



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

ANNUAL REPORT

ON

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

2010

(SUMMARY)

Baku - 2011

Foreword

The aim of the report is to evaluate the state of ensuring human and civil rights and freedoms, to analyze the situation of important problems on human rights revealed in 2010, as well as to provide the information on measures and events conducted by the Commissioner for the restoration of violated human rights, protection of human rights and prevention of their violation, as well as learning the state of provision of human and civil rights and freedoms.

The report was prepared on the basis of generalized analysis of appeals, proposals and complaints, different cases, problems and challenges disclosed during the visits of the Commissioner and staff members of the Institute to penitentiaries, investigatory isolators, temporary detention places, military units, orphanages, boarding schools, settlements of the refugees and IDPs, healthcare and social protection facilities, meetings with population in regions and investigations carried out there; official responses and attitudes of state agencies and authorities; proposals and recommendations submitted to state bodies; materials of national and international seminars and conferences dedicated to human rights; work carried out within the framework of cooperation with non-governmental organizations; as well as of the information provided by the mass media.

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

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

Professor Elmira Suleymanova
Commissioner for Human Rights
(Ombudsman)
of the Republic of Azerbaijan

Introduction

The increase of socio-economic indicators in our state during previous years - period of global financial crisis, is logical extension of rapid development, and the result of political will demonstrated at the state level, and of considered, consecutive and sustainable policy.

Last year, as a result of the implementation of favorable socio-economic and legal policy aimed at improvement of the population's welfare, significant progress was achieved in the sphere of the protection of civil and human rights and freedoms. This achievement led to the decrease of the poverty rate to 9,1%.

It should be noted that complying with the last UN Human Development Report, in comparison with 2005 the Republic of Azerbaijan has advanced by 34 steps and shifted further from the rank 101 to 67.

According to the average annual rate of the human development index, during 10 years Azerbaijan is a leading country among post-soviet states. The Republic moved from the group of "medium human development" countries to the category of "high human development" ones.

By ensuring the protection of human rights without restricting or substituting the responsibilities of other state bodies, supplementing existing remedies of human rights protection, and providing independent, unbiased non-discriminative non-judicial protection of human rights guiding with Rule of Law for more than eight years, the Commissioner also built its activities on the basis of principles of independence, publicity, transparency, legality, justice and impartiality, widely used her mediation capacities, and could reach the restoration of human rights in the majority of cases, consequently contributed to protection of the rights of each person during the previous period.

By the way, in compliance with the Constitutional Law adopted by the first voting of the Milli Majlis (Parliament) and signed by the President of the Republic of Azerbaijan on 21 December 2010, the provision regarding the prevention of human rights violations was added to the Article 1.1 of the Constitutional Law of the Republic of Azerbaijan "On the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan" (hereinafter Constitutional Law). This led to the increase of effectiveness of the work on human rights protection as well as to provision of independence to the Commissioner what in result enhanced her mandate and responsibilities.

Upon the initiative, proposal and organizational work of the Commissioner series of the activities on the protection and promotion of human rights were carried out in previous period.

Among the above-mentioned activities could be named the public hearings conducted in 58 cities and rayons of the country with the aim to monitor the implementation and promotion of measures provided in the "National Action Plan on the Protection of Human Rights of the Republic of Azerbaijan" (NAP) that was approved by the President of the Republic of Azerbaijan on 28 December 2006. The public hearings were attended by the representatives of local branches of central government structures, local executive bodies, courts, public prosecutors' offices, law enforcement agencies, municipalities, non-governmental

organizations, local communities, district electoral commissions and mass media.

On the eve of “June 18 – Human Rights Day of the Republic of Azerbaijan” “Human Rights Month-long Campaign” was conducted all over the country.

This campaign was concluded by the organization of the VIII Baku International Conference of Ombudsmen on “Human Rights and Environment: Legal and Ethical Aspects of the Climate Change” dedicated to the “Human Rights Day” and the “Year of Ecology” as well as by the adoption of the Baku Declaration.

In connection with “21 September – International Day of Peace” the “Month of Peace” was carried out. This month included conduction of awareness-raising activities aimed at improvement of legal thought and legal culture of the population, prohibition of the discrimination and promotion of the culture of peace and tolerance in country’s cities and rayons. Also, the information was sent to the UN Secretary-General, High Commissioner for Human Rights and other international organizations.

