Azerbaijan, which restored its universally recognized state borders in full compliance with international law, played an important role in the maintenance of regional and international peace and stability, as well as the effective protection of human rights.

After the Second Karabakh War 27 September-10 November 2020, measures for demining of the liberated areas, constructing modern road-transport, energy, social, cultural, and touristic infrastructures, restoration of religious monuments, including mosques and churches, as well as ongoing measures for the realization of “smart city” and “smart village” projects were continued. Also, the Victory Road and Fuzuli International Airport were put into operation, construction works of new Zangilan and Lachin international airports were started, and master plans for Shusha, Aghdam, Fuzuli, and Jabrayil cities were prepared.

The above-noted measures, laying the foundation of the Zangazur corridor, and inclusion of Karabakh and Eastern Zangazur economic regions into the list of economic regions of the country will significantly contribute to the restoration of the long-violated rights of internally displaced persons, who are going to return to their ancestral lands, as well as fruitful solution of economic problems and increasing of social welfare.

It is worth noting that the amnesty decision taken on 5 November 2021 by the Parliament on the occasion of the 8<sup>th</sup> November – Victory Day, in support of the initiative of the President, an architect of this victory, who took this idea concerning the first anniversary of the victory in the patriotic war, is a clear example of the state policy based on humanism and justice principles and respect for human rights and freedoms. Consequently, this amnesty allowed many people to decrease their years of service in detention places, or to integrate into society and family by early release.

New approaches to the protection of public health and solution to social-economic problems were applied during the global Covid-19 pandemic following Presidential orders.

Response measures regarding the public health, economic and social fields implemented during the pandemic, accessibility of medical treatment, and vaccination to everyone facilitated somehow to prevent the spread of the infection.

Keeping the epidemiological situation under the control concerning the coronavirus pandemic, and taking timely and ongoing preventive measures furtherly mitigate the Covid-19 restrictions.

It is noteworthy that the projects for supporting the social groups in need of care were not suspended. Thus, significant measures such as increasing salaries, pensions and benefits, allocations, and other social payments, strengthening the social protection of low-income families, socially-vulnerable groups, in particular, as well as improving the social and housing conditions of the martyrs' families and veterans. In addition, a new era of social reforms was started in the country.

Various legal and normative acts were adopted in response to the pandemic and to eliminate its consequences aimed at the protection of legitimate interests of individuals in all spheres of life and the protection of rights and freedoms.

The Ombudsman's activity to ensure more effective protection of human rights, restore the violated rights, and prevent human rights violations was aimed at improving and simplifying governance, timely response to peoples' appeals to governance, raising awareness, and promoting among officials to treat individuals with care.

The number of applications addressed to the Ombudsman Institution by individuals, who see the Ombudsman as a last resort, has increased.

In 2021, the Ombudsman received 31,092 applications, which is 13% more than last year.

The applications reached the Ombudsman through various methods, including ordinary mail and e-mail, online, Ombudsman's Regional Centers, round-clock "916" Call Center, social platforms, and during the in-person visits of the Ombudsman and staff of the Office to the penitentiaries, investigation isolators, temporary places of detentions (TDPs), military units, educational, health, and social service institutions.

Each of the incoming applications about various problems was examined sensitively. Those applications were examined and responded to, and if deemed necessary, legal advice dealing with the forms and methods of protection of human rights was given following the Constitutional Law on the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan (hereafter, the Constitutional Law on Ombudsman).

Throughout the year, the issues related to well-being, living standards, the situation with the unemployment of the vulnerable population groups, especially persons with disabilities (PWDs), the elderly, pensioners, and large families, and the solution the unemployment remained under the focus.

The Ombudsman, as one who is always in constant contact with all strata of the population, including individuals from vulnerable groups, martyrs' families, veterans, and war invalids took necessary measures to ensure their rights.

Although in-person receptions were suspended in the main Office and its regional offices considering the quarantine regime, the Ombudsman, personally received martyrs' families and veterans at various times heard their concerns, and appealed to the competent state bodies to solve their problems.

The applications written by the family members of those civilians, who lost their lives in missile attacks by the Armenian military on the settlements in Azerbaijan, as well as by citizens, whose houses were destructed were also approached with special sensitivity.

The analyses of the applications give us reason to say that the citizens, most of the time, preferred to lodge complaints about human rights violations with the Ombudsman as a non-judicial remedy.

Legal awareness-raising among the population was given great importance. In light of this, events, on the initiative and organization of the Ombudsman, and with the participation of state bodies, civil society organizations (SCOs), diplomatic missions, international organizations and which were about priority human rights, including those raising awareness of every individual of his/her rights and which were also aimed at increasing legal culture in the society, were organized.

During the month-long campaigns such as “Human Rights Month” declared on the occasion of the “18 June – Human Rights Day in Azerbaijan”, and “Child Rights Month” declared due to the anniversary of the UN Convention on the Rights of the Child (CRC) on the 20<sup>th</sup> November, Ombudsman organized the range of events across the country and with the participation of state bodies and members of the public. In addition, the events dedicated to the 10 December-International Human Rights Day were held as well.

Along with the reported above, several meetings were held in medical, educational, and social institutions, penitentiaries, and military units to monitor the human rights situation on the spot, legal awareness talks were held, and events were conducted.

The Ombudsman spoke about several actual problems at various national and international events and shared her views and experiences about different topics on human rights.

During her international visits, meetings with officials, and representatives of the international institutions, ombudsmen and national human rights institutions (NHRIs), parliaments, CSOs, and higher education establishments, the Ombudsman gave broad information about the domestic measures taken by the State to ensure human rights and freedoms. Furthermore, it also reported about the war crimes, committed by the Armenian military during the 44-day war, consequences of rocket attacks on civilian objects in Azerbaijan, loss of innocent civil lives or disabilities caused by explosions of the hundreds of thousands of anti-personnel and anti-tank landmines planted by Armenia in the liberated areas, mine problem, failure to provide mine maps or inaccuracies in the shared maps and artificial barriers created as a result of this in returning of IDPs to their native lands. During such meetings, the Ombudsman also briefed about multiple reports addressed to international organizations in this regard, as well as other important issues.

In the frame of the fact-finding missions of the delegations of the Ombudsmen Association of the Organization of Islamic Cooperation (OICOA), and the Human Rights and Equality Institution of Turkey (NHREI) visited our territories freed from occupation and civil settlements, subjected to

rocket attacks by Armenia during the Second Karabakh War, at various times at the invitation of the Ombudsman, the Reports were prepared based on the collected facts and sent to relevant international organizations.

Incidentally, the Ombudsman visited Turkey to attend the presentation ceremony of the issued reports on human rights violations committed by Armenia against Azerbaijani civilians. During the event, taking the opportunity, the Ombudsman made a public appeal to the world community. The related information was broadly publicized in mass media.

On the invitation of the Ombudsman, the delegation of the OIC Independent Permanent Human Rights Commission (IPHRC) headed by the chair of the organization conducted a fact-finding mission to the liberated areas, as well as to the war-affected areas, located far away from the combat zone and attacked by Armenian forces with the use of heavy artillery. The findings of the Mission have been reflected in the Special Report of the Commission, which was discussed and adopted during the 18<sup>th</sup> Session of the Commission, held in Jeddah.

In addition to the aforementioned, the Commission for Protection against Discrimination (CPD) of Bulgaria headed by its chair visited Azerbaijan at the invitation of the Ombudsman. The delegation members visited the freed Aghdam, got familiarized with the destruction committed by Armenia on the spot, as well as investigated the settlements in the Tartar district affected by the attacks of the military forces of Armenia. The Commissioner brought to the attention of the broad public its impressions about the acts of vandalism they have witnessed.

At various times, the Ombudsman submitted to relevant international organizations the successive reports. They include the report on the treatment of prisoners of war (PoWs) captured by Armenia during the hostilities, which started on 27 September 2020, as well as on hostages, held in Armenian captivity since 2014; the Ad-hoc report on the civilian casualties of the landmines, planted by Armenia in the territories of Azerbaijan during and aftermath the occupation; the report on the torture of Azerbaijani civilians by the military of Armenia; and the report on hatred policy of Armenia against Azerbaijanis.

In addition, a two-part report on war crimes and the ethnic-based hatred policy of the Ombudsman of Azerbaijan and the released video in this regard are main documents reflecting the fact-based long-standing hatred policy of that country.

The 2021 Annual Report of the Ombudsman covers the views on the situation of ensuring human and civil rights, main directions of the restoration and prevention of the violation of rights, ways of solution to the disclosed problems, as well as recommendations and suggestions to ensure more effective and reliable protection of human rights.

The Annual Report has been prepared based on applications, complaints, and recommendations, the findings from the visits to penitentiaries, investigation isolators, TDPs, immigration detention centers, military units, health, education, and social service institutions, and on the analyses of the problems and impediments revealed during on-spot investigations.

In conclusion, I would like to express my gratitude to those, who trusted the protection of their rights to the Ombudsman, also the state agencies, fruitfully cooperating with the Ombudsman and CSOs, who spared no public support to this process.

**Sabina Aliyeva**

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

## Chapter I

### THE PROTECTION OF HUMAN AND CIVIL RIGHTS AND FREEDOMS

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

**Right to freedom.** The right to freedom envisages the freedom of a human being and his right to freely determine his conduct.

Everyone lawfully within the territory of any state has the right to freely move in that territory and place of residence. Everyone has the right to leave any country, including his own. This right allows a person to adequately exercise and enjoy other rights

Except as otherwise provided by law, the prohibition or restriction of the freedom of movement and choice of residence in the country by their needs affects a person's liberty and inviolability.

The incoming applications dealing with the right to free movement as an integral part of the right to freedom were about the issues related to failure to issue an ID card or birth certificate, to be registered on the place of residence or location, to issue of return certificate to Azerbaijan, to eliminate a ban on leaving a country and on misconduct by the police during the application of administrative measures in response to non-use of a medical mask as personal protective equipment, as well as about the arrest and detention.

The identity document of a citizen of the Republic of Azerbaijan in the territory of our country is an identity card. Unless otherwise provided by law, the refusal to issue or change an ID card is prohibited.

#### **Case No. 17631-21**

*Applicant Sh. addressing the Ombudsman said that he was deregistered at his place of residence according to the court decision, and therefore, he was not given an ID and asked to be assisted in registering him in the administrative building of a police station. Following the appeal of the Ombudsman to the Ministry of Internal Affairs, the applicant was provided with the ID card by the regional group of the Main Directorate for Passport, Registration, and Migration located in "ASAN (Azerbaijan Service and Network Assessment) Service" No. 3.*

The citizens of Azerbaijan, foreigners and stateless persons have to be registered by their place of residence or location. The purpose of such registration is to register all persons living in Azerbaijan, to make to perform their duties to other persons, the state, and society, to implement human and civil rights and freedoms, and to take appropriate conditions for social protection, pension provision, conscription, execution of court decisions and other similar issues.

#### **Case No. 17544-21**

*Applicant M. addressing the Ombudsman asked for assistance to be registered and provided with ID cards since according to the decision of the Nizami District Court, they had been deregistered*

*at the place of residence and were refused to be given ID cards. After the Ombudsman's appeal to the Ministry of Internal Affairs, the applicant and his family members were registered at the place of residence.*

According to the Order No. 55s dated 9 April 2003 by the Cabinet of Ministers of Azerbaijan, the citizens of Azerbaijan without a place of residence must be registered at the address of the body, issuing ID cards of the Ministry of Internal Affairs and this address must be conditionally indicated in the "place of residence" section of the ID card during their card personalization process.

The applications dealt with the permanent registration and provision of ID cards to the citizens, who failed to be registered at their place of residence were considered.

### **Case No. 5103-21**

*Applicant I. applied to the Ombudsman and stated that his spouse was not given an ID card since he was not registered at the place of residence, and therefore, he was not issued a labor pension. So, the applicant asked for registration at the administrative building of the local police department and the provision of an ID card.*

*After the Ombudsman's appeal to the Ministry of Internal Affairs, the applicant's spouse was provided with the ID card by registering at the building of the Nizami District Police Department.*

Following the legislation, based on the records of the civil registry, citizens are issued duplicate birth certificates or references based on their appeal. Persons, reaching the age of 16, maybe issued duplicate birth certificates upon presentation of their identification documents.

### **Case No. 23830-21**

*Applicant K. complained to the Ombudsman that from 1984 to 1992 years, he was staying and educated in boarding school No. 2 located in the Khazar District of Baku City. His birth certificate had been lost during the conditions that remained unknown after he left this school, and as a result of that, he was not issued an ID card. So, he asked for help in the issuance of his birth certificate.*

*As a consequence of the measures taken by the Ombudsman, the applicant was provided with a birth certificate.*

Incidentally, the failure to register newborns on time and to provide them with birth certificates caused fundamental problems for them to enjoy all rights declared in the Constitution of the Republic of Azerbaijan and other legislative acts.

In general, the increased number of persons, who do not enter the official marriage or cohabitate, as well as the failure to issue birth certificates for babies born out of wedlock and those who were born outside of the medical establishment does not allow for adequate protection of the rights and legitimate interests of such children.

Considering the reported earlier, to ensure the timely appeal of citizens in villages for the registration of marriage and birth, it is expedient to expand awareness-raising, informative and explanatory works among representations of heads of local executive authorities on relevant administrative-territorial districts, municipalities, police field officers, local medical and educational institutions, at the community level.

The right of the citizen of Azerbaijan, whose passports get lost, stolen, or have expired in a foreign country to return to the country with accompanied him/her citizen under the age of 18 or who reached the age of majority abroad is ensured based on the "Certificate of Return of the Republic of Azerbaijan" issued by our diplomatic missions or consulates abroad.

### **Case 400-21**

*Applicant A. applied to the Ombudsman saying that his son M.A. was staying with his relatives in their home in Suleyman-Stalsky District of the Republic of Dagestan the Russian Federation without documents and asked for help in the provision of his son with appropriate documents and in return to Azerbaijan.*

*After the appeal of the Ombudsman of Azerbaijan to the Azerbaijani Embassy in Russia and the Commissioner for Human Rights of the Republic of Dagestan, the applicant's son was issued the return certificate, which enabled him to return to Azerbaijan.*

Clause 9 of the "Regulations on the procedure for issue of the certificate on return to the Republic of Azerbaijan", approved by the Law of the Republic of Azerbaijan (267-IIIQ) dated 10 April 2007 states that a certificate for the citizen of Azerbaijan or a stateless person, permanently living in Azerbaijan shall be issued no later than 3 days from the date of the registration of the application form after all necessary documents required under the Clause 7 of the Regulations were submitted.

Referring to a subject just mentioned, the applications for the issuance of certificates of return for our citizens, whose passports get lost, stolen, invalid or expired, must be approached more attentively in order to ensure their consideration. Such issues must be approached more sensitively during the pandemic, in particular.

As a consequence of the investigations of the applications to the Ombudsman about the travel ban from Azerbaijan, it was taken measures to ensure the right to return.

### **Case No. 1759-21**

*Applicant G. complained to the Ombudsman that the decision of the Binagadi District Court was not executed by the investigator of the Anti-Corruption General Directorate with the Prosecutor-General of the Republic of Azerbaijan and asked for help in the protection of his rights.*

*During the investigation, it was found that the applicant had appealed to the Anti-Corruption General Directorate with the Prosecutor-General of the Republic of the Republic of Azerbaijan about the seizure of large amounts of property belonging to the Limited Liability Company (LLC) where the applicant was working before, according to which the preliminary investigation has been*

*instituted. During the preliminary investigation, the criminal proceedings were discontinued following Article 39.1.1. of the Criminal-Procedural Code of the Republic of Azerbaijan, as no criminal elements were found in the shown allegations.*

*After the Ombudsman's appeal to the Prosecutor-General, a travel ban from Azerbaijan imposed on the applicant was removed.*

According to Article 211.2 of the Code of Administrative Offences of the Republic of Azerbaijan, violation of the rules established by the relevant central executive body on the use of personal protective equipment during anti-pandemic, sanitary and hygienic, and quarantine regimes, and failure to prevent such violations by officials and legal persons, entail imposition on natural persons of penalty in the amount of 100, official persons 300, and legal persons- 600 manats.

Some citizens, administratively detained for the violation of the rules for carrying out a medical mask as a piece of personal protective equipment, complained to the Ombudsman that they were required by the relevant police officer to pay the fine on the spot, and if that was not possible or refused, they were taken to the police station (department) against their will, detained there for some time and demanded to pay the fine immediately.

#### **Case No. 3533-21**

*Applicant K. complained to the Ombudsman via Call Center stating that for the violation of the requirement to carry a medical mask, he was taken into police custody by the police officers of police station No. 12 of the Police Department of Sabunchu District where he was told that if he did not pay the fine, he would not be released.*

*In the response letter to the Ombudsman's appeal to the District prosecutor's office, it was stated that the applicant was taken brought to the police station No. 12 of the Police Department of Sabunchu District because he violated the requirements of the special quarantine regime as provided by Article 211.2 of the Code of Administrative Offences and did not properly use the medical mask as protective equipment. The applicant was released after compiling "Protocol on administrative violation" and relevant records have been made in the registry book of the police department on "Persons brought to the custody of city, district police authorities".*

*Furthermore, in the response letter to the Ombudsman's request to the relevant prosecutorial office for bringing legal grounds for the applicant's custody, it was stated that the applicant was taken to the police station because he had not his ID card with him and the related protocol was compiled based on the personal data taken from the portal.*

According to Article 150.1 of the above-noted Code, a person, who has committed an administrative offense shall pay the administrative fine upon coming into force of the decision of an authoritative body (official) to impose administrative penalties in the form of an administrative fine or no later than thirty days after the expiration of the period for granting respite, procrastination provided for in Article 143 of the Code.

The only legal document for the payment of a fine compiled by the authorized person is “a protocol on administrative violation”, the copy of which shall be provided to the person, on whom an administrative fine was imposed.

#### **Case No. 1172-21**

*Applicant F. complained to the Ombudsman that he was subjected to illegal actions by the police officer of the 24th police station of the Nizami District Police Office concerning the violation of the rules of the special quarantine regime and asked for assistance.*

*In the response letter of the Ministry of Internal Affairs of the Republic of Azerbaijan sent by the Ombudsman to further investigate the circumstances indicated in the complaints, it was stated that during measures taken to monitor compliance with the rules of the special quarantine regime, the field inspector Kh. I. Huseynaliyev unlawfully brought him to police station No. 24 of the Nizami District Police Office due to the lack of permission for him to be taken through the “icaze.e-gov.az” portal instead of taking action on the spot. He decided to impose an administrative penalty in the amount of 200 manats according to the relevant protocol.*

*The police captain Kh. I. Huseynaliyev, who brought the applicant to the police department unlawfully and demonstrate rudeness towards him, which were reasonable grounds for complaints, instead of taking measures on the spot was administratively disciplined.*

The investigations revealed that some citizens, unlawfully brought into police custody against their will, were forced to pay fines on the spot and in cash.

#### **Case No. 2081-21**

*The applicant complained to the Ombudsman that even though he smoked in a place where smoking was permitted, he was fined by the police officer and taken to police station No. 34 of the Khatai District Police Office, where he was demanded to pay the fine, otherwise he would be kept in the custody. So, he asked for appropriate help.*

*In the response letter to the Ombudsman’s request to the Ministry of Internal Affairs of the Republic of Azerbaijan to investigate the allegations indicated in the complaint, it was stated that the police field officer of the Police Department 34 of the Khatai District Police Office, Kenan Bayramli found that the applicant used the medical mask (as personal protective equipment) improperly in violation of the quarantine regime requirements. The protocol on administration violation on the imposition of the fine in the amount of 100 manats was compiled under Article 211.2 of the Code of Administrative Offences and the fine was paid.*

According to Article 3.4. and 3.4. (1) of the Law of the Republic of Azerbaijan On Non-Cash Payments, payments for taxes, custom duties, and taxes, administrative fines established by law, financial sanctions and interests, payments for operating leases debts, and credits, irrespective of provisions of Article 3.3. of the Law shall be made cashless only.

The applications of individuals, who faced problems due to the restriction imposed on entry to the country as a result of a specific quarantine regime issued in the whole country to prevent the spread of Covid-19 and its complications in the country, are also taken into consideration.

**Case No. 13922-21**

*Applicant B. lodged a file with the Ombudsman stating that his relatives were held at the Heydar Aliyev International Airport and did not allowed to enter the country, and he asked for a solution to the problem.*

*Considering the situation of the woman with two young children, the Ombudsman requested the Operational Headquarters under the Cabinet of Ministers of the Republic of Azerbaijan in this regard. Taking into account that request, the women and her children were able to enter the country.*

**Case No. 16391-21**

*The Human Rights Commissioner of the Republic of Dagestan of the Russian Federation appealed to the Ombudsman of Azerbaijan stating that the application of M., a national of the Russian Federation, and her family members about permission to enter the country with surface transport was ineffective. So, it was asked to help them to cross the Russian-Azerbaijani border.*

*Following the Ombudsman's request to the Operational Headquarters under the Cabinet of Ministers of the Republic of Azerbaijan, the applicant and his family members were allowed to enter the country.*

**Case No. 22484-21**

*The applicant applied to the Ombudsman via Call Center saying that his spouse and infant diagnosed with "leukemia" were kept at the Heydar Aliyev International Airport because they were not able to present their PCR test and were quarantined at the "Athletes Village" and underlining that the situation of his child's condition was serious and he asked for urgent help in providing medical assistance to his child, who urgently needed a blood transfusion.*

*As a result of urgent measures taken by the Ombudsman regarding this issue, the applicant's infant was transferred to the appropriate health establishment in accompany of his parents.*

Numerous persons, at various times, filed complaints to the Ombudsman asking for help in the return of his close relatives, especially women and children, who were in captivity by the fighting armed groups in the Syrian Arab Republic.

The Ombudsman, who approaches the issues related to the repatriation of the citizens of Azerbaijan from the countries of their destination, many times received those applicants, heard their appeals and proposals, as well as made her recommendations.

The Ombudsman who continues to cooperate with the Ministry of Foreign Affairs and other relevant state bodies in the investigation and solution of the existing problems requested the Cabinet of Ministers of the Republic of Azerbaijan with proposals about the repatriation of our citizens who remained in Syria.

Incidentally, within the past period, the Government of the Republic of Azerbaijan had taken measures to repatriate individuals, including women and children detained in separate refugee camps in different parts of Syria.

The issues of protection of the rights of citizens temporarily or permanently residing abroad were also under the focus of the Ombudsman.

### **Case No. 5254-21**

*The Ombudsman of Kazakhstan requested the Ombudsman of Azerbaijan and stated that a national of Azerbaijan, I. who was living in that country since 1988, faced several problems in some necessary documentation procedures due to the lack of a certificate of No Impediment in Azerbaijan (document proving his bachelorhood), and for this reason, some other rights of him were also franchised. Thus, it was asked for help.*

*After the request of the Azerbaijani Ombudsman to the Ministry of Justice for the provision of the certificate on his marital status (single status in the Republic of Azerbaijan) was granted and sent appropriately.*

Within the year, the Ombudsman continues her effective cooperation with her foreign colleagues in the field of protection of the rights and freedoms of our compatriots living abroad, obtaining necessary information about their situation and restoration of the violated rights.

*The Constitution of the Republic of Azerbaijan declares that the right to liberty of a person may be restricted only as provided by the law, by the detention, apprehension, or restriction. The incoming applications addressed to the Ombudsman were investigated. Furthermore, visits were conducted to Temporary Detention Places (TDPs) in city and district police offices, departments, and stations of the Ministry of Internal Affairs of the Republic of Azerbaijan, administrative detention center, temporary detention place and investigation isolator of the State Security Service of the Republic of Azerbaijan, investigation isolators with the Penitentiary Service of the Ministry of Justice and other places, where persons cannot leave on their own will.*

During the visits and investigations of the applications, the issues related to the lawfulness of detention, compliance with time limits, registration, and documentation were monitored on the spot. Private talks were held with the detainees. Legal grounds for their detention and conditions were assessed and it was investigated whether they were subjected to cruel treatment while being under custody.

The conducted visits and examinations of the calls received by the 24/7 Call Center of the Ombudsman revealed that in some cases procedural norms and compliance with time limits as provided by the law were violated.

In the course of the monitoring conducted in the TDPs, it was found that the time limits of transferring persons detained due to the lack of PCR test to investigation isolator and other institutions were not in compliance with the time limit established by the legislation as the results of the samples taken for PCR test may be delayed up to one week.

The Ombudsman, expressing her serious concerns about the earlier said shortcomings, thinks it appropriate to take measures for obtaining the PCR test results of the detained persons as early as possible also taking into account such shortcomings and the ongoing pandemic.

Throughout the year, the appeals on allegations of unlawful detention by the police, received by the Ombudsman's call center in January and February, were about taking persons into custody for the violation of quarantine rules and cautions for detention in case of non-payment of fines. After the investigations of such applications, the detained persons were released. Furthermore, the number of similar cases had reduced as a result of the taken measures within the past years.

#### **Case No. 998-21**

*Applicant S. complained to the Ombudsman saying that his father was detained by the police officers of the Khazar District Police Office for the violation of pandemic rules and he was informed that he would be released if he paid a fine. So, the applicant asked for help.*

#### **Case No. 3259-21**

*Applicant N. applied to the Ombudsman via the call center stating that he was taken to police station No. 16 of the Sabunchu Police District Police Office for the violation of the quarantine rules (not using the face mask properly), where he was beaten, furthermore, his money was forcibly taken out of his pocket and forced to pay the administrative fine imposed on him.*

*In response letter from the Ministry of Internal Affairs, to which the Ombudsman requested for the investigation of the allegations indicated in the complaint, it was stated that the applicant was fined in the amount of 100 manats, whereas the other allegations were not verified.*

The Ombudsman recommends raising awareness of the police in the relevant field and strengthening the control over such issues, highlighting the importance of ensuring the right of a detained person to legal aid and to meet with his legal counsels.

The right of a detainee to be informed of his rights and the responsibility of a prosecutorial body to ensure these rights are established.

So, the Ombudsman takes the view that the attention to ensuring the right of the detainee to be informed of his rights should be increased.

Both, international and national experiences and the analyses of the monitoring show that if all necessary procedural actions about the detained person (such as time of and reasons for arrest, information of his rights, recording any injuries, visitations by relatives or legal counsel, and records on food, interrogation, transfer, and release) are recorded as single and comprehensive

registration, the security of detainees is further enhanced. The lawyer of the detained person shall have an access to that information in the register.

The importance of registration was also stated by international standards in terms of the effective protection of detained persons. The Ombudsman also reiterates that it is vital to develop a single, comprehensive, and fruitful registration system.

***Right to honor and dignity.*** The honor and dignity of a person contain his/her economic, social, and cultural rights, and these rights are derived from the inherent dignity of a human personality.

Everyone has the right to demand respect for himself. This right prohibits being coerced or pressured by the state or its competent bodies and from being humiliated.

Ensuring the honor and dignity of a person is one of the main duties of a democratic and legal state. The Ombudsman made requests to relevant bodies concerning the complaints on the violation of this right.

In response letters by the competent state bodies on the findings of their monitoring, as a rule, it was noted that no allegations shown in the applications were confirmed. However, concerning some other applications, necessary measures were taken as a result of further investigations.

#### **Case No. 2480-21**

*Applicant A. complained to the Ombudsman stating that he was humiliated by the head of the Saatli District Registration Office, and in this regard, he called the call center of the Ministry of Justice. He asked for the protection of his rights.*

*In compliance with paragraphs 2.5 and 5.1 of the Code of Ethics for Judicial Officers, a justice officer shall be polite, kind, considerate, and discreet with all persons in contact and shall obey the norms of social behavior.*

*After the Ombudsman requested the Ministry of Justice in this regard, N. Gasimova, head of the Department was issued a warning, drawing attention to adhere to the rules of social behavior.*

#### **Case 4283-21**

*Applicant H. applied to the Ombudsman stating that his spouse exceeded the speed limit as they were excited while bringing the body of his child from the Fuzuli District, who became a martyr there, and consequently his spouse was fined. Guliyev Bakhtiyar, the police field officer of police department No. 2 of the Khazar District Police Office humiliated them, while they were in the Main Traffic Police Department under the Ministry of Internal Affairs. The applicant asked for help.*

*So, in response letter sent to that Ministry by the Ombudsman, it was stated that at the time when the applicant came to the Department for the clarification of the incident with fine, police field officer Guliyev was also at the Department, who brought his son to take the driving license exam. So, Guliyev, who witnessed this incident started to humiliate the applicant instead of explaining*

*their rights and duties to him as an official and directing him accordingly, but he intervened and started to argue with the applicant and used humiliating language, which established reasonable grounds for the complaint. As a consequence of the investigations, the police field officer Guliyev was announced “severe reprimand” as a disciplinary sanction.*

### **Case 9248-21**

*Applicant G. applied to the Ombudsman’s call center saying that his child had fallen during the patriotic war (Second Karabakh War) and was granted medals posthumously. In addition, he applied to the Mingachevir City Executive Office concerning his housing problem, but was subjected to rude behavior and humiliated by Mahir Aliyev, a staff member of the Office. So, the applicant asked for the investigation of the case and to defend his rights.*

*After the Ombudsman requested the executive office, M. Aliyev, Head of the Legal Affairs Department was warned to be more sensitive.*

In light of the applications and investigation materials, it must be noted that officials working in state bodies, offices, enterprises, and organizations, particularly coercive institutions should tolerate any criticism of defects in their work for the sake of business and human qualities.

The Ombudsman thinks it appropriate to continue measures for raising awareness of civil servants and staff members of the state bodies, who are closely working with clients to prevent the infringement of the right to honor and dignity.

*Implementation of National Preventive Mechanism Functions as provided in the Optional Protocol to the Convention against Torture (OPCAT):*

In 2021, the Ombudsman and her NPM team undertook 184 visits to the places, where people cannot leave on their will to inspect detention conditions, treatment issues, incoming applications, and documentation processing, as well as preventive measures implemented to halt the spread of COVID-19 and the existing sanitary condition. Preventive visits were implemented to institutions of various bodies, such as the Penitentiary Service of the Ministry of Justice (59 visits), Ministry of Internal Affairs (53), Ministry of Education (33), Ministry of Health (14), Ministry of Labor and Social Protection of Population (6), State Security Service (4), State Migration Service (2), subordinate establishments of the local executive authorities (11), as well as two facilities under the local non-governmental organization.

During the implemented visits private talks were held with 1334 detainees, a situation with ensuring their rights were monitored, and various of their requests were considered. Furthermore, measures were taken to solve problems shown in the applications to the Ombudsman, relevant national authorities were informed about the shortcomings, and applications that could be solved on the spot were considered during the preventive visits. Regarding the other shortcomings revealed, the central and local authorities were informed about them as well and recommended taking necessary measures to eliminate the existing problems until the next visits.

During the visits, reacting quickly to the applications written by each person received by the NPM team, including detained, arrested, or convicted persons, their family members, or lawyers, the Preventive Team inspected the conditions of detention, treatment, and situation with ensuring their rights and the Office of the Prosecutor-General, Ministries of Justice, Internal Affairs, Health and Education, State Migration Service and other competent national authorities were requested and responded respectively.

In the course of the visits, some detainees complained about the complete or partial removal of clothes during a personal body search of a person upon admission to police custody. The Ombudsman recommends using necessary technical equipment during the body search of detainees upon admission to the detention facility. This is vital for the protection of the right to honor, creating an opportunity to apply modern technologies into practice.

Timely access to a lawyer of persons detained under custody is of particular importance to avoid ill-treatment.

The analyses of the applications lodged with the Ombudsman show that several problems dealing with the right of persons under police custody to meet with their legal counsel remain.

#### **Case No. 13027-21**

*Applicant R. applied to the Ombudsman via the Call Center saying that his client was detained in the Absheron District Police Office but he was not allowed to meet with him and asked for help in compliance with the law.*

*The lawyer's right to meet with his client was ensured immediately after the investigation of the application.*

#### **Case No. 21087-21**

*Applicant A. called the call center of the Ombudsman claiming that he had not to access to his client in the Guba District Police Department and asked for assistance.*

*With the intervention of the Ombudsman, the lawyer's appeal was considered.*

The concerns about conditions of detention in some of the penitentiaries remained since some detention facilities needed current repairs. Also, investigation isolators No. 2 and 3, Penitentiary Facility No. 4, Correctional Facility, and Prison under the Penitentiary Service require complex maintenance. The transferring process of the noted above facilities to new buildings being constructed be accelerated.

To ensure coordination among all registry records of all relevant authorities about the detained, apprehended, or imprisoned person (to provide access to their information) the application of a single and systematic e-register is important.

The NPM team inspections of the registry records focus exclusively on the personal information of an imprisoned (detained person), reasons for deprivation of liberty, time of arrest, time of admission, release (for investigation or trial proceedings), and return to the cell, details of his health and physical state, appearance before the court, and details of disciplinary measures.

Ombudsman's Call Center was an effective method in terms of undertaking preventive measures. As a result of examinations of the incoming requests were mainly about conditions of detention and treatment issues, health status and medical treatment, transferring to the Medical Institution under the Penitentiary Service, changing the penitentiary facility, communication with the lawyer and family members, access to phone calls and so forth and the requests were considered.

#### **Case No. D/O № 4915-21**

*During the visit, a detainee A. said to the Ombudsman that he was suffering from depression and had serious mental health problems and this fact was confirmed by a medical certificate. The applicant asked for necessary medical assistance.*

*After the Ombudsman requested the Penitentiary Service of the Ministry of Justice, the detainee serving his sentence in the Penitentiary Institution No. 10 was transferred to the relevant Medical Institution and provided with necessary health services.*

#### **Case No. X/O № 2/4333-21**

*Applicant M. complained to the Ombudsman saying that the health condition of his imprisoned spouse A. getting deteriorated and asked for help in the provision of medical examination and treatment.*

*Following the Ombudsman's request to the Ministry of Justice Main Medical Department, the applicant's spouse was transferred to Medical Institution. He underwent examinations and was subjected to consultation by various qualified doctors, including specialists of the Republican Neurosurgery Hospital under the Ministry of Health, and the convict underwent an MRI (magnetic resonance imaging) examination.*

The inspections found that at some times, the Medical Institution of the Penitentiary Service failed to accurately define health conditions, including complications, and to organize comprehensive examination and effective treatment of detainees and convicts in the detention settings due to the lack of some necessary medical equipment and qualified doctors that are essential in the specialized medical examination. Furthermore, due to the lack of compulsory medical insurance for detainees held in the institutions of the Penitentiary Service since it was not considered by the legislation, some necessary examinations and treatments could not be performed in the medical institutions subordinated to the Management Union of Medical Territorial Units (TABIB).

Thus, detainees, also those, who were sentenced to imprisonment for a certain time and to a life sentence (other than precinct penitentiary institutions) were not included in the category of the insured defined by Article 15-2 of the Law on Health Insurance of Azerbaijan.

As can be seen that norm does not allow the detained persons, or those who are sentenced to imprisonment for a certain time and life imprisoned persons to be comprehensively examined and treated.

### **Case No. 22336-21**

*Applicant M, who was detained in the Sheki Penitentiary Institution complained that surgery, which was assigned to him according to the results of the medical examination, was not implemented by the Medical Institution under the Penitentiary Service. He noted that he had no financial resources to cover the operation and asked for relevant assistance. In the response letter of TABIB, the surgery could not be implemented due to the Health Insurance Law.*

Considering the aforementioned, it is emphasized the necessity to make necessary additions and amendments to relevant legislation concerning rendering required health services in other health facilities at the public expense if such services are not able to provide in the Medical Institution under the Penitentiary Service to ensure effective protection of the rights to health of detainees, persons, who are sentenced to imprisonment for a certain time and life-sentenced.

Calls received by the Call Center, which dealt with refusals of detainees to eat also drew attention.

The applications related to those calls were immediately investigated by contacting institutions, the chief doctor of the Medical Institution was contacted, and a qualified doctor and a psychologist held meetings with them as members of the NPM Team.

The applications written by prisoners and their family members to the Ombudsman raised their concerns, such as unlawful transfer to a penal isolator. The analyses of the applications and on-site visits give us the reason to say that the application of this type of punishment in penitentiary institutions and duplicate applications to the same person has come to prevail. Such circumstances show the prevalence of regime violations and failures to implement properly the correction of prisoners.

Considering aforementioned, the Ombudsman emphasizes the necessity to apply modern approaches and use good practices from other countries to strengthen correctional works.

The Ombudsman held private talks with the members of the armed groups, who were settled by Armenia in the occupied territories of Azerbaijan after the cease of the hostilities according to the Trilateral Statement of 10 November 2020, were detained while preventing crimes committed against the life and health of our civilians and servicemen and were handed over the investigation, accusing of terrorist activities. Their requests were heard, and rights and freedoms were explained. Also, they were provided legislative acts in their language. Furthermore, those detainees were examined by a doctor and a psychologist member of the NPM Team upon their request. It was found that they were provided with necessary medical and psychological services without any discrimination and compliance with the legislation was observed.

Those accused persons expressed their satisfaction with the treatment and conditions of detention, health service, and nutrition and thanked them for such humane treatment.

In the 2020 Annual Report, the Ombudsman recommended making additions and amendments to the Code of Execution of Punishments to give opportunities for prisoners to have video calls with their family members and relatives.

Incidentally, this recommendation of the Ombudsman was considered by the Ministry of Justice in the draft law on the amendments to the Code of Execution of Punishments.

As just mentioned, throughout the year, Ombudsman and her NPM Team carried out on-site preventive visits to the places where persons cannot leave at will and follow-up the previously given recommendations and monitored conditions of detention, treatment, and so on.

In 2021, the number of preventive visits to child-care institutions increased and accounted for 30 percent of total visits. This is a result of a new structural unit on child rights protection, created in the Office, involving a psychologist working directly with children in the NPM Team and the purposeful activity of the Ombudsman to strengthen the partnership with UNICEF. During visits, 117 children were privately and collectively interviewed to ensure that child participation is increased to inspect treatment standards and raise awareness of child rights.

National state authorities were informed about the revealed shortcomings and defects during visits to those facilities and given recommendations for their elimination. So, the inspections found that children did not have individual plans, which contradicted clause 3.7 of the Cabinet of Minister's "Rules on Admission to and Release of Children from Public and Municipal Child Social Service Institution, organization of services, safeguards and living conditions in child-welfare institutions". According to the rules, each child should have an individual plan, reflecting the form, type, and duration of social services.

Although clause 3.6 of the same Rules it is indicated that services in child institutions are rendered by psychologists, social workers, and social service workers, the "Exemplary established staff units of managerial, pedagogical, administrative-economic, teaching-assistant and service staffing in the child welfare facilities" approved by Cabinet of Ministers' Decision No. 172 dated 13 July 2006 does not consider staff unit for "social worker".

The Ombudsman recommends preparing an individual plan for the comprehensive development of children, considering a staff unit of "social workers" in the state child-care institutions staffing and making necessary amendments to the relevant Rules.

The inspections of the child institutions, including boarding schools, revealed systematic deficiencies in the organization of psychological services. So, it was found that psychological services as indicated in the Law on Psychological Assistance, as well as in the "Rules on the organization of psychological service in educational institutions", approved by the Decision of the Cabinet of Ministers dated 30 April 2020, are not carried, in some facilities, the staff of psychologists was vacant, and there was a lack of didactic materials.

The Ombudsman considers it necessary to increase attention to the mental health of children and to overcome the existing shortcomings to ensure the rights of children to health and development.

The majority of concerns found in the facilities visited were removed as a result of the Ombudsman's requests and their consideration of them was also checked on the ground during the follow-up visits. Consequently, shortcomings related to ensuring the rights of children to health and education were eliminated, and furniture and equipment for the pre-school aged group in Boarding House No. 2 depending on the age and stages of development were replaced with new ones. Child residents of those institutions were registered in music schools and sports circles to ensure effective leisure time and deficiencies in the documentation were removed. Considering the Ombudsman's recommendation, the computers in the Child Boarding School No. 3 were supplied with cameras to effectively ensure the right to education and get rid of cases of truancy. Furthermore, new charters, regulating the activity of both facilities were prepared.

The shortcoming related to ensuring the right to education in the Special Boarding School No. 9 in Baku was eliminated and speech-language pathologist service was rendered during non-teaching hours accordingly. Also, the Republican special boarding school No. 5 for children with health problems had produced the documentation on a temporary leave of children and normalized the lighting in the school dormitory.

Based on the Ombudsman's request, shortages related to the organization of health services and conditions in the Baku Boarding House No. 1 subordinated to the Ministry of Health were partially removed and the facility temporarily hired specialists to render mental health service to children. However, there were concerns about the lack of continuation of such actions.

As it is well known, the majority of children placed in boarding homes for infants had adverse childhood experiences and a high possibility of health-related and social risks in the future as its effect shows the importance of rehabilitation and social and psychological work for them.

For effective implementation of the abovementioned tasks, it is necessary to continuously train and improve the social and psychological capacity and the knowledge of the staff working with children through training on care and early development, child psychology, early identification, and key aspects of prevention and early intervention.

Ombudsman recommended amending Decision No. 61 of the Cabinet of Ministers of the Republic of Azerbaijan, dated 29 May 1996 on the "Exemplary established staff units for state-funded pre-school education institutions" to include positions, such as child psychologist and early development specialist.

Serious shortcomings in the conditions of detention and documentation found during the investigations in the Psychiatric Hospital No. 1, Sumgait, and Sheki psychiatric hospitals under the Ministry of Health of the Republic of Azerbaijan were eliminated with the Ombudsman's intervention. However, the measures addressing improving detention conditions, treatment standards, overcoming staff shortages, and social rehabilitation in the Republican Psychiatric Hospital, Sumgait, and Sheki psychiatric hospitals be given more attention.

**Right to information.** The right to information, which is a key element of public relations be ensured based on the principles of an open society and democratic legal state free, without hindrances, and with equal opportunities for all.

According to Article 19 of the Universal Declaration of Human Rights, this right includes the freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

The UN Sustainable Development Goals (SDGs) also consider ensuring the right of access to information in compliance with international documents and national legislation as a fundamental right.

Today, information is an important resource in society.

Presidential relevant orders, national strategies, and measures taken are aimed at more efficient provision of the right to information, building an information society, and promotion of an open society. The advancement of the normative and legislative framework in the concerned field, more expansion of e-government, and provision of information security are of utmost importance for the protection of this right in the country.

The Ombudsman, exercising control over the execution of the Law of the Republic of Azerbaijan on Access to Information, supported the relevant reforms by carrying out a wide range of activities in the field of ensuring, promoting, and protecting this right.

The information mandate of the Ombudsman includes ensuring the right to information, reviewing and responding to incoming applications about the violation of the right to information, monitoring and analyzing, promoting the right, and conducting legal education in this field.

The Ombudsman as an information holder responded to the information requests following the law.

#### **Case No. 4484-21**

*Applicant H. made to the Ombudsman an information request for activities of the Ombudsman institution in the field of prevention of early marriages and his request was granted.*

#### **Case No. 14426-21**

*Applicant G. made the Ombudsman an information request for the activities to protect the rights of sexual minorities (LGBT people). The request of the applicant was granted.*

The applications received by the Ombudsman on the violation of the right to information, including failures to information requests, groundless delays, and refusals from responding, were operatively investigated through control mechanisms in compliance with the Constitutional Law on Ombudsman of Azerbaijan, competent authorities were requested for the elimination of the shortages, in some circumstances, the authorities of highest instances were requested and the information requests were handled and responded.

#### **Case 15349-21**

*Applicant S. complained to the Ombudsman saying that his information request to the Salyan Regional Gas Exploitation Department was not responded to, and asked for assistance.*

*The Ombudsman's appeal to the "Azerigas" Production Association of the State Oil Company of the Azerbaijan Republic (SOCAR), the information request was granted.*

#### **Case 15851-21**

*Applicant M. complained to the Ombudsman that his information request to the Bahramtepe Hydro Junction Operation Department was ineffective and asked for assistance to have his request responded to.*

*After the Ombudsman's appeal to the Azerbaijan Amelioration and Water Management" Open Joint Stock Company, the applicant's request for information was granted.*

Although the exact list of state secrets, trade secrets, or official information is determined by law, sometimes information requests prepared following the requirements of the legislation are not responded to by government agencies that have the information.

#### **Case 11848-21**

*Applicant A. complained to the Ombudsman that his information request to the Saatli District Center for Hygiene and Epidemiology was not responded to, and asked for assistance.*

*During the investigation, it was found that the Center had responded to the request that the applicant's requested information is only given based on the law-enforcement authorities, and that the Center had no such mandate to respond to the request.*

*Following the Ombudsman's appeal to the Ministry of Health, the noted Center responded to the requester.*

Along with mentioned earlier, it was the incoming applications were analyzed, priorities for ensuring the right to information were identified, the information holders were made to fulfill their responsibilities to disclose the information, and monitoring was carried out to ensure information requests.

The structural units and contact persons in every national authority accountable for ensuring the right to information were determined, monitoring of the official websites of government agencies, monitoring access to the right to information, assessments, and research was conducted, and outcomes-based recommendations and suggestions were prepared to ensure effective organization and identification of cooperation directions of the Ombudsman with the government authorities.

Despite the harmonization of online application sections on websites of government agencies and information resources created in compliance with the Law of the Republic of Azerbaijan on Access to Information, shortages remain. Government agencies, along with responding to information requests under the legislation, should publish public information, disclose them in internet

information resources and bring it to the attention of a wide audience. Nowadays, when information technologies are widely applied and developed, the information holders, including government agencies and municipalities should as much as possible benefit from the reforms implemented in this field at the national level and address the opportunities for effectively ensuring human rights, including the right to information.

The Ombudsman, by analyzing the existing challenges, regularly carried out large-scale awareness events for officials, staff of media outlets, and media representatives across the country to overcome negative cases and create equal opportunities for all citizens to access information.

In the frame of “Human Rights Month” declared by the Ombudsman, a range of awareness operations were conducted in Ganja, Jalilabad, Sheki, and Guba cities with the participation of state authorities and self-governing bodies on how to ensure the right to information.

Considering the importance of the promotion of the right to access to information, awareness events on the topic “Ensuring the right to information in the context of human rights” were continued. The participant information holders were informed about ensuring the right to information, their obligations in this field, execution of the information requests, and the Ombudsman’s measures to implement the oversight of the fulfillment of the Law on access to Information. The participants were also informed about international and national legislation on ensuring the right to information.

Staff members accountable for ensuring the right to information of relevant units at the government agencies should comprehensively study and apply the Law on access to the right to information. For this reason, the Ombudsman Institution produced booklets “Let’s know our right to information” and “Let’s ensure the right to information” to prevent relevant law violations and improve theoretical knowledge and awareness in this field. These important educational tools were sent to government agencies and over 30 libraries across the country, as well as disseminated among civil society. The booklet includes definitions of information, the right to (freedom of) information, information request, provisions of relevant legislation, obligations of the information holders, information request and methods of its submission, execution period and grounds for refusals, rules for refusing to execute an information request or filing a complaint on improper execution, Ombudsman’s investigation circumstances of the complaint related to the violation of the right to information and power to compile a protocol.

The Ombudsman and staff members of the Institution participated in international online meetings on the right to information, including the 9<sup>th</sup> meeting of the European Union (EU) – Azerbaijan Subcommittee on Justice, Freedom, Security and Human Rights and Democracy, and an event organized by the Ombudsman Institution on the strengthening the cooperation with civil society organizations. Furthermore, during receptions and international visits of the Ombudsman, the issues related to ensuring the right to information were discussed.

At the meeting of the Ombudsman with the delegation of the Turkish Radio and Television Supreme Council (RTUK), the sides exchanged their experiences on how to ensure the right to information.

The training on ensuring the right to information was conducted in Guba, Sheki, Lankaran, and Ganja within the frame of the joint project on the topic “The role of the Ombudsman and Civil Society Organizations in Promoting Good Governance” of the Ombudsman and the German Agency for International Cooperation (GIZ) carried out in the frame of GIZ Local Governance Program South Caucasus” and good practices were brought to the attention through presentations.

At the time of the Ombudsman’s visit to Bulgaria, during the meeting with the faculty members of the Bulgaria University of Library Studies and Information Technologies, both sides exchanged their experiences related to ensuring the right to information.

Government agencies, non-governmental organizations, and business entities held discussions around strengthening the accessibility opportunities for consumers, developing internet portals providing information about goods and producers, and other issues on World Consumer Rights Day.

**Judicial guarantees for rights and freedoms.** The judicial system is a mechanism of state protection of rights and freedoms ensuring the fundamentals of the constitutional system and legal rule in every legal state.

Significant measures are being implemented for strengthening public confidence in the national judiciary, organization of the work meeting modern standards, more effectively ensuring the right to access to justice, updating execution mechanisms of judgments, and improving advocacy.

The application of modern information technologies in judicial authorities and courts, as well as digitalization of the information, paved the way for further sound ensuring the right to an effective remedy before a tribunal.

The elimination of shortages and bringing judges to disciplinary responsibility for violations as a result of continuous monitoring in courts conducted by the Judicial-Legal Council made significant contributions to the productive right to judicial protection.

The Ombudsman continued its cooperation with the Constitutional Court, Ministry of Justice, Judicial and Legal Council, and other judicial bodies in the field of the protection of human rights and freedoms.

The Constitutional Court adopted relevant legal acts (decisions and rulings) based on the Ombudsman’s appeals made under her mandate established in compliance with Articles 130 of the Constitution and 13.2.8 of the Constitutional Law on Ombudsman of the Republic of Azerbaijan.

According to Article 1.6 of the Constitutional Law on Ombudsman, the Ombudsman has no power to investigate the activities of judges in Azerbaijan. However, under Article 1.9 of the Constitutional Law, the Ombudsman is mandated to investigate the applications on the violation of human rights, such as procrastination in the judiciary, loss of documents and untimely submissions of documents, also, delays of the execution of judgments.

The applications on the violation of the right to judicial guarantees for human rights and freedoms submitted to the Ombudsman included the issues related to the groundless refusals of lawsuits, failure to evaluate fully or partially the facts and evidence presented in court, disregarding motions, failure to create conditions for the parties to express their views during the trial and thus failure to ensure the contentious proceedings, failures to duly or not delivering summons (date and place of the proceeding) to the parties, failure to take all necessary actions for the participation of the parties in proceedings, as a consequence causing for the parties not to be able prepare for or participate in the proceedings, trial delays by repeated postponing proceedings, failure to timely provision of the parties with copies of court decisions and consequently, restricting the right of the parties to challenge the decision at higher instances, abuses by the judge the code of judicial conduct during the proceedings, dissatisfaction with judicial decisions, non-execution of court decisions, and violation of the right to appeal.

The complaints were investigated within the mandate of the Ombudsman, relevant judicial authorities, and the Judicial and Legal Council were requested and complainants responded with necessary explanations in compliance with the legislation.

The Ombudsman sent information requests to the judiciary and other related bodies based on the complaints received about procrastination in the judiciary and its consequences, in some cases attention-grabbing shortages were identified, and sometimes questionnaires were not responded to on merits.

#### **Case 15754-21**

*Applicant E. applied to the Ombudsman saying that his appeal against the decision of the Ganja District Court of 22 October 2020, was delayed for 8 months by the administrative board of the Ganja Court of Appeal, despite participating in the preparatory proceedings, he was not submitted summons in a biased manner. Furthermore, it was stated that the proceedings were held without his presence and his appeal was not upheld. So, he asked for an investigation of the proceedings based on audio-video recordings and took necessary measures under the law.*

*Under Articles 1.9 and 12.2.2 of the Constitutional Law on Ombudsman, the Ombudsman requested the Ganja Court of Appeal for the provision of summons (copies of relevant documents), which were submitted to the applicant to investigate the allegations reflected in the application related to procrastinations in the judiciary. Despite indicating in the response letter that the appeal of the applicant against the decision was not upheld by the administrative board of the Ganja Court of Appeal by its appropriate decision dated 18 May 2021, furthermore, the applicant and his lawyer wrote a cassation appeal and presented to the Supreme Court of the Republic of Azerbaijan to review the administrative case, the concerns raised in the request were not clarified and requested documents were not provided.*

According to Article 227 of the Civil Procedural Code of the Republic of Azerbaijan, drafting of a substantiated resolution should be completed within 10 days from the date of announcement of the resolute section of the resolution and the persons participating in the case should be officially provided within 3 days from the date of its drafting.

According to that Code, in courts using an E-court system, after drafting and signing a resolution, a judge should ensure its placement on personal cabinets of the parties to the case, which were created on the E-court information system within 3 days.

### **Case 11499-21**

*Applicant Sh. lodged a file with the Ombudsman complaining that he was not given a copy of a court resolution issued by the Ganja Court of Appeal dated 12 April 2021 and therefore, asked for the investigation of the case and taking necessary measures in compliance with the law.*

*In response to the letter addressed to the Court to check the cases of red tape in the court, it was indicated that the appeal of the respondent against the resolution of the Aghdam District Court about divorce, custody of children by the applicant, payment to the applicant in general in the amounts of 300 manats for child support (alimony) was partially upheld (general amount of the alimony was reduced to 240 manats) by decision of the Civil Board of the Ganja Court of Appeal of 12 April 2021.*

*It was found that the copies of the resolution were sent to both on 11 June 2021 (within 2 months from the date of adoption of the resolution) and the applicant received that copy on 21 June 2021.*

Through the examination of some complaints dealing with the judiciary received by the Ombudsman, it was found that the excessive bureaucracy, along with the violation of the procedural rights of a person, violates the right to property, as well.

According to Article 160.1 of the Civil Procedural Code of the Republic of Azerbaijan, a writ on securing a claim shall be executed immediately.

According to Article 21.2 of the Law on State Real Estate Registry Service, in the event of a dispute in court over the rights to state-registered real estate, the relevant entries shall be made in the state register based on the court's certificate on the acceptance of the claim application for court proceedings.

### **Case 21320-21**

*Applicant R. applied to the Ombudsman saying that due to the failure of the Ujar Territorial Administration No. 16 of the State Real Estate Registry Service under the Ministry of Economy of the Republic of Azerbaijan to provide information on the burden of an individual dwelling house imposed on 19 May 2021 according to the relevant court decision, as well as failure to be informed by the owner about the restriction imposed on him, and therefore, on 24 June 2021, that house was sold him by the notary. For this reason, thereafter, his requests to relevant authorities for the provision of the purchase contract of that apartment were ineffective. Consequently, the applicant asked for investigating and taking necessary measures within the law. The State Real Estate Registry Service was requested in this regard to this complaint, to which was responded that the noted house was sold to the applicant by the owner on 24 June 2021 based on the purchase contract and on 24 June 2021, the applicant requested Ujar District Territorial Administration No. 16 for the state registration of the right to real estate.*

*It was also indicated that the Ujar District Territorial Administration No. 16 has received a writ of execution of the Kurdemir District Court dated 19 May 2021 on the imposition of ban on the dwelling house on 06 July 2021 (after 40 days), according to which in compliance with the legislation, the house was imposed a ban, and for this reason, the execution of the applicant's (new owner's) request for the state registration of his right to that house was terminated.*

*Furthermore, it was also determined that the notarized purchase and sale agreement dated 24 June 2021 was not sent to the state register of real estate in real time.*

*So, as a result of the submission of the relevant writ on securing a claim by the court with a delay of more than 40 days, and failure to submit the relevant notarized purchase contract to the state registry of real estate in a timely manner, the requirements of the legislation and the right of the applicant to property were violated.*

Some complaints received by the Ombudsman were dealing with non-compliance with the procedural deadlines established by the legislation, unreasonable prolongation of court hearings, procrastination by repeatedly postponing court proceedings, as well as delays in scheduled forensic examinations.

#### **Case 3792-21**

*Applicant N. complained to the Ombudsman that the Ganja Nizami District Court did not consider the civil case in which he was a party, court proceedings were repeatedly delayed, and asked for the protection of his rights.*

*In the response letter submitted to the Ganja Nizami District Court, it was indicated that the plaintiff's claim for "reimbursement of expenses for demolition and repair of the building" was accepted for consideration by the court on 02 June 2019, the court hearing of the civil case was scheduled for 08 August 2019 to ensure the respondent's participation in the court hearing, the consideration of the civil case was postponed to 02 September 2019.*

*By the decision of the court dated 02 September 2019, the proceedings on the case were suspended with the appointment of construction and technical examination by the court, the expert opinion on the civil case of the Center of Forensic Examination of the Ministry of Justice was submitted to the court on 05 May 2020 (after eight months), and the proceedings were resumed and the court hearing was scheduled for 11 June 2020. After that, the consideration of the civil case was postponed for various reasons until 19 June 2020, 08 July 2020, 07 September 2020, 28 September 2020, 19 October 2020, and 03 November 2020.*

*The repeated construction and technical examination by the court was appointed to 3 November 2020, and the execution of the case was postponed until the issuance of opinion. The expert opinion on the civil case of the Center of Forensic Examination dated 15 March 2021 was received on 01 April 2021 (after five months), the proceedings were resumed and the court hearing was scheduled for 29 April 2021.*

As can be seen, the applicant was subjected to procrastination, despite accepting a claim of the applicant for the execution on 02 June 2019, court proceedings were repeatedly, and for the last time were delayed until 29 April 2021, as well as failure to submit court expert opinions within the time limit established by the legislation

Article 39 of the Civil Procedural Code, considering the exclusive relevance issues, states that claims on the acknowledgment of ownership rights over a real estate, on recovery of a real estate from one's illegal possession, on rectification of violation of rights of the owner or legal possessor not related to deprivation of ownership, shall be submitted at the place of location of such real estate. In addition, Article 31 of the same Code does not allow the breach of the rules of exclusive relevance.

The Decision of the Plenum of the Constitutional Court of the Republic of Azerbaijan on the Relevant Commentary of Articles 35 (1), 35 (3), and 39 (1) of the Code of Civil Procedure of the Republic of Azerbaijan states that under the law, determining the exclusive relevance, especially concerning real estate, facilitates on-site inspection of the disputed item, timely collection of documents on the item, as well as other procedural actions aimed at a fair and lawful settlement of the civil case and ensures objective consideration of the case.

Some complaints reflected the facts of non-compliance with the procedural rules on the jurisdiction of courts, which resulted in the procrastination of citizens.

### **Case 2367-21**

*The Ombudsman received a complaint written by V. about failure to consider his claim for demolishing arbitrarily and illegally building by the defendant construction in the area belonging to him, which was called "Betonkanal" on the Bilasuvar-Bahramtapa road at his own expense and returning the seized area to him in kind, as well as the applicant said that he was subjected to procrastination.*

*During the investigation of the complaint, it was found that the Bilasuvar District Court reviewed the applicant's statement of a claim on 18 February 2020, and referring to the supporting documents attached to the civil case, it was taken a resolution on return of the statement of a claim because the land claimed by the claimant (applicant) built for IDPs from Jabrayil district and it was located in the jurisdiction of the Jabrayil District Court.*

*The appeal filed by the applicant against that ruling was not upheld by the Shirvan Court of Appeal decision dated 13 May 2020, and the relevant decision of the Bilasuvar District Court was upheld.*

*During the investigation, it was determined that the applicant's duplicate claim, in turn, was not accepted by the Jabrayil District Court, after the applicant complained to the Judicial Legal Council in this regard, the Jabrayil District Court issued an official response to the applicant on 02 September 2020, and the applicant was recommended to file a lawsuit with the district court (Bilasuvar District Court) according to the requirements of Article 39 (1) of the Civil Procedural Code of the Republic of Azerbaijan, and complying with the requirements of Articles 149 and 150 of this Code.*

*After numerous complaints, the applicant's statement of a claim was accepted by the Jabrayil District Court, and a preliminary hearing was scheduled for 14 April 2021.*

As can be seen, due to non-compliance with the procedural law on determining the jurisdiction of the court, the acceptance of the claim of applicant V. was postponed for more than one year from 18 February 2020 to 14 April 2021.

*The Constitution of the Republic of Azerbaijan establishes that everyone has the right to receive qualified legal assistance and in cases specified by law, legal help shall be rendered free at the expense of the State.*

Ombudsman continues its cooperation with the Legal Judicial Council of the Republic of Azerbaijan to ensure qualified legal assistance to people and improve the legislation.

As a result of analyzing legislative acts of other countries based on the draft document submitted by the Council, numerous recommendations on making additions and amendments were made to the Law of the Republic of Azerbaijan on Lawyers and Legal Practice.

The package of recommendations includes the specification in the Law main definitions related to legal practice such as (advocates' self-government, legal practice, legal aid, and so forth) and formulating provisions stipulating the forms of legal assistance (paid legal assistance, legal aid rendered at the expense of the state and as one of the social responsibility, social legal aid based on voluntary work), reasons for legal aid refusal, forms of activity incompatible with legal practice, developing a single information system and a registry, Commission of Appeal (for dealing with appeals against a decision taken by the Commission on Disciplinary and other issues specified by the legislation) and the basics of its activity, the retirement security of lawyers (developing separate retirement security for special notaries, lawyers, mediators, special executors), as well as making necessary additions and amendments to the relevant provisions.

Considering the legal status of civil servants and their role in realizing the state's goals and functions, it is once more recommended to make additions and amendments to enable persons who have worked in the civil service as lawyers for at least 10 years at the time of admission to the legal profession to become lawyers without passing a written test or compulsory training, but only through an oral interview.

In general, it should be noted that over 70 additions and amendments were made to 26 Articles of the Law on Lawyers and Legal Practice, enacted on 28 December 1999 and currently in force. Therefore, the structure of the Law and its provisions, as well as its scope do not meet modern-day standards. Consequently, it is advisable to draft and adopt new laws in the concerned area.

Ensuring this right for persons who do not have sufficient funds to receive legal aid is of particular importance for justice. Based on the incoming applications for free legal aid submitted to the Ombudsman by low-income families, the Collegium of Advocates was appealed.

Incidentally, in the framework of the cooperation between the Ombudsman and the UN Office of the High Commissioner for Human Rights (OHCHR) in Azerbaijan, rendering free legal assistance to low-income families is being continued.

According to Article 67 of the Civil Procedure Code, by this Code, in cases where the mandatory participation of the lawyer in the hearing is required, if the persons involved in the case do not have sufficient means to pay for the services of the lawyer, the court that has accepted the court act shall ensure the lawyer's participation in the hearing based on the written request of the persons involved.

Some complaints reflected the violations, such as courts' failure to consider the applications for the reception of qualified legal aid free of charge (at the expense of the state) for persons involved in the case due to their insufficient budget to pay for the services of the lawyer, provision by lawyers low-quality services, indifferent attitude towards the case, and ineffectiveness of appeals for substitution of the lawyer and others.

### **Case 1123-21**

*In his application to the Ombudsman, the applicant K. said that as a low-income family, he could not afford a lawyer, and despite his appeal made on 04 December 2020 for calling upon a lawyer in the case, where he participated, the appeal was not considered; for this reason, the applicant asked for the investigation of his appeal, and necessary help.*

*In the response letter by the Baku Court of Appeal, it was stated that the applicant's appeal for calling upon a lawyer at the expense of the state regarding his cassation, was upheld by the resolution dated January 27, 2021, and its copy was delivered to the Presidium of the Bar Association for execution.*

According to clause 3.9 of the Regulations on the Rules of Conduct of Lawyers, if a lawyer provides or before providing a service incompatible with the interests of his client, he should refuse the execution of the case.

### **Case 10579-21**

*Applicant T. appealed to the Ombudsman saying that he refused the services of the lawyer, Jeyhun Daanov for his bias and having interests in the divorce case involving alimony, in which the applicant also participated, before the Balaken District Court. However, thereafter, his duplicate application seeking to increase alimony to the relevant district court, the application was not upheld due to having the lawyer in question the necessary information about him and his family and acting as a lawyer for the opposite party against his interests. So, the applicant asked for a legal assessment of the lawyer's biased conduct.*

As can be seen from the application, the applicant's previous lawyer acted as a lawyer for the opposite party against his interests in the same case, in violation of the provisions of the Regulations on the Conduct of Lawyers had resulted in the applicant's claim not being upheld.

*Article 129 of the Constitution states that court decisions shall be made on behalf of the State and their implementation shall be mandatory. Failure to execute a court decision shall entail liability prescribed by law.*

Judicial and legal reforms also consider the improvement of execution mechanisms for judgments. The Presidential Decree of 3 April 2019 established the duties such as ensuring the execution of judgments within the time limit specified by law, applying and expanding the “E-execution” information system, and preventing the procrastination and abuse of powers by the executors.

The adoption of the Regulation on “E-execution” information system, approved by Cabinet of Ministers’ Decision No. 306 dated 12 October 2021, and its application has major importance for improving the execution of judgments, increasing quality, and agility, developing a single e-database of execution documents and executive actions, as well as ensuring access of the interested parties to information.

Despite just being mentioned, challenges related to the execution of judgments remain ongoing concerns. Because the complaints received by the Ombudsman were mainly on non-execution of judgments, delays in executions, rude behavior by execution officers towards a debtor or plaintiff, demonstration of bias, failure to take legal measures for directing a claim to the property of a debtor, and income disclosure, partial execution of the debt claim without a relevant court decision, and so forth.

Under Article 3 of the Law of the Republic of Azerbaijan on Courts and Judges and Article 26 of the Law on Execution, the timely and proper execution of documents is exercised by the head of the executive body and the court within its authority.

Article 41 of the Law of the Republic of Azerbaijan on Execution specifies that in case of disruptions to executive officials in carrying out executive actions or threatening their life and health, the relevant executive authority shall be obliged to assist the executive authorities in following the law. Other state bodies (institutions) should support carrying out executive actions under the statutes (charters).

Several complaints allege non-enforcement of judgments by indebted government agencies, procrastination, as well as non-execution of judgments due to improper coordination of activities between the relevant government agencies.

### **Case 17860-21**

*Applicant D. complained to the Ombudsman saying that despite the decision of the Ganja Administrative-Economic Court dated 26 December 2019 on payment to the defendant and the other plaintiff in the amount of 8637.00 manats for material and moral damage caused by the demolition of the building in Ganja, the Ganja City Executive Power has not been enforced the decision yet.*

*In the response to the request by the Ombudsman to the Ganja City Executive Power, it was stated that the budget of the executive power did not provide funds for this purpose, therefore the judgment*

*was not executed, and the Ministry of Finance of Azerbaijan will be applied next year regarding the allocation of the budget.*

*In the response to a request addressed to the Ministry for further investigation, referring to Article 7.6 of the Regulations on Local Executive Powers, approved by the Presidential Decree of Azerbaijan No. 648, dated June 6, 2012, as well as sub-item 3.1.3.2 of the “Rules for keeping and using at the disposal of a certain part of the funds already received at the end of the budget year from the revenues provided for the state budget through tax authorities of cities and regions”, approved by the relevant decree No. 719, dated June 3, 2019, it was stated that the execution of the judgment can be provided at the expense of other sources (extra-budgetary funds) of the responsible the Ganja City Executive Power Office.*

*The issue was repeatedly raised before the city executive power office to clarify the facts, as well as the Ministry of Justice of the Republic of Azerbaijan, was asked to take compulsory enforcement measures due to the ineffectiveness of mechanisms to monitor the implementation of judgments.*

Such negative situations in the execution of judgments are due to the lack of a mechanism for the execution of judgments concerning indebted state bodies, inadequate coordination between executive bodies and relevant state authorities, as well as ineffective administrative and judicial control over the execution of judgments. Consequently, it is necessary to study the experience of other countries, develop mechanisms for the execution of judgments concerning government agencies, allocate funds for the purposes specified in the budget allocations, and make relevant additions and amendments to the legislation. Furthermore, it is expedient to establish a unified judicial practice related to these cases.

According to Article 15 of the Law on Execution of Azerbaijan, an application for a deferral of the execution of an executive document or its partial execution, or a change in the method and procedure for the execution of an executive document, shall be considered by the court that reviewed the case.

Some complaints raised problems about payments of debts on pensions and benefits in installments based on the requirements of Article 37 (7) (referring to Article 32.1-1) of the Law of Azerbaijan “On Labor Pension, despite the existing court decisions on one-time (lump-sum) payment.

### **Case 24720-21**

*Applicant I. complained to the Ombudsman that the Yasamal district branch of the State Social Protection Fund is responsible for the calculation of a 15% surcharge for the exercise of government powers for 5 years, and recalculation of his pension from the date of establishment of the right to a pension as a civil servant, and for a one-time payment of the difference of 5,180.31. manats following the Baku Administrative-Economic Court's relevant decision dated 26 December 2014. However, he stated that the relevant judgment was not executed in the prescribed manner, and the payments were made in installments of 55.70 manats per month.*

*As a result of the measures taken in connection with the complaint 4977.99 manats of the remaining 5180.31 manats difference for the previous period was transferred to the applicant's card account in November 2021 together with the monthly pension payment.*

During the investigation of the complaints, it was determined that the requirements of the legislation were violated when the claim was directed to the debtor's property and income, but the rights were restored based on relevant inquiries.

### **Case 10328-21**

*Applicant, a convicted person E. complained that the Yevlakh District Executive and Probation Department unreasonably withheld 100 manats alimony from his 130 manats monthly allowance assigned to him for second-degree disability, and asked for taking appropriate measures and restoration of his violated rights.*

*In response to the Ombudsman's request to the Executive Office of the Ministry of Justice, it was stated that the claim is directed to 70% of the applicant's pension in compliance with Article 99.2 of the Code of Execution of Punishments, Articles 65.3 and 66.2 of the Law of Azerbaijan on Execution.*

As it is well known, according to Article 65 (3) of the Law on Execution, in cases of withholding of alimony, the number of deductions cannot exceed 70% of the salary and other income.

Article 99 (3) of the Code of Execution of Punishments of the Republic of Azerbaijan establishes an imperative norm to transfer at least 60 percent of the incomes, such as monthly salary, pension, and other incomes of male convicts over 50, female convicts over 55, prisoners having first and second-degree disability, juveniles or pregnant, female prisoners with minor dependents at children's home under the penitentiaries irrespective of all deductions as an exceptional case.

Despite the above, alimony of 100 manats withheld from the applicant was approximately 77 percent of the 130 manats monthly allowance for second-degree disability assigned to him.

The investigation into the complaint was continued and in response to a repeated request addressed to the Ministry of Justice, the Yevlakh District Execution and Probation Department were appropriately instructed to consider transferring at least 60% of the monthly pension to the applicant's account when filing the claim in compliance with Article 99 (3) of the Code of Execution of Punishments of the Republic of Azerbaijan, which is an imperative norm.

Based on the Ombudsman's request to the Ministry of Justice to ensure the execution of judgments by debtor government agencies, legal measures were taken, and in some cases, a protocol on administrative violation was compiled and sent to the court due to non-compliance with the lawful requirements of the executive officer in connection with the execution of judgments.

### **Case 1086-21**

*Applicant S. complained to the Ombudsman that the respondent (the debtor) the Polyclinic of the Writers' Union, did not execute the Yasamal District Court's decision dated 20 June 2019 had not been executed and Yasamal District Executive Department had not implemented legal measures in this regard.*

*In response to the inquiry addressed to the Executive Office of the Ministry of Justice, it was stated that according to the writ of execution of the Yasamal District Court dated 18 August 2020, the applicant and other claimant's salaries for March and April 2019 should be deducted from the Writers' Union Polyclinic.*

*Consequently, the claim proceedings initiated by the Yasamal District Enforcement and Probation Department were not satisfied voluntarily, and the Chief Physician of the Writers' Union Polyclinic was fined by the relevant Court by the decision of 04 March 2021 for non-compliance with the lawful requirements of the executive officer.*

It should be noted that despite ongoing enforcement measures by the local executive body, the official did not execute the judgment.

One of the concerns raised in the complaints relates to the determination of the debtor's whereabouts during the execution of judgments on money claims, alimony, and other civil cases. Thus, despite search operations for the debtor initiated by the police authorities based on the decision by the local executive body, in some cases, the former does not carry out search operations or delays in the enforcement of such measures. Consequently, this leads to delays in execution and legitimate dissatisfaction of the plaintiff.

Based on Ombudsman's inquiries to the relevant authorities concerning those complaints, the enforcement proceedings were resumed and continued in the determination of the location of the debtors and handing them over to the local executive body.

### **Case 2451-21**

*Applicant S. complained to the Ombudsman saying that the Saatli District Court's order of 17 August 2012 on deduction and payment of the relevant amount was not executed, and asked to take appropriate measures in this regard.*

*In response to the Ombudsman's inquiry into the Chief Executive Office of the Ministry of Justice, it was stated that during the proceedings initiated by the Saatli District Enforcement and Probation Department, the debtor had not paid the funds, he did not have property and income for which the claim may be directed. As it was not possible to identify his location because he changed his place of residence without notice, the bailiff issued an order to search for the debtor on 16 January 2020 which was delivered to the Saatli District Police Department, which commenced search operations.*

*As a result of the Ombudsman's investigation and measures were taken based on the inquiry addressed to the Saatli District Police Department, the debtor was arrested on 08 April 2021 and handed over to the Saatli District Executive and Probation Department and the enforcement measures were continued.*

In addition to the aforesaid, the review of the complaints revealed that in some cases, non-disclosure of the debtor's property and income, which can be claimed, unemployment of the debtor or lack of an official job or other income, lack of other income, debt evasion by various means, concealment from executive bodies and internal affairs bodies, delays in execution of judgments due to leaving the country.

Transferring ownership rights over property by debtors to another person to avoid the execution of judgments creates serious obstacles in the execution of court decisions on both alimony and other civil cases.

Complaints about non-payment of alimony were relatively prevalent among appeals related to the execution of judgments. As a result of the investigation into these complaints, alimony debts were paid in full or in part.

### **Case 13239-21**

*Applicant K. made a complaint to the Ombudsman stating that the decision of the Khazar District Court on the withholding and payment of monthly alimony in the amount of 170 manats for support of a child from the defendant until the age of majority, has not been enforced; furthermore, he stated that his relevant appeal to the Khazar District Executive and Probation Department was ineffective, and asked for investigation the case and take appropriate measures.*

*As a result of measures taken based on the Ombudsman's request to the Main Executive Office of the Ministry of Justice, the enforcement measures were ensured, and the alimony debt was paid in full.*

In case of failure to alimony by the debtor and ineffectiveness of execution measures, based on the relevant submissions of the executive officers, decisions on forcible return of debtors, administrative detention, and a temporary ban on the right to leave the country were made by courts, as well as interstate search in some cases was announced, and submissions concerning subjecting to criminal liability were issued.

Article 528 of the Code of Administrative Offences of the Republic of Azerbaijan provides measures for non-compliance liabilities with legal requirements of the executive officer in connection with the execution of decisions of courts or other bodies. Sometimes, there is a contradiction in applying this provision to cases of non-compliance with judgments on alimony cases. Because, a debtor whose property and income are not disclosed, who is unable to make alimony payments on time due to financial difficulties (except for cases of intentional evasion of alimony debt), is also fined under the Code of Administrative Offences. In this case, the debtor first tries to pay the fine, which again leads to delays in alimony payments.