On the eve of 20 November – the anniversary of the adoption of the UN Convention on the Rights of the Child, the “Child Rights Month-long” campaign was carried out; numerous activities were conducted in child organizations and facilities, including schools, with the participation of local executive structures and appropriate state agencies.

Upon the Commissioner’s initiative, on the occasion of “10 December - International Human Rights Day” and 60th anniversary of the adoption of the European Convention for the “Protection of Human Rights and Fundamental Freedoms”, the international conference named “Effective Mechanisms and Tools for the Implementation of the European Convention on Human Rights” was organized with the support of the Council of Europe. The parliamentarians and the representatives of state agencies, non-governmental and international organizations, as well as of the mass media took part at the conference.

The Commissioner has always drawn the attention to such issues as providing responses to citizens’ appeals submitted to state bodies, prevention of cases of abuse of their responsibilities by officials, maintenance of ethics rules in dealing with citizens and observance of publicity. During the previous period, in order to restore the violated rights the Commissioner continued implementing both planned and urgent measures as well as closely cooperated with relevant state bodies.

The Commissioner regularly met with the population, organized receptions, provided them with explanations and recommendations, interfered into the solution of their problems, as well as attracted local executive bodies to the restoration of violated human rights.

The citizens personally submitted their appeals to the Commissioner by various means, including postal service, e-mail, reception rooms at the Institute and the regional centers, “hotline” of the “Rapid Investigation Group”, 916 – “Hotline service for children”, and during the visits conducted by Commissioner and the Institute’s staff members to penitentiaries, investigatory isolators, temporary detention places (TDPs), military units, orphanages, boarding schools, settlements of the IDPs as well as healthcare, social protection and educational facilities.

Complying with the Constitutional Law, the Commissioner considered the complaints of citizens, foreigners, persons without citizenship and legal entities on violation of human

rights; worked on the investigation of individual and collective complaints.

The majority of cases revealed in the sphere of human rights provision found their solution and the violated rights were restored in cooperation with state bodies in previous year.

Generally, during the whole period of her work, 62.720 appeals were addressed to the Commissioner. In comparison with 2009, the number of complaints submitted in 2010 has raised for 32,5%. Thus, if in 2009 the Commissioner has received 8.800 appeals, in 2010 this figure was equal to 11.660.

The main reason of growth of complaints' quantity as compared with previous year lies in increase of confidence and trust to the Commissioner and the Institute; activation of regional center's work; advancement of awareness-raising activities in cities and rayons; giving preference to the meetings with people on the spot; conduction of the work on legal education and enhanced explanation among groups of the population within the framework of the public hearings initiated with the aim to monitor the implementation and promotion of the measures provided in the NAP; holding meetings and receptions; giving preference for the conduction of investigations on the spot regarding the investigation of cases reflected in a number of complaints; increase of sustainability and consistency of inspections conducted in temporary detention places, investigatory isolators, penitentiaries, military units, settlements of IDPs, facilities for children, old people and disabled persons as well as other social objects; maintenance of functions of Rapid Investigation Group against torture; enlarging the efficiency of the national prevention mechanism (NPM) as well as improving its capacity.

84,2% of the mentioned appeals were complaints, 15,7% - applications and 0,1% - proposals.

In accordance with the requirements of the Constitutional Law, the Commissioner rejected consideration of the 48,8% of complaints because they did not fell under her competence, more than a year has passed since the violation of complainant's rights, complaints were sent anonymously, legal proceedings were pending with respect to the complaint or resubmitted complaints did not include new information, facts and evidence. It should be noted that 1.999 of these complaints were repeatedly sent to the Commissioner.

51,2% of the complaints were accepted for consideration; 52,6 % of them were resolved.

In the reviewed period, the citizens were provided with numerous legal advice as well as explanations of forms, ways and methods of protection of human rights and freedoms, including the application to appropriate state bodies on this or other issues, by means of letters or during the receptions.

The work carried out in the reviewed period proved once more the necessity of development and improvement of the cooperation with state bodies, municipalities, non-governmental organizations and mass media for provision of human rights and freedoms, consideration of citizens' appeals without delays, as well as for rapid investigation of complaints.