Taking account of just mentioned and the specificity of alimony cases, the Ombudsman proposed that the administrative non-compliance liability with the legal requirements of the bailiff during the execution of judgments on alimony be specified in a separate provision, and the circumstances of the case and the financial situation of the offender be considered while imposing a fine for that violation. Also, it is recommended to establish a separate liability for deliberate non-compliance with the legal requirements of the bailiff in connection with the execution of judgments on alimony.

Although as a result of the analyses of several alimony complaints it was revealed that the debtor did not have property and income (sometimes a debtor transfers his property ownership right to another party for a debt evasion), but the debtor's lifestyle and living conditions give us reason to conclude that the debtor deliberately evades from alimony payments. Therefore, it is advisable to determine a separate administrative liability for deliberate non-compliance with legal requirements of the executive officer concerning the enforcement of judgments on alimony cases.

As was just mentioned, it is necessary to make additions and amendments to the Labor Code, the Code of Administrative Offenses, and the Law on Enforcement of the Republic of Azerbaijan in connection with the compulsory employment of persons evading alimony obligations, and, accordingly, to organize related mechanisms of employment with executive bodies.

Given the purpose of child maintenance obligations, the legislation attaches special importance to the implementation of alimony obligations, as well as the existing problems in the execution of judgments on alimony, it is necessary to pay more attention to the more efficient organization of enforcement of judgments and effective coordination of relevant agencies.

Considering experience in enforcing alimony orders in other countries, such as (Spain- *'Maintenance Payment Guarantee Fund'*, Bahrain – *'Alimony Fund'*, Poland - *'State maintenance fund'*, Netherlands - *'National Bureau for the Collection of the Maintenance'*, Canada – *'Alimony Order Enforcement Agency'*, etc., the Ombudsman once again proposes to establish an Alimony Fund. The purpose of such Fund is the payment of child maintenance by the relevant Fund in case the debtor does not voluntarily pay the alimony imposed by the courts until s/he reaches the age of majority, subsequently transferring the loan amount to the debtor's property or income using the capabilities of a single electronic system, or mandatory employment of the debtor through the employment agencies to deduct his/her payments to the state budget.

In this light given the improvement of the judicial and legal system, establishing new courts, increasing workloads of the courts accordingly, and transferring to the e-court system, it is appropriate to increase professional capacities and the number of employees in the judiciary and executive bodies in ensuring the efficacy of their activities.

As aforementioned, within recent times, the transformation of knowledge and skills into an important factor in production and other areas, the expansion of the use of the Internet has led to a significant increase in the role of intellectual property rights in the economy and information society. Consequently, protecting and ensuring the right to intellectual property became one of the priorities nowadays.

The Intellectual Property Agency of the Republic of the Republic of Azerbaijan, following the legislation, ensures the protection of intellectual property rights by initiating and regulating unified regulation and control in this area, initiates lawsuits on the restoration of violated rights in other courts, protects the interests of rights-holders, the relevant expert gives feedback. This is due to the specificity and importance of the field in question.

It is not surprising that in some countries around the world there are specialized intellectual property (IP) courts. These courts hear cases in the field of intellectual property (copyright and

related rights, rights to data sets and topologies of integrated circuits, inventions, utility models, industrial designs, trademark rights, etc.).

Given the aforesaid, it is, therefore, recommended to establish specialized courts in this field to effectively review IP disputes before the courts based on studies of international experience in the concerned area.

***Protection of rights and freedoms in criminal proceedings.*** No one can be illegally or needlessly subjected to coercive procedural measures or other restrictions on human and civil rights and liberties.

The legislation, on one hand, can expose and prosecute a person, who commits a criminal act, on another hand, prohibit unlawful judicial suspension, accusation, or conviction of a person, who is not guilty of a crime for the reason of arbitrary actions of the officials of the bodies active in criminal proceedings or judges.

The Ombudsman continues its productive cooperation with the law-enforcement authorities, which carried out consistent measures to ensure human rights and freedoms, maintain public order, and prevent crimes.

The complaints dealing with ensuring the rights during the criminal proceedings, which have been received by Ombudsman were investigated in collaboration with the Prosecutor-General, Ministry of Internal Affairs, and other competent state authorities, as well as investigation and inquiry authorities, and necessary measures were undertaken to restore the violated rights.

According to Article 207 (5) of the Code of Criminal Procedure of Azerbaijan, in all cases, on receipt of information about an offense committed or planned, the preliminary investigator, the investigator, or the prosecutor in charge of the procedural aspects of the investigation shall take one of the following decisions, such as commencement of criminal proceedings; not to proceed with the case; to send the information to the authority in charge of the investigation; to send information on an offense subject to a semi-public prosecution to the relevant court. However, in practice, in some cases, an inquiry authority instead of taking one of the relevant decisions concerning the application of a citizen, considers that it had completed its work by only registering the file in its registry department.

### **Case 5556-21**

*Applicant M. complained to the Ombudsman that he was living alone and abused by his neighbors, as well as that his applications on his humiliation and beating were superficially investigated, also that his humiliation was continued, and asked for protection of his rights.*

*In a response letter to the Ombudsman's inquiry into the Shemkir District Prosecutor's Office, it was found that the case of harassment by the applicant's neighbors and damaging his property was investigated by the district police department Public Safety Unit upon the request of the applicant. Also, the collected documents together with an official response letter stating that the*

*applicant had the right to appeal to the relevant court regarding the allegations indicated in the appeal were recruited in the registry office of that police department.*

As can be seen, Article 207 (5) of the Code of Criminal Procedure was violated by the recruitment of the collected material by the Shemkir District Police Department, and no measure has been taken to ensure the protection of the applicant's rights. This matter not only violates the provisions of the procedural legislation but also restricts the right of the victim to appeal.

The investigator, inquiry officer, or prosecutor in charge of the proceedings shall immediately record the information about the committed or planned crime received by the natural or legal person, as well as the information spread through media and together with supporting documents shall immediately recruit and review. On the other hand, a preliminary investigation must be conducted to determine whether there are sufficient grounds for instituting criminal proceedings within a specified period or to decide whether to consider such information, including whether to initiate criminal proceedings or refuse to prosecute.

The number of complaints handled by the Ombudsman was about superficial investigations of the applications, failures to investigate the case materials fully, comprehensively, and in an unbiased manner, and taking groundless decisions on refusal to initiate criminal proceedings.

The prosecutor in charge of the proceedings or the Prosecutor-General of Azerbaijan was requested concerning those complaints.

#### **Case 11237-21**

*Applicant A. complained to the Ombudsman stating that as a result of the investigation conducted by the Khazar District Police Division on the fact that a group of people committed fraud against him, a decision on unreasonable refusal to initiate criminal proceedings was made. Furthermore, the investigation was conducted unbiasedly and superficially and asked for help in the re-investigation of the case based on his complaint.*

*In response to the Ombudsman's inquiry into the Khazar District Prosecutor's Office, it was found that the investigation was not conducted objectively, and due to the failure to perform the full, thorough and fair investigation of the material, the relevant decision of the investigator of the Investigation Department of the Khazar District Police Division, Lieutenant-Colonel Elvin Jafarov on refusal to initiate criminal proceedings was annulled. The investigation department was instructed to conduct further investigation, thusly.*

#### **Case 5990-21**

*Applicant L. lodged his complaint with the Ombudsman saying his complaint was not fairly investigated by the Binagadi District Police Division and a decision on refusal to initiate a criminal case was made. So, the complainant asked to cancel the decision and assist in the re-investigation of his complaint.*

*In response to the Ombudsman's inquiry into the Binagadi District Prosecutor's Office, it was stated that while studying the material in the District Prosecutor's Office, it was found that the investigator had violated the requirements of Articles 8.0.3, 85.2.1, and 85.2.7 of the Code of Criminal Procedure. An unfounded decision was made to refuse to initiate a criminal case without a full and thorough investigation, and the decision was overturned by the district prosecutor's office and the material was returned to the relevant police department for further investigation.*

Seemingly, the inquiry officer and investigator made unfounded decisions without a thorough, full, and fair examination, which gave rise to complaints from citizens to higher authorities and procrastination.

From the applications received by the Ombudsman, as well as responses to inquiries given to prosecutorial authorities, it was found that in some circumstances, concerning criminal cases, due to unlawful and unfounded decisions on refusal to initiate the criminal proceedings, made under Articles 39.1.12 and 39.1.2 of the Code of Criminal-Procedure of Azerbaijan, as well as decisions on termination of proceedings taken under Article 53 (1) of the same Code, they were many times (sometimes more than five times) terminated by the prosecutor in charge of the preliminary procedural investigation, senior prosecutor, or by courts and delivered for further investigation; however, decisions of similar content were made by non-compliance with the relevant orders to investigate, every time superficially investigating and in some cases as a result of inactions.

Considering just mentioned subject and given the unfounded and unlawful decisions on criminal proceedings, it is expedient to establish in the Code the imperative norm on transferring the criminal case from a preliminary investigator or investigator to another one accordingly in case of refusal to initiate a criminal case, including annulment of decisions on termination of criminal proceedings by a prosecutor, senior prosecutor or court (based on a complaint) more than three times; Also, it is necessary to increase the attention to the issue of disciplinary liability of preliminary investigators and investigators in these cases.

Though the subject matter mentioned earlier, preliminary investigators or investigators who fail to ensure a thorough, complete, and fair investigation are often exempt from disciplinary action for these shortcomings.

In all cases when there are reasons and grounds as specified in the criminal procedure legislation, including when there are grounds to believe that there is no evidence of a crime and no circumstances that preclude criminal prosecution, the preliminary investigator within his mandates, investigator, and prosecutor in charge of preliminary investigation must immediately initiate criminal proceedings.

Following the Ombudsman's requests to the prosecutorial authorities on some complaints, the materials collected on the relevant case were studied and transferred to the relevant investigative body and a criminal case was initiated.

### **Case 3525-21**

*Applicant I. complained to the Ombudsman saying that he had received death threats, that his appeals to law enforcement agencies in this regard were ineffective, and asked for appropriate assistance.*

*Following the Ombudsman's inquiry into the Khazar District Prosecutor's Office, it was found that after an investigation by the Khazar District Police Department's 3rd Police Station, the material collected on the applicant's complaint had been delivered to the District Prosecutor's Office for further investigation. Later, the materials collected during the investigation by the Prosecutor's Office were submitted to the Investigation Department of the Khazar District Police Division to investigate the facts of sexual abuse and regular beatings of the applicant by G. and to give a legal assessment of these features. The case was initiated and accepted for execution in compliance with Article 150 (1) of the Criminal Code of Azerbaijan.*

### **Case 3490-21**

*Applicant T. complained to the Ombudsman about insulting, beating, and injuring him and his spouse in their house. However, those persons had not been prosecuted. In addition, they were threatened and asked for help in defending their rights.*

*In response to the Ombudsman's inquiry into the Sabirabad District Prosecutor's Office, it was stated that based on the applicant's complaint, the Sabirabad District Police Department's Investigation Unit had conducted an investigation and simplified pre-trial proceedings had been instituted.*

Subsequently, the district prosecutor initiated a criminal case under Article 127 (1) of the Criminal Code of Azerbaijan and transferred it to the relevant police department for investigation due to the existence of criminal elements of a crime of intentional infliction of minor harm to health that has led to the long-term deterioration of health.

Until the prosecution is terminated, the body active in proceedings must take all possible procedural actions without the presence of the accused, and the investigator must take all necessary actions to identify and locate the perpetrator.

The analyses show that sometimes criminal proceedings are unreasonably suspended without ensuring a full, thorough, and objective investigation, which has led to complaints.

### **Case 3280-21**

*The applicant G. complained to the Ombudsman stating that the Goygol District Police Department failed to conduct a detailed investigation into the case of theft of his son's house. The investigation was ineffective and he had not been informed of the progress of the investigation. Therefore, he asked for assistance in conducting a full, thorough, and fair investigation and in identifying and prosecuting the perpetrator (s).*

*In response to the Ombudsman's inquiry into the General Prosecutor's Office, it was stated that during the investigative actions carried out by the Goygol District Police Department on the criminal case under Articles 177.2.3 and 177.2.4 of the Criminal Code, the applicant's son had been identified and interrogated as a victim. An order for the operation was issued to identify the unknown person or persons who committed the crime, and several witnesses were interrogated. However, following Article 53.1.1 of the Code of Criminal Procedure, the criminal proceedings were suspended as the accused person or persons could not be identified.*

*The criminal case was examined by the Goygol District Prosecutor's Office, the case was dismissed as the relevant decision was unlawful and unfounded. Subsequently, the case was submitted to the district police department for further investigation based on the relevant orders given on the case.*

### **Case 1099-21**

*Applicant R. complained to the Ombudsman saying that MubarizJafarov, an investigator with the Nizami District Police Division in Baku carried out the investigation into the case of theft from his non-residential area superficially, and asked for assistance in protecting his rights.*

*In response to the Ombudsman inquiry into the Prosecutor General's Office, it was revealed that several investigative actions on the fact of seizure of the applicant's property by an unknown person (persons) were initiated by the Investigation Department of the Nizami District Police Division per Article 177.3.2 of the Criminal Code. However, due to the difficulty of identifying the theft, the proceedings were suspended following Article 53.1.1 of the Code of Criminal Procedure.*

*The criminal case was examined by the district prosecutorial authority, and the decision on the termination of the proceedings on the case was annulled, and the proceeding has been renewed and delivered to the investigation unit of the same police department to continue the further investigation.*

It is in clear view that based on the inspections carried out after the Ombudsman's inquiries to the prosecuting authorities revealed that the necessary investigative actions had not been taken to conduct a thorough, complete, and fair investigation, the execution of the investigative actions relevant to the case is not fully ensured, and the contradictions between the testimonies are failed to be eliminated, for this reason, the decision to suspend the case was terminated and the case was returned for re-investigation by the prosecutor with written instruction on the case.

With the interventions of the Ombudsman in the business of the prosecuting authorities, on some complaints, the criminal cases were requested for re-examination, and taking account of the circumstances of the case and based on the evidence, the criminal act was classified under the relevant articles of the Criminal Code. Furthermore, the case was transferred to the relevant prosecuting body for investigation.

### **Case 74-21**

*Applicant A. complained to the Ombudsman stating that Nizami and Narimanov district prosecutor's offices did not consider his complaint objectively and asked for assistance in protecting his rights.*

*In response to the Ombudsman's inquiry into the Prosecutor General's Office, it was stated that the former chief of Housing and Communal Services No. 26 in the Nizami district of Baku, M.N. committed fraud causing significant damage to the applicant by abusing his powers. The Narimanov District Prosecutor's Office initiated a criminal case in this regard under Article 178.2.4 of the Criminal Code. Later, the case was transferred to the Narimanov District Police Division for further investigation. The person in question was charged under Articles 178.2.3 and 178.2.4 of the relevant Code.*

*The criminal case against M.N. commenced in the investigation department of the Khatai District Police Division under Articles 178.2.3 and 178.2.4 of the Criminal Code and was combined with another case and submitted to the Investigation Department of the Narimanov District Police Office for further investigation. Consequently, the conduct was classified under Articles 178.2.2, 178.2.3, and 178.2.4 of the Criminal Code.*

Sometimes, in cases about which decisions have been made to suspend criminal proceedings, the prosecutor in charge of the investigation has given written instructions to conduct an investigation or other procedural action to strengthen the search.

#### **Case 971-21**

*The applicant A. lodged a complaint to the Ombudsman, stating that his complaints were being investigated impartially by the Khatai District Police Division and that no action had been taken on his appeals to the Baku City and Khatai District Prosecuting authorities. So, the complainant requested assistance in protecting his rights.*

*In response to the Ombudsman's inquiry into the Prosecutor General's Office, it was stated the Investigation Department of Khatai District Police Office initiated criminal proceedings under Articles 177.2.2, 177.2.3, and 177.2.4 of the Criminal Code. However, due to the difficulty in identifying the accused and the expiring investigation period specified by law, according to Article 53.1.1 of the Code of Criminal Procedure, the proceedings on the case were suspended.*

*The Office of the Prosecutor General has instructed the Khatai District prosecuting authority to intensify search operations to identify the perpetrator (s).*

Although Chapter 28 of the Code of Criminal Procedure sets out the norms for interrogation and confrontation, no time limits have been set for interrogation. This, in turn, leads to unnecessary waiting for hours and other procrastination by law enforcement authorities.

For the information, it should be noted that according to Article 224 of the Code of Criminal Procedure of Ukraine, interviewing may not last more than two hours without breaks, and in aggregate more than eight hours per day.

Furthermore, under Article 187 of the Code of Criminal Procedure of the Russian Federation, interrogation shall not be conducted for more than four hours running, while the total length of interrogation in the course of one day shall not exceed eight hours. Also, in compliance with that norm, if there exist some medical indications, the length of interrogation shall be fixed on the ground of the doctor's conclusion.

Taking account of the above, to ensure the procedural rights of the interrogated, it is necessary to make relevant additions and amendments to the Criminal Procedure Code of Azerbaijan regarding the establishment of time limits for interrogation.

It is necessary to draw more attention to the issues related to taking all necessary measures for reliable protection of human rights, including consideration of citizens' appeals within the timeframes established by law, informing the victim, civil plaintiff, suspect or accused, their legal representatives, defense counsel and civil defendant about the progress of the preliminary investigation should also be increased.

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

***Right to labor.*** Everyone has the right to work to earn money to ensure his/her living, to free choice of the form or type of employment, and to be protected against wrongful discharge.

Applications dealing with the right to work received by the Ombudsman were mainly about violations of the rights to compensation for unused annual leave, failure to settle final wages, including salary and other payments, failure to pay salaries or delays in payments, failures to pay compensation for industrial injuries, and failure to pay appropriate benefits for an employee, who is on social leave, such as pregnancy and maternal leave, and for temporary disability. In addition, the applicants asked the Ombudsman for help in the prevention of termination of their labor contracts, prolongation of labor contracts, employment, and other similar issues.

An employer's order to terminate an employment contract must be signed by the employer and authenticated by the enterprise seal. During the last working day, a copy of this order shall be given to the employee together with the employee's record book and employer's final payment, compensation for unused annual leave due to the employee, salary, and other payments. In this regard, the violated labor rights were restored after the Ombudsman's requests about several complaints.

#### **Case 5077-21**

*Applicant H. complained to the Ombudsman saying that he was dismissed from the seasonal position of a stoker in one of the rural secondary schools of the Sheki district. He had not used his annual leaves during his years of work. His vacation pays and final payments had not been calculated correctly after his dismissal. Consequently, he asked for help in the investigation of the issue and appropriate assistance.*

*After the Ombudsman requested the Ministry of Education of Azerbaijan, the compensation was calculated and paid.*

### **Case 1563-21**

*Applicant N. applied to the Ombudsman stating that he had been fired from the relevant store of “Bazar Store LLC” and that the final bill had not been paid. The applicant asked for an investigation and assistance.*

*After the Ombudsman requested the Ministry of Labor and Social Protection of the Population of Azerbaijan (MLSPP), the employment contract of the applicant was terminated and his final wage settings were paid.*

The labor relations, following the commitments specified by the labor legislation, collective contract, and agreements, are based on principles of ensuring personal fulfillment of the job function by the employee in the workplace where he/she was hired (appointed), elected, reinstated by mutual agreement with the employer, observance of internal disciplinary rules, favorable working conditions, guarantees and protection of the labor of the employee by the employer.

### **Case 2580-21**

*Applicant I. appealed to the Ombudsman and said that she worked in the Kalbajar district orphanage-kindergarten No. 5 as an educator, he had not been paid in the past months She asked the Ombudsman to review the case and protect her violated labor rights.*

*After the Ombudsman requested the Kalbajar District Executive Power, the three-month overdue salary was transferred to the applicant’s bank account.*

A set of labor, social and economic norms set by the parties to the employment contract for the effective and productive performance of the employee's labor function provides for the creation of appropriate working conditions, including the payment of a reasonable monthly salary.

### **Case 4047-21**

*The Ombudsman received an application from G. who stated that he was hired by “Azerishig” OJSC through “DOST” LLC based on the referral of the State Employment Agency under the MLSPP, but he did not receive his salary. She asked to assist in resolving the issue.*

*Following the Ombudsman's request to the MLSPP, the applicant's salary for January, February, and March was transferred to his bank account under the attendance schedule.*

### **Case 4978-21**

*Applicant H. complained to the Ombudsman and said that he had not been paid for two months, despite being involved in the relevant employment program for the unemployed, and asked for appropriate assistance.*

*After the request of the Ombudsman to the MLSPP, the applicant, who was assigned to the relevant regional office of “The Azerigas Production Association” based on an employment contract, got salaries for January, February, March, and April.*

In the event of an employee's health deterioration or work-related fatalities or occupational disease, the guilty legal entity (enterprise or organization) shall be liable following the law for the damage caused to the employee following the relevant accident investigation act.

Depending on the victim’s degree of occupational disability (or general disability in the absence of occupational capacity) as a result of an occupational injury, the victim shall be reimbursed monthly payments, as well as additional costs incurred in connection with the deterioration of health.

The injured employees are entitled to obtain monthly compensation for damages from the date of their incapacity as a result of an industrial injury.

#### **Case 1571-21**

*The applicant J. made a complaint to the Ombudsman and said that the Ganja Clay-Soil Production Association did pay to him the monthly payment for the work-related injuries for the last seven months. He asked to investigate and take appropriate action.*

*Following the Ombudsman’s request to the MLSPP, the applicant was compensated for those damages in the appropriate amount from 01 January 2019 to 01 February 2021.*

An employment contract may be terminated only on the grounds and under the conditions established by the Labor Code of Azerbaijan. The grounds for terminating an employment contract shall be the initiative of one of the parties, expiration of the employment contract, a change in terms and conditions of employment, cases related to a change in the ownership of an enterprise, cases not depending on the will of the Parties, and cases established by the Parties in the employment contract.

In several complaints, the applicants complained about wrongful dismissal without their consent, in violation of the requirements of labor law. After the Ombudsman intervened in these complaints, these individuals were reinstated.

#### **Case 4788-21**

*Applicant R. complained about the wrongful termination of his employment contract with the Saatli District Child Youth Sport-Chess school and asked to be reinstated.*

*Following the Ombudsman's request to the Ministry of Youth and Sports of Azerbaijan, the applicant was reinstated as a coach at the Saatli District Children Youth Sports Chess School.*

#### **Case 12831-21**

*The applicant made a complaint to the Ombudsman and said that he worked at the Guba District Child and Youth Development Center. He was fired without prior notice. He added that he has two minor children under his care, and therefore, asked to be reinstated.*

*After the request of the Ombudsman to the Ministry of Education, the applicant was reinstated as head of the club at the Guba District Child and Youth Development Center.*

With the Ombudsman's intervention, the employers who did not pay salaries and wrongfully dismissed an employee in violation of the law were subjected to administrative liability. Furthermore, protocols for administrative violations about them were compiled as provided by the Code of Administrative Offenses of Azerbaijan.

#### **Case 1672-21**

*Applicant G. said to the Ombudsman in his application that "Akkord Transport LLC" did not pay his salary and asked to defend his rights.*

*Following the Ombudsman's request to the MLSPP, the management of "Akkord Transport LLC" was held administratively liable under Article 192.4 of the Code of Administrative Offenses for violating the law in payment to the applicant.*

#### **Case 17219-21**

*The applicant N. Applied to the Ombudsman and said that he worked in the "Ag Melco Elevator Azerbaijan Co" as a warehouseman. The management of the company did provide a safe working environment. Also, he was not paid for overtime. Moreover, he was fired by a company accredited to Azerbaijan claiming that the company did not need a warehouseman. He asked for assistance.*

*Following the Ombudsman's inquiry into the MLSPP, it was found that the employment contract of the applicant was terminated in violation of the labor legislation. So, the official of that LTD hence, the management of the LTD has been subjected to disciplinary action under Article 192 (6) of the Code of Administrative Offenses.*

Under the current labor legislation, women are entitled to be granted pregnancy and maternity leave of 126 days, starting seventy (70) calendar days before childbirth and ending fifty-six (56) calendar days after childbirth.

Maternity benefits are paid in all cases in the amount of 100% of the average daily earnings taken into account in the calculation of benefits for temporary disability and are paid without limitation of the application period.

Some applicants complained to the Ombudsman about failure to pay maternity benefits and in some cases, failure to calculate maternity leave, despite partially paid social leave of the mother to care for the child.

#### **Case 238-21**

*Applicant M. complained to the Ombudsman about the failure to calculate the vacation pay of his daughter-in-law, who was on maternal leave, by one of the secondary schools of the Kalbajar district. His appeals to relevant bodies were ineffective. He asked the Ombudsman to review the case and assist.*

*Following the Ombudsman's request to the Ministry of Education, the relevant benefit was paid to the employee who was on leave for pregnancy and maternity following the software of the State Social Protection Fund under the MLSPP.*

#### **Case 11407-21**

*Applicant G. complained to the Ombudsman saying that she worked as a nurse in the Turan settlement hospital in the Sheki district. She was not provided with an annual leave payment despite her maternal leave. She asked the Ombudsman to review the case and assist*

*Following the Ombudsman's inquiry into TABIB, according to the information provided by Sheki Central Hospital, the applicant was provided with full maternity benefits.*

#### **Case 1069-21**

*Applicant N. in his complaint to the Ombudsman said that she worked in the education field. She was not paid maternity benefits despite her application for such benefits for pregnancy and childbirth. Her relevant appeals were ineffective. She asked the Ombudsman to assist in this matter.*

*After the Ombudsman's request to the MLSPP, the Baku City Education Department delivered the e-benefit schedule for the payment of benefits for the pregnancy and childbirth of the applicant based on her sick leaflets (given to patients).*

According to item 119 of the “Regulations on calculation and payment of payments on compulsory state social insurance and benefits paid to employees with temporary disability at the expense of the insurer” approved by the Resolution No. 189 of the Cabinet of Ministers of Azerbaijan dated September 15, 1998, and the chief (senior) accountant is responsible for determining benefits.

In the case of temporary disability, the insured has the right to receive benefits for temporary disability to fully or partially compensate for lost wages, income, and additional costs. Then, the benefit for 14 calendar days is paid at the expense of the insurer, whereas for the remaining days at the expense of compulsory state social insurance premiums. Such complaints were also investigated and benefits were provided.

#### **Case 2837-21**

*Applicant Sh. complained to the Ombudsman and said that despite submitting his sick leaflets (based on this information allowance for temporary disability is provided) to the Shamakhi District Department of the State Social Protection Fund under MLSPP, it was returned without any reason. The applicant asked the Ombudsman for help.*

*Following the Ombudsman's request to the MLSPP, insurer “Aztelekom” LLC sent the e-benefit schedule for payment of temporary disability benefits based on the sick leaflets belonging to the applicant and covering a certain period, to be paid by requisites.*

In the separate response letters by the State Employment Agency under the MLSPP on various cases, delivered by the Ombudsman to investigate the allegations reflected in the complaints received by the Ombudsman on violation of labor rights, it was stated that the noted Agency sent correspondences to the relevant institutions to submit documents for investigation but was ineffective, and due to the suspension of inspections in the field of entrepreneurship in the country until January 1, 2022, according to the Law “On Suspension of Inspections in the Field of Entrepreneurship, it was not possible to investigate these complaints. Consequently, it was not possible to restore the violated rights of these citizens or to study the employer’s opinion in this regard.

The organization of self-employment is carried out following Article 24.11 of the Law “On Employment” and the “Rules for the organization of self-employment of unemployed” approved by Decision No. 168 by the Cabinet of Ministers of Azerbaijan dated May 13, 2020.

The applications written by persons wishing to be involved in self-employment or involved in the training were investigated and measures were taken to ensure their rights.

#### **Case22756-21**

*The applicant A. applied to the Ombudsman stating that he is unemployed and his wife passed away. He also said that despite registering as unemployed at the Tartar District Employment Center, he had not yet been provided with a job.*

*Following the Ombudsman’s request to the MLSPP, the applicant became self-employed and he was provided with the property (provided for self-employment income).*

The Ombudsman takes the view that measures be taken to help low-income families to develop their farms and small businesses in exchange for their potential, to support them to increase their income, to reduce their dependence on state social assistance, and to lift them out of poverty.

The Ombudsman paid special attention to offering and providing suitable jobs to citizens who are currently unemployed, suffering from financial hardship, or registered as job seekers in employment agencies, but are not provided with relevant jobs. Furthermore, several citizens have been provided with jobs. Thus, after the Ombudsman’s request to the MLSPP, the unemployed applicants were contacted, and per the assessment of employment opportunities, they were offered a suitable job in the employment subsystem of the centralized electronic information system. A certain part of the citizens accepted the offered job and the corresponding hiring enterprises submitted relevant e-mails.

Both the analyses of incoming applications and the current experience show that employment agencies, especially in rural areas, offer citizens, as a rule, technical jobs (such as workers, cashiers, gardeners, housekeepers, seasonal and social workers, etc.). In most cases, the jobs offered are low-

paid, as well as workplaces are located far from the home of job seekers. This causes reasonable refusal of job-seekers and remaining unemployed.

Ensuring the right of citizens to work, including their employment in the context of the Covid-19 pandemic was the issue of utmost importance.

The applications received by the Ombudsman from individuals who were unable to support themselves and their families, who were unemployed or had not an income, who are able-bodied and of working age, and who want to be involved in paid social work with the “DOST” Work Center were also given priority and handled with high sensitivity. Subsequently, many people were assisted to be involved in paid public works at DOST Business Center LLC.

It is necessary to further expand the measures taken to effectively ensure the labor rights of citizens, reduce unemployment, offer job seekers suitable and affordable jobs, and thus ensure effective employment.

***Right to social security.*** The provision of pensions and benefits by the state, as well as assistance in the form of cash, various social services, or in kind, is an important condition for ensuring the right of people to social security.

The solution to the social problems of citizens is one of the priorities in our country. Therefore, social measures are intended to improve the welfare of the population and reduce poverty.

The complaints received by the Ombudsman on the violations of the right to social security were mainly about the incorrect calculation of pensions, failure to assign targeted state social assistance, non-addition of social insurance premiums to personal accounts, expiration of plastic cards issued for pensions, the ineffectiveness of the application for the provision of sanatorium-resort vouchers, refusal to determine the disability, and was asked to assist in the recalculation of pensions, restoration of labor pensions, determination of social benefits, placement in a shelter or social service institution, financial assistance, and food assistance.

The Ombudsman conducted investigations into the violations reflected in the application files by those who were dissatisfied with the amount determined or recalculated pensions, and measures were taken to ensure their rights.

### **Case 14767-21**

*The applicant J. made a complaint to the Ombudsman and said that his labor pension was incorrectly calculated by the Saatli district department of the State Social Protection Fund under the MLSPP, and asked to review the case.*

*After the Ombudsman's request to the Ministry in question, the applicant's old-age pension scheme was recalculated, and consequently, the amount was raised from 212.51 to 285.46 manats. In addition, the accrued difference for the previous period was transferred to the relevant bank account together with the monthly pension.*

### **Case 321-21**

*The applicant M. complained to the Ombudsman about the ineffectiveness of his numerous appeals to the State Social Protection Fund under the MLSPP concerning the re-calculation of his labor pension scheme considering his length of service. He asked to protect his rights.*

*Following the Ombudsman's request to the MLSPP, the applicant's labor pension was recalculated and the amount of the pension scheme was increased from 234.35 to 324.73 manats, as well as the difference calculated for the previous period through adding it to the pension amount was transferred to the account of the applicant.*

Insurers must pay social insurance premiums to the insurer within a specified period. Also, the income of the insured involved in the compulsory state social insurance, as well as the compulsory state social insurance premiums paid in their favor must be reflected in the personal accounts of the insured.

### **Case 1291-21**

*The applicant Z. lodged a complaint with the Ombudsman and said that he had been working since 2003. However, his insurance payments had been transferred to the insurance card only since 2017. The applicant asked to restore his violated rights.*

*After the Ombudsman's inquiry into the MLSPP, during the investigation of the case, it was found that the agencies (insurers), where the applicant worked, did not fully include the information for the relevant years into the e-system called "Information on the insured on compulsory state social insurance premiums". For this reason, the information falls into the "Unallocated" accounts section in the "Insurance" (Reporting) subsystem. Hence, the income involved in the compulsory state social insurance, as well as the compulsory state social insurance premiums (fees) paid in its favor are not reflected in the personal cabinet of the applicant.*

*Consequently, the applicant's right was restored and his information on the relevant periods was confirmed and the income from the compulsory state social insurance, as well as the compulsory state social insurance premiums paid in his favor, were reflected in his personal account in the e-services section provided by the ministry, through the e-Government Portal.*

According to the established rules, pensions, social allowances, and presidential benefits are paid at ATMs using plastic cards. Plastic cards are produced by banks. Untimely orders for the production of plastic cards to pay relevant social allowances to citizens results in a violation of their right to social security.

### **Case 2956-21**

*The applicant H. complained to the Ombudsman about the inability to receive payments due to the expiration of his pension card. His requests for the issuance of a new card were ineffective. He asked to review the case and protect his rights.*

*Following the Ombudsman's request to the MLSPP, the Central Branch of the State Social Protection Fund under the Ministry of Finance and Accounting ordered a new plastic card for the applicant. Also, the rest amount of the pensions for the relevant months was fully transferred to the new card the applicant.*

Low-income families living in the country and whose average monthly income for the last twelve months before the application is less than the sum of the need criteria for each family member due to the reasons specified in paragraph 1.2 of the “Rules on the application for targeted state social assistance, its appointment, issuance and refusal”, approved by the Decision No. 37 by the Cabinet of Ministers, dated February 5, 2016, are entitled to a social allowance in the amount of the difference between the sum of the need criterion and the average monthly income.

#### **Case 12054-21**

*The applicant Z. made a complaint to the Ombudsman and said that he lived in a rented house with his three minor children. He had a financial hardship. His requests to the MLSPP for the appointment of targeted state social assistance were ineffective. So, he asked for help.*

*Following the Ombudsman's request to the MLSPP, based on the applicant's appeal for targeted state social assistance on behalf of the family and taking into account the period of care for a child under 8 years of age, the applicant's family was granted a monthly social allowance in the amount of 301.08 manats.*

#### **Case 21502-21**

*The applicant A. of two minor children contacted the Ombudsman and said that his appeals for targeted state social assistance as a low-income family were ineffective. He asked to examine the case and assist.*

*Following the Ombudsman's request to the MLSPP, the applicant's family was granted social assistance in the amount of 285.25 manats per month.*

The examination of the incoming applications revealed that challenges encountered by low-income families in the targeted state social assistance application and appointment procedures remain a serious concern.

The Ombudsman recommends considering the situation of PWDs of the first degree while determining TSSA to families, and to increase attention to effectively ensuring their right to social security. For this reason, pensions or allowances granted to persons with first-degree disabilities should not be considered family incomes.

Regarding the subject noted above, the Ombudsman recommends amending the “Rules on application, appointing, granting and refusing to provide targeted state social assistance”, approved by the Cabinet of Ministers Decision No. 37 dated February 5, 2016, by adding a separate 3.6.7 paragraph in the wording “persons with disabilities with first-degree disabilities”.

Under Article 13.1 of the Law “On Social Services”, persons struggling with difficult living conditions who are unable to care for themselves may be placed in a state social service institution upon the decision of the executive power authority in case of the existence of the applications on refusal to care for them written by their able-bodied relatives or legal representatives who are obliged to do so.

The Ombudsman treated the application by the homeless, without next of kin, and materially poor people with special sensitivity also taking into account the requirements of the special quarantine regime related to Covid-19. Furthermore, measures were taken to place such people in appropriate shelters or social service institutions.

#### **Case 4936-21**

*Applicant C. complained to the Ombudsman and said that he was suffering from long-term financial hardship and had no stable housing. He had health problems. The homeless applicant asked to place in the shelter as a person in need of outside care.*

*Following the Ombudsman's request to the MLSPP, the applicant's request was granted and he was placed in the Social Services Agency's Shelter and Social Rehabilitation Institution for Vulnerable Populations under the Ministry.*

#### **Case 6108-21**

*The applicant M. made a complaint to the Ombudsman and said that he lived alone. There was no one to take care of him. He asked to place in a social service institution (nursing home).*

*After the Ombudsman's request to the MLSPP, the applicant was assisted in compiling the required documents for placement in a social service institution for the elderly under the Social Services Agency under the Ministry and a decision on the placement was made.*

The disability assessment is carried out based on referrals for medical and social examination, electronically included in the "Register of referrals to the medical and social expert commission" by medical advisory commissions or military medical commissions of relevant medical institutions. This referral is included in the "Register of referrals for medical and social examination" by the relevant medical advisory commission or military medical commission, as well.

Numerous complaints of dissatisfaction with the disability assessment process received by the Ombudsman were mainly about the long-term ineffectiveness of re-assessment of disability status, despite the submission of the relevant referrals, failures to answer or make decisions on unreasonable refusals, etc.

Based on these complaints, investigations were conducted and citizens' appeals were considered.

#### **Case 9364-21**

*The applicant N. complained to the Ombudsman and said that his wife was suffering from a serious illness and despite registering the referral for the disability assessment in the prescribed manner, he procrastinated by a medical and social expert commission. He asked for appropriate assistance.*

*Following the Ombudsman's request to the MLSPP, a decision was made to impose an indefinite first-degree disability on the applicant's spouse due to a "general illness".*

#### **Case 12642-21**

*The applicant, O. made a complaint to the Ombudsman stating that he was suffering from a serious illness. A medical and social expert commission postponed the process, despite a referral for a re-assessment of his disability. He asked for assistance.*

*Following the Ombudsman's request to the MLSPP, the applicant's disability status was re-assessed based on a referral from a state medical institution. A decision was made to establish second-degree disability for a period of five years.*

#### **Case 15358-21**

*Applicant B. complained to the Ombudsman and said that he had lost his ability to work as a result of injuries in a car accident. His application for a disability assessment had been rejected due to a new change of driver's license. He asked for appropriate assistance.*

*Following the Ombudsman's request to the MLSPP, the applicant's disability status was assessed based on a referral from a state medical institution. The applicant was determined third-degree disability for five years.*

The application reviews found that in general, the Medical-Social Expert Commission did not provide accurate information and did not specify the reasons in its refusal letters. Thus, due to failure to provide information in the refusal decisions the deficiencies (gaps), including the duration of inpatient treatment required for individual diseases (number of bed days), specialized treatment of underlying disease and its complications, as well as pathological changes leading to the dysfunction, laboratory and instrumental examinations in the diagnosis, etc. create difficulties in the decision-making process of medical advisory commissions operating in medical institutions, but also does not allow to eliminate the problem of the same referral, as well as leads to repeated refusals and results in numerous complaints.

In the process of examination, the complaints, and other aspects were also focused on to ensure more effective protection of the social security right. Thus, it should be noted that studying the situation of groups in need of social protection and amending the legislation is not only necessary but also an ongoing process. Further expansion of these measures will have a significant positive impact on the well-being of the population, especially low-income families and vulnerable groups.

According to the ILO Minimum Standards (Social Security) Convention No. 102, which establishes minimum rates for medical care, sickness benefits, as well as unemployment, old age, occupational injuries, pregnancy, disability, and bereavement benefits, a social security scheme is

administered on a tripartite basis. Apparently, this ensures and strengthens the social dialogue between the government, as well as the representative bodies (unions) of employers and trade unions that protect the rights of workers.

Just mentioned social dialogue scheme is being applied in our country. The General Collective Agreement concluded among the Cabinet of Ministers, National Confederation of Entrepreneurs (Employers) Organizations, and Trade Unions Confederation of Azerbaijan is a good example.

In her annual reports, as well as in her appeals to the competent state bodies, the Ombudsman proposed the Government accede to the ILO Convention No. 102 on Minimum Standards (Social Security).

As aforesaid, the Ombudsman suggests accelerating the accession of the country to this Convention.

Incidentally, Article 4.1.22 of the General Collective Agreement for 2020-2022 signed by the Cabinet of Ministers, Trade Unions Confederation, and National Confederation of Entrepreneurs (Employers) Organizations also envisages accelerating the ratification of the Convention in question.

As well known, the Ombudsman established fact-finding missions to the liberated areas, as well as in the districts, subjected to armed attacks by the Armenian military during the Second Karabakh War (also known as the Patriotic War). So, during one of such missions, while the Ombudsman getting acquainted with the demining operations, as well as the activities of the employees of the Mine Action Agency of Azerbaijan, “deminers” requested her assistance in granting old-age pension on preferential terms, as well as the right to additional leave due to working conditions and the nature of the job function as they were taking part in the demining processes.

It is obvious, under the “Charter of the Mine Action Agency”, approved by Presidential Order No. 1276, dated February 2, 2021, the Agency, among other tasks, performs a difficult and responsible tasks, such as clearing mines and unexploded ordnance from the liberated areas of our country, as well as the areas contaminated with landmines and unexploded ordnance, and marking areas affected by mines and unexploded ordnance.

The clearance of mines buried in the liberated territories during the occupation, which still causes a serious threat to life and livelihood, continues with the selfless work of mine seekers.

During the search for unexploded ordnance, including various types of mines, several mine seekers were injured and paralyzed by blasts of landmines during mine clearance works. For this reason, taking account of their working in special life-threatening work and the complexity and tension of their labor functions, it is more expedient to ensure the right of miners to a pension and leave (rest).

Considering the earlier said, the Ombudsman recommends amending the “List of productions, professions, positions and indicators giving the right to an old-age pension on preferential terms” approved by the Cabinet of Ministers Decision No. 12 dated January 23, 2007, and Decision No. 92 of July 5, 2004, by adding the position of “Mine-seeker” to the “List of harmful and heavy

industries, professions and positions, which gives the right to additional leave due to working conditions and the nature of the job function.”

In addition, taking into account the sensitivity, danger, difficulty, and responsibility of the work of “mine-clearers”, it is important to increase the salaries of “mine-seeker” employees of the Mine Action Agency.

***Right to Health.*** This social right includes the right of every person to receive quality and specialized medical care, as well as to access the highest level of physical and mental health.

Following the instructions of the country President, always focusing on the health of citizens, preventive and urgent measures have been taken in connection with the current COVID-19 pandemic, and the sanitary-epidemiological situation has been strictly controlled.

The special quarantine regime has been continuously extended to prevent the COVID-19 spread in the country.

To detect and treat cases of coronavirus infection at the national level, special hospitals have been allocated and provided with appropriate drugs, protective means, and medical equipment, as well as quarantine zones, have been established, special state medical institutions have been designated in the country for laboratory diagnosis of infections. Furthermore, laboratories have been established under the World Health Organization’s (WHO) standards.

It should be noted that our country, which has always promoted the importance of strong global solidarity to eliminate the pandemic and effectively cooperates with the WHO in this area, has been called an exemplary country in the fight against coronavirus.

Multifaceted measures are being taken, especially mass vaccination to ensure the prevention of the coronavirus threat in the country.

The applications received by the Ombudsman on the violations of the right to health were about failure to provide medical institutions with referrals, barriers in access to compulsory health insurance, challenges in the provision of discounted medicines, non-registration of a referral for disability assessment, as well as refusals of medical and social expert commissions due to the failures to register the referrals following established requirements, as well as assistance in the organization of medical examination and treatment at public expense, the provision of specialized medical services, as well as other aspects of this right.

The Ombudsman gave necessary instructions to the State Agency for Compulsory Medical Insurance, TABIB under the subordination of the former, as well as local health centers and hospitals, the Ministry of Health and clinics, relevant health institutions, and city and district central hospitals concerning the incoming applications, especially from low-income families, for assistance in medical examination and treatment at the expense of the state.

## **Case 13088-21**

*Applicant, A. made a complaint to the Ombudsman and said that his young son was suffering from severe cerebral palsy. He asked for appropriate treatment and surgery at public expense, taking into account his family status.*

*After the Ombudsman's request to the TABIB, the applicant's son was examined at the Jalilabad District Central Hospital and sent to the Scientific Research Institute of Traumatology and Orthopedics for treatment on the recommendation of a specialist as he was found to need surgery.*

#### **Case 12724-21**

*The applicant S. complained to the Ombudsman about her child, who was suffering from thalassemia, his financial difficulties, and asked for assistance in surgery for his child at public expense.*

*Following the Ombudsman's request to TABIB, the applicant's child was examined by qualified doctors at the Barda Central Hospital and referred to the National Hematology and Transfusiology Center for examination and treatment based on the diagnosis.*

*The applicant, A. made a complaint to the Ombudsman stating that he was suffering from an eye problem. He was subjected to procrastination when he applied to the Gadabay Central Hospital. The applicant asked for assistance in examination, treatment, and undergo at public expense.*

*Following the Ombudsman's request to TABIB, the applicant was provided with a referral to the National Ophthalmology Center named after Academician ZarifaAliyeva for surgery.*

Failure to timely provision of medicines to privileged groups, as well as those in need of care, suffering from various diseases and registered in dispensaries, as well as vulnerable groups, especially the lack or absence of drugs or substitutes for relevant diseases remains a serious concern.

#### **Case 16280-21**

*The Ombudsman dealt with a complaint concerning the non-provision of the applicant S. who was suffering from "lung cancer" with medicines by the polyclinic department of the Khachmaz Central Hospital. It was also stated in the complaint that the complainant's appeals were ineffective. He asked for assistance in providing medicines at public expense.*

*Following the Ombudsman's request to TABIB, the applicant, who was registered at the polyclinic department of the Khachmaz Central Hospital, was provided with medication following his diagnosis.*

#### **Case 9075-21**

*The applicant A. appealed to the Ombudsman and said that he suffered from diabetes. He was not provided with medicines by the Beylagan District Central Hospital and asked for appropriate assistance.*

*Following the Ombudsman's request to TABIB, the applicant was provided with appropriate medication.*

The Government has provided people with diabetes with glucometers, test strips, as well as insulin and other diabetic medications. However, the small number of state-funded drugs of this type causes problems in the treatment of patients registered in dispensaries.

#### **Case 1178-21**

*The applicant, N. made a complaint to the Ombudsman and stated that he had a difficult financial situation. His child with second-degree disabilities also suffered from diabetes. The applicant asked for assistance in providing him with the necessary insulin.*

*Following the Ombudsman's request to the Baku Main Health Department of the State Agency for Compulsory Medical Insurance, the applicant's child, who was registered as a person with a disability in the polyclinic department of United City Hospital No. 6, was provided with insulin.*

In the course of the investigation of several complaints, medical documents belonging to some complainants were submitted to the State Commission for Compulsory Medical Insurance's "Commission for Prevention, Diagnosis, and Treatment of Hepatitis B and C" to state the provision of HCV medications.

#### **Case 16568-21**

*Applicant J. appealed to the Ombudsman and said that his mother was an HCV carrier and asked his mother to help to be underwent surgery.*

*After the Ombudsman's request to TABIB, the relevant documents of the applicant's mother were submitted to the relevant Committees to provide her with Hepatitis C medications.*

After the Ombudsman requested the State Agency for Compulsory Medical Insurance, the Agency examined the medical documents of some applicants and delivered them to the "Commission for sending citizens for medical services abroad" and the "Commission for the provision of citizens with cochlear implant system and intraarticular endoprostheses" for consideration.

The Ombudsman thinks that it is necessary to take measures to expand the range of the "List of medications provided based on free prescriptions" stipulated in paragraph 2 of Azerbaijan's Cabinet of Ministers' Decision No. 38 dated March 7, 2005, and approved by the Ministry of Health to effectively ensure the rights of the privileged groups, including those infected with dangerous Hepatitis C and B, as well as persons provided with state-funded medicines.

Some applicants, who lost their ability to work, complained about the refusals by CEC despite Medical Advisory Commission's relevant examination, disability certificates issued after the examinations the medical records, and decisions about referrals and registrations for disability determination examinations. Relevant investigations were conducted concerning these complaints.

### **Case 3660-21**

*Applicant A. appealed to the Ombudsman and said that his right kidney was removed, but he had a cyst in his left kidney. He was suffering from diabetes and other co-morbidities, and his treatment had not yielded results. However, he refused to be diagnosed with a disability and, therefore, he was dissatisfied with the decision. Consequently, he asked for assistance in re-assessing his disability.*

*In the response to the Ombudsman's request to the MLSPPP, it was stated that per the law, the applicant's disability was assessed based on a referral from a public health facility and a decision had been made on the need for additional treatment. However, it was not possible to assess the disability status because the referral did not provide information on the underlying disease and specialized treatment confirming its complications.*

### **Case 5824-21**

*The applicant N. lodges a complaint with the Ombudsman and said that he was suffering from a “stomach ulcer” and other co-morbidities. The treatment he had received for a long time had not yielded results. The Samukh Central Hospital had issued a referral for in-patient treatment but due to the discrepancy in the information, the medical-social expert commission refused to determine his disability and asked for assistance in re-assessing his disability.*

*In response to the Ombudsman's inquiry into the MLSPP, it was stated that the referral issued by the Samukh Central Hospital was automatically returned to the medical institution by the “Disability” subsystem due to the intersection of inpatient treatment at different hospitals.*

As can be seen, several referrals issued by medical advisory commissions did not meet the established requirements as a result of which the assessment of the degree of disability was refused.

One of the main responsibilities of the medical advisory commissions in medical institutions is to monitor the accuracy of the medical records of the applicant and the treating physician.

Incomplete filling of referrals, insufficient duration of inpatient treatment for the disease, failure to provide information on specialized treatment confirming the underlying disease and its complications, failure to receive specialized treatment, incomplete laboratory and instrumental examinations or results, incomplete and detailed clarification of the complications of the diagnosis, insufficient duration of treatment, the intersection of inpatient treatment periods in these different hospitals led to the decision to refuse.

The citizens sent to specialized medical institutions to ensure the determination of the duration of inpatient treatment for the disease to formalize referrals to the CEC to determine their disability in their complaints to the Ombudsman argued that they were not accepted to the in-patient treatment due to the insufficient number of hospital beds, consequently, it was not possible to ensure the completeness of the medical records due to the lack of the required medical opinion on disability.

On the other hand, the examinations of the incoming revealed that citizens living across the country, villages, and settlements, especially far from the capital, have to go to specialized medical institutions, scientific-research institutes, and centers located in Baku and are specially authorized to determine disability to obtain a medical opinion required for determination of the disability. Consequently, citizens face serious difficulties in exercising their rights due to the lack of financial means and housing to stay in the capital city.

Thus, it is extremely important to identify regional basic medical institutions (specialized medical institutions) to effectively address these problems and ensure accessibility for citizens to provide the required medical opinion on relevant diseases.

As a result of the investigations conducted by the Ombudsman, the problem was eliminated and the citizens' medical documents on refusal to assess the disability were re-included in the "Register of referrals to the Medical-Social Expert Commission".

In general, due to the lack of a single mechanism for the exact structure of the data to be included in the "Register of referrals to the Medical-Social Expert Commission" to determine disability, including the required length of inpatient treatment for individual diseases (number of bed days), lack of the necessary information be contained for the specialized treatment confirming the underlying disease and its complications, coverage of records of pathological changes leading to the dysfunction, list of laboratory and instrumental examinations confirming the diagnosis, the procedure for clarifying the complications of the diagnosis, as well as other required information, create disagreements between the medical institution and the Medical Social Expert Commission, as a consequence of what citizens fail to ensure their right to social security.

Given the above, the Ombudsman considers it expedient to develop and implement a single mechanism for the exact structure of information to be included in the "Register of referrals to the Medical-Social Expert Commission" to solve the problem.

***Right to education.*** Education allows everyone to develop, strengthen respect for their rights and freedoms, and be a useful participant in society.

As a result of measures taken to develop education, the infrastructure of general education in all regions of the country has been significantly updated, and modern information and scientific-methodological supplement of the educational institutions, including the establishment of preschool, general and vocational education, and higher education at the international standards, as well as the improving the provision of pedagogical staff, are continued.

The application on the violations of the right to education received by the Ombudsman was investigated and in case of the breaches of the right to education, measures were taken to restore them.

Pre-school education as the first phase, ensure the physical, mental and intellectual development of children from an early age, the acquisition of simple work habits, the discovery of talents and abilities, aesthetic education, and the formation of a sensitive attitude to nature and people.

Consistent measures are being taken to establish the preschool education system at a modern level and to update the content of the educational process. However, the level of coverage of early childhood education still does not meet the requirements, because the availability of early childhood education for preschool children is a serious factor that can stimulate the development of that child. However, the number of state-funded kindergartens and places for children is much lower than the number of children of preschool age. This often causes difficulties for parents who want to place their young children in kindergartens.

#### **Case 21825-21**

*The applicant H. made a complaint to the Ombudsman and said that his application for enrolment in orphanage-kindergarten in the area where the twins lived was ineffective and asked for assistance in their enrolment.*

*Following the Ombudsman's request to the Baku City Executive Power, the applicant's twin children were registered to Kindergarten No. 85 in the Sabail District.*

#### **Case 17451-21**

*Applicant Sh. contacted the Ombudsman through its call center and asked for assistance in the enrolment of his 3-year-old grandson in an orphanage-kindergarten in the Khatai district. After the Ombudsman requested the Khatai District Executive Power, the child was enrolled in kindergarten.*

The examinations of the incoming applications revealed that many working parents do not have the opportunity to temporarily detain or supervise their children during working hours. This situation causes serious problems in the education and normal development of children. Therefore, it is necessary to expand the network of early childhood education institutions, taking into account the number and needs of children in the relevant areas and settings.

In addition to the above, activities should be further strengthened to protect the rights of children in preschool settings and to create a healthy and safe environment for their normal physical, mental and spiritual development.

As it is known, orphanages, creches-kindergartens, kindergartens, special kindergartens, and children's homes were previously subordinated to the Ministry of Education, since December 27, 2011, they were subordinated to local executive authorities, including Baku City Executive Power and Ganja City Executive Power on Ganja city.

*The Ombudsman takes the view that the early childhood settings be returned to the subordination of the Ministry of Education, as a result of examinations of the incoming applications, on-site investigations, and monitoring and given that the return of preschool education facilities to the jurisdiction of the Ministry of Education is of utmost importance, considering their significance as the first phase of the education.*

Incidentally, following the Order of the President of the Republic of Azerbaijan dated December 20, 2021 “On improving the management of the state preschool education system”, to improve the management of the state preschool education system, expand the coverage of children with preschool education as well as state preschool educational institutions (except for orphanages) subordinated to the Baku City Executive Power in Baku and Ganja City Executive Power in Ganja were transferred to the subordination of the Ministry of Education of the Republic of Azerbaijan.

General education provides children with the necessary knowledge and preparation for life, as well as the inculcation of skills and habits. However, in some cases, intra-school conflicts create difficulties in the proper organization of training and education, the formation of a healthy lifestyle, and the thinking of children.

The applications received by the Ombudsman on the challenges in ensuring the right to education in secondary schools were investigated and summed up accordingly.

#### **Case 695-21**

*The applicant A. complained to the Ombudsman about the ineffectiveness of his appeals concerning the removal of his son from the school in Siyazan, to which he was admitted based on the exam taken with the participation of a representative of the Siyazan District Education Department. However, he could not attend classes, alleging that his son was not registered.*

*Following the Ombudsman's request to the Ministry of Education, the name of the applicant's child was included in the list of the first grade of the Russian section of the school lyceum. At the same time, G.Agayeva, acting director of the school lyceum, was relieved of her duties due to shortcomings in her activities.*

#### **Case 3761-21**

*The applicant, H. appealed to the Ombudsman stating that the documents for the transfer of his children to another school had not been submitted by the ERA secondary school where he had previously studied and that his appeals had been ineffective.*

*Following the Ombudsman's appeal to the Ministry of Education of the Republic of Azerbaijan, taking into account the existing coronavirus pandemic, it was deemed expedient for the applicant's children to continue their education in the relevant high school and were admitted to the relevant classes of that school.*

There are still various shortcomings related to teaching aids, along with the aforesaid.

Although the textbooks used in the teaching process are provided to students free of charge at the expense of the state, for the necessary supplementary teaching aids parents pay on their own. Consequently, this causes dissatisfaction among parents, especially low-income families.

For that reason, it is necessary to provide textbooks to students at the expense of the state, complete with other supplementary exercises and aids.

Incidentally, the heavy curriculum, and therefore the abundance of textbooks and their kits, overloads the bags of students, especially in primary school, which harms their health (musculoskeletal system, etc.) and physical development. The placement of primary classrooms on the upper floors exacerbates this problem. On the other hand, the closure of windows on the upper floors at primary schools for security reasons, and the lack of ventilation in classrooms and corridors pose a serious threat to students' health, especially during the hot seasons.

In addition to the above, despite defining the number of students in one class as up to 30 in compliance with the "Model Charter of the General Education School" approved by January 13, 2011, Decision No. 5 of the Cabinet of Ministers, but in some schools, the number of students exceeds the number already defined. Moreover, the dimensions of the classrooms are not taken into account in this case. This contradicts the existing norms and poses a serious threat to the health of students in the current pandemic.

In the past, numerous school buildings have been built or overhauled in Baku and various parts of the country, provided with material and technical equipment and modern teaching aids. However, the appeals show that several school buildings in cities, district centers, and villages are still unsuitable for the educational process, and some are even in poor condition.

#### **Case 4013-21**

*The applicant S. appealed to the Ombudsman, stating that the secondary school building in Javad village of Sabirabad district was in an emergency and could destroy at any time, and asked to take urgent measures.*

*In response to the Ombudsman's request to the Ministry of Education, it was stated the construction of a new school building, which a total capacity of 624 seats, built in 1987 and physically obsolete due to long-term maintenance, was considered expedient. Furthermore, the state will allocate funds to the Ministry for this. So, the problem will be resolved.*

#### **Case 16392-21**

*The applicant H. appealed to the Ombudsman's Call Center, stating that Khaldan village secondary school of Yevlakh district had been operating since 1971, had not been overhauled, had no heating system, and requested that appropriate measures be taken.*

*In response to the Ombudsman's request to the Ministry of Education, the preparation of design estimates for the overhaul of the school building under the State Investment Program was completed. The final distribution of the 2021 State Investment Program was agreed upon with the Ministry of Economy. Furthermore, it will be considered within the framework of investment programs.*

Emergencies in schools have a serious impact on the safety, as well as the educational process of students, and requires urgent measures.

Due to the small number of people in some settlements of the country and an insufficient number of secondary school students, they have to walk a certain distance every day to go to secondary schools in neighboring villages. This situation not only prevents these children from exercising their right to education adequately and effectively but also harms their health and safety. This problem also causes children, especially girls, to be left out of school.

#### **Case 12737-21**

*Applicant I. made a complaint to the Ombudsman and said that the school building in the Turyanchay settlement of Agdash district was unfit for education and in an emergency condition. The children's travel to schools in the neighboring required certain finance. The applicant asked for assistance in building a modular school in the settlement.*

*In response to the Ombudsman's request to the Ministry of Education, it was stated that a modular primary school in that settlement will be planned according to the Presidential Decree No. 500 dated 29 January 2019, approved in the Action Plan on "State Program on social-economic development of the regions of the Republic of Azerbaijan 2019-2023".*

It is important to build and put into operation new schools, including modular schools, in sparsely populated settlements in rural areas, or, if this is not possible, to organize the rural public transportation of schoolchildren to nearby settlements and rural schools.

The reduction of the number of tuition fees for paid education in state higher and secondary education institutions concerning nationals of Azerbaijan, and the increase in the number of places ordered by the state about paid specialties can have a significant impact on the development of education.

Problems concerning the exemption of certain vulnerable categories from paying tuition fees were solved after the Ombudsman's intervention.

#### **Case X / O № 2 / 8457-21**

*Applicant Sh. a student of the Azerbaijan University of Architecture and Construction complained to the Ombudsman about a refusal of his document for the payment of tuition fees on favorable terms, his request was not considered. He asked for appropriate assistance.*

*Following the Ombudsman's request to the University, the applicant was exempted from paying tuition fees and the funds paid at the time of admission were refunded.*

#### **Case 3504-21**

*The applicant A. with a second-degree disability contacted the Ombudsman and said that his daughter, who studied at the Social and Agrarian-Technological College of Lankaran State University, was not exempted from paying tuition fees, despite belonging his child to the category of persons exempted from payment of tuition fees because he was a person with a second-degree disability and his foster daughter was an orphan. The applicant asked for appropriate assistance.*

*Following the Ombudsman's request to the Ministry of Education, the applicant's daughter was exempted from paying tuition fees following the requirements of the Law on Social Protection of Orphans and Children Deprived of Parental Care.*

In addition to the above, there is a need to determine the monthly allowance based on the principle of targeted, as well as to expand the network of student dormitories for students admitted to higher and secondary special education institutions based on state order and studying there, but not provided with places in relevant dormitories, in dire need of financial assistance.

The state guarantees the creation of appropriate conditions for the education of every citizen and does not allow them to be deprived of any stage, level, or form of education. At the same time, the state guarantees access to education and non-discrimination to every citizen, regardless of gender, race, language, religion, political beliefs, ethnicity, social status, origin, and health status.

Article 22.8 of the Law on Education, ensures the training of scientific and scientific-pedagogical staff, raising of qualification and scientific degrees as a doctorate is the highest level of higher education. Article 22.9 of the Law states that doctoral education is carried out in doctoral programs (postgraduate programs in military educational institutions) established in higher education institutions, scientific institutions, and organizations and ends with the award of the relevant scientific degree. Scientific degrees are awarded based on petitions of dissertation councils operating in higher education institutions, scientific institutions, and organizations by the Law "On Science".

### **Case 2891-21**

*The applicant A. complained to the Ombudsman and said that despite the defense of the dissertation and the approval of the dissertation on "Field Economics" at the meeting of the Expert Council, the High Attestation Commission under the President of the Republic of Azerbaijan refused to award the diploma citing the structure in which he worked. The applicant asked for assistance in approving his scientific degree and protecting the right to education.*

*In response to the Ombudsman's inquiry into the Higher Attestation Commission (HAC) to investigate the complaint, it was stated that according to the decision of the Presidium of the Commission, the documents submitted by persons working in the civil service and special types of civil service consideration is not considered expedient.*

Considering the aforementioned, according to Article 12.2.2 of the Constitutional Law on the Ombudsman of Azerbaijan, the Ombudsman repeatedly sent an inquiry to the institution mentioned above to give reasonable justification to their decision on "not consideration expedient of documents submitted by those working in civil service and the special types of civil service for the degree of Doctor of Philosophy and Doctor of Science" by the Presidium of the Ombudsman EAC.

In its response, the EAC stated that, given the impossibility of engaging in scientific activities in the conditions of intense work in the civil service, it was not considered expedient to admit people working in the civil service and special types of civil service to defend their dissertations and award them scientific degrees.

Apparently, despite the defense of the dissertation and a positive opinion received, the ECA refused to award the applicant a degree.

Thus, the EAC violated the requirements of Articles 25 (right to equality) and 42 (right to education) of the Constitution of Azerbaijan, as well as Article 5 of the Law “On Education” (state guarantee of the right to education).

Following the educational programs and the state standards of higher medical education, the graduate medical students who completed the residency program are given the highest professional degrees of doctor-specialist.

According to paragraph 2.4 of the “Rules on the content and organization of residency education” approved by November 21, 2013, of the Decision No. 330 of the Cabinet of Ministers of Azerbaijan, persons who received residency program must continue in public health facilities based on state order shall work within 3 years after residency according to the referral of the Ministry of Health.

### **Case 24925-21**

*Applicant I. asked the Ombudsman for changing her*

*appointment to Baku, adding that she studied residency at the Azerbaijan Medical University's Teaching-Therapeutic Clinic in the specialty "Pediatrics" and was awarded the degree of doctor-specialist in that specialty. She lived with her family, including*

*two young children under her care in Baku at their permanent residence address. She argued that despite the circumstances noted above "The Commission on the appointment of doctors-specialists who have completed the residency" her appointment was given to Jalilabad Central Hospital, but they could not go to the place of appointment due to their family situation.*

*In response to the Ombudsman's inquiry into the Ministry of Health, it was stated that upon completion of the residency, the applicant was appointed a pediatrician at the Jalilabad Central Hospital by a decision of the Ministry's Personnel Commission, but the applicant did not apply to the health facility where her appointment was given in violation of the civil law agreement with the ministry.*

*Furthermore, it was also stated that according to paragraph 2.17 of the "Rules for sending resident doctors-specialists to work", if a doctor-specialist does not come to work within 6 months from the date of referral or does not apply to the Ministry, also refuses from working at the appointed place, this is considered as a violation of the obligation under the civil law contract concluded with her.*

As it is known, following paragraph 2.8 of the “Rules for sending resident doctor-specialists to workplaces” approved by the Decision No. 39 by the Board of the Ministry of Health of Azerbaijan on October 13, 2014, and registered in the State Register of Legal Acts, the commission - makes decisions on the appointment of specialists taking into account the recommendations of the clinical base on their marital status, permanent residence, and their employment.

However, taking no action to change the appointment place of the female applicant to one of the medical facilities in Baku can be seen, even though she was permanently registered in Baku with her two young children and her husband. Thus, the fate of the woman and her two minor children, as well as the integrity of the family, as well as housing opportunities in the designated area, were not taken into account.

Taking into account the above-mentioned circumstances, the Ombudsman recommended amending the first sentence of paragraph 2.8 of the “Rules for sending resident doctor-specialists to workplaces” in the following edition “ a doctor-specialist who is married and has a child under 14 years of age, as well as a person with a first or second-degree disability (a child with disabilities under 18 years of age), or s/he with a first or second degree of disability has the right to accept the proposed appointment or to receive a free appointment.” The appointments to doctors-specialists whose husband (wife) is a military serviceman (officer, ensign, midshipman or overtime military serviceman) are made taking into account the place of service of the husband (wife) (city, region).”

***Right to housing.*** This right necessitates taking the necessary measures to provide housing to people in housing need, especially low-income families and vulnerable groups, the gradual elimination of the problem of homelessness, and ensuring affordable housing.

The Ombudsman received applications for the repair, restoration, or reconstruction of individual houses damaged by the Armenian armed forces as a result of rocket fire on Azerbaijani settlements, financial assistance for repair of the damage caused by the natural disaster, and for the repair of living space, the restoration of the housing waiting list or the restoration of their right to be included in the housing waiting list, replacement damaged housing, allocation of land parcels for individual housing construction, assistance in repairing the house and other issues.

Applications received by the Ombudsman on the violation of the right to housing were investigated and appropriate measures for the elimination of those challenges were taken.

As it is known, during the next military aggression of the Armenian armed forces against our country on September 27, 2020, along with the civilian population in areas far from the conflict zone and frontline, infrastructure facilities were targeted by various weapons, including heavy artillery and ballistic missiles, as a result of which large-scale damage was caused to the property of people and infrastructure facilities.

According to the Presidential Order dated December 14, 2020 "On compensation for damage caused to the civilian population as a result of the aggression of the Armed Forces of Armenia on the territory of Azerbaijan from September 27, 2020", each family will be paid 6,000 manats for damage to household items, 1,500 manats for damage to personal belongings, and 1,000 manats for damage to other dwellings.

Following the order of the country's President, in a short period, new buildings were built on the site of demolished buildings and houses, damaged houses were repaired, and infrastructure facilities were restored.

The Ombudsman sensitively treated each application lodged by citizens whose property was damaged as a result of the Armenian aggression, and measures were taken to address these issues.

### **Case 5338-21**

*The applicant H. complained to the Ombudsman about the destruction of his house and household items as a result of heavy artillery shelling by the Armenian armed forces during the Second Karabakh War, which was rendered unusable. During the repeated examination of the property, the relevant commission confirmed that the house was unusable. They asked for assistance.*

*After the Ombudsman requested the Aghdam District Executive Power, the applicant was paid 1,000 manats and the house was repaired.*

### **Case 955-21**

*The applicant N. appealed to the Ombudsman, stating that his house had become unusable as a result of a missile strike by the Armenian armed forces during the Second Karabakh War, and asked to investigate his application.*

*After the Ombudsman requested the Ganja City Executive Power, the damage to the applicant's house was documented. Consequently, it was determined that the house needed repairing. So, the applicant was financially supported for the damage caused, and the house was repaired.*

In addition, the necessary measures were taken to eliminate the damage caused by natural disasters that occurred at different times in some regions of the country. Several measures were taken in the past, and repair, reconstruction, and strengthening work has been carried out to return the residents affected by natural disasters, including earthquakes, landslides, floods, and mudslides. However, there are still several concerns in the relevant field.

In their applications to the Ombudsman, the citizens affected by the natural disaster argued that the relevant commissions did not inspect their damaged houses in time. The construction or repair was not carried out properly. So, they asked to overcome the difficulties.

The Ombudsman sent requests to the competent state bodies and relevant local executive authorities to investigate these cases, as well as to address these issues.

### **Case X/O № 1/8516-21**

*Applicant C. made a complaint to the Ombudsman and said that his appeals to the Agsu District Executive Power regarding the restoration of his house, which was in an emergency as a result of the earthquake in 2019, were ineffective. He asked for help in rebuilding.*

*The Ombudsman made requests to the Ministry of Emergency Situations of the Republic of Azerbaijan and the Executive Power of Agsu District to investigate the circumstances indicated in the complaint and take appropriate measures depending on the results.*

*The Ministry of Emergency Situations responded that the applicant's name was not inspected by the commissions of experts under the Ministry due to the absence of the applicant's name in the lists submitted by the local executive authorities for the inspection. Furthermore, the commissions working in the earthquake zone completed their work within 6 months.*

*In response letters to the requests with the same content, the Aghsu District Executive Power stated that the registration of houses damaged by the earthquake had been suspended. But the applicant applied after that time and therefore, his house was not inspected by specialists by the Ministry of Emergency Situations of Azerbaijan.*

In addition, funds from the reserve fund of the President of Azerbaijan were allocated to ensure the elimination of the consequences of the natural disaster, as well as to continue work in this area, in accordance with the Presidential Decrees "On measures to eliminate the consequences of the natural disaster in Shamakhi, Ismayilli and Aghsu districts" dated February 7, 2019, No. 932, "On additional measures to continue the work to eliminate the consequences of the natural disaster in Shamakhi, Ismayilli and Aghsu districts" dated March 7, 2019, No. 1021, "Continuation of the work to eliminate the consequences of the natural disaster in Aghsu district" of 13 September 2019, No. 1416, "On additional measures related to continue the work to eliminate the consequences of the natural disaster in Aghsu district" dated 15 November 2019, No. 1567, "On additional measures to continue the work to eliminate the consequences of the natural disaster in Aghsu and Shamakhi districts" of 20 August 2020, No. 2229.

As can be seen, despite the gradual allocation of the necessary funds following the relevant decrees of the President to eliminate the consequences of the natural disaster in Aghsu District and continue work in this area, the applicant's requests to the Aghsu District Executive Power at various times were not taken into account due to the expiration of the registration period. His name was not included in the relevant list and therefore the necessary measures were not taken.

In general, some applications written by several citizens whose houses were in an emergency as a result of the earthquake in Shamakhi, Ismayilli, and Aghsu districts in 2019 received by the Ombudsman were mainly about non-inspection of their homes by the relevant commissions, failure to provide appeals and failure to take measures to eliminate damage.

In response to the Ombudsman's inquiries to the relevant local executive authorities, it was stated that the commission of the Ministry of Emergency Situations sent to the relevant districts in connection with the earthquake completed their work to determine the damage to homes, social and infrastructure facilities. The complainants failed to apply to the relevant authorities on time, therefore, it was impossible to assist them.

In addition to this, the Ministry of Emergency Situations in its response letter indicated that the commissions consisting of specialists inspected the damaged houses in the earthquake zone based on the lists provided by the local executive authority within 6 months. The Commission compiled relevant acts. Consequently, due to the citizen's late applications, it was impossible to assist them.

The citizens whose houses were damaged as a result of the earthquake were unaware that the relevant commissions will operate only for 6 months.

On the other hand, according to paragraph 3.11.2 of the “Regulations on Local Executive Powers” approved by the Presidential Order No. 648 of June 6, 2012, monitoring in areas and settlements affected by natural and man-made emergencies has been identified as the responsibility of local executive authorities.

The Ombudsman sent a request to the Cabinet of Ministers to take measures for the completion of the works of the commissions determining the damage caused by the earthquake in Shamakhi, Ismayilli, and Agsu districts in 2019 and the restoration or reconstruction of the damaged houses of citizens who were not registered due to the failure to apply within the relevant period.

### **Case 7856-21**

*The Ombudsman also dealt with the complaint by the applicant, N. concerning the falling of the house into disrepair as a result of a natural disaster. His application was not considered and asked for assistance.*

*In response to the Ombudsman's inquiry into the Shamakhi District Executive Power, it was stated that the applicant's house was inspected by the relevant commission of the Ministry of Emergency Situations and identified as in need of repair. Furthermore, design estimates were prepared by determining the scope and cost of the required repair work. Also, it was noted that at the same time the work will be carried out in stages in houses in need of repair.*

Following the Ombudsman's requests to the competent authorities, several houses damaged by natural disasters were inspected by field commissions of the Ministry of Emergency Situations. Some houses in need of rehabilitation were included in the list. Apart from that, during inspections conducted by the relevant commissions, it was found that some houses were in an emergency and needed reconstruction. Moreover, these houses were not inspected due to the absence of the names of some residents in the lists submitted to the Ministry by the local executive authorities.

### **Case 15081-21**

*Applicant A. argued to the Ombudsman that as a result of a natural disaster in December 2017, his private house became rendered unsuitable. He added that despite a report on the emergency prepared by the commission that inspected the private house, no action was taken. The applicant asked to review his application.*

*In response to the Ombudsman's request to the Ministry of Emergency Situations and the Goychay District Executive Power to inspect the case, it was stated that the Ministry's State Agency for Construction Safety Control conducted a visual inspection of a private house of the applicant with the participation of local executive authorities. Also, the relevant act was drawn up on January 10, 2018, based on which the applicant his house will be rebuilt, and necessary measures will be taken in this regard.*

Thus, based on all these facts mentioned above, it must be noted that there is a need to allocate the necessary financial resources to eliminate the damage caused to individual houses as a result of natural disasters in the past.

The Ombudsman thinks that the completion of the relevant commissions for one reason or another does not justify the neglect of houses that have fallen into disrepair as a result of a natural disaster. From this perspective, it is necessary to take measures to restore the work of commissions, and identify and register houses in emergency condition with the participation of local executive authorities and their representatives in relevant administrative units to solve the existing problem faced by several residents of the relevant regions.

In addition to the subject aforementioned, it is essential

to raise awareness of the population across the country by the representations of local executive authorities and municipalities to insure the property against natural disasters and accidents, including fires.

“Azerbaijan Afghan Veterans” Public Union got in touch with the Ombudsman to assist in the application of Presidential Order No. 2449 “On several 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 the Republic of Azerbaijan” of 25 January 2021 to persons, who became disabled while performing their international duty as part of the Soviet troops in Afghanistan.

Given the above, the Ombudsman considers it expedient to include persons, who became disabled while performing their international duties with the Soviet troops in Afghanistan to the category of the privileged persons covered by the Order, in question, along with those who became disabled during the liquidation of the accident at the Chernobyl nuclear power plant (including military service (service duties)).