The Commissioner addressed the appropriate state bodies with proposals and recommendations aimed at solution of important issues existing in the country as well as at effective ensuring of human rights and freedoms reflected in the annual report. These recommendations, being considered as basing on economic state and financial resources of the country in the process of conduction of activities in the socio-economic sphere, continue to serve for reliable provision of human rights.

Chapter I

The Activity of the Commissioner in the Field of the Protection of Human Rights and Freedoms

1. Protection of Civil and Political Rights

Right to liberty. The protection of the right to liberty and its component - the freedom of movement, considered as the main direction of the Commissioner's activity has always been in the spotlight.

Citizens' possession of ID cards provides them with free movement and opportunity to sufficiently exercise their rights. In order to ensure unimpeded participation of citizens in the election to the Milli Majlis (Parliament) in 2010, during the reviewed period the process of ID cards issuance was under surveillance of the Commissioner.

The monitoring of the situation of citizen's provision with ID cards was conducted within the framework of regular public hearings carried out in country cities and rayons with involvement of officials from police agencies for the purpose of monitoring the implementation of measures reflected in the NAP. The results of this monitoring demonstrated that the majority of citizens were provided with ID cards.

Considering the importance of the substitution of invalid as well as expired former USSR passports, the Commissioner recommended that the law enforcement agencies provide people living in remote areas and mountainous villages with appropriate ID cards and enlarge the use of capacities of mobile groups.

138 appeals were submitted to the Commissioner with regard to ID cards and their residence registration. The analysis showed that the number of such complaints has considerably decreased in comparison with previous years.

In accordance with the requirements of Cabinet of Minister's Decree No. 55 of 9 April 2003 for ensuring the execution of the Constitutional Court Decision dated 31 January 2003 on provision of citizens who can not be registered because they don't have the permanent residence place with IDs and permanent residence registration, the violated rights of many citizens facing the given problem were restored.

The issue of permanent residence registration of citizens that have already built houses and settled the territories provided to them by the Baku City municipalities for construction of private houses was one of the serious problems of the reviewed period.

Detection and temporary residence registration of persons arriving to Baku from various places of the country in order to work at seasonal, short-term or temporary jobs, as well as the application of legislative ban on recruitment of persons without temporary residence registration by employers and entrepreneurs are of outmost importance for the provision of reliable protection of citizen's rights and freedoms, prevention of crime situation.

The Commissioner repeatedly proposed to take appropriate measures on organization of the work on the spot for staff members of relevant structure of the Ministry of Internal Affairs in

order to provide Azerbaijan citizens, temporarily settled in foreign countries, with regular passports. As a result, the issue has almost found its solution.

Visits to the places of deprivation of liberty (investigatory isolators and temporary detention places (TDPs)). At various times of the previous year, the Commissioner and the Institute's staff members has regularly paid numerous visits to detention places: TDPs of city and regional offices, departments and stations of police; Detention Unit of persons committing administrative offence and Juvenile Temporary Detention Center of the Baku City Head Police Department of the Ministry of Internal Affairs (MIA); isolators of MIA's Head Department for Combating Organized Crime, Division on Struggle against Illegal Migration of the Passport, Registration and Migration Department and Department on Struggle against Trafficking in Human Beings; investigatory isolators of the Penitentiary Service of the Ministry of Justice as well as of the Ministry of National Security.

During visits conducted to TDPs and investigatory isolators, private conversations were held with detainees, detention conditions were examined and the detainees were explained their rights. Also, the documents on provision of detainees with lawyer, explanation of their rights to detained suspects, control of the prosecutor during the detention period at police departments, as well as on legitimacy of the detention were observed.

In majority of cases the detainees stated that they had not faced violence or degrading treatment and had no complaints about detention conditions and treatment of the police. Along with that, some detainees expressed their discontent about investigation process or court decisions on their cases.

In the reviewed period the Rapid Investigatory Group created on the initiative of the Commissioner in order to combat torture has also been functioning, visits were carried out to the TDPs, investigatory isolators and prisons in accordance with received information and the measures on their restoration were taken without delay, upon revealing cases of human rights violations. On the basis of the Commissioner's proposal and instructions to the Minister of Internal Affairs appropriate posters titled "Pass the information on torture cases to the Ombudsman!" and containing the "hotline" number of the Group were hung in all city and rayon police agencies.