The Ombudsman expressed her serious concerns about the applications of people dissatisfied with the unauthorized demolition of apartments belonging to them due to the construction and reconstruction works carried out in various areas of Baku, without a court decision, as well as the amount of compensation. Those applications were investigated.

### **Case 6870-21**

*Applicant C. appealed to the Ombudsman stating that their apartments in the Khatai district were demolished by the Khatai District Executive Power Office without their consent and without submitting any legal documents. It was also said that the amount of compensation offered was less than the real market price for the relevant area. Consequently, he asked to protect his rights.*

*Following the Ombudsman’s inquiry into the Baku City Executive Power, the commission established in the Khatai District Executive Power assessed the individual dwelling belonging to the applicant that was demolished as it fell into the demolition area. He was provided with compensation.*

### **Case 21845-21**

*Applicant A. made a complaint to the Ombudsman and said that during the reconstruction work carried out within the framework of the “White City” project, his apartment in Khatai district, Baku was demolished without warning. He was not paid compensation. Furthermore, the documents were destroyed and asked for assistance in protecting his rights.*

*After the Ombudsman's inquiry into the Khatai District Executive Power, it was stated that they revealed that despite the registration of the applicant at the relevant address, the applicant had not lived at the address for many years due to the collapse of the roof and part of it as he also indicated in his own written explanation. Moreover, due to the unsuitability of the house, it was not possible to assess its condition and therefore, the compensation was not calculated.*

No compensation was paid for the applicant's apartment, thus grossly violating his property rights.

The analysis of the incoming applications and after the relevant requests of the Ombudsman, the applications of the citizens to the municipalities on the allocation of land parcels for the construction of individual houses were provided.

#### **Case 5187-21**

*The applicant, G. complained to the Ombudsman about the ineffectiveness of his requests for the allocation of a land parcel, considering that he had not a plot of land and had two minor children under his care.*

*Following the Ombudsman's request, Samukh Municipality conducted documentation to allocate the land to the applicant.*

#### **Case 6164-21**

*The applicant H. applied to the Ombudsman and said that his appeals to the Goranboy municipality on the allocation of the land parcel were ineffective. He asked to review his case.*

*Following the Ombudsman's request, the Goranboy municipality documented the sale of the land to the applicant for the construction of a detached house.*

Unfortunately, this should be noted that issue of inventory and state registration of houses arbitrarily and illegally built on the lands occupied by various persons in Baku, and in the surrounding settlements and villages, as well as in areas belonging to joint farms (sovkhozes/state-owned farms) since the middle of the last century, also the houses built on lands provided by the municipalities for individual housing is still unresolved.

As in previous Annual Reports, the Ombudsman reiterated that both the solution to the existing problem and the provision of addresses to real estate and transport infrastructure in residential areas and new housing estates will provide a basis for the effective protection of citizens' rights.

**Consumer protection.** Each person purchases a variety of goods or services for personal use. In this case, consumer protection requires special attention.

The Ombudsman was in direct cooperation with the Ministry of Economy, Food Safety Agency, and other relevant agencies, as well as civil society organizations, to ensure consumer protection, improvement of the relevant legislation, and raising awareness of the population.

The Ombudsman sent inquiries to the relevant agencies concerning the incoming complaints about the non-consideration of the applications on the violation of consumer rights by the competent state bodies. In some cases, positive results were obtained. However, in cases when such applications fall out of the mandate of the Ombudsman, those applicants were answered with relevant legal explanations, including information on relevant agencies and call centers to which they can apply to.

According to Article 20 of the Law of Azerbaijan "On Consumer Protection", the relevant consumer protection bodies under the executive authorities review consumer complaints, collect information on damage to their life, health, or property and send it to the relevant authorities, file a lawsuit on its initiative or at the request of the consumer (consumer union) for consumer protection and performs other functions defined by the Law.

In addition to the above, following the Regulations of the State Service for Antimonopoly Policy and Consumer Market Supervision of Azerbaijan, the agency, along with carrying state control over compliance with consumer protection legislation, including trade, catering, household, and other services, issues a written request (instruction) to eliminate violations of consumer rights or trade rules, as well as takes measures to prevent violations in this area and to bring the wrongdoers to justice following the law.

However, inquiries into the relevant Service regarding complaints received by the Ombudsman on violations of consumer rights (App. No. 6214-21, 11623-21, 16491-21) were answered regarding the information provided by entrepreneurs. As a rule, the applicants were informed of the requirements of Clause 5.58 of the "Rules of trade, public catering, household and other services in the Republic of Azerbaijan", approved by the Cabinet of Minister's Decision No. 94 dated April 3, 2006, Article 26 of the Law "On protection of consumer rights" and Article 14.0 of the Law "On citizens' appeals".

As a result of the measures taken by the Service based on inquiries sent by the Ombudsman on some complaints, the violations were eliminated.

### **Case 6214-21**

*Applicant Sh. argued to the Ombudsman and said that his request for the return or replacement of the unusable door he purchased from a store in Sumgayit was not granted.*

*With the Ombudsman's request to the State Service for Antimonopoly and Consumer Market Supervision, the applicant's request was considered.*

The Ombudsman addressed to "Azerishig" OJSC, "Azerigas" PU, "Azersu" OJSC, and other relevant bodies about the complaints on violations of consumer rights in the utility sector, and in some cases the violations were eliminated.

### **Case 3894-21**

*Applicant F. made a complaint to the Ombudsman and said that the employees of “Shabran Electric Network” of “Azerishig” OJSC disconnected their house from the power line without warning and unreasonably owed them 522 manats for electricity consumption.*

*After the Ombudsman's request to “Azerishig” OJSC regarding the complaint, taking into account the analysis of the subscription notification sheet and the average monthly energy consumption of the newly installed meter, the Customer Service Department compiled a protocol of agreement. The cost of 1581 kWh (173.91 manats) of electricity on the applicant's account was adjusted.*

### **Case 8320-21**

*Applicant R. made a complaint to the Ombudsman and said there were interruptions in the water supply due to low pressure in the drinking water line in the Khojasan settlement of the Binagadi district. His calls received by the “Azersu” OJSC hotline were ineffective.*

*As a result of the measures taken after the Ombudsman's request to “Azersu” OJSC regarding the complaint, the interruptions in the supply of drinking water were eliminated, and the residents were supplied with water.*

One of the developments in the field of utilities in the country was the replacement of "smart" meters with mechanical meters.

It should be noted that instead of expanding the use of electronic water meters due to modern ones, the replacement of previously used eight-digit (with cubic meter and liter indicators) mechanical meters with new five-digit (cubic meter only) water meters, which limits the ability to accurately read consumption, distorts consumption calculations.

The Ombudsman, as in other areas, is working to advance the legislation in the field of consumer protection. Thus, within the framework of the Working Group on Business and Human Rights under the Ombudsman, proposals on amendments and additions to the Law of the Republic of Azerbaijan "On Consumer Protection" were prepared and submitted to the relevant authorities by analyzing the legislation of foreign countries.

The proposals include amendments to the main concepts of the relevant Law (shelf life, service life, expiry date, POS-terminal, etc.), adding the right to "consumer enlightenment" in the article on "Consumer rights" and article on “ensuring the right to consumer enlightenment” to the related Law on "Consumer rights", also, the addition of a separate article on “ Shelf life, service life, and expiry dates”, as well as on expanding the rights of consumers in connection with the sale of defective goods, considering provision regarding the inadmissibility of restriction of the consumer’s rights in case of damage to the packaging (container), online or remote sale of goods or services, payments via the Internet and mobile applications, regulatory norms on delivery of products, the inclusion of basic knowledge on consumer rights in the curricula of educational institutions, the legal establishment of mechanisms to stimulate and evaluate the activities of consumer public organizations, etc.

In general, it is necessary to adopt a new consumer protection law using the international experience and considering the existing standards, since the current 1995 Law “On Consumer Protection”, which is still effective, does not fully meet the requirements, in terms of the structure and scope of the area of the norm.

Due to the impact of digital surge on all areas of human life, especially during the Covid-19 pandemic and restrictions imposed across the country, the number of orders for goods and services through e-commerce platforms has significantly increased. We believe that in such a situation, the general situation with consumer protection should be monitored and effective mechanisms should be applied depending on the results.

Consumer protection issues require a complex approach. Thus, in parallel with the protection of these rights, it is important to protect the rights and legitimate interests of entrepreneurs, the application of taxes and other benefits to businesses, the promotion of corporate responsibility, and other issues. Ensuring the rights of consumers is also related to the factors mentioned in one form or another.

Considering the aforesaid current challenges for the UN, the Ombudsman once again recommends the adoption of a single-state program on "Business and Human Rights", which will contain key issues related to entrepreneurship and human rights, including consumer protection.

### **1.1. Protection of Rights of Population Groups**

***Protection of the rights of refugees, IDPs, and migrants.*** The State of Azerbaijan pays particular attention to the protection of the rights of refugees, and internally displaced persons (IDPs), including the improvement of their well-being, and solutions to their living, health, education, employment, and other social problems.

The complex measures for the clearance of landmines and explosive ordnance of the liberated areas and acceleration of construction-building works are being continued to ensure the safe return of our internally displaced compatriots, having missed their homelands for 30 years. With the direct control of the country's President, models of modern smart villages and cities are being established in our country to restore the economy in the liberated territories, reintegration the IDPs during the post-conflict period, and ensure sustainable human settlement.

The Ombudsman has consistently carried out purposeful activities to ensure the protection of the rights of our compatriots affected by ethnic cleansing and occupation of Armenia, and the issue of restoring their rights and freedoms was regularly raised at international and regional events. Based on the evidence materials collected during the fact-finding missions carried out during the war and aftermath, reports on the violations of the rights of refugees and IDPs were issued and submitted to international human rights organizations.

The Ombudsman gave interviews to foreign media agencies and sent video appeals to the international community concerning the war crimes committed by Armenia against our country, the mass destruction and looting of our religious, historical, and cultural property during the occupation, and our missing compatriots.

The Ombudsman always keeps the issues of comprehensive use of benefits and privileges established for refugees and IDPs (tuition fees, taxes, and state duties), ensuring the rights of IDP families, including children and women in her spotlight. The applications filed by this category of persons were investigated by the Ombudsman. The necessary measures were taken to solve the identified problems, and proposals were submitted to the relevant government agencies.

#### **Case 16698-21**

*An internally displaced A. made a complaint to the Ombudsman via call center and said that the dormitory, where he stayed, was demolished by the “Narimanov Estate” LLC and he was not offered any other place instead. He asked to be provided with temporary housing until he returned to his native lands with his family.*

*After the Ombudsman’s request to the competent bodies, the applicant with his family was temporarily provided a three-room apartment.*

#### **Case 18642-21**

*Another IDP, whose name was H. contacted the Ombudsman via the call center and argued that the judgment on adding the working years to his general length of service was not enforced by the Barda District Department of the State Social Protection Fund under the MLSPP.*

*Following the Ombudsman's request to the MLSPP, the court decision was implemented. The amount of the difference for the previous period was divided into months and the applicant's spouse was paid monthly in addition to his / her pension.*

#### **Case 22243-21**

*An internally displaced person C. contacted the Ombudsman for assistance in employment.*

*After the Ombudsman's inquiry to the MLSPP, the applicant accepted the job offer from the vacancy bank in the "Employment" subsystem and an appropriate e-referral was created.*

The incoming applications received by the Ombudsman by IDPs were mainly about the provision of social protection, eviction from apartments owned by another person without providing other accommodation, dissatisfaction with the enforcement implementation of judgments, failure to determine an IDP status for women and minors after divorce from a person without IDP status, difficulties in entrepreneurial activities, failure to determine a single monthly allowance, non-involvement in the self-employment program, as well as several housing problems.

#### **Case 1299-21**

*An applicant A., who was an IDP, made a complaint to the Ombudsman and said that s/he was staying with his father after divorcing his spouse. The applicant argued that his appeals for the proper payment of a single monthly allowance provided for IDPs were ineffective.*

*Following the Ombudsman's request to the State Committee for Affairs of Refugees and Internally Displaced Persons of Azerbaijan, an applicant was provided with a new bank card and the necessary allowance was transferred to his account.*

With the liberation of our lands occupied by Armenia, new realities have emerged not only in our country but also in the whole region, which affect also the dynamics of migration. In this circumstance, the necessary work is underway in our country to organize flexible and effective measures in the field of migration.

The Ombudsman has carried out extensive measures for the protection and promotion of migrants' rights, ensuring the rights of foreigners, stateless persons, asylum seekers, as well as persons living in our country, and other participants in the migration process based on the "Refugee Protection Card" issued by the UN High Commissioner for Refugees.

The applications on the restriction of the application of the administrative penalty of deportation were investigated, taking into account the prevention of irregular migration, deportation, extradition, and readmission, legalization of the residence of foreigners living in the country without documents authorizing long-term stay or residence, and special quarantine regime.

Sometimes, foreigners and stateless persons who stay in the country unlawfully encountered difficulties in using medical and other social services, civil law enforcement, as well as determination of pensions, employment, and so on. The Ombudsman has, at various times, requested the State Migration Service of Azerbaijan and other authorized state bodies to address these issues.

Furthermore, the Ombudsman also dealt with the applications concerning the naturalization, termination, and restoration of citizenship in Azerbaijan, registration of foreigners at their place of residence, issuance of temporary and permanent residence permits, border closure in response to the COVID-19 pandemic, restrictions to free movement and extension of permits considering the social distancing and assistance in the provision of permits for working in paid employment.

### **Case 25122-21**

*The applicant, B. complained to the Ombudsman through its call center and said that his spouse, who is a US citizen, was not granted a request to extend her permanent residence permit in Azerbaijan as a foreigner.*

*Following the Ombudsman's request to the State Migration Service of Azerbaijan, the applicant's spouse's application for an extension of a permanent residence permit in the territory of Azerbaijan was considered and he was granted a permanent residence permit.*

The Ombudsman expanded her international cooperation with foreign ombudspersons and diplomatic missions to ensure an effective solution to the difficulties in entry and exit procedures to Azerbaijan. As a consequence of this partnership, our compatriots who were living abroad unlawfully were provided with a "return certificate" (a travel document granted to citizens to cross international borders) by Azerbaijan's diplomatic missions abroad.

### **Case 29444-21**

*The applicant I. appealed to the Ombudsman and asked for the return of his father, who was detained at the Immigration Detention Center in Barnaul, Russia, and whose citizenship of the Republic of Azerbaijan was recognized.*

*Following the Ombudsman's request to the Embassy of Azerbaijan in the Russian Federation, the applicant's father was issued a certificate of return to Azerbaijan.*

Considering hard-time challenges related to the COVID-19 pandemic faced by several people and their family situations, as a result of joint measures with the Russian Embassy in Azerbaijan, as well as the Commissioner for Human Rights of the Russian Federation, various individuals, at different times, were assisted to enter Azerbaijan or Russia.

As part of the effective cooperation with ombudsmen of foreign countries, the latter were informed about the rules and procedures envisaged in the national legislation of Azerbaijan upon their requests.

### **Case 5254-21**

*The Commissioner for Human Rights of Kazakhstan sent an inquiry to the Ombudsman of Azerbaijan for assistance in providing the existing rules, a list of documents, and a relevant application form for the investigation of citizenship of Azerbaijan.*

*Upon their request, the necessary information was provided by the Ombudsman's order.*

The Ombudsman investigated the applications for assistance in obtaining the employment record book filed by persons previously living in Azerbaijan but later immigrated, issuance of duplicates of relevant documents. Consequently, with our intervention, the issuance of these documents or acceleration of the review process of the relevant applications was ensured.

### **Case 18365-21**

*The Ombudsman of the Nijegorod Oblast of the Russian Federation requested the Ombudsman of Azerbaijan to assist in sending archival references on the length of service and salary of D., a citizen of Azerbaijan living in that Oblast lawfully to determine an old-age insurance pension.*

*After the Ombudsman's inquiry into state archives, the required documents were sent accordingly.*

The Ombudsman, at various times, raised the challenges in substitution of raised the issues about the administrative penalty imposed on foreigners and stateless persons for violation of the rules of stay and residence in the country with a mitigated administrative penalty, as well as documentation of persons living illegally in the country without imposing administrative fines issues and other problems

### **Case 17858-21**

*A., a citizen of Ukraine, appealed to the Ombudsman, stating that he had been living in the country in an uncertain situation since 2006. He asked for help in replacing his expired passport with a new one, as well as legalizing his status in Azerbaijan.*

*After the Ombudsman requested the Ukrainian Embassy in Azerbaijan and the State Migration Service of Azerbaijan, the person was provided with a new passport and his residence in our country was legalized.*

Based on the appeals, the Ombudsman kept the issues of the documentation of children involved in migration processes, including minors left without parental care and their provision of education, medical care, as well as social and psychological conditions in her spotlight. Their household and living conditions are investigated on the spot. The psychologists held meetings with the children. The explanatory talks were held with the management of the schools where they studied, and necessary recommendations were given.

### **Case 24988-21**

*The Embassy of the Russian Federation in Azerbaijan requested the Ombudsman for assisting in the implementation of the decision of the Khoroshevsky District Court of Moscow on transferring of a young child of Y. a national of the Russian Federation, to his custody in a civil case in which he was a party.*

*The staff members of the Ombudsman's Jalilabad Regional Center together with representatives of relevant government agencies, including a child psychologist and school administration, visited the house where the minor lived with his grandmother. They had talks with them. Tensions in the mother and young child relationship were lifted. They achieved mutual respect and understanding. Also, necessary measures under the executive document were implemented.*

In addition, members of the Ombudsman's National Preventive Group visited the Detention Centers for Irregular Migrants in Baku and Yevlakh cities. The detention conditions and treatment standards, applications from migrants and their lawyers were investigated, and the status of documentation was checked.

During the visits, migrants detained voluntarily were received in a confidential manner and their appeals were investigated. The status of the implementation of the recommendations made during previous visits on detention conditions, medical care, pandemic compliance, and other issues were checked on the spot.

The situation of foreign prisoners in the penitentiary was investigated and kept under control based on relevant appeals.

### **Case 6593-21**

*The Commissioner for Human Rights of the Russian Federation contacted the Ombudsman to investigate the conditions of detention and treatment of A., a Russian citizen serving a sentence in a penitentiary institution.*

*According to the instructions from the Ombudsman, the NPM Team conducted a visit to the Medical Institution under the Penitentiary Service of the Ministry of Justice and the necessary measures were taken to address the issues mentioned in the appeal.*

The Ombudsman made initiatives and participated in the integration of the national legislation into international legal norms and the creation of a favorable environment to improve this area, as well as the implementation of the recommendations of international organizations.

The work of the “Asylum & Migration” Working Group of the Strategic Plan of the European Network of National Human Rights Institutions (ENNHRI) for 2018-2021, also continued.

The Ombudsman has also undertaken activities as a member of the United Nations (UN) Network on Migration, established to implement the Global Compact for Migration and the 2021-2025 Development Plan.

Staff members of the Institution actively participated in the coordination of the Regional Training Center for Migration, which began operating in our country in 2021, and in the preparation of the “Road Map” for the establishment of the Center and made proposals.

The Ombudsman continued to effectively cooperate with the UN and its specialized agencies, including the UN High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM), as well as the Parliamentary Assembly of the Council of Europe (PACE) Committee on Migration, Refugees and Population, the International Center for Migration Policy Development (ICMPD) and other international organizations.

The Ombudsman Institution, as a member of the Working Group on Statelessness under the State Migration Service of Azerbaijan, continued its activities in this area.

Online trainings were organized to increase the knowledge and skills of the employees of the Service on human rights, and representatives of the Ombudsman participated as trainers in the “Migration School-3” Project.

An event dedicated to December 18 - International Migrants Day was held in cooperation with IOM and the State Migration Service.

The Ombudsman Institution participated in the Project “Support to the implementation of the Partnership for Relocation in Azerbaijan (MOBILAZE-2)” covering 2021-2024 as a partner organization, in which the Ombudsman’s proposals were taken considered.

The Third Periodic Report of the State of Azerbaijan on the implementation of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (*hereafter* Migrants Rights Convention) was reviewed and analyzed online within the framework of the 33<sup>rd</sup> Session of the relevant Committee, as an important international event in terms of national compliance with the commitments arisen under international standards for ensuring human and civil rights and freedoms, declared in international treaties to which our State is a party, as well as the development of cooperation with UN human rights mechanisms.

Staff members of the Ombudsman Institution and representatives of relevant government agencies also attended the event just mentioned. During the event, the Committee Members were informed about the measures undertaken to ensure the implementation of the relevant Convention and to protect the rights of migrant workers and their families living in our country, as reflected in previous Periodic Reports. Also, the multifaceted activities of the Ombudsman in this area were brought to the attention of the Committee members, and constructive and interactive dialogue was held on the relevant articles and recommendations of the Convention.

The Ombudsman made several proposals to ensure the effective protection of the rights of refugees and IDPs, foreigners, stateless persons, and migrants, including taking joint measures to provide legal, psychological, and other assistance to foreigners and stateless persons, and creation of additional conditions to legalize their status, conducting joint monitoring to assess the implementation of obligations under the Migrants Rights Convention, and the development of an action plan for the effective implementation of the Global Compact for Migration at the national level.

The Ombudsman recommends ensuring effective regulation of the readmission process of the nationals of Azerbaijan living abroad within the international legal framework, preparation of a strategic document for the integration of these persons, relevant coordinated solutions to their problems related to education, employment, housing, social assistance, and other issues, defending the interests of children affected by internal and external migration, who are twice sensitive and in need of special protection, ensuring access to public services, creating a favorable environment for the normal development of these children, supporting the reintegration process after returning to their countries of origin; coordination of the activities of public institutions and CSOs in this regard, improving the law enforcement procedures, and increasing the knowledge and skills of social workers.

***Protection of the Rights of Martyr Families and Veterans.*** In the aftermath of the Second Karabakh War, priorities of the state policy in Azerbaijan were ensuring the rights of martyr families and veterans to social security and health, improving their living standards, and solutions to their other problems.

Several measures were undertaken to improve the living conditions for the persons who became disabled while defending the state's territorial integrity, sovereignty, and constitutional structure and families of the martyr, and normative and legal acts were enacted, fundamental steps were proceeded to improve the well-being of those categories of persons.

The Ombudsman kept the situation for ensuring the rights of martyr families, disabled veterans and veterans held regular meetings with this category of people, gets acquainted with their problems on the spot, and closely participates in the implementation of necessary measures.

The Ombudsman, as well as on her instructions, the staff of the main office of the Ombudsman Institution and its Regional Centers heard the concerns of the applications of servicemen and civilians killed in the Second Karabakh War during the meetings with them and took appropriate measures to address them.

The post-war situation of those involved in military operations, and the socio-psychological condition of the families of martyrs and disabled veterans are among the issues that require special attention.

From the first days of the war, on the initiative of the Ombudsman, the families of martyrs, war veterans and PWDs, victims of Armenian terrorism, as well as relatives of these people were assisted with the project of social and psychological support.

#### **Case 12137-21**

*A member of the martyr's family, a participant in the First Karabakh War, V. made a complaint to the Ombudsman for employment.*

*After the Ombudsman requested the State Employment Agency under the MLSPP, the applicant was provided with a job at "DOST Work Center" LLC.*

#### **Case 21621-21**

*Participant of the Second Karabakh War G. appealed to the Ombudsman, stating that his spouse had passed the teacher recruitment exam for the 2021/2022 academic year, but was not provided with a job, and asked for help.*

*Following the Ombudsman's request to the Ministry of Education, the applicant's spouse was appointed a teacher in one of the secondary schools in Kalbajar district at the additional placement stage of the teacher recruitment competition.*

#### **Case 12941-21**

*The applicant I. appealed to the Ombudsman and stated that he had participated in the Second Karabakh War. He was awarded medals for personal courage and bravery while performing combat missions. He was wounded in battles, therefore, could not work due to his health. Taking into account having three minor children under his care, he asked for help in involving his family in the self-employment program.*

*Following the Ombudsman's request to the State Employment Agency under the MLSPP, the applicant's spouse was self-employed and provided with relevant supplies for self-employment.*

#### **Case 11368-21**

*Applicant A. appealed to the Ombudsman and stated that he taught "Chemistry" in one of the high schools in the Dashkesan district. He had two minor children, plus, his sister's minor children, who lost both parents as a result of the Armenian missile attacks on Ganja city, were lived under his custody. He asked for help in changing his place of work to one of the schools in Ganja considering that he lived in Ganja, but he had to travel a long way from Ganja to his school, where he worked, which created additional difficulties for him.*

*Following the Ombudsman's request to the Ministry of Education, the applicant's place of work was transferred to one of the high schools in Ganja.*

Improvement of living conditions for the persons who became disabled while defending the state territorial integrity, sovereignty, and constitutional structure of Azerbaijan and the families of the martyr was one of the issues in focus. A clear example of this is the construction and commissioning of individual and multi-apartment residential buildings that continuously meet modern requirements for these people by the state.

The Ombudsman investigated the applications on housing problems lodged by martyrs' families and persons, whose disability was related to the war, and necessary measures were taken to ensure their rights.

#### **Case 5141-21**

*The martyr's wife K. appealed to the Ombudsman and stated that even though his martyred husband and children were registered in Ganja but she was registered in the Samukh district. The applicant said that they had lived in Ganja since their marriage and asked for assistance in providing them with housing in Ganja city.*

*After the Ombudsman requested the relevant government agencies, which paid special attention to the sensitivity of the problem, the state provided the martyr's family with a two-room apartment in Ganja.*

#### **Case 2509-21**

*The applicant, R. complained to the Ombudsman living in difficult conditions in rented accommodation with his family. He asked for housing as a disabled veteran of the Second Karabakh War.*

*Following the Ombudsman's request to the Sabunchu District Executive Power and the measures taken, the applicant was provided with a two-room apartment by the MLSPP as a second-degree war related disability.*

The "YASHAT" Foundation, established to provide additional support to the state measures in social protection of the families of martyrs and disabled veterans, provides the necessary social and medical assistance, social rehabilitation, and reintegration into society and did purposeful work to return them to a normal lifestyle.

The Ombudsman investigated the applications for medical examination and treatment abroad and financial support written by the family members of the disabled veterans and martyrs together with the "YASHAT" Foundation, and appropriate measures were taken.

#### **Case 11771-21**

*Applicant, S., appealed to the Ombudsman and said that his son, who had fought in the Second Karabakh War, had been seriously wounded during the hostilities, and requested assistance in arranging for his examination and treatment at public expense.*

*Following the Ombudsman's request to the State Agency for Compulsory Medical Insurance, the applicant's son was sent to Turkey for treatment with the support of the 'YASHAT' Foundation.*

#### **Case 23899-21**

*The appeal of the same content lodged with the Ombudsman by applicant Z. was also considered, and with the support of the same Foundation, this applicant's son was also sent to Turkey for treatment.*

#### **Case 15827-21**

*The applicant T. lodged a complaint with the Ombudsman, stating that he was injured during the Patriotic War and asked for assistance in providing financial support.*

*Following the Ombudsman's appeal to the "YAŞAT" Foundation, the applicant's documents were reviewed, and the transfer of the corresponding amount of funds was arranged on his bank account.*

The investigations have been conducted based on the complaints received by the Ombudsman regarding the determination of disability, placement in rehabilitation centers, and the provision of social-psychological support and rehabilitation services to persons injured in the war, while some issues have found positive resolutions, gaps still remain regarding the determination of disability.

From the analysis of the complaints, it becomes clear that there have been deficiencies in the official documentation process for determining disability, particularly in terms of incomplete and inaccurate recording of information by the relevant healthcare institutions, leading to challenges in evaluating the level of disability.

The appeals received by the Ombudsman regarding the awarding of medals and orders to war participants have been reviewed with relevant government agencies, and appropriate measures have been taken to reexamine those persons' services during the war.

#### **Case 15919-21**

*The applicant A. has submitted a complaint to the Ombudsman stating that he participated in the battles in the Fuzuli and Hocavend directions during the Patriotic War but was not awarded any medals. He asked for an investigation into the matter.*

*Following the Ombudsman's appeal to the Ministry of Defense of Azerbaijan, it has been determined based on the award documents received from the military unit where the applicant served that he had been awarded the medals of the Republic of Azerbaijan for "The Liberation of Hocavend" and "The Liberation of Fuzuli" by the relevant Presidential decrees. Furthermore, the issue regarding the awarding of the applicant with the "War Participant" medal of Azerbaijan has been brought to the attention of the higher command.*

The complaints submitted to the Ombudsman regarding assistance in obtaining relevant documents by war participants have been investigated, and the provision of those documents to the applicants has been ensured. These complaints have primarily been related to the restoration of lost "War Veteran" certificates and the issuance of medical documents.

**Case 3039-21**

*The applicant R. complained to the Ombudsman, stating that he took part in the First Karabakh War and that he lost his war veteran certificate, and he had unsuccessful attempts to restore the document through the relevant authorities.*

*After the Ombudsman's appeal to the Ministry of Defense of Azerbaijan, the applicant was provided with a renewed "War Veteran" certificate.*

**Case -5140-21**

*The applicant N. lodged a complaint with the Ombudsman, indicating his participation in the Patriotic War and injuries sustained during the conflict, and requesting assistance in obtaining medical documents from the healthcare facilities he received treatment from.*

*Following the Ombudsman's relevant appeals, the requested medical documents were provided to the applicant.*

In accordance with the "Rules for Immortalizing the Name of Martyrs and Implementing Benefits for Martyr Families," approved by the Azerbaijan Cabinet of Ministers' Decision No. 10, dated January 15, 1994, the names of martyrs have been given to streets, squares, avenues, and corresponding areas for the purpose of immortalizing their names. In addition, actions have been taken to install memorial plaques depicting their names and images.

Regarding the mentioned matters, measures have been taken based on the applications received from the members of martyr families addressed to the Ombudsman.

**Case –384-21**

*The martyr's father, H. applied to the Ombudsman, requesting assistance in naming a relevant street or educational institution after his son, who had fallen for the territorial integrity of the Republic of Azerbaijan.*

*Following the Ombudsman's appeal to the Beylagan District Executive Authority regarding this matter, according to the relevant resolution by the head of the executive authority in Beylagan, his son's name has been immortalized by naming one of the streets in Beylagan city after him.*

So, ensuring effective social protection for martyr families and war veterans, improving housing conditions, facilitating the integration of persons with war-related disabilities into society, and solving the existing issues, have remained priorities.

***Protection of the rights of persons kept in places of detention and convicts.*** The continuous measures have been taken to eliminate law violations and factors contributing to them through

implemented measures and applied innovations, continuous efforts have been carried out for the strengthening of discipline, and supervision over detention facilities and penitentiary institutions have been strengthened.

The Ombudsman has continued its activities in investigating complaints by persons held in detention places and prisoners, as well as ensuring their rights stipulated by legislation during the implementation of enacted regulations.

During visits to temporary detention facilities, investigation isolators, and guardhouses, complaints and issues raised by persons kept in custody have been investigated, the interviewed persons have been informed of their rights and freedoms during the detention, the investigation process, and legal advice has been provided matters related to court proceedings. Additionally, applications and complaints addressed to the Ombudsman by these individuals, including those regarding visits, phone calls, and medical assistance, were investigated, and some of them were resolved satisfactorily on the spot.

The Ombudsman has made recommendations and taken appropriate measures by approaching relevant institutions to ensure the protection of honor and dignity, preservation of health, and realization of the rights established by law, such as the right to work, to submit petitions, and to receive legal aid, for the arrested, detained, or imprisoned.

Some of the inmates have appealed to the Ombudsman regarding the transfer to other facilities with the same regime, and their queries have been submitted to the respective authorities and addressed accordingly.

**Case- 7769-21**

*The applicant S. has filed a complaint with the Ombudsman requesting assistance in transferring his incarcerated child from Penitentiary Service Facility No. 1 to another penitentiary institution with the same regime.*

*Following the Ombudsman's appeal to the Ministry of Justice Penitentiary Service, the applicant's child has been transferred to Penitentiary Facility No. 11 based on the decision of the institution's management to serve the remaining portion of his sentence.*

**Case 11092-21**

*Prisoner N. complained to an Ombudsman to assist in the transfer of the Penitentiary Service from Penitentiary No. 6 to another institution of the same regime.*

*Following the Ombudsman's request to the Ministry of Justice's Penitentiary Service, he was transferred to penal institution No. 9 to serve the remainder of his sentence.*

The involvement of inmates in penitentiary institutions serves their rehabilitation, vocational training, improvement of administration mechanisms in institutions, payment of debts arising from civil claims, including alimony, and financial support to the family, thus the social rehabilitation of the convict and his future adaptation to society.

In previous Annual Reports, the Ombudsman made proposals to the relevant national authorities on the establishment of new production facilities to attract convicts to labor in penitentiaries, the more active involvement of entrepreneurs in this process, and the establishment of certain benefits to them. This issue is still relevant.

It is expedient to apply taxes and other benefits to entrepreneurs to stimulate interest and participation in the export of products produced by prisoners in the production areas of penitentiaries to domestic and foreign markets.

Considering the Ombudsman's proposals, various production areas (furniture, flour products, greenhouses, sculptures, carpets, etc.) have recently been established in penitentiaries with the participation of 19 companies, and more than 25 entrepreneurs and businessmen. Thus, a total of 55 production facilities were created in detention facilities and 680 jobs were created. Consequently, there was a 24% increase in the number of convicts working in the production and individual labor sectors of penitentiaries.

Ensuring the right to health of detainees and prisoners was kept in the spotlight by the Ombudsman, and several detainees applied were provided with medical examinations, as well as inpatient or outpatient treatment.

#### **Case 3069-21**

*The accused, K., who had a second-degree disability, made a complaint to the Ombudsman, stating that he was suffering from heart failure and aortic stenosis and that he needed treatment and asked for help.*

*Following the Ombudsman's request to the Main Medical Department of the Ministry of Justice, the applicant was instructed to be transferred from the Medical and Sanitary Unit of the Baku Pre-Trial Detention Center to the Penitentiary Service's Medical Institution.*

#### **Case 19184-21**

*Applicant I. complained to the Ombudsman about the deterioration of the health condition of his relative held in Baku Pre-trial Detention as a result of the latter's refusal of food and asked for appropriate assistance.*

*Following the Ombudsman's request to the Main Medical Department of the Ministry of Justice, the person was transferred to the Medical Institution under the Penitentiary Service for re-examination and treatment.*

Some convicts appealed to the Ombudsman for assistance in serving the remainder of their sentences in their home countries. The relevant national authorities were sent inquiries concerning those appeals, which were granted.

#### **Case 7616-21**

*The convict Sh., a national of Georgia, asked the Ombudsman to assist in extradition to serve his sentence in his country.*

*Following the Ombudsman's request to the Ministry of Justice of Azerbaijan, a decision on the applicant's extradition to Georgia was taken and according to the European Convention on Extradition, the Ministry of Justice of Georgia was inquired into enforcement of the decision in compliance with the legislation of that country, and it was stated that upon the receipt of the decision, appropriate measures would be taken depending on the outcome.*

### **Case 23429-21**

*Applicant, Z. complained to the Ombudsman to assist him in serving the remainder of the sentence of his son who was in a penitentiary facility in Russia in Azerbaijan.*

*Following the application of the Ombudsman to the Ministry of Justice, according to the "Rules on the Execution of the Reception of the Persons Deprived of the Liberty to Azerbaijan to serving the remained of their Sentence", approved by the Decision of*

*Collegium of the Ministry of Justice relevant work has been done to bring the applicant's child into the country.*

The Ombudsman initiated holding meetings and awareness-raising events in penitentiaries.

The Ombudsman has always paid special attention to extensive legal and educational work, taking into account the important role of education, legal culture, and the formation of thinking in ensuring human rights.

The Ombudsman organized a series of meetings and seminars in penitentiaries and correctional institutions. During the workshops, the Ombudsman and the staff members focused on the interpretation of national, regional, and international human rights instruments for prisoners and prison staff to ensure more effective protection of prisoners' rights and instill respect for the law; made a series of speeches on minimum human rights standards, as well as European Standard Minimum Rules for the treatment of prisoners, as well as answered questions on various issues raised by the prisoners. At these events, as well as in confidential meetings, it was recommended prisoners learn language skills, emphasizing that this would help them to adapt to society in the future.

On the eve of December 31 - the Day of Solidarity of World Azerbaijanis and the New Year, the Ombudsman received juvenile prisoners in the Penitentiary Service under the Ministry of Justice, held awareness talks with them, held confidential meetings, accepted their appeals and presented them with gifts.

The norms on hygienic means for women detained in the pre-trial detention center approved by the Cabinet of Ministers Decision No. 22 "On approval of food and material norms of detained or arrested persons" of 18 February 2013 were not considered in the Decision No. 154 "On approval of household norms" by the Cabinet of Ministers dated September 25, 2001.

Considering the aforesaid, the Ombudsman made proposals to the draft Decision of the Cabinet of Ministers on the provision of female prisoners with certain hygienic means, as well as diapers and food.

During preventive visits, the status of the implementation of the previously given recommendations was also checked on the spot. The outcomes of the visits were analyzed, and if necessary, the relevant government agencies with were addressed with appeals providing proposals to furtherly improve the conditions of detention, treatment, and documentation in the relevant detention institutions.

Examining the appeals of the convicts and their families for the pardoning, the Ombudsman appealed to the Pardon Commission under the President of the Republic of Azerbaijan. The Ombudsman also participated in the work of the Commission.

Incidentally, 625 imprisoned people were pardoned by the Presidential Order “On pardoning several convicts” dated March 18, 2021. 475 were released from the unserved part of the sentence, the unserved part of the sentence of 98 convicts was reduced to half, the sentence of 3 life imprisoned persons was commuted to 25 years imprisonment, and the sentence was suspended. 2 persons, who were sentenced to suspended imprisonment were released, and sentence of 3 convicts, whose sentences were postponed was released, 9 prisons were released from the unserved part of the sentence, 12 persons sentenced to correctional labor were released from the unserved part of the sentence and 23 persons, who were fined, were released from prison.

During her tenure, a total of 774 prisoners, whereas in 2021, 72 were pardoned by the motions of the Ombudsman.

The Parliament of Azerbaijan, on the initiative of the country’s President, made a Decision “On amnesty on the occasion of November 8 - Victory Day”, in connection with the first anniversary of the historic victory in the Second Karabakh War.

In general, in our country, 12 amnesty acts were adopted, and 67 pardon decrees and orders were signed, which applied to tens of thousands of prisoners.

During its visit to the Penitentiary Service under the Ministry of Justice as a National Preventive Mechanism, the Ombudsman received detained named R., who expressed his sincere regret for the commission of the crime and asked for help in pardoning him. In this regard, the Ombudsman proposed to consider the application submitted by the latter following Article 1.7 of the Constitutional Law on the Ombudsman and submit it to the Pardon Commission. By the Presidential Order “On pardoning several convicts”, dated March 18, 2021, the unserved part of his sentence was halved. Later, he was released on parole by the Khatai District Court on May 8, 2021. On the first day of his release, the Ombudsman once more received R. and his mother made his recommendations and expressed her congratulations.

Paragraph 10.4 of the Presidential Order of Azerbaijan No. 2668 dated February 10, 2017 “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”, provides substituting the *unserved portion of the sentence* with a mitigated sentence, and extensive application of early release on parole, probation.

The Ombudsman received applications for the postponement or cancellation of punishment, the release of convicts from serving a sentence due to illness, release from serving a sentence due to the term of execution of the sentence, parole, replacement of the unserved part of the sentence with a mitigated sentence, and changing the type of regime.

Taking account of the Ombudsman’s proposals, measures were proceeding to improve the activities for parole, change the type of penitentiary institution, and several appeals recommended by the Special Commission to be sent to court were granted.

***Protection of the rights of servicemen.*** The Victory in the 44-Day Second Karabakh War, gained under the leadership of the Supreme Commander-in-Chief and measures taken to furtherly improve the management of the Azerbaijan Army, and other armed groups, strengthening the internal discipline of the military personnel, improving the material supplement of military units, as well as social, housing and living conditions of servicemen and their family members played more effective protection of the rights of servicemen.

The Ombudsman initiated to held joint measures with the Ministry of Defense, the Internal Troops of the Ministry of Internal Affairs, and the Civil Defense Troops of the Ministry of Emergency Situations for legal education of the military personnel, and conducting visits to military units to check the situation of ensuring the rights and living and housing conditions of servicemen.

The Ombudsman, either during wartime or in the aftermath repeatedly visited wounded officers, ensigns, and soldiers, as well as released servicemen in various military hospitals, inquired about their health, and the authorities were requested for solving their problems.

Based on the examinations of the applications addressed to the Ombudsman by servicemen and their families, it should be noted that most of them were related to social issues. These appeals include delays in the provision of housing for servicemen in active military service, reserve, and retirement, especially those reserved or retired from other armed formations of the Armed Forces, deficiencies in discharge from the Armed Forces, failure to timely compensate for unused leave and property, non-compliance with the existing requirements for determining the health status of conscripts, delays in the implementation of court decisions on social security of servicemen, failure to delivery relevant documents by some executive bodies promptly.

The analyses of the applications show that the applications written by some servicemen from the Armed Forces, who wanted to be released from the reserve for various reasons, including the expiration of their service, marital status, health, and other issues, were ineffective.

### **Case 9521-21**

*The applicant I. applying to the Ombudsman said that he has been in active military service as an officer for more than 24 years and 8 months, and his appeals for discharging from military service following Article 156, paragraph "j" of the "Regulations on Military Service" were ineffective.*

*In response to the Ombudsman's request to the Ministry of Defense, it was stated that, given the demand for professional officers in the Special General Army, the command did not consider it appropriate to release the applicant.*

#### **Case 17645-21**

*The applicant, U., appealed to the Ombudsman and said that his appeals for dismissal from military service due to health problems were ineffective.*

*Following the Ombudsman's request to the State Border Service of Azerbaijan, the Central Military Medical Commission issued a decision on the applicant's suitability for "extraordinary military service", and considering the aforesaid report on the discharging from military service, following the Article 41.0.6 (due to incompatibility of service) of the Law on Military Occupation and Military Service, the applicant was discharged from active military service.*

#### **Case 28343-21**

*Applicant I., is an active-duty military serviceman, whereas applicant T. stated that they were not recruited elsewhere due to service discrepancies in the dismissal orders as female officers, which is one of the notable problems.*

*On the applications of some servicemen (1521-21, 14748-21, 21497-21) to the Ombudsman, to the State Border Service of Azerbaijan, and after appeals to the Ministry of Defense on some other servicemen (1231-21, 8377-21, 20006-21, 24877-21), those applicant servicemen were released from the Armed Forces.*

*Such people are dissatisfied with the fact that they continue to have problems with the next vacation days they do not use during their actual military service and the payment of cash compensation to some retired and retired servicemen for their property. Thus, the appeals related to the mentioned problem (365-21, 1239-21, 7206-21, 24052-21) were resolved after the investigations carried out by the Ombudsman.*

In several appeals, the applicants argued that even if the legislation provides grounds provided by law (for continuing education, health, and family status) to defer conscription, they are unjustifiably recruited by the local branches of the State Service for Mobilization and Conscription of Azerbaijan. Appeals on this issue were investigated by the relevant authorities based on the Ombudsman's requests, some of which were confirmed and the violated rights were restored.

*After the relevant requests of the Ombudsman, the applicant M. (15925-21) and U. (16833-21) right to continue their education, whereas the applicants N. (17133-21) and S. (136-21) due to their marital status, G. (3245-21) ) and H. (23842-21) due to their health condition were granted the right to defer conscription for active military service.*

The Ombudsman thinks that to effectively protect the rights of conscripts, as well as to more effectively ensure the health of military personnel, more professionals should be involved in the

Conscription and Military Medical Commissions operating in local branches of the SSMCA, as well as strengthen control over their activities.

Some individuals reported delays in issuing military IDs or other documents to them or their children for various reasons, and their appeals to the SSMCA and its local branches were ineffective, resulting in problems in exercising their other rights.

*The applicant Sh. (1214-21) contacted the Ombudsman regarding his son, who lost his military ID during wartime complained about the ineffectiveness of his appeals to the relevant national authorities to restore his son's military ID card; whereas applicants S. (6025-21) and G. (26204-21) stated that they were considered unfit for military service in peacetime and limited in wartime, but their appeals for provision with a military ID were also ineffective.*

*After the Ombudsman's request regarding these complaints, those citizens were provided with military ID cards.*

After examining the appeals, it became clear that sometimes the health status of conscripts was not properly assessed by the local bodies of the SSMCA, which resulted in the enlistment of unfit servicemen and, in some cases, aggravation of their existing diseases during service. As a result, from the first days of their service, these individuals underwent long-term treatment in military hospitals, and in some cases were discharged as unfit for military service.

#### **Case 22200-21**

*The applicants M. (22200-21) and N. (22188-21) complained to the Ombudsman, expressing their dissatisfaction with the enlistment of their children with serious health problems to military service as healthy ones.*

*In both cases, it became clear from the responses submitted to the Ombudsman by the relevant authorities that the applicants' children had not completed their term of service, were unfit for military service in peacetime due to congenital diseases, and had been discharged at various times during the war.*

#### **Case 21640-21**

*The applicant, M., made a complaint to the Ombudsman requesting that his nephew, who had gotten various injuries during the Second Karabakh War, which resulted in serious health problems, therefore, he asked for assistance in determining his fitness for military service.*

*In response to the Ombudsman's appeal to the Ministry of Defense of the Republic of Azerbaijan, it was stated that the applicant's nephew had been examined, considered by the Central Military Medical Commission "unfit for military service in peacetime, limited in wartime" and released from service.*

The analyses show that there are still some problems in providing lump-sum insurance payments under the Law “On State Compulsory Personal Insurance of Military Servicemen” to servicemen who have health problems during military service.

### **Case 17833-21**

*Applicant B. (17833-21) stated that as a person with a second-degree disability there is a valid court decision on the payment of the insurance indemnity to him, but the indemnity insurance was not paid. His appeals to the State Insurance Commercial Company were ineffective and asked for appropriate assistance.*

*The applicant, E., and 24 other war invalids (1516-21) complained about the ineffectiveness of their appeals to the State Insurance Commercial Company for insurance benefits due to various health problems they had encountered during their military service.*

*In response to the Ombudsman’s inquiries to the State Insurance Commercial Company regarding both complaints, it was stated that a Working Group, was established to promptly provide one-time insurance payments to servicemen who received a degree of disability during the First Karabakh War and to organize the relevant works effectively and efficiently, measures were carried out in an organized manner together with relevant government agencies, so the requirements of war invalids will be met after the relevant decision on the payment of a lump sum insurance payment is made.*

In some cases, it is clear from the responses given by the State Insurance Commercial Company concerning similar complaints that the approaches to this problem were subjective and different, as well as the same law was variously interpreted.

### **Case 15078-21**

*The applicant, E. (15078-21), appealed to the Ombudsman stating that he had been discharged from military service due to his health problem that emerged during his active military service and had been assigned a second-degree disability. However, he had not been paid an insurance payment.*

*In response to the Ombudsman’s inquiry into the State Insurance Commercial Company, it was stated that following Article 5 (ç) of the Law “On State Compulsory Personal Insurance of Military Servicemen”, the insured, who was assigned a disability within 3 years from the date of discharge, he was entitled to the sum insured. However, because the applicant had been discharged from active military service in July 2003, and that over three years later, that is, in November 2006, a Medical and Social Expert Commission had assigned him a second-degree disability, therefore, it was impossible to pay the applicant the indemnity insurance provided by the Law.*

### **Case 17611-21**

*In response to the Ombudsman's inquiry against another similar complaint (17611-21), the State Insurance Commercial Company stated that the applicant, T., had been injured in 2005 and had been assigned a second-degree disability in 2016. According to the Law, a serviceman is entitled*

*to an insurance payment if he receives a disability within 3 years from the date of his injury. However, the applicant received a degree of disability 11 years later. It was also noted, exceptionally, in the amount of 60 percent of the insurance amount of 1,100 manats set in 2005, i.e. 660 manats, the insurance payment was calculated and transferred to the applicant's bank account.*

So it became clear that applicant E.'s disability was determined 3 years and 3 months after his dismissal, that is, overdue for 3 months, whereas the applicant T.'s disability was determined after 11 years, that is, after 8 years, were dismissed from the time of dismissal, resulted in denials of insurance to them.

Analyses of appeals show that, as in previous years, the delay in responding to appeals to the Central Archives of the Ministry of Defense by reservists and retired servicemen did not allow them to exercise or adequately exercise some other rights. Following the Ombudsman's requests on this issue, the applicants were provided with archival references to their services in all cases, with the restoration of the violated rights.

In addition to the above, in most cases, the issues were resolved after the investigation of unsuccessful appeals by servicemen and their relatives on various issues.

#### **Case 16585-21**

*Applicants S. (16585-21) and F. (20088-21) complained to the Ombudsman stating that their children in military service were not allowed to take the leave provided for in the legislation and that their appeals were ineffective and asked for assistance.*

*Following the Ombudsman's requests to the relevant authorities on both complaints, the applicants' children were granted short-term leave.*

#### **Case 17835-21**

*Applicant, overtime active military service, soldier Sh. (17835-21) appealed to the Ombudsman and said that his appeals for admission to the leave established by the legislation were ineffective.*

*Following the Ombudsman's request, the applicant's right to leave was granted.*

As a result of the meetings held with servicemen, as well as the examinations of applications, it was found that the provision of housing for servicemen, as well as reservists or retired servicemen, and the payment of monetary compensation for rent have remained serious concerns. Similar complaints were made mainly by servicemen who serve or have served in other armed formations of the Armed Forces. The Ombudsman sent requests to the competent state body to solve the problem.

One of the main activities of the Ombudsman in the field of protection of the rights of servicemen is the legal education of servicemen.

Based on the agreed and joint Action Plan, the Ombudsman and the staff of the Office together with the authorized representatives of the relevant agencies visited the subordinate military units, and educational and medical institutions. The relevant measures were taken to strengthen legal awareness among personnel. During the events, visual meetings were held with the personnel following the rules of the pandemic, and the living conditions of the servicemen were acquainted.

During the events, applications were investigated on the spot, questions of servicemen were answered, and necessary recommendations were given to the commanders of some military units and heads of military facilities to solve the existing problems.

In general, during the monitoring, the living conditions of the personnel, the quality of food and supplies, organization of medical work, conditions for effective leisure and observance of sanitary-hygienic rules by servicemen, and work with personnel in the field of education were found satisfactory. Recommendations were given to the military unit command and the management of the military facility to eliminate the identified shortcomings and their causes.

Incidentally, the Ombudsman and heads of the Ministry of Defense, the Internal Troops of the Ministry of Internal Affairs, and the Civil Defense Troops of the Ministry of Emergency Situations also approved the work plan for the upcoming year.

Experience shows that such measures played a crucial role in protecting the rights of servicemen, further strengthening legal awareness and training in the Armed Forces.

***Protection of women's rights and ensuring gender equality.*** The protection of women's rights, the expansion of women's position in governance and public life, and the restoration of their violated rights play an important role in ensuring gender equality.

The extensive activities in the field of restoration of violated women's rights, as well as ensuring and promoting gender equality carried out by the Ombudsman supported the gender policy implemented in our country. The Ombudsman took an individual approach to the protection of the rights of women among the different groups of the population, was closely involved in the process of improving legislation, development, and implementation of state programs, and national action plans, and provided extensive legal education in this area.

During the pandemic, the Ombudsman paid close attention to women's issues, provided full access to the institution, investigated numerous appeals to the Ombudsman on women's rights, took measures, sent inquiries to the authorities, and ensured the rights of many women.

The applications received by the Ombudsman were mainly about issues related to labor rights, employment, social security, health care, domestic violence, etc. All of them were investigated and necessary measures were taken.

## **Case 22481-21**

*Applicant A. made a complaint to the Ombudsman and said that she had succeeded in both stages of the recruitment examination for the vacancy of principal, but was not appointed principal to the relevant secondary school, and asked for assistance.*

*Following the Ombudsman's request to the Ministry of Education, the applicant was appointed principal of one of the rural secondary schools in the Imishli district.*

#### **Case 22868-21**

*Applicant, M., contacted the Ombudsman and said that she worked in a school in one of the villages of the Sabirabad district and asked to be assisted in continuing her employment.*

*Following the Ombudsman's request to the Ministry of Education, the person was appointed a teacher at the relevant village secondary school on a fixed-term contract.*

#### **Case 12742-21**

*Applicant I. complained to the Ombudsman about the regular violence she was subjected to by her husband and asked to take appropriate legal actions regarding this case.*

*Following the Ombudsman's request to the Sumgayit City Executive Power, a decision was made to issue a short-term protection order to prevent the applicant's spouse's actions, which was sent to the relevant authorities for execution.*

By the way, the Ombudsman recommends the Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) be ratified, special shelters and crisis centers for victims of violence be established, and the effectiveness of measures to provide necessary medical and psychological assistance be increased.

The Ombudsman and her NPM Team visited shelters, penitentiary institution No. 4 and pre-trial detention facilities of the Penitentiary Service of the Ministry of Justice, detention centers for irregular migrants of the State Migration Service, and social care services for the elderly. The general situation of those institutions was monitored, as well as measures in response to the pandemic, and problems were investigated. Female inmates were individually interviewed and their requests were heard, some of which were granted on the spot. Recommendations were provided to the management of the institutions and gifts were distributed.

The Ombudsman, at various times, requested the relevant government agencies to take the necessary measures to return Azerbaijani citizens, including women, held hostage in the detention camps in Syria.

Incidentally, as a result of the measures taken by our state, women, detained in various camps in the Syrian Arab Republic were also repatriated.

As the Ombudsman pays attention to the increase of women's activity in the regions and the development of women's entrepreneurship, she held meetings with women entrepreneurs, discussed their problems, and took necessary measures.

The Ombudsman continued cooperation with relevant government agencies, CSOs, as well as international organizations to ensure the active participation of women in the socio-economic and political life of society.

The Ombudsman during the meetings with representatives of the United Nations, the Council of Europe, the German Agency for International Cooperation (GIZ), the EU, and other international organizations also discussed and exchanged experiences on effective protection of women's rights, combating human trafficking and domestic violence.

In public appeals addressed the international and regional organizations, the Ombudsman condemned Armenia's serious violations of international instruments on the protection of the rights of civilians, including women, during hostilities and called for appropriate punitive measures.

The staff members of the Ombudsman Office participated in awareness training on the project "Increasing awareness on the Istanbul Convention and other gender equality standards in Azerbaijan" held within the EU-funded Twinning project "Strengthening the capacity of government agencies and local referral mechanisms to ensure the safety and support of victims of domestic violence in Azerbaijan" and the "Partnership for Good Governance-2" joint program.

Apart from this, the Ombudsman Institution conducted awareness-raising events on the protection of women's rights, ensuring gender equality, and countering domestic violence, human trafficking, and early marriages. Also, the Ombudsman continued to teach the subject of "Introduction to Gender" at Baku State University, delivering lectures on women's rights, gender equality, combating violence, and other topics.

The Ombudsman Institution and its Regional Centers regularly launched awareness-raising events to ensure an increasing public awareness of gender equality and draw public attention to countering gender-based and domestic violence. In addition, within the frame of November 25 – the International Day for the Elimination of Violence against Women and December 10 - International Human Rights day, as part of the "16 Days of Activism Against Gender-Based Violence" campaign, as well as "Human Rights Month" and "Children's Rights Month", the Ombudsman Institution held awareness-raising video conferences, online training, and seminars across the country.

***Protection of child rights.*** The protection and promotion of child rights are one of the priorities of the Ombudsman.

The Ombudsman investigated all applications on the protection of child rights; the child rights situation and conditions of detention in public institutions were evaluated; recommendations were provided for improvement of national legislation on child rights; awareness-raising activities were carried out, and effective cooperation government agencies, international organizations and CSOs was continued.

Considering the main principles of the state child policy, as well as the recommendations of the UN Committee on the Rights of the Child and other relevant international organizations, the Child Rights Protection Unit had assigned to systematize the existing challenges in the field of child, effectively protect the child rights, ensure the child participation and accessibility, investigate complaints on child rights violations, and strengthen cooperation with government agencies and CSOs specializing in this field, as well as with relevant international organizations.

The complaints on the violations of child rights received by the Ombudsman were mainly about non-enforcement of court decisions on alimony and the right to communication, failure to determine health problems, violation of the right to education, non-payment of social benefits, and other issues.

#### **Case 8833-21**

*Applicant O. made a complaint to the Ombudsman about forcing his/her grandchildren to labor by their maternal grandmother, deprived them of their right to education, and was studying in one of the schools in the Sheki district. The applicant asked for appropriate assistance.*

*After the relevant request of the Ombudsman, the school principal took the commitments from the child's maternal grandmother, and the children's regular attendance was ensured.*

#### **Case 18142-21**

*Applicant, G., appealed to the Ombudsman for assistance in assessing his child's health impairment.*

*Following the Ombudsman's request to the MLSP, the health status of the applicant's child was assessed and a decision was made to declare him a child with limited health capacities.*

#### **Case 5457-21**

*Applicant G. appealed to the Ombudsman to assist in the determination of social benefits for his son.*

*Following the Ombudsman's request to TABIB, the applicant's child was considered a child with limited health capacities and was granted social benefits.*

#### **Case 4523-21**

*The applicant, N., asked the Ombudsman for assistance in the medical examination and treatment of his son's illness.*

*After the Ombudsman's request to TABIB, the applicant's child was registered at the Children's Rehabilitation Center and provided with rehabilitation treatment.*

#### **Case 6913-21**

*Applicant E. contacted the Ombudsman and asked for providing his child with a hearing aid, taking into account his health condition.*

*Following the Ombudsman's request to the MLSPP, the applicant's child was provided with a hearing aid by the Prosthetic and Orthopedic Production and Rehabilitation Center.*

The information obtained from the media and social networks regarding the violation of child rights was promptly investigated and kept under the control.

The Ombudsman investigated the information spread through mass and social media about a child (b. 2019), who was in a socially dangerous situation as a result of parental neglect in the Surakhani district of Baku. The shelter, where the child was placed, was monitored to learn the situation of the minor, the issues related to the health situation of the minor, custody issues, and ensuring his rights were kept in focus.

Based on the information about the pregnancy of an 11-year-old girl from the Imishli district, spread through print and social media, the Ombudsman, in person, met with a girl-child and her family members, learned the living conditions, health, and psychological state, as well as protection of the right to education and other rights; and provided recommendations for defending the rights of a girl and her legitimate interests.

In addition to the subject earlier mentioned, the situation of children placed in the child shelter “UmidYeri” (Place of Hope) and the Azerbaijan Children’s Union Shelter Reintegration Center was kept in the spotlight.

This must be noted that the global pandemic situation that caused problems in the health of children, the closure of educational and other institutions, children's art centers, distance education, the application of limits to visits of parents in institutions, the increase in domestic violence due to psychological stress in families and other such factors negatively affected children's development.

Within the past two years, children in the country, have encountered not only challenges due to the pandemic but also suffered from Armenia’s aggression.

The Ombudsman's Interim Report on child casualties that occurred as a result of missile attacks on civilian settlements of Azerbaijan by Armenian armed forces during the Second Karabakh War was issued and submitted at the local and international levels and made calls on for a legal assessment of this terror and injustice.

The Ombudsman also did not forget about the sensitive situation of children involved in the ongoing conflict in Syria in the field of protection of child rights.

Several people applied with the Ombudsman to assist in the return of children who were their close relatives and were held as hostages by armed groups fighting in the Syrian Arab Republic.

The Commissioner for Human Rights of the Russian Federation, the Presidential Commissioner for Children's Rights of the Russian Federation, the Committee for children rights protection of the

Ministry of Education and Science Republic of Kazakhstan, the Russian Embassy in Azerbaijan, and other agencies requested the Ombudsman for the return of Azerbaijani children remained in the combat zones in Syria and Iraq to the country.

The Ombudsman has, at various times, appealed to the Cabinet of Ministers of Azerbaijan, as well as other competent government agencies to take the necessary measures in this direction.

Incidentally, as a result of measures taken by the Azerbaijani Government, 20 Azerbaijani citizens, including 14 children, detained in the Amerna camp in the Syrian city of Cerabus, were repatriated. Afterward, 4 children were detained at the Iskenderun orphanage in Hatay province of Turkey, 38 Azerbaijani children, were detained in prisons and orphanages of Iraq, as well as 12 other people detained in the Amerna camp in the Syrian city of Cerabus, including 8 children, were returned to the country.

The Ombudsman attached great importance to the study of international experience in the field of reliable protection and promotion of child rights and cooperation with international organizations. Thus, the Ombudsman's representatives joined online the 25th Annual Conference and General Assembly of the European Network of Ombudspersons for Children (ENOC), of which the institution is a member. During that event, dedicated to “COVID-19 and child rights”, the participants were informed about the Ombudsman's activities to ensure child rights during the pandemic, the Second Karabakh War, and the aftermath.

According to a Rolling Working Plan for the years 2021-2022 concluded between the Ombudsman Institution and the United Nations Children's Fund (UNICEF) in Azerbaijan, technical assistance was provided for NPM Team to monitor the situation of child rights and improve the Ombudsman's Call Center. Within the framework of the Working Plan, the situation of children who committed law violations was investigated and an appropriate report was prepared to reflect the suggestions and recommendations.

On the occasion of June 1 - International Children's Day, the Ombudsman issued a video message calling on the international community the protection of child rights without discrimination.

Through this video message, the Ombudsman spotlighted the violated rights of children, who became victims of Armenian military aggression during the Second Karabakh War, and considering June 1 - International Children's Day, called on the world community to protect children from all forms of violence and aggression.

Within “Human Rights Month”, the Ombudsman's regional centers organized awareness events on children's rights at the Ganja and Sheki Integrated Training Boarding Schools, Sheki Mixed-Type Orphanage, Guba Secondary Boarding School and Special Vocational School for Orphans, Jalilabad Technical School No. 8., the Humanities-oriented school-lyceum, Lankaran city Mixed-type Orphanage named after O.Mirzayev and Integrated Training Boarding Gymnasium.

The Ombudsman's NPM group conducted visits across the country. Thus, during the unnoticed preventive visits carried out to the Integrated boarding school No. 11, Sanatorium-type boarding school No. 8, the Republican special boarding schools No. 3 and 5 for children with limited health

capacities, as well as orphanages No. 2 and 3, the situation of rights of children of different age groups, residential conditions, as well as the treatment of them by facilities' staff were studied.

In addition, preventive visits were conducted also to the Ganja orphanage and children's home, Guba Boarding school for children deprived of parental care, Guba Special Vocational School, Lankaran city mixed-type orphanage named after O. Mirzayev, and Goranboy, Tovuz, Ganja, Sheki, Salyan, Neftchala, and Siyazan city, and district integration training boarding schools.

In addition to the facilities abovementioned, throughout the year, the NPM Team members carried out preventive monitoring in the Orphanage No. 1, Sheki Mixed Type Orphanage, Psychoneurological Children's Home, Social Service Institution for Children with limited health capacities No. 1, Shelter and Social Rehabilitation Institution for Vulnerable Populations, the Republican special boarding school No. 4 for children with limited health capacities, who were deprived of parental care, Special boarding school No. 9 for children with disabilities named after E.Guliyev, Sanatorium-type boarding school No. 10, Khinalig village boarding school named after R.Kalbiyev, Republican Psychiatric Hospital, Zagatala, and Sumgayit Cities Integrated Training Boarding Gymnasiums and the juvenile correctional facility under the Penitentiary Service of the Ministry of Justice and Penitentiary Institution No. 4.

During those visits, classrooms, bedrooms, restrooms, kitchens, canteens, and food warehouses of the above-noted institutions were inspected; the current situation and documentation related to the organization of speech therapy and psychological work were examined. The visits ended with taking appropriate measures to overcome the identified shortcomings, the management of the facilities was provided recommendations, as well as presented posters of the Ombudsman's Call Center.

On the occasion of the anniversary of the UN CRC, the Ombudsman declared "Child Rights Month" across the country covering the period of 20 October-20 November to increase attention to child-related issues, and ensure the implementation of child rights and more effective protection. Therefore, each state agency working in ensuring, promoting, and protecting the rights of the child is invited to join this initiative, to ensure the direct participation of children in all activities related to them following the rules of the special quarantine regime.

Within the framework of the month-long campaign, the Ombudsman Institution organized online awareness training for students and teachers covering several educational institutions in 12 districts of Baku, as well as for schoolchildren on the occasion of the November 18 – European Day on the Protection of Children against Sexual Exploitation and Sexual Abuse.

In general, over 180 pieces of training were organized by the Ganja, Sheki, Guba, and Jalilabad Regional Centers of the Ombudsman. The training was held at secondary schools covering the surrounding cities and districts. Such awareness-raising activities were taken for students, teachers, local government officials, police officers, psychologists, heads of child-care institutions, and other people working with children.

During the training, participants were informed about the existing normative legal acts on child rights and legal remedies, forms of discrimination and methods of combating it, protection of

children from exploitation, abuse, neglect, and violence, early marriage, child labor, and protection from harmful effects.

The national authorities, central and local executive bodies, as well as national NGOs also joined the above-noted child rights month-long campaign and during this period these bodies undertook appropriate measures to protect child rights more efficiently. The work done was covered in the media and social media resources.

The children of the families of martyrs were kept in the spotlight. The Ombudsman visited the families of Heroes of the Second Karabakh War- Shahin Allahyarov and Captain SurkhayNochuyev, Lieutenant-Colonel Garib Bakhshaliyev, and the children of the martyrs born after their death to learn their concerns.

The Ombudsman visited the “Winners’ Camp” organized by the State Migration Service at the Republican Boarding Gymnasium for Humanities named after A.S. Makarenko, held a cordial meeting with the children, and got familiarized with their nutrition, health, and leisure. The Ombudsman also attended and delivered speeches at the summer school “I want to be a leader” organized by the State Committee for Family, Women and Children Affairs (SCFWCA) for the children of martyrs and veterans, as well as the V Republican Forum of Azerbaijani Children. She heard their views and informed them about their rights.

The Ombudsman made a presentation at the launching of the Karabakh Memorial Internet resource, as well as the Project “Child Victims of Armenian Aggression” run by the Karabakh Revival Foundation. The Ombudsman's interim report on the child casualties as a result of Armenian civil attacks has been posted on the website of the Karabakh Memorial website.

On the occasion of December 10 - International Human Rights Day, the Ombudsman Institution announced a child drawing competition on the theme "Human rights in the Postwar Period" to increase the creative potential of children and educate them about their rights. 236 children from Baku and regions took part in the competition, the winners were awarded diplomas and prizes, whereas, the others were presented with letters of appreciation.

As part of a socially-oriented Project initiated by the Ombudsman, the CRC was translated into sign language by the editorship of the Ombudsman, an e-book was prepared for children with disabilities and specialists working with them. That publication was jointly presented by all project partner institutions, such as the Republican Children’s Library named after Kocharli, the National-Heritage Cultural Historical Research Foundation, and the “Silent Communication” Sign Language Development Support Organization, and was posted through social media.

By holding the above-mentioned awareness-raising activities, the Ombudsman contributed to the implementation of measures recommended in the “Action Plan for implementing the Strategy for Children for 2020-2025 years”, “National Action Plan to combat domestic violence in Azerbaijan for 2020-2023”, “Azerbaijani youth 2017-2021” State Program and “the National Action Plan (NAP) for 2020-2024 on Combatting Trafficking in Human Beings in the Republic of Azerbaijan” and “the Action Plan for 2020-2025 on Prevention of Selective Abortion before Birth”.

***Protection of the Rights of the Elderly.*** The Ombudsman spotlighted the protection of the rights of the senior citizens, as a vulnerable group, and the solution to their problems.

The complaints on the issues of older persons received by the Ombudsman were about failures to calculate pensions, provision of sanatorium-resort vouchers, placement in a social service institution, financial assistance, as well as the provision of food assistance and other similar cases.

#### **Case 5200-21**

*Applicant H. asked the Ombudsman to assist in transferring from the psychoneurological social service institution No. 1 at the Social Services Agency under MLSPP to the social service institution for senior citizens.*

*Following the Ombudsman's request, the applicant was transferred to the institution in question.*

#### **Case 4147-21**

*Applicant C. complained to the Ombudsman about the suspension of bereavement support payment and requested for protecting of his right to social security.*

*Following the Ombudsman's request to the MLSPP, the applicant's survivor's pension was reinstated.*

#### **Case 7150-21**

*Applicant A. applied to the Ombudsman and asked for assistance in providing food assistance, due to his financial hardship.*

*After the Ombudsman requested the Ganja City Executive Power, the applicant was provided with food.*

#### **Case 8433-21**

*Applicant A. made a complaint to the Ombudsman and said that he was suffering from a serious illness, and asked for help in his treatment in a sanatorium.*

*After the Ombudsman's request to the MLSPP, the applicant was provided with a sanatorium-resort referral.*

#### **Case 5381-21**

*Applicant, L., complained to the Ombudsman about the failure to calculate his spouse's pension, who was martyred in 1994, until 2020, and that his appeals for the payment of a difference were ineffective.*

*Following the Ombudsman's request to the MLSP, the difference of 7,595.28 manats, by adding to the monthly pension amount was transferred to the relevant bank account.*

The measures were undertaken to analyze the current situation of social protection of the elderly and normative and legal framework, and improve them in compliance with international experience, to organize leisure time for older persons, to improve social and living conditions, and increase the quality of medical service to them; legal awareness events were held; cooperation with state agencies, international organizations and CSOs was continued.

A staff member of the Ombudsman Office participated in a regional conference on the rights of older people organized by the Office of the Public Defender of Georgia. The representative of the Ombudsman gave brief information about the work done to ensure the protection of the rights of older people and the conference participants discussed the good practices in the relevant field.

During the pandemic period, the staff members of the Ombudsman Office and its regional centers monitored the situation of ensuring the rights of older people in social service institutions across the country. The measures taken to protect them from Covid-19, and necessary instructions and recommendations were provided.

The Ombudsman's 916 Call Center eased the prompt reception of incoming verbal applications made by older persons and facilitated the effective solution to several challenges faced by low-income and single aging populations aged 65 and above.

The Ombudsman's NPM group, with the participation of a doctor-expert, a psychologist, and a social worker, conducted unnoticed and scheduled visits to the social service institution for the elderly. The older people were privately interviewed during which their requests were heard and investigated. During those visits, relevant recommendations were made for better ensuring the rights of the elderly in social service institutions, accessibility for the aging population, nutrition, access to medical and social services, effective organization of their leisure time, living conditions, social problems, and health rights.

The Ombudsman thinks it is necessary to establish the municipalities' resource centers for senior citizens to ensure sustaining decent living standards for the elderly, to improve the quality of social services at home for lonely, elder orphans, and older persons with disabilities, to develop a mechanism for providing elder orphans with food at least once a day at public expense.

Along with several other articles of the European Social Charter to which our State is a party, it is advisable to ratify Article 23 on the right of the elderly to social protection.

Besides, it is necessary to approve the "State Program on Protection of Social Rights of Senior Citizens" to further strengthen the social and legal protection of older adults.

***Protection of the Rights of the Persons with Disabilities.*** According to Article 33.2 of the UN CRPD, the Ombudsman has been mandated to act as an independent mechanism for the promotion, protection, and monitoring of the implementation of the Convention.

The necessary actions were undertaken to protect the rights of PWDs, address their problems, and investigate their applications. Effective cooperation with relevant national authorities, as well as CSOs and international organizations, was continued to ensure the rights of this category of persons.

The complaints received by the Ombudsman related to the issues of older persons were about the correct assessment of disability, assistance in the organization of medical examination and treatment, provision of discounted medicines, referrals to medical institutions and rehabilitation centers, rehabilitation, including the provision of prosthetic and orthopedic devices, improvement of their housing and living conditions, and provision of preferential vehicles. The necessary measures were taken to address these issues.

#### **Case 14953-21**

*Applicant, M., complained to the Ombudsman about the refusal to determine the degree of disability by the relevant medical and social expert commission, although he had been hospitalized for a serious illness and had just been discharged from the hospital.*

*After the Ombudsman's request to the State Medical-Social Expertise and Rehabilitation Agency under the MLSPP, the applicant's disability status was assessed based on a relevant referral from the state medical institution based on the diagnosis of "mixed asthma (COPD), bronchial asthma, mixed form, chronic respiratory disorder, ventilatory failure, emphysema". The applicant was assigned a second-degree disability for a period of five years for a general reason.*

#### **Case 234-21**

*Applicant, H., made a complaint to the Ombudsman and said that his application for a prosthesis for his child with limited health capabilities was not considered.*

*Following the Ombudsman's request to the State Medical-Social Expertise and Rehabilitation Agency under the MLSPP, the applicant's son was examined at the Prosthetic and Orthopedic Production and Rehabilitation Center and ordered an upper limb prosthesis.*

#### **Case 3692-21**

*Applicant S. contacted the Ombudsman and said that his appeals to the Astara District Central Hospital to formalize the relevant referral for a determination of the degree of disability of his son suffering from a serious illness were ineffective.*

*After the Ombudsman requested the State Agency for Compulsory Medical Insurance under the MLSPP, the applicant's son's medical documents were prepared and placed in the Medical-Social Expertise and Rehabilitation Subsystem with the diagnosis of "Quadriplegic spastic cerebral palsy, pediatric cerebral palsy" and he was assigned a first-degree permanent disability.*

Taking account of the above, as well as based on international experience, it is appropriate to improve the activities of medical and social expert commissions. However, it should be noted that despite all the positive developments, there are still challenges in this direction.

The Ombudsman was particularly sensitive to the protection of the rights of PWDs during the pandemic, and prompt action was taken on incoming applications, including calls received by the call center.

### **Case 27385-21**

*Applicant, M. called the Ombudsman's Call Center complaining about the ineffectiveness of his appeals to*

*provide his son, who was registered at the Center for the Rehabilitation of the Disabled with a hearing aid at public expense. The applicant also added that his child was previously purchased a hearing device at his own expense.*

*After the Ombudsman's request to the State Medical-Social Protection Expertise and Rehabilitation Agency under the MLSP, the applicant's child was provided with a hearing device.*

As well, the requests of PWDs for the provision of medical, social, and psychological services were also granted.

The Ombudsman and the staff of the Office, regional centers, and NPM Team, based on the Ombudsman's instructions, continued monitoring education, health, and social services; they investigated the situation and needs of PWDs, especially children with disabilities. Also, recommendations were given to the management of relevant institutions for solutions to their problems, ensuring their health, education, and other rights. Based on the findings of the monitoring, awareness-raising activities were organized, and necessary measures were taken to eliminate the identified shortcomings.

It is necessary to pay more attention to the protection of the rights of people with autism, including the expansion of the network of relevant educational institutions and specialized rehabilitation and development centers for children to receive preschool, primary and secondary education, and strengthen qualified and professional training. Thus, the promotion of the rules of conduct of these individuals, and the study and application of world experience in their rehabilitation is very important in solving their medical, social, and psychological problems.

Incidentally, the First Vice President of the Republic of Azerbaijan Mehriban Aliyeva, as always, took care of such children, participated in the inauguration of a new Autism Center built by the Heydar Aliyev Foundation in the Nizami district of Baku, and always paid attention to their daily care/

The activity of the Heydar Aliyev Foundation in this field is of great importance in strengthening the social protection of children with special needs, improving their living conditions, and solving educational problems.