Moreover, necessary measures on creating conditions complying with international norms and standards in TDPs within police agencies were taken in previous period.

Series of shortcomings were revealed during visits. It was disclosed that the buildings of police agencies and TDPs of some regions (Gedebey, Yardimli, Ismayilli) need reconstruction or repair; the conditions of cells in a number of TDPs (in Khachmaz, Qakh, Goranboy, Beyleqan, Saatli, Bilasuvar and Jalilabad) did not meet existing standards; as well as beddings of a few of them (in Shirvan and Zardab) were in useless state. Therefore, appropriate recommendations were provided and measures were taken in this regard.

Generally, it was found out that in TDPs of the majority of regional police agencies and departments suspect or accused detainees and persons arrested in administrative manner did not pass medical examination before detention.

There is a need in building investigatory isolators in Shirvan, where the Appellate Court is functioning, as well as in Shaki and Lankaran having newly established Courts on Grave

Crimes. The implementation of relevant measures on the prevention of possible overcrowd that may occur in TDPs of police agencies situated in cities having Appellate Courts and Courts on Grave Crimes are of outmost importance too.

Detention of a large number of prisoners in TDPs of police agencies in Sumgayit, Shaki and Shirvan - cities where Appellate Courts are situated, resulted in increased density in the given facilities. This led to the confinement of administrative offenders together with accused and suspected persons as well as of persons who committed grave crimes with petty offenders. However, it should be noted that such situation is inadmissible.

In order to eliminate the above-mentioned shortcomings and prevent the possible overcrowding in TDPs of police agencies located in rayons and cities where Appellate Courts as well as Courts on Grave Crimes (functioning from 2011) are situated, the Commissioner addressed the Ministry of Internal Affairs.

All complaints received via the Institute's "hotline" service were investigated on the spot; necessary measures were taken upon revealing the cases of violation of citizens' rights, and infringed rights were restored.

Generally, the comments and recommendations on delinquencies, shortcomings and shortages revealed during visits of the Commissioner and Institute's staff members to TDPs and investigatory isolators as well as on the implementation of appropriate measures were submitted to the heads of police agencies and, in necessary cases, to the Prosecutor General of the Republic of Azerbaijan and Ministers of Internal Affairs or Justice. Relevant investigations were conducted on the basis of these appeals. As a result, a number of staff members of the listed institutions were brought to administrative responsibility for committing delinquencies and various steps were taken for elimination of disclosed shortcomings.

Impunity from the committed crimes is inadmissible. Moreover, giving the priority to the selection of imprisonment as a punitive measure by the courts, instead of applying lighter sanction or alternative for petty crimes, doesn't serve for prevention of committing crime or for correction of the first offenders, on the contrary cause joining of those persons to the environment of "professional" criminals and put obstacles in reintegration of these people to the society and healthy life style.

Concluding from visits it should be noted that since there are detention places for administrative offenders functioning within the Baku City Head Police Department, detention of those persons placed in TDPs of the regional Police Departments is not expedient.

In the reviewed period, within the framework of the Commissioner's cooperation with the OSCE Baku Office and its Office for Democratic Institutions and Human Rights (ODIHR) the four-day training program with the participation of the ODIHR expert, Liane Adler, was conducted for increasing the necessary theoretical and practical knowledge of the Institute's staff members, especially of the NPM Group.

During the event, the functions of the Commissioner as an NPM were discussed, existing situation was analyzed as well as the proposals and recommendations were sounded.

The OSCE expert got closely acquainted with the documentation, data base and other materials conducted by the NPM. She also took part in visits of the NPM group to prison No.

6 of the Penitentiary Service of the Ministry of Justice and temporary investigatory isolator of the Narimanov District Police Department of the Ministry of Internal Affairs. Summarizing the results of her observation Liane Adler gave positive feedback on the work of the Ombudsman as an NPM and noted that this function was carried out professionally as well as in accordance with international standards.

Moreover, in previous year the Commissioner addressed the Prosecutor General and the Ministry of Internal Affairs regarding the death and suicide cases in penitentiary service facilities; appropriate investigations were carried out.

Complying