The Ombudsman participated in the Third International Congress for people with special needs and stressed the importance of the need to adopt a special normative legal act and a targeted state program on state care for people with autism (ASD).

The Ombudsman, who considers it necessary to allocate financial and human resources for the organization of inclusive education of PWDs, to prepare children with disabilities for inclusive education from an early age, spotlighted the issues of raising awareness of their parents, increasing the professionalism of child-care professionals and eliminating other social and psychological problems.

The Ombudsman thinks it is necessary to further expand the work for ensuring accessibility for PWDs in all spheres of public life, taking into account considering the recommendations provided at various times, both in Annual Reports or in requests to the relevant national authorities.

At the initiative of the Ombudsman, psychologists and psychiatrists from Briut Medical Center provided psychological assistance to families of martyrs and veterans during the war and post-war periods to help them improve their psychological condition during the post-traumatic stress period and ensure their adaptation to normal life.

The Ombudsman in cooperation with government agencies, CSOs, and international organizations held events to ensure the effective protection and promotion of the rights of PWDs.

During the event entitled “Strengthening cooperation between the Ombudsman Office and civil society in the protection of the rights of PWDs” dedicated to the May 5 - European Day of Persons with Disabilities, the participants discussed the measures taken to ensure accessibility of the vulnerable groups in all areas of the life and the upcoming tasks.

ENNHRI-CRPD Working Group had continuous meetings, furthermore, the information on activities of the Azerbaijani Ombudsperson in the concerned area was published in the WGs newsletters.

The European Union and the CoE jointly organized an event entitled “Models of Disability in the Eastern Partnership: best practices and lessons learned”. The Ombudsman Office was represented at this event by a staff member, who was charged with the relevant issues. During the event, good practices on the best comprehensive models, existing challenges in the EAP countries, and outcomes were discussed.

At the EU-Azerbaijan 9<sup>th</sup> Subcommittee meeting on Justice, Freedom and Security (JFS) and Human Rights and Democracy, the staff members of the Institution provided detailed information on the Ombudsman's activities in the protection of the PWDs.

The World Health Organization (WHO) hosted a virtual stakeholder meeting on strengthening the Assistive Technology (e.g. wheelchairs, hearing aids, prosthetics, glasses, etc.) sector in Azerbaijan. This meeting provided extensive information on the Ombudsman's activities in the field of protection of the rights of PWDs, including social security and health.

In the meetings on the role of the Ombudsman in the protection and promotion of the PWDs held by the Ombudsman's regional centers during month-long campaigns "Human Rights Month" and "Child Rights Month", as well as at the conference under the theme "*Decent work for all - no one left behind*" on the occasion of December 3 - International Day of Disabled Persons, and Forum on "Care and Opportunities for PWDs" the attendants were informed about the work done by the Ombudsman in protection and promotion of the rights of PWDs, as well as children and youth, established by law.

## Chapter II

### INTERNATIONAL COOPERATION

The Ombudsman of Azerbaijan expanded cooperation with foreign ombudsmen and national human rights institutions (NHRIs), also with international associations and networks, as well as intergovernmental organizations such as the UN, CoE, EU, and other influential international organizations to strengthen cooperation in the field of effective protection of human rights and freedoms, study international experience, promoting and exchanging successes and positive experiences in the development of human rights in our country.

***Activities carried out during the war and post-war periods to identify Armenia's violations of human rights, norms, and principles of international humanitarian law (IHL).*** The Ombudsman visited our liberated territories and got acquainted with the situation there, conducted on-site investigations of damage to the environment, civilian objects, and historical, religious, and cultural properties during the occupation, issued special statements based on the collected materials, and prepared reports and sent them to relevant international organizations, and NHRIs.

At the invitation of the Ombudsman, at various times, foreign delegations visited Azerbaijan to investigate violations by the Armenian armed forces of human rights, norms, and principles of international humanitarian law (IHL) in the liberated territories, as well as in the settlements affected during the war. The international delegations that visited Azerbaijan are the following:

- A delegation of the Human Rights and Equality Institution of Turkey (NHREI) and independent experts from the Karabakh Observation Group established under it;
- President of Ombudsmen Association Organization of Islamic Cooperation (OICOA) and representatives of its General Secretariat;
- A delegation led by the Chairman of the Independent Permanent Human Rights Commission (IPHRC) of the OIC;
- A delegation led by the Chair of the Commission for Protection against Discrimination of Bulgaria (CPD).

During the 44-day Second Karabakh War in 2020, from the first days, the members of the Turkish NHREI Karabakh Human Rights Observation Group (*hereafter* the Observation Group) conducted videoconferences with the Ombudsman regularly to investigate the facts of violations of human rights and IHL and to prepare a special report in this regard and received detailed information on the situation. The Observation Group was contained of independent experts specializing in the investigation of war crimes, along with NHREI head and board members.

On the initiative of the Ombudsman, the Observation Group visited Azerbaijan to investigate war crimes on the spot. Furthermore, they held meetings in the Parliament, the Mine Action Agency of Azerbaijan (ANAMA), and other government agencies, collected materials, and discussed the facts of vandalism against historical, religious, and cultural properties in the liberated territories of the country.

The members of the NHREI Observation Group together with the Ombudsman inspected residential buildings, civil infrastructure, and historical, religious, and cultural properties destroyed by Armenia in Agdam during the occupation. The Palace of Panah Ali khan Karabakh khan, “Juma” and “Giyasli” mosques, as well as other cultural and social objects destroyed in the city, were investigated on the spot. The mined area was examined, and extensive information was provided about mine victims.

Jointly with the Observation Group members, dwellings, educational institutions, administrative buildings, and other civil objects, subjected to heavy artillery and large-caliber weapons in the Tartar district, which is located outside the war zone, by Armenian armed forces in the conflict were monitored.

The NHREI Observatory Group had prepared a Special Report based on the relevant materials collected during the Fact-Finding Missions and presented it to an audience

during a press conference in Ankara, which was attended by Azerbaijani Ombudsman. At the press conference, the Group members briefed the media on the monitoring findings.

In that press conference, the Ombudsman informed the Turkish media about the violation of norms and principles of international law committed by Armenia in the Second Karabakh armed conflict, as well as the mining of territories during the occupation and the disappearance of 3,890 of our compatriots during the First Karabakh War.

The Report provides comprehensive facts about war crimes committed by Armenia during both the First and Second Karabakh Wars in violation of IHL, as well as the European Convention on Human Rights (ECHR), and the deliberate attacks on civilians and civilian objects with internationally prohibited weapons and phosphorous bombs. To the report, a failure to provide the Azerbaijani side with maps of mines buried in the occupied territories was assessed as a serious crime in the current situation. The Report was also submitted to relevant international and regional organizations and NHRIs.

The President and representatives of the General Secretariat of the OIC Ombudsmen Association, who paid an official visit to Azerbaijan at the invitation of the Ombudsman to carry out an independent Fact-Finding Mission in the freed areas, had talks with several state officials. Moreover, they conducted on-site investigations into the law violations in the liberated Shusha and Aghdam cities and Tartar district.

At the next meeting of the OIC Board of Directors, the President of the Association of Ombudsmen briefed the members on the investigations carried out and shared his impressions of the acts of vandalism during the occupation.

It should be noted that a special report is being prepared based on the facts obtained within the framework of an independent fact-finding mission implemented by the OIC Association of Ombudsmen.

IPHRC- another international delegation that visited Azerbaijan at the invitation of the Ombudsman conducted independent fact-finding missions in the liberated territories into violations in Tartar and Ganja, which were attacked by the Armenian armed forces during the 44-day war. The IPHRC delegation prepared a report based on the collected evidence.

In the Report, numerous facts of war crimes committed in the liberated and other conflict-affected areas of Azerbaijan, gross violations of human rights and freedoms, destruction, looting, and humiliation of national, cultural, architectural, historical, and religious properties, including mosques were assessed as a violation of human rights and IHL.

The OIC IPHRC Report concludes with recommendations on the establishment of international human rights monitoring center by the UN, OSCE, and regional organizations, finding Azerbaijanis missing since the First Karabakh war under the auspices of the International Committee of the Red Cross (ICRC), developing a multilateral coordination mechanism to provide psychological assistance to the families of the missing persons, and financing projects to support the return of Azerbaijani IDPs by the OIC, the World Bank, and the Islamic Development Bank to ensure investigate the human rights violations committed by the Armenian political and military leadership and establish an appropriate legal assessment of those violations.

The Report was discussed at the 18<sup>th</sup> Session of the Commission in Jeddah, Saudi Arabia, and unanimously adopted by the members of the Commission. Furthermore, the Report is included in the agenda of the Summit of the OIC Council of Foreign Ministers to be held in Islamabad in March 2022.

The cooperation was expanded along with the foreign NHRIs to effectively protect human rights, and the occupation of Azerbaijani lands by Armenia for nearly 30 years and the humanitarian crisis of this, as well as the mine problem that emerged in the post-occupation period, were constantly conveyed to the international spotlight.

A delegation led by the chair of the Bulgarian CPD, invited to Azerbaijan by the Ombudsman to investigate the consequences of Armenia's aggression against Azerbaijan, visited the liberated Aghdam and got acquainted with the destruction caused by Armenia, as well as inspected the conflict-affected settlements in the Tartar district. The delegation shared their impressions of the acts of vandalism in Aghdam and Tartar through the media.

Apart from this, the Ombudsman Office made extensive measures to combat Armenia's propaganda activities aimed at misleading the international community, and the truth has been brought to the attention of the world community through Ombudsman's social media accounts.

Several Reports prepared by the Ombudsman Office, such as a two-part report exposing Armenia's treatment of Azerbaijani prisoners of war (PoWs) and hostages, a two-part report about the Armenian authorities' policies of hatred and ethnic cleansing targeting Azerbaijanis, and two ad hoc reports on the Ombudsman's visit to the members of an Armenian armed group detained in Azerbaijan, a Report on torture and ill-treatment of Azerbaijani servicemen by the Armenian military in the Second Karabakh War, an ad hoc report on the mine problem in the liberated territories were sent to relevant international organizations and human rights institutions.

The above-noted Ombudsman's reports, along with the bringing to the attention of the world community the facts, evidence, and proof of Armenia's war crimes, aimed at preventing actions by the Armenian authorities to mislead the international community.

Unfortunately, various international organizations disseminated untrue information based on the regularly issued false reports of the Armenian government targeting Azerbaijan, as part of its propaganda activities. However, the Azerbaijani Ombudsman immediately reacted and the material facts proving the falsity of the information were brought to the attention of the international community.

In response to the Human Rights Watch (HRW) Report issued on March 19, 2021, on the allegations of ill-treatment of Armenian prisoners, the Azerbaijani Ombudsman issued a special commentary, which states that "any report on such sensitive topics as conflicts, their consequences, PoWs, alleged violations of IHL, etc., should be based only on checked facts and substantiated arguments to follow the objectivity principle and avoid a one-sided stance." The Ombudsman also reiterated that "the materials and facts provided by reliable sources such as independent international and domestic human rights organizations should be referred to as well", whereas the

HRW Report did not follow those principles, but instead allowed double standards, as well as underlined the factual information on torture and ill-treatment against Azerbaijani servicemen who were released from Armenian captivity collected during her conversations with them.

Regrettably, it should be noted that the Armenian Ombudsman Institution, which is supposed to operate independently and impartially, has also become a tool of propaganda by the Armenian government. Thus, in a letter addressed to the UN special unit for National Human Rights Institutions in protest of the Armenian Ombudsman's political and biased statement against Azerbaijan sounded at the 47<sup>th</sup> Session of the UN Human Rights Council (HRC) as the NHRI in 2021, it was stated the importance of preventing the use of the HRC platform allocated for independent NHRIs for biased purposes.

Incidentally, many international and regional organizations made references to the reports and statements released by the Ombudsman of Azerbaijan in their reports.

It should be noted that the CoE Commissioner for Human Rights had regular visual meetings with the ombuds institutions in the Member States in the field of protection of human rights and consults with them on the situation. The Azerbaijani Ombudsman held videoconferences with the CoE Commissioner, both during and after the war, and brought to her attention the facts of Armenia's violations of IHL norms and principles.

As is well known, when hostilities ceased, there were dozens of incidents that resulted in the deaths or wounding of servicemen and civilians by landmine explosions. The existence of various types of mines and other explosive ordnance continues to put the lives of people in danger.

The Ombudsman regularly informed the UN High Commissioner for Human Rights, the CoE Commissioner for Human Rights, and other relevant international human rights organizations about the existing mine problem in our liberated territories, and sent open letters to them in this regard.

In those letters, it was underlined the placement of hundreds of thousands of landmines in those areas and Armenia's refusal to provide the maps of the minefields, which aggravates the situation in the region and threatened peace and coexistence.

The Ombudsman called on the UN High Commissioner for Human Rights and the CoE Commissioner for Human Rights to influence Armenia to provide maps of minefields in Azerbaijan and to stop violations of human rights.

Today, the main goal of Azerbaijan is to undertake mine clearance in the liberated areas, restore the destroyed infrastructure, and historical monuments and ensure the safe return of IDPs who fled from their homes.

The Ombudsman has prepared an ad hoc report on the mine problem in the liberated territories to bring to the attention of the international community Armenia's war crimes and non-fulfillment of international commitments. The report provides information on the civil casualties from anti-tank (AT) and anti-personnel (AP) mines buried by Armenia in the liberated territories of Azerbaijan,

as well as the ongoing mine terror due to lack of the maps of minefields, and its detrimental effects falling on lives and health in later life, human rights, and regional development.

The Azerbaijani Ombudsman called on the international community to combine efforts to establish complete peace in the South Caucasus, create a safe environment, ensure the prompt return of IDPs to the liberated territories and take steps to eliminate an increase in the number of victims of landmines in the world.

During the meetings with representatives of international organizations, ambassadors of foreign countries, as well as heads and representatives of international organizations visiting our country, the Ombudsman briefed them on Armenia's human rights violations.

The Ombudsman received members of the delegation of the PACE Committee on Migration, Refugees and Displaced Persons, including the Rapporteur on the report on "The humanitarian consequences of the conflict between Armenia and Azerbaijan" and the head of the Secretariat of the Committee. The delegation members made an extensive presentation on the activities carried out to investigate IHL and human rights violations that occurred during and after the Second Karabakh War. The presentation provided information on civilians killed and wounded during the war, including child victims of the war, completely or partially destroyed historical, religious, and cultural monuments, as well as facts of torture and ill-treatment of Azerbaijani PoWs and hostages by Armenia.

The Ombudsman delivered a speech at the 5<sup>th</sup> OICOA Board of Directors online meeting.

During the meeting with the participation of the Ombudsman of Turkey, the President of the OICOA and the Federal Tax Ombudsman of Pakistan, the Secretary General of the OICOA, the Azerbaijani Ombudsman provided detailed information on human rights violated by the Armenian armed forces during the Second Karabakh War and after the conflict. She spotlighted deliberate attacks on civilians and settlements by the Armenian military during the Second Karabakh War, serious violations of human rights and freedoms, and ongoing landmine problems in the freed areas, including death and injury of civilians and servicemen as a result of mine blasts.

In the frame of her official visit to Italy to inform the world community about Armenia's human rights violations, the Ombudsman held meetings with the President of the Italian Senate, Chairman of the Foreign Affairs

Committee of the Italian Parliament Chamber of Deputies, members of the Italian Senate Commission for the Protection and Promotion of Human Rights, as well as other representatives of relevant human rights organizations, giving comprehensive information about the war crimes committed by Armenia against our country and the consequences of the occupation.

During the meetings, the participants were informed about Armenia's environmental terrorism, the human cost of landmines after the conflict, as well as Fact-Finding Missions, carried out by the Azerbaijani Ombudsman jointly with international delegations to investigate these human rights violations.

The meetings held during the official visit and the information provided by the Ombudsman were widely covered by the Italian and Turkish media.

In total, from the very beginning of the conflict, 14 reports, 21 statements, 7 video appeals, 23 public appeals, about 150 news releases, as well as 2 video clips on Armenia's war crimes and human rights violations targeting Azerbaijan prepared by the Ombudsman in both, Azerbaijani and English languages were delivered to the international community and relevant addresses, as well as posted on the social media platforms (Facebook, Twitter, Instagram, and YouTube) of the Institution.

The report, statements, and public appeals contained the real and objective facts of Armenia's indiscriminate attacks on civilian objects located far enough from the combat zone and civilians, taking no direct part in hostilities, which resulted in the death of civilians, including children and women, as well as serious crimes committed as a result of firing on religious, historical and cultural monuments, including mosques and other places of worship, and cemeteries with the use of operational-tactical ballistic missile systems and heavy artillery. This information was also published in the local and international press.

In her statement on the potential threat to the entire region of the "Metsamor" Nuclear Power Plant (NPP), the Ombudsman expressed her deep concern over the radioactive contamination of Azerbaijani territories, held under the occupation of Armenia for about 30 years. Given the dangers posed by the "Metsamor" NPP, and intending to prevent disasters similar to Chernobyl or Fukushima, the Ombudsman called all competent international organizations for urgent actions to ensure the safe shutdown and emergency closure of the station, and to take strict international control of radioactive wastes in compliance with the International Atomic Energy Agency's Joint Convention on the Safety of Spent Fuel Management and the Safety of Radioactive Waste Management, as well as PACE 1588 Resolution No. (2007).

The Ombudsman's Statement on unrecorded mines in the liberated territories of Azerbaijan stated that the existence of landmines threatens long-term stability not only in the freed areas but throughout the entire region, hinders the return of IDPs and significantly slows down the recovery and development process in general.

The Ombudsman issued a Statement in support of the implementation of the UN Resolution "On Combating glorification of Nazism, neo-Nazism, and other practices that contribute to fueling contemporary forms of racism, racial discrimination, xenophobia, and related intolerance." In the Statement, the steps taken by the Armenian leadership to perpetuate the memory of an unequivocally accepted nationalist politician such as Garegin Njde, who collaborated with the Third Reich, was condemned. Demonstrating serious concern for the high level of propaganda of Nazism in Armenian society by the Armenian political leadership, the Ombudsman called on all international human rights organizations to take necessary steps to stop such activities against humanity.

On May 27, 2021, the Ombudsman issued a Statement on the reconnaissance and sabotage activities of two groups of Armenian armed forces illegally entering the territory of YukhariAyrim village of the Kalbajar district of Azerbaijan on the Armenian-Azerbaijani state border, to make a sabotage and attempt to lay mines on the routes. The Ombudsman called on international

organizations and the world community to ensure effective measures to prevent further military provocations by Armenia and to refrain from attempts to threaten peace, to provide a map of minefields as soon as possible, and to comply with all terms of the Trilateral Statement concluded by the Azerbaijani, Armenian and Russian leaders.

The Ombudsman made a Statement regarding the death of three civilians, including two journalists, who were killed by a landmine planted by Armenia in the Kalbajar district of Azerbaijan. The Ombudsman reiterated her serious concern over the ongoing mine problem in the region, which seriously affects the lives and health of human beings, stating that international human rights organizations should not ignore the violations of these human rights and take appropriate steps within their mandate.

The Ombudsman through her Statement made on the occasion of the 6 November- International Day for Preventing Environmental the Exploitation of the Environment in War and Armed Conflict spotlighted Armenia's environmental crimes (ecocide), seriously damaging the nature, biodiversity, flora and fauna, water resources, ecology in the occupied territories of Azerbaijan and the region's ecosystem as a result of its military aggression.

As well, the Ombudsman released a Statement concerning the deaths of 7 servicemen of the Azerbaijani Army and injuring of another 10 as a result of Armenia's large-scale military provocation on November 16, 2021, on the state border of Azerbaijan, which was addressed to international organizations and the world community. In that Statement, it was demanded to hold criminally liable under international law of the Armenian military-political leadership, who once again attempts to invade the universally recognized territories of Azerbaijan, which is a direct barrier to just and sustainable peace in the entire region, prevents the return of IDPs to their native lands, and grossly violates fundamental human rights and freedoms.

On the occasion of the International Day of the Disappeared, the Ombudsman released a video message to the world community, where she expressed her concern about the fate of civilians missing and taken hostage in the First Karabakh War and its aftermath. She also provided relevant facts. Outlining that Armenia still failed to provide information on the whereabouts of the missing persons in violation of the requirements of the Geneva Conventions, the Ombudsman called on international organizations to take a firm stand against this violation.

The aforementioned video message was released in three languages and sent to relevant international organizations, ombuds institutions, NHRIs, and diaspora organizations, and widely covered by the media.

As is well known, Azerbaijan filed a lawsuit in the International Court of Justice (ICJ) for violation of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) by Armenia with a request to prevent the incitement of racial hatred in Armenia directed against Azerbaijanis.

In the documents submitted by Azerbaijan, it was also referred to the Ombudsman's reports, which were also submitted to relevant intergovernmental organizations.

It should be noted that according to the ICJ decision taken after the hearings held from 14 to 19 October 2021, the Armenian side was demanded to take immediate measures to cease violations of human rights directed against Azerbaijanis.

The Ombudsman carried out onsite investigations into cemeteries destroyed by Armenia during the occupation of Fizuli and Garakhanbeyli, Dadali, Kurdler villages, Mammadbeyli and Agali villages of Zangilan district, Garagaji and Uzundere villages of Aghdam district. Furthermore, along with the destruction and desecration of graves in these cemeteries, it was found also the facts of burial of landmines nearby. Currently, the Ombudsman is being prepared a report to be sent to international organizations based on the findings of the monitoring.

***Ombudsman's official foreign visits.*** In the past period, as a part of international cooperation, the Ombudsman has visited several foreign countries to build new cooperation with foreign ombudspersons and NHRIs and to strengthen existing cooperation, as well as to exchange experiences.

At the invitation of the Chief Ombudsman of Turkey, the Azerbaijani Ombudsman paid an official visit to that country to enhance collaboration and share experiences between the two institutions. She got acquainted with the complaint review procedure and works done to protect the rights of the various population groups.

As a part of her official travel, the Ombudsman had meetings with the Speaker of the Grand National Assembly of Turkey (GNAT), the Chairs of the Committee on Human Rights Inquiry and Committee on Petitions of the Parliament, the President of the Turkish Constitutional Court, the Minister of Justice and several members of the parliament (MP).

At the meetings held during the visits, the sides were briefed on the work done to inform the world community about Armenia's crimes against humanity and war crimes committed in the Second Karabakh War against civilians, as well as discussed prospects for further development of mutually beneficial cooperation.

Besides, the Ombudsman attended the 4th Meeting of the Heads of Anti-Corruption Organizations and Ombudsmen of the Economic Cooperation Organization (ECO) Member States in Tashkent, Uzbekistan. This international event, along with Uzbekistan, the event has brought together representatives from Turkey, Pakistan, Iran, Afghanistan, Kazakhstan, Kyrgyzstan, Turkmenistan, and Tajikistan. During the visit, the Ombudsman had talks with the Commissioner for Human Rights of the Oliy Majlis (Supreme Assembly) of Uzbekistan, and discussed the possibilities of further cooperation between the institutions and agreed to sign a bilateral memorandum (MoU).

The Ombudsman's next visit to Turkey was at the official invitation of the NHREI and Ankara Yildirim Beyazit University. The main purpose of the visit was to participate in the presentation of a Mission Report on violations of international law, including human rights law that occurred during the 44-day war, prepared by the NHREI Observation Group, composed of qualified lawyers working in the field of war crimes as a result of their independent monitoring. During the visit, the Ombudsman also spoke at an event entitled "The normalization process of Karabakh: legal and political assessments" organized by Ankara Yildirim Beyazit University. At the event, an extensive presentation on the Ombudsman's activities during the Second Karabakh War was made.

As a part of the Ombudsman's official travel to Bulgaria held at the invitation of the CPD of that country to expand cooperation, an MoU was signed between the two institutions to strengthen the exchange of information between the two institutions to ensure the rights of citizens of the two states, and to organize scientific conferences, seminars and pieces of training on human rights.

During the meetings with the delegation of the Bulgarian CPD, along with the Ombudsman's activities in countering discrimination, a detailed presentation was made on Armenia's policy of ethnic cleansing against Azerbaijan and its consequences.

During her official travel, the Ombudsman had talks with the Vice President, the Chairman of the Supreme Administrative Court, the Minister of Labor and Social Policy, as well as the Grand Mufti of the Muslim Community in Bulgaria. Also, she visited the Bulgarian University of Library Studies and Information Technologies and met with faculty staff. During those meetings, information on the reports and public appeals issued by the Ombudsman addressing the world community was provided.

The Ombudsman's official meetings held during her

working visit to Italy met with the President of the Italian Senate, the Chairman of the Foreign Affairs Committee of the Italian Parliament Chamber of Deputies, members of the Italian Senate's Commission for the Protection and Promotion of Human Rights, as well as representatives of other relevant human rights organizations have become important in terms of propaganda of the realities of Azerbaijan in the world.

***Activities implemented within international projects.*** International and regional human rights organizations attach great importance to cooperation with the Ombudsman Institution in protecting human rights, studying international experience in the concerned field, and promotion within the country. In the international arena, the ombudsman and NHRIs are recognized as the most effective non-judicial grievance mechanisms for the restoration of the violated rights, and important tools in applying new approaches to the protection and promotion of human rights.

In light of the subject just mentioned, international and regional organizations attached great attention to the activities of the Ombudsman Institution of Azerbaijan in learning about the international experience in human rights and its successful application into domestic practice.

Since its membership in the OICOA, the Ombudsman Office has been actively engaged in awareness-raising projects implemented by this organization.

As a part of the awareness-raising project implemented by the OICOA, along with the ombudsman and NHRIs of Turkey, Pakistan, Iran, and the Kingdom of Morocco, the Azerbaijan Ombudsman Institution also organized an online awareness training in English for the ombuds institutions of the Member States. At the training session, which was attended by about 80 representatives from the OIC Member States, the participants were informed about the mandate, complaint (application) review mechanisms, national preventive mechanism, and activities of the Ombudsman in the protection of the rights of access to information, and actions undertaken during the wartime.

It is a well-known fact that in November 2021, during the 8th Summit of the Cooperation of Council of Turkic-Speaking Countries, a statement was adopted to turn the Council into an Organization, which contributed to the establishment of economic, social, cultural, and human rights cooperation between Turkic-speaking countries. In this context, based on discussions between the Azerbaijani and Turkish ombudsman institutions, the Ombudsmen of Azerbaijan, Turkey, Kazakhstan, and Uzbekistan held the 2<sup>nd</sup> online meeting on the establishment of the Association of Ombudsmen of Turkic-speaking countries. The Ombudsman of Azerbaijan provided relevant recommendations on the establishment and drafting of the statute of the association.

In the past period, Ombudsman Institution furtherly enhanced its cooperation with the CoE and the European Union (EU) and continued its activities within the Eastern Partnership Program (EAP).

The implementation of the EU-CoE Joint Project “Strengthening access to justice through non-judicial redress mechanisms for victims of discrimination, hate crime and hate speech in the Eastern Partnership countries”, to which the Ombudsman Institution of Azerbaijan also joined in 2019, had successfully continued. Within the frame of this Project, a series of training were conducted for some staff of the Ombudsman Institution to strengthen the professional capacity of the Office in combatting discrimination. The staff members of the Institution have completed CoE “HELP” online course (Human Rights Education for Legal Professionals) and are certified as trainers in the field of discrimination.

Given the harmonization of the national legal framework with the international treaties by which Azerbaijan consented to be bound, and the European Commission Against Racism and Intolerance (ECRI) Recommendations provided in its 2016 periodic report on Azerbaijan. The Ombudsman Institution proceeded with its CoE and EU partnerships to expand beyond the original mandate of the Ombudsman to effectively counter discrimination. An investigative document has been prepared to strengthen the Ombudsman’s mandate on equality and non-discrimination.

Within the framework of the aforementioned project, the Ombudsman Institution also held several meetings with civil society members and exchanged views on further strengthening cooperation.

The staff members of the Office have also participated in a series of webinars on specific articles of the Istanbul Convention within the framework of the EU-CoE Joint Project “Raising awareness of the Istanbul Convention and other gender equality standards in Azerbaijan”.

As previously mentioned, the Ombudsman Office organized a series of awareness-raising training on “The role of the Ombudsman and Civil Society Organizations in Promoting Good Governance” in cooperation with the GIZ a regional program on “Local Governance Program in the South Caucasus in Guba, Sheki, Lankaran and Ganja. The pieces of training were run by experienced trainers-experts, who were staff of the Ombudsman Office. Those trainings were attended by a total of about 80 representatives from various state authorities and CSOs.

Those series of training covered the topics of features and importance of good governance, related international norms and principles, alternative dispute resolution (ADR), mediation, the Ombudsman's mandate and aspects of impact on good governance, complaints (application) review procedure, business and human rights, and right to information.

During the pieces of training, participants were provided with theoretical and practical information on the process of preparation of additional, interim, and ad hoc reports of the Ombudsman, submission of complementary reports to UN Treaty Bodies, and activities carried out by the Ombudsman Institute in this field.

The Project was summed up in a hybrid format final roundtable on “The role of the Ombudsman and CSOs in promoting good governance” held on 10 December - the International Human Rights Day, the project, where the outcomes were analyzed as well. At the event, along with heads of government agencies, judiciary, CSOs, intergovernmental organizations, diplomatic missions, and ombudsmen of other countries, the Chief Ombudsman of Turkey, the Ombudsman of the Kingdom of Morocco, the Head of CoE Anti-Discrimination Department also joined the meeting using a video conferencing tool and shared their experiences.

The Ombudsman Institution continued its bilateral cooperation with UNICEF in 2021, as well. This was based on the successful implementation of the measures envisaged in the joint action plan signed in 2020 by the Ombudsman Institution and the UNICEF Country Office. Since last year, as a new development, the involvement of a social worker and a lawyer in the monitoring within the frame of this action plan has significantly contributed to the effectiveness of this activity.

According to the agreement reached during the meeting of the Ombudsman with the UN Resident Coordinator in Azerbaijan, it was decided to establish a Joint Working Group of the UN and the Ombudsman, for this purpose a preliminary version of the Technical Specifications document defining the activities and format of the Working Group.

***Meetings with representatives of international organizations and ambassadors of foreign countries.*** Last year, the Ombudsman received the heads of representation of several international organizations accredited to our country and ambassadors of foreign countries. During meetings with them, the Ombudsman provided detailed information on human rights violations committed by Armenia during and after the Second Karabakh War, as well as Fact-Finding Missions in civilian infrastructures freed from occupation and subjected to military attacks.

Ombudsman held meetings with the UN Resident Coordinator in Azerbaijan, the OHCHR Senior Human Rights Adviser in the South Caucasus, the Representative of the Food and Agriculture Organization (FAO) of the UN in Azerbaijan, the Head of the UNICEF Representative in Azerbaijan, the Head of the World Health Organization (WHO) Representative to Azerbaijan, members of the CoE Congress of Local and Regional Authorities, the delegation of the PACE Committee on Migration, Refugees and Displaced Persons, Director of the GIZ in Azerbaijan, ICRC Representative in Azerbaijan, the newly appointed Head of the EU Delegation to Azerbaijan, the Ambassadors Extraordinary and Plenipotentiary of the United States, Germany, Great Britain and the United Kingdom of Great Britain and Northern Ireland to our country, as well as the CoE Commissioner for Human Rights and the head of the General Inspection Organization of Iran.

In 2021, the Ombudsman received representatives from a number of international organizations.

During the meeting with the UN Resident Coordinator in Azerbaijan, the Ombudsman gave information about

Armenia's war crimes in the Second Karabakh War, the existing unrecorded mine problem, as well as it was stressed the importance of complex measures for demining process and the support of international organizations for the return of our IDPs to those lands.

The Ombudsman received the newly appointed UNICEF Representative in Azerbaijan. During the meeting, cooperation between the Office of the Ombudsman and the UNICEF Country Office, including in protecting child rights, and joint activities for the development of juvenile justice at the national level were discussed.

At the meeting with the GIZ Country Director, the effective protection of the rights of persons with disabilities, children, and migrants, and the study of international experience in these areas between the two organizations were discussed and agreed to conduct good governance pieces of training in the districts.

During the meeting with the Head of the CoE Directorate General of Programs, the directions of cooperation in the field of promoting gender equality, protection of women's rights, and combating domestic violence were discussed.

The Ombudsman met with the newly appointed Head of the EU Delegation to Azerbaijan. During the meeting, the Ombudsman informed about the facts of Armenia's gross violations of human rights committed in the Second Karabakh War, military attacks on civilians and civilian objects, as well as statements and reports on landmines in the liberated territories that were submitted to international organizations. The related documents were presented to the guest.

According to the main activity directions between the EU and the Ombudsman Office, the issues driven by the joint cooperation were discussed.

An international expert from the UN Economic Commission for Europe (UNECE) was received at the Ombudsman Office. The purpose of this meeting was to collect information for the preparation of the 3rd UNECE "Environmental Activity Report". During the meeting, the questions raised by the expert on the extensive activities of the Ombudsman were answered in detail. The hard copies of the Ombudsman's statements and public appeals addressed to the international community to expose and prevent Armenia's environmental crimes committed during the Second Karabakh War and the post-war period were presented to the UNECE expert.

Furthermore, the Ombudsman had talks with the EU delegation led by the EU Special Representative for the South Caucasus and the Crisis in Georgia (EEAS). The sides had discussed the Second Karabakh War between Armenia and Azerbaijan, which lasted 44 days, and its consequences, including the liberation of the occupied lands of Azerbaijan for almost 30 years, as well as the situation of human rights in the postwar period. Numerous questions from the delegation members about the Ombudsman's activities in the protection of human rights during the war and the post-war period were answered.

During the meeting with the OHCHR Senior Human Rights Adviser in the South Caucasus, the Ombudsman spoke about the facts of gross violations of international law as a result of Armenia's crimes targeted Azerbaijan.

During the meeting with the Head of the WHO Representative to Azerbaijan, the Ombudsman held extensive discussions on the prospects of cooperation in the field of public health. The WHO country representative expressed interest in strengthening cooperation with the Ombudsman and ensuring the participation of CSOs in these processes.

In addition, the Ombudsman received several foreign ambassadors.

At the meeting with the US Ambassador Extraordinary and Plenipotentiary to Azerbaijan, the Ombudsman noted that the liberation of Azerbaijani territories occupied by Armenia for nearly 30 years paved the way for the restoration of violated rights of IDPs, it also underlined the existing mine problem in those liberated areas, expressing serious concern about non-compliance with the international obligation of the opposite side to share the maps of minefields with Azerbaijan. During the meeting, the sides also discussed prospects for cooperation in the field of human rights and human rights education

The Ombudsman met with the Ambassador Extraordinary and Plenipotentiary of the UK to Azerbaijan. During the meeting with the ambassador, it was spoken about the Fact-finding missions carried out in connection with the destruction and human casualties during the attacks on civilian settlements by the Armenian armed forces during the Second Karabakh War. Moreover, the diplomat was provided information on special reports prepared in this regard, highlighting that despite the end of the war, Armenia has still refused to provide the maps of hundreds of thousands of infantry and anti-tank mines that were previously buried by Armenia in the liberated territories, which had made it difficult for IDPs to return to those places. The UK ambassador expressed interest in cooperation with the Ombudsman Office for the effective protection of human rights and promotion of the Rule of Law.

During the meeting with the Ambassador Extraordinary and Plenipotentiary of Germany to Azerbaijan, the Ombudsman said that she personally received the servicemen tortured and ill-treated during the war with Armenia, while being held in captivity, as well as former hostages Shahbaz Guliyev and Dilgam Askerov. Besides, she issued a relevant report based on the collected materials, which were later submitted to competent international organizations. Expressing interest in cooperating with the Institution in the field of human rights, the Ambassador also touched upon the Ombudsman's cooperation with CSOs and expressed the readiness to support the activities in this field.

### **Chapter III**

## **HUMAN RIGHTS EDUCATION, SCIENTIFIC-ANALYTICAL WORK AND**

## COOPERATION WITH CIVIL SOCIETY ORGANIZATIONS

***Human rights education.*** Ombudsman carried out human rights education activities to develop legal thinking and legal culture in the society, to promote the rights of various population groups.

The Ombudsman held a series of awareness-raising events across the country following several strategies, national action plans, and programs.

This year, as every year, the Ombudsman declares “Human Rights Month” between the period of 18 May to 18 June on the occasion of the 18 June –Human Rights Day in Azerbaijan intending to expand the activities in human rights protection and promotion, informing the public about the developments, identifying the tasks ahead, as well as develop the people’s legal thinking and culture. Within the framework of this month-long campaign, the Ombudsman Office and Regional Centers conducted numerous legal awareness-raising events in the field of human rights promotion.

The government agencies, local executive authorities, scientific and educational institutions, CSOs, as well as NGOs, and the media also joined the Ombudsman’s initiative and actively participated in awareness-raising activities.

On the 21st of September – the International Day of Peace, events were held in Baku and the regions of the country, and during those awareness events, the Ombudsman’s public appeal addressed to the international community in connection with this significant day was brought to the attention of the participants.

Apart from this, the Ombudsman declared the country “Child Rights Month” from 20 October to 20 November on the eve of the anniversary of the Convention on the Rights of the Child to increase attention and care for children, to ensure the implementation and effective protection of child rights. These events were attended by state bodies, municipalities, and CSOs.

As well, Ombudsman Office and regional centers organized a series of events in connection with the anniversaries of the 20 January tragedy, the Khojaly Genocide, March 31- the Day of the Genocide of Azerbaijanis, and September 27 - the Day of Remembrance.

The Ombudsman conducted extensive awareness-raising activities following the “National Action Plan to Combat Domestic Violence in the Republic of Azerbaijan for 2020-2023, as part of the “16 Days of Activism Against Gender-Based Violence” campaign held worldwide between November 25 - International Day for the Elimination of Violence against Women and December 10 - International Human Rights Day to raise awareness at the local, regional and international levels to prevent violence against women."

The Ombudsman’s Regional Centers launched awareness events on the occasion of February 2- Youth Day, April 7 - World Health Day, November 12 - Constitution Day of Azerbaijan, November 25 - International Day for the Elimination of Violence against Women, December 1 - World AIDS Day, with the participation of various stakeholders - Awareness-raising events dedicated to December 3 - the International Day of Persons with Disabilities, December 10 - International Human Rights Day, as well as other days of local and international importance.

The Ombudsman Office and regional centers, as well as NPM members, had awareness talks and training with various population groups (children, women, youth, the elderly, PWDs, refugees, IDPs and migrants, detainees, prisoners, etc.) during their preventive visits to social service institutions, education, mental health, and educational facilities, penitentiary institutions, including correctional facilities, TDPs, pre-trial detention centers, immigration detention centers.

The cooperation with higher education institutions has been continued to support the training of qualified, knowledgeable, and experienced specialists in the field of human rights protection. The Undergraduate law students of Baku State University had internships, whereas master students specializing in Human Rights and Medical Law had scientific and research internships with the Ombudsman Institution. In total, in 2021, 464 students and masters were in scientific and research internships with the Institution.

Educational publications have a recognized role in increasing the effectiveness of human rights education. At the initiative of the Ombudsman, 10 educational materials in 2021, including “Let’s ensure the right to information!”, “Let’s know our right to information!” information booklets, the Ombudsman’s Mission Reports were published in both, Azerbaijani and English languages. In addition, the Ombudsman’s Annual Report was published in Azerbaijani, Russian and English languages, as well.

In total, up to date, the Ombudsman Office has published 216 books, more than 23 foreign publications on human rights and good governance have been translated into the Azerbaijani language, 59 books in Azerbaijani have been translated into English and 45 books have been translated into Russian and presented to a wide readership.

In 2021, the Human Rights Library of the Ombudsman Institute distributed various types of legal education and information materials on various fields of human rights, (books, booklets, leaflets, posters, bulletins, etc.), produced by the Institute, as well as the Reports of the Ombudsman prepared based on the findings of Fact-Finding Missions carried out together with leaders and delegations of international organizations in the liberated territories, and presented to government agencies, received guests, as well as officials during the Ombudsman's travels overseas, and to various libraries, penitentiaries and educational institutions of the country.

On the occasion of the significant and historic days, the Library of the Ombudsman Office organized exhibitions under the themes of “20 January”, “Khojaly Genocide”, “Genocide and Deportation”, “Publications of the Ombudsman Office”, “New publications”, “Karabakh is Azerbaijan!”, “44 Days - Chronicle of Victory”, “Coronavirus! Let’s protect our health!” and “December 12 - We honor our National Leader Heydar Aliyev”.

The Human Rights Library of the Ombudsman Office joined the book campaign “Every book read is a bright tomorrow” held by the Republican Children’s Library named after F. Kocharli on February 14 - International Book Giving Day, and presented 450 copies of 6 printed products (books, leaflets, and posters) to the Republican Children’s Library within the frame of that action.

The 152 books, 55 fiber-booklets, 9 posters, and 216 books on various fields of legal literature were demonstrated in the VII Baku International Book Fair, organized at the Baku Expo Center by the Ministry of Culture of Azerbaijan, where the Ombudsman Office also participated.

The legal education materials of the Ombudsman Institution have also been posted on the official website and social network accounts of the Institution.

In addition, to convey to the international community the realities of Azerbaijan, the Ombudsman's Office also participated in the 73<sup>rd</sup> International Frankfurt Book Fair in Germany under the motto "Re-connect". Ombudsman's Reports prepared in English on the fact-finding missions carried out during the Second Karabakh War, on human rights violations committed by the Armenian military-political leadership, and on hate speech against our compatriots were displayed at the exhibition. The demonstration of those publications at such international exhibitions is important in terms of exposing the crimes against peace and humanity and other acts of vandalism committed by Armenia against Azerbaijan.

To contribute to the adoption and use of sign language, Braille, and all other methods of communication in official relations, a sign language E-book was prepared based on the revised 3<sup>rd</sup> edition of the child-friendly version of the CRC under the editorship of the Ombudsman. Within the framework of this social project, a presentation of the e-book was made during the event held on December 10 - International Human Rights Day with the participation of CWDs, and an event entitled "We are strong and happy with our rights" was organized together with the Republican Children's Library named after F. Kocharli.

***Scientific-analytical work.*** Within the framework of the Ombudsman's scientific-analytical work, measures aimed at improving national normative legal acts were taken to more reliably protect human and citizens' rights and freedoms.

Ombudsman's scientific and analytical work includes developing, implementing, and monitoring existing strategies, concepts, national action plans, and programs on human rights, improving the national legal framework, sending inquiries to the Constitutional Court of Azerbaijan to check the compatibility of normative legal acts with the Constitution.

Based on the principles of the Madrid International Plan of Action on Aging, the Ombudsman once again recommends developing and approving a "State Program for the Protection of the Social Rights of the Elderly" for the coming years to increase attention to the elderly and strengthen their social and legal protection.

Given the UN Guidelines Principles on Business and Human Rights and the Guidance on National Action Plans on Business and Human Rights, as well as the international experience in the concerned area, to ensure respect for and observance of human rights and freedoms in the conduct of business, to make the effective remedy more accessible, to create conditions for more active participation of entrepreneurs in the socio-economic life of the country by promoting and applying corporate social responsibility; and to coordinate the activities of the relevant authorities, the Ombudsman recommends to develop a "State Program on business and human rights".

The Ombudsman continued to cooperate with the Bar Association of Azerbaijan in delivering qualified legal aid to the population and improving the legislation. The proposals on the draft document on amendments and additions to the Law of Azerbaijan "On Lawyers and Advocacy" addressed to the Ombudsman by the Board were prepared and submitted accordingly.

In addition, to more effectively protect human rights and freedoms, the Ombudsman believes that the State should ratify several international agreements in this area:

- International Convention for the Protection of All Persons from Enforced Disappearance;
- European Social Charter (Revised): Article 2 (right to just conditions of work); Article 3 (right to safe and healthy working conditions); Article 10 (right to vocational training), Article 13 (right to social and medical assistance), Article 15 (right of PWDs to independence, social integration, and participation in the life of the community), Article 17 (right of children and young people to social, legal and economic protection), Article 19 (right migrant workers and their families to protection and assistance), Article 23 (right of the elderly to social protection), Article 30 (right to protection against poverty and social exclusion) and Article 31 (right to housing) (taking into account the economic situation and financial capabilities of the country);
- Optional Protocol to the International Covenant on Economic, Social, and Cultural Rights;
- ILO Convention C102-Social Security (Minimum Standards);
- Council of Europe Convention on preventing and combatting violence against women and domestic violence (Istanbul Convention);

According to the Constitutional Law on the Ombudsman, the Ombudsman has made recommendations for the adoption, repeal, or amendment of laws to ensure human rights and freedoms.

The criminal and criminal procedure, civil and civil procedure, administrative procedure, administrative offenses, Labor, Family, Housing, and Tax Codes of Azerbaijan, as well as disability, pension, social benefits, social services, etc., and legislative acts related to the areas were monitored.

The Ombudsman prepared opinions and proposals on draft normative legal acts sent by the Parliament of Azerbaijan and relevant central executive bodies and submitted them accordingly.

The Ombudsman was actively engaged involved in the preparation of relevant regulations, and made recommendations and suggestions to ensure the implementation of the “National Action Plan (NAP) on the Prevention of Domestic Violence in the Republic of Azerbaijan for 2020-2023”.

Incidentally, NGOs are also actively involved in the legislation improvement process carried out by the Ombudsman.

The Ombudsman appealed to the Constitutional Court concerning Part VII of Article 130 of the Constitution of Azerbaijan and Article 13.2.8 of the Constitutional Law “On the Ombudsman”, as well as Article 32 of the Law of Azerbaijan “On the Constitutional Court”, and relevant acts were adopted.

The Plenum of the Constitutional Court of Azerbaijan adopted a decision dated April 23, 2021, based on the Ombudsman’s inquiry to check the compatibility of Articles 85 (3) and 85(4) of the Criminal Code of Azerbaijan with the 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.

The noted above Decision states that while setting a sentence of community service on those under the age of 15, who, first time, has committed a less serious crime or do not pose a major public threat, the courts, first of all, should give priority to their release following Article 88.1 of the Criminal Code.

Based on the Ombudsman's inquiry to the Constitutional Court to check the conformity 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 Article 71 and parts I and III of Article 149 of the Constitution, the Plenum of the Court have adopted a decision of 19 February 2021.

That Decision establishes that according to Article 1159 of the Civil Code and Article 134.1 of the Family Code, Article 1193 about the definition of obligatory inheritance share of the Civil Code of Azerbaijan, "children and parents of the testator" also contains adoptees and adoptive parents.

As well, the Ombudsman inquired the Constitutional Court to verify the conformity of Article 9.6 of the Law "On Labor Pensions" with part 1 of Article 13 (property), Article 25 (right to equality), part I-IV of Article 29 (right to property), parts I and III of Article 38 (right to social security) and parts I and III of Article 149 (normative legal acts) of the Constitution of Azerbaijan.

The Decision by Plenum of the Constitutional Court regarding this inquiry decided that according to Article 9.6 of the Law on Labor Pensions, after the determination of labor pensions, the re-calculation of pensions of labor pensioners, who continue military service, is performed only pension capital registered in the insurance part of the individual account, from the date of application. The Decision also clarifies the matters related to the re-calculation of the pensions of military servicemen, who retired with preferential terms but continue their work in another field.

These decisions and rulings adopted based on the Ombudsman's inquiries to the Constitutional Court of Azerbaijan have offered theoretical and practical knowledge of how to correctly understand, apply and provide human and civil rights and freedoms enshrined in the Constitution and other normative legal acts.

***Cooperation with the public and civil society organizations.*** Last year, the Ombudsman has worked closely with CSOs, including NGOs, media outlets, communities, and the general public. Within the framework of this cooperation, the NGOs' active participation in discussions on various areas of human rights, and relevant proposals were prepared by discussing several issues during meetings with local communities, and news releases, articles, and interviews were disseminated in local and foreign media.

***Public relations and cooperation with NGOs.*** The NGOs, communities, community representatives, experts in various fields, and the media were actively engaged in several events dedicated to the priorities of human rights, initiated and organized by the Ombudsman.

A new Department on cooperation with international organizations and civil society organizations was established on the premises of the Ombudsman Office to ensure further expansion of the Ombudsman's cooperation with CSOs and support the strengthening of civic participation.

Ombudsman Office and regional centers arranged events dedicated to January 20, February 26 - the Khojaly Genocide, March 31- the Day of the Genocide of Azerbaijanis, February 2 - the National Youth Day, April 7 - World Health Day, May 28 – Independence Day, June 1 - International Children’s Day, October 18 – Day of Restoration of Independence and November 8 - Day of Victory, which actively attended by the public representatives.

The families and veterans of the 44-day war remained the center of attention of the Ombudsman, learned about their problems, visited them, and raised their concerns before the relevant authorities in order for the measures to be taken. To solve their problems, the “Zafar” Public Union for Support of Families of Martyrs was cooperated.

At the initiative of the Ombudsman, at various times, members of the families of martyrs, veterans, and relatives of those beloved ones were killed were actively engaged in medical and psychological support campaigns organized in the regions by specialists of “Briut” Medical Center and EGIS Pharmaceuticals PLC.

It should be noted that the Ombudsman awarded honorary diplomas to several NGO representatives, including human rights defenders, who took an active part in the protection of human rights and the development of civil society in our country.

The Ombudsman organized an online event on “Strengthening cooperation between the Office of the Ombudsman and CSOs in the protection of the rights of persons with disabilities”. The challenges and existing problems were widely discussed, and recommendations were made during that event, initiated by the Ombudsman and attended by national NGOs, such as the Public Union “Azerbaijani Veterans of Afghanistan”, the “Society of Disabled and Veterans Karabakh”, the Public Union “Independent Lifestyle” for Supporting the People with Disabilities, Azerbaijan Society of Disabled Women (DWSA), Ganja city Department of United Aid for Azerbaijan (UAFA), Guba Regional NGO Resource and Training Center, and Ganja City Department of the DWSA.

The issues related to the current problems of civil society in the country and how to overcome them and improve the legal environment in this area, as well as future cooperation, were discussed with the national NGOs, such as the “League for the Defense of Rights”, “Azerbaijan National Section of International Society for Human Rights”, “Union of Disabled People Organizations (UDPO), “The D. Alieva Society for the Protection of Women’s Rights”, “Citizens’ Labor Rights Protection League”, “Constitution Researches Fund”, and “National NGO Forum” during the event entitled "The role of strengthening cooperation between the Ombudsman and civil society institutions in the protection of human rights" held on the occasion of the May 28 - Republic Day.

The Ombudsman had meetings with members of the Azerbaijan Women's Entrepreneurship Development Association (AWEDA), inquired about the problems of women entrepreneurs, and discussed the issues concerning their participation in social projects, the challenges they face, and how to overcome them.

The Ombudsman visited the “Winners’ Camp” in Shuvalan for the children of martyrs, organized by the initiative of the charity organization “For Azerbaijan”, with the support of the State Migration Service of Azerbaijan and the joint support of a number of local organizations. She

learned the situation of ensuring nutrition and health-care service and organization of the leisure time for the children in the camp and had cordial talks with them.

The Ombudsman also participated in the presentation of a documentary film demonstrated in the frame of the “Road to Victory” Project at Baku Higher Oil School, organized by the Public Union “Zafar” (Victory) Supporting Martyrs’ Families, and with the support of the Foundation for the Promotion of Moral Values, also with the participation of civil society members, and took part in the ceremony of awarding the winners of the essay writing competition titled “My Homeland is Azerbaijan!”.

The civil society members actively engaged in pieces of training on “The role of the Ombudsman in promoting good governance in government agencies and strengthening cooperation with civil society institutions in the concerned area”, implemented in the regions within the Ombudsman Institution/GIZ Joint Project.

*Cooperation with the media outlets. The Ombudsman attached great importance to cooperation with the media in terms of closer and more effective public relations.*

The Ombudsman’s activities for reliable protection of human rights are regularly disseminated through the official website, as well as on the social network platforms, such as Facebook, Twitter, Instagram, and YouTube, as well as in local and foreign media. To promote the truth of Azerbaijan in the world, the Ombudsman gave interviews to several local and foreign television and radio channels, and news agencies.

Press releases on the Ombudsman's multifaceted activities were widely disseminated in Azerbaijan, English, and Russian.

The Ombudsman’s statements on the anniversary of the January 20, February 26 – Khojaly Genocide and March 31 - the Day of the Genocide of Azerbaijanis were sent to international organizations. In addition, during the year, the Ombudsman’s statement of protest concerning the potential threat of Metsamor NPP to the entire region, unmarked minefields in the liberated territories of Azerbaijan, in support of the implementation of the UN Resolution “On Combating glorification of Nazism, neo-Nazism, and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance”, against the Armenia’s provocation in the direction of Kalbajar district of the Azerbaijani state border, civilians killed of explosions of mines buried by Armenia in the Kalbajar district of Azerbaijan, on provision of maps of minefields planted by Armenia in the liberated territories of Azerbaijan, as well as on the first anniversary of rocket attacks on Ganja's during the 44-day Second Karabakh War, anniversary of the shelling of the Tartar city cemetery, on the occasion of the International Day for Preventing the Exploitation of Environment in War and Armed Conflict, and on the death and injuries of our servicemen as a result of Armenia's military provocation against Azerbaijan had been covered by media.

These Statements of the Ombudsman are addressed to the UN Secretary-General, the UN Security Council, the UN Office of High Commissioner for Human Rights, the UN Office of the High Commissioner for Refugees, the UN Human Rights Council, the United Nations Children’s Fund, the United Nations Educational, Scientific and Cultural Organization, European Union, Council of

Europe, Organization for Security and Co-operation in Europe, International and European Ombudsman Institutions, Asian Ombudsman Association, Organization of Islamic Cooperation and the Ombudsman Association of its member states, Independent Permanent Human Rights Commission of the Organization of Islamic Cooperation, European Network of Ombudspersons for Children, International Peace Bureau, different ombudsmen and national human rights institutions, embassies of the Republic of Azerbaijan in foreign countries and the foreign embassies in Azerbaijan, as well as to the Azerbaijani Diasporas.

The Ombudsman met with both national and international journalists also with various groups of civil society, and awarded some of them honorary diplomas, highly appreciating their work, who had fully, objectively, and impartially conveyed to the world community the realities of Azerbaijan, the 44-day war, as well as the aggression against our country and the grave consequences of the policy of ethnic cleansing against the civilian population, despite all threats and intimidation.

Numerous events organized by the Ombudsman Institution on various topics, as part of the traditional “Human Rights Month”, and “Child Rights Month”, as well as a series of awareness-raising activities held by its regional centers were covered on the Institution's online resources, television, and in the press.

Furthermore, the Ombudsman's articles on “Protection of human rights as a national and universal value” dedicated to national Human Rights Day in Azerbaijan, “Ombudsman Institution serves to ensure the constitutional rights” dedicated to Constitution Day, and “Protection of child rights and freedoms is one of the priorities for the Ombudsman” dedicated to World Children's Day have been published, and posted on the official website.

The publications produced by the Ombudsman Office, which joined the VII Baku International Book Fair, were broadcasted live on the Institution's Facebook page, and relevant information to the general public was disseminated through TV Channels.

The information on the Fact-Finding Missions of international delegations and NHRIs, which visited Azerbaijan at the invitation of the Ombudsman, was also covered on television through live links and extensive plots.

A press conference was held at the Ombudsman Office and interviews were given on the purpose of the visit of the NHREI delegation, as well as its Observation Group to our country.

The Ombudsman's Fact-Finding Missions carried out in Shusha and Aghdam jointly with the OIC delegation were transmitted live.

A briefing was organized in Ganja on the OIC-IPHRC Mission findings, where media representatives were informed about the mission purpose and its outcomes, and raised questions were answered. The Ombudsman, as well as the staff of the Main Office and its regional centers, appeared in several programs broadcast on Azerbaijan State Television and Radio Broadcasting Company, “Azad Azerbaijan”, “Khazar TV”, “Real TV”, “CBC TV” and other TV and radio

channels, and made speeches on various human rights topics at the television programs such as "Objective", "Main issue", "Morning", "ATV Sahar".

The author's programs on the activities of the Ombudsman Office were prepared. In several episodes of the "Objective" program, on-site interviews were organized with the Ombudsman, representatives of the Institution, international representatives visiting Azerbaijan to carry out fact-finding missions, and foreign experts.

An important part of the Ombudsman's activities in this area was informing the international community about Armenia's regular provocations, anti-Azerbaijani propaganda through social media platforms, and in general on the human rights violations ongoing for many years.

Through its social platforms, the Ombudsman promptly reacted to provocations in the border area and around the liberated territories, and news coverage on human rights violations in the media, as well as fact-based information was disseminated in Azerbaijani, English, and Russian.

The Ombudsman's video messages addressed to the world community on the occasion of International Mine Awareness Day, World Children's Day and International Day of the Disappeared were also posted on official pages and social media platforms in Azerbaijani, English, and Russian, as well as published in the media.

The Ombudsman Institution also produced video clips entitled "Hate Policy against Azerbaijanis", and "Ombudsman's Activity in the War and Post-War Period", which were disseminated on the official website and social media platforms, as well as in the media.

The Ombudsman also called on international organizations to break their silence concerning the tragic incident in which two professional journalists and a civil servant were killed and several civilians were injured in a mine explosion in the liberated Kalbajar district of Azerbaijan.

Since the Second Karabakh War, a separate section on the official website was created and is regularly updated with a view to more clearly informing the national and international communities about the Ombudsman's activities to investigate violations of international law, including human rights violations. Under this website section, the numerous reports, statements, appeals, and press releases of the Ombudsman concerning this subject were made available to a wide audience.

Statistics of the calls received monthly were placed on the relevant section of the official website and published on social platforms to ensure transparency and accountability of the Ombudsman's Call Center.

The winners of the journalistic writing competition on "Human Rights in Post-Conflict Period" were awarded diplomas during the related event held on December 10 - International Human Rights Day, at the initiative of the Ombudsman.

During the year, 275 news were released in Azerbaijani and English, and 5,314 pieces of information about the activities of the Institution, covered by national and international media were registered in the News Database.

## RECOMMENDATIONS AND SUGGESTIONS

The Ombudsman made *the following* to ensure reliable protection and effective ensuring human and civil rights and freedoms, as well as to address several problems of low-income families and vulnerable population groups:

(1). *To develop and adopt a National Action Program in the field of human rights for the coming years to ensure further development of international cooperation to increase the effectiveness of protection of human and civil rights and freedoms, protection of the rights of different groups, development of legal culture in society and to ensure the sustainability of measures to improve governance in compliance with modern challenges, requirements of the new era, and existing priorities, as well as given the recommendations of international organizations;*

(2). *To make additions and amendments to Article 554 of the Code of Administrative Offenses of Azerbaijan on imposition of a general sanction for interference in the legal activities of the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan concerning natural and legal persons, and officials;*

(3). *To establish specialized courts to ensure more effective settlement of intellectual property disputes, through studying the relevant international experience, given the growing role of intellectual property rights in the economy and information society, the specificity and importance of this field;*

(4). *To amend the national legislation to enable persons, who have worked in the civil service as lawyers for at least 10 years at the time of admission to the legal profession to become lawyers without passing a written test or compulsory training, but only through an oral interview, given the legal status of civil servants and their role in realizing the state's goals and functions;*

(5). *To increase attention to the organization of coordination between the executive bodies and the relevant state bodies, as well as administrative and judicial control over the execution of court decisions for increasing flexibility and efficiency of the execution of judgments;*

(6). *To develop mechanisms for the execution of judgments concerning government agencies and allocate funds for the purposes specified in the budget allocations in this regard;*

(7). *To specify administrative liability for non-compliance with the legal requirements of the bailiff, during the execution of judgments on alimony in a separate provision, to make additions and amendments to the legislation on the consideration of circumstances of the case and the financial situation of the offender, while imposing a fine for that violation, provided that the imposition of an administrative penalty in the form of a fine specified in Article 528 of the Code of Administrative Offenses in respect of a debtor, whose property and income are not disclosed, and*

*who is unable to pay alimony on time due to financial difficulties (except for cases of intentional evasion of alimony debt) is not an effective solution to ensure the payment of alimony debt;*

*(8). To establish a separate liability for deliberate non-compliance with the legal requirements of the bailiff in connection with the execution of judgments on alimony;*

*(9). To develop a mechanism to involve persons evading alimony obligations in labor activity, to make additions and amendments to the Labor Code, the Code of Administrative Offenses, the Law on Enforcement, and the Law “On Employment” and, accordingly, to organize coordinated work between employment and executive bodies;*

*(10). To establish a mechanism (alimony fund) for the state payment of alimony determined by the court for the maintenance of the child and its subsequent compulsory collection from the debtor;*

*(11). To increase professional capacities and the number of employees in the judiciary and executive bodies in ensuring the efficacy of their activities given the improvement of the judicial and legal system, establishing new courts, increasing workloads of the courts accordingly, and transferring to the e-court system;*

*(12). To establish in the Code the imperative norm on transferring the criminal case from a preliminary investigator or investigator to the other ones accordingly, in case of refusal to initiate a criminal case by the prosecutor, senior prosecutor, or court (based on the complaint) more than three times due to the unfounded and unlawful decisions on refusal to initiate a criminal case, including annulment of decisions on termination of criminal proceedings; as well as to increase the attention to the issue of disciplinary liability of preliminary investigators and investigators in these cases;*

*(13). To make relevant additions and amendments to the Code of Criminal Procedure of Azerbaijan on the establishment of time limits for interrogation to ensure the procedural rights of the interrogated;*

*(14). To appoint an official on information issues or take necessary measures to establish a structural unit by information holding state bodies and municipalities in line with Article 10.2 (Duties of the owner of information) of the Law of the Republic of Azerbaijan “On access to information”;*

*(15). To take measures by municipalities to disclose public information on their activities in Internet information resources following Article 30 of the Law of Azerbaijan “On Access to Information”;*

*(16). To add a sub-item to Article 4 (about the scope of the area of the Present Law) of the Law on Access to Information of Azerbaijan in the wording “Complaints regulated by the Constitutional Law on the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan” given the provisions of the Constitutional Law on Ombudsman, Article 4 of the Law on Access to Information, and Article 5 (5) of the Law “On Citizens' Appeals”;*

(17). To make additions and changes to paragraph 4.1 of the “Rules for conducting a diagnostic assessment of knowledge and skills of teachers, psychologists and other pedagogical staff teaching general education subjects in general education institutions”, approved by Order No. F-595 of the Minister of Education of Azerbaijan dated October 4, 2019, concerning the conducting of diagnostic assessments not less than twice in each academic year;

(18). To determine childcare allowance up to 3 years old to persons who are not engaged in any labor activity;

(19). To add a separate paragraph 3.6.7 in the wording “Persons with a first-degree disability” to the Rules on application, appointing, granting and refusing to provide targeted state social assistance”, approved by the Cabinet of Ministers Decision No. 37 dated February 5, 2016, to not considering persons with a first-degree disability as a member of the family;

(20). To accelerate the accession of our State to the ILO Convention No. 102 on Minimum Standards (Social Security);

(21). To increase the salaries of "mine-seeker" employees of the Mine Action Agency of Azerbaijan (ANAMA) given the sensitivity, dangerousness, difficulty, and responsibility of the work as "mine-clearers";

(22). To include the position of "Mine-seeker" in the “List of productions, professions, positions and indicators giving the right to an old-age pension on preferential terms” approved by the Cabinet of Ministers Decision No. 12 dated January 23, 2007;

(23). To include the position of "Mine-seeker" to the "List of harmful and heavy industries, professions and positions, which gives the right to additional leave due to working conditions and the nature of the job function" approved by the Cabinet of Ministers Decision No 92 of July 5, 2004;

(24). To determine regional basic medical institutions (specialized medical institutions) along with Baku city, to ensure accessibility for citizens to inpatient treatment (considering the distance and financial situation) required during the determination of the disability, and (considering the number of bed days) to reduce the workload in specialized medical institutions;

(25). To accurately specify the criteria for the information to be included in the “Register of referrals to the Medical Social Expert Commission” (the duration of inpatient treatment required for individual diseases (number of bed days), specialized treatment of underlying disease and its complications, as well as pathological changes leading to the dysfunction, laboratory and instrumental examinations in the diagnosis to eliminate inconsistencies between the referrals of medical advisory commissions and the opinions of medical social expert commissions on the determination of disability);

(26) To expand the range of the "List of medications provided based on free prescriptions" stipulated in paragraph 2 of Azerbaijan’s Cabinet of Ministers’ Decision No. 38 dated March 7, 2005, and approved by the Ministry of Health to effectively ensure the rights of the privileged

groups, including those infected with dangerous Hepatitis C and B, as well as persons provided with state-funded medicines;

(27) To include all medical services (diseases) considered important (inevitable) for the protection of human health in the list of healthcare services covered by the “Compulsory Health Insurance Package”, approved by Azerbaijan’s Cabinet of Ministers’ Decision No. 5 dated 10 January 2020;

(28) To increase attention to food safety and diet in preschool, secondary and higher education, given its special importance for human life or health, and therefore, to conduct regularly scheduled and unscheduled monitoring by the State Service for Antimonopoly Policy and Consumer Market Control under the Ministry of Economy of Azerbaijan and the Food Safety Agency of the Republic of Azerbaijan;

(29) To develop a mechanism for the transfer of patients held in psychiatric hospitals, whose treatment has expired, but do not have a place of residence, to social service institutions, as well as increase the limit (places) in social service institutions;

(30) To increase the number of public preschools in different regions of the country, in the relevant areas and settlements, taking account of the number of children and demand;

(31) To build and put into operation new schools, including modular schools, in sparsely populated settlements in rural areas, or, if this is not possible, to organize the rural public transportation of schoolchildren to nearby settlements and rural schools;

(32) To reduce the tuition fees for paid education in state higher and secondary education institutions concerning nationals of Azerbaijan, and to increase the number of places ordered by the state concerning paid specialties;

(33) To provide students along with textbooks used in the teaching process and envisaged in the program, with study and auxiliary teaching aids, which are required as an integral part of the educational process at the expense of the state budget;

(34) To amend the first sentence of paragraph 2.8 of the “Rules for sending resident doctor-specialists to workplaces” in the following edition “ a doctor-specialist who is married and has a child under 14 years of age, as well as a person with a first or second-degree disability (a child with disabilities under 18 years of age), or s/he with a first or second degree of disability has the right to accept the proposed appointment or to receive a free appointment.” The appointments to doctors-specialists whose husband (wife) is a military serviceman (officer, ensign, midshipman or overtime military serviceman) are made taking into account the place of service of the husband (wife) (city, region).”;

(35) To take measures to identify and register houses in an emergency condition, affected by natural disasters (earthquakes, floods, torrential rains, storms, landslides, etc.) that occurred at various times, in different parts of the country, but still have remained unrestored, by relevant commissions;

*(36) To make an inventory and state registration of illegally built houses in Baku, surrounding settlements, and villages since the middle of the last century, as well as illegal houses built by various persons on lands belonging to joint farms (sovkhozes/state-owned farms), also the houses built on lands provided by the municipalities for individual housing; furthermore, to provide addresses to real estate and transport infrastructure facilities in those areas and new housing estates;*

*(37) To develop and adopt the State Program on Business and Human Rights at the national level given the UN Guiding Principles on Business and Human Rights and the Guidance on National Action Plans on Business and Human Rights, as well as experience of other countries in this field, to ensure respect for and observance of human rights and freedoms in the conduct of businesses, effective legal remedies more accessible, more active participation of entrepreneurs in the social and economic life of the country by promoting and applying corporate social responsibility, and to coordinate the activities of the relevant entities in this field;*

*(38) To develop a mechanism (concerning large and medium-sized businesses) to require entrepreneurs to provide relevant information and periodic reports on the observance of human rights in exercising businesses, and to make additions and amendments to the relevant legal framework and the Law of Azerbaijan on Entrepreneurial Activity given the UN Guiding Principles on Business and Human Rights and UN Recommendations in this field;*

*(39) To develop a mechanism of measures to stimulate, such as providing soft loans, tax incentives, and other such incentives to ensure more active involvement of people with disabilities, as well as women in entrepreneurship;*

*(40) To make additions and amendments to the “Law on Consumer Protection” concerning regulatory norms on online or remote sale of goods or delivery of services via the Internet and mobile applications, to ensure the protection of the rights of consumers;*

*(41) To include basic knowledge about consumer rights in the curricula of educational institutions, provided that all population groups are participating in the consumption process;*

*(42) To develop modern mechanisms to stimulate and evaluate the activities of consumer organizations considering the international experience;*

*(43) To monitor ensuring the rights of consumers and evaluate the results and develop and apply effective mechanisms for the protection of consumers provided that digital surge has significantly impacted all areas of human life and the number of orders for goods and services through e-commerce platforms has significantly increased due to the restrictions imposed across the country during Covid-19 pandemic;*

*(44) To introduce subsidies or soft loans to stimulate the purchase of hybrid and all-electric cars imported into the country, given the experience of other countries and the purchasing power of the population to ensure environmental safety;*

*(45) To reconstruct roads, parking lots, and sidewalks, as well as to make various repairing and reconstruction works, furthermore, to increase attention to the organization of traffic and pedestrians during the organization of events and to increase informativeness of road users in advance through the installation of warning signs and information boards in those areas, as well as via media and social platforms;*

*(46) To apply a “Single parking card” system (allowing to use of all paid parking lots during the subscription period by making a single payment) with 8, 12, and 24-hour subscription packages for paid parking lots (except for private parking spaces);*

*(47) To replace recently used mechanical meters with "smart" meters to make calculations on natural gas and drinking water consumption more efficient and transparent at a time of rapid development and integration of information technologies;*

*(48) To amend the Cabinet of Ministers Decision No. 61 of May 29, 1996 “On the model staff of state-funded preschool educational institutions” by the inclusion of staff positions - “child psychologist” and “specialist in early development” in orphanages and kindergartens;*

*(49) To expand public-funded rehabilitation services for children with limited health capacities, especially those with speech disorders, and to increase the knowledge and skills of specialists in this field;*

*(50) To increase the number of daycare and community-based social rehabilitation centers, shelters for children in socially dangerous situations (including difficult upbringing), and victims of violence in the regions, and to improve the work of already existing centers;*

*(51) To improve the existing regulatory framework for inclusive education to ensure equitable access of children to education;*

*(52) To approve the State Program on the Protection of the Social Rights of Senior Citizens to further strengthen the social and legal protection of older adults;*

*(53) To establish regular contacts with the elderly by relevant government agencies to address the social problems of lonely elderly people during the coronavirus (COVID-19) pandemic;*

*(54) To assign persons, who became disabled while performing their international duties within the Soviet troops in Afghanistan to the category of the privileged persons covered by paragraph 1.1 of the Presidential Order No. 2449 “On a number of 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 the Republic of Azerbaijan” of 25 January 2021;*

*(55) To amend the “List of types of rehabilitation aids provided to persons with disabilities at the expense of the state budget” approved by Decision No. 500 and the “Conditions and Rules for providing persons with disabilities with rehabilitation facilities” approved by Cabinet of Ministers’ Decision No. 501 of the Cabinet of Ministers’ both approved on December 18, 2020, to provide*

*persons who have undergone cochlear implantation with parts of the relevant device and the upper device, as well as repair service at the expense of the state;*

*(56) To increase the number of admissions to the Military Medical Faculty of the Azerbaijan Medical University to ensure the full staffing of medical units in the Army of the Republic of Azerbaijan with professional military doctors;*

*(57) To make additions and amendments to the relevant laws to ensure the right of personnel officers who have not served for 10 years to be released to the reserve following its wishes, provided that the expenses incurred by them by the state are reimbursed to the state budget in a timely manner, according to Article 41.0.9 of the Law of Azerbaijan “On military occupation and military service” and paragraph (j) of Article 156 of the Regulation “On military service” approved by the Law No. 377-IQ of October 3, 1997, and considering that only officers who have served at least 10 years on a calendar basis have the right to be discharged from active military service at their discretion;*

*(58) To establish a probationary period of 3 or 6 months when concluding an employment contract with other servicemen, except for conscripts in active military service and personnel officers;*

*(59) To remove from the Law No. 296-IQ of the period stipulated in paragraphs (b) and (ç) of Article 5 of the Law of Azerbaijan of May 20, 1997, “On State Compulsory Personal Insurance of Military Servicemen” to benefit of insured persons from insurance payments without time limit;*

*(60) To guarantee women's access to education in specialized higher military education institutions to ensure their right to education and equality;*

*(61) To increase attention to the involvement of professionals in the Conscription and Military Medical Commissions of the State Service for Mobilization and Conscription of Azerbaijan and to strengthen control over their activities to effectively protect the rights of conscripts, as well as to more effectively ensure the health of personnel of the Armed Forces;*

*(62) To assign a pension to the wife of a reservist or retired serviceman as a result of his death for any reason without waiting for her to reach retirement age;*

*(63) To develop and apply the necessary legal mechanisms for public oversight of the Armed Forces, consisting mainly of ex-servicemen, doctors, lawyers, and independent experts, in order to further strengthen the rule of law and increase the sense of responsibility of military officials;*

*(64) To apply the right of conscripts to use all types of passenger transport (except taxi service) free of charge as provided in Article 10.6 of the Law of Azerbaijan “On the Status of Military Servicemen” to all servicemen, including cadets of higher military schools and military lyceums;*

*(65) To ensure the payment of rent for temporary housing to servicemen who receive a mortgage or are provided with housing by the state when they change their place of service;*

*(66) To ensure the amount of monthly salary paid to the servicemen of the Civil Defense Troops of the Ministry of Emergency Situations of Azerbaijan (except for conscripts) matches with the salary of servicemen serving in the same positions in other types of troops;*

*(67) To revise and re-adopt the “Rules for medical certification of convicts suffering from serious diseases preventing the punishment”, approved by Decision No. 4-N by the Board of the Ministry of Justice of Azerbaijan dated November 29, 2011, to further improve the mechanism of placement of persons suffering from mental illness or significant changes in mental health during their imprisonment in psychiatric institutions;*

*(68) To ensure access of prisoners to medical care in penitentiaries at any time of the day;*

*(69) To replace the phrase “first offenders” with the phrase “persons accused of committing a crime” in paragraph 5.11.3 of the “Rules of Internal Discipline of Pre-Trial Detention Centers” approved by the Cabinet of Ministers’ Decision No. 63 dated February 26, 2014, as well as the phrase “first offenders” with the “persons suspected of committing a crime for the first time” in paragraph 2.31.3 of the “Rules of Internal Discipline of Temporary Detention Facilities” considering the legal principle of presumption of innocence;*

*(70) To increase the number of shelters for prisoners released from prisons but without permanent residence;*

*(71) To increase the number of social adaptation centers, including the regions, to socialize persons released from prison;*

*(72) To make relevant additions and amendments to the national legal framework on the provision of necessary medical services for detainees, as well as those sentenced to a determinate sentence or life imprisonment in other medical institutions at the expense of the state, if it is not possible to examine and treat such persons at the Penitentiary Service's Medical Institution to effectively protect the health of this category of persons;*

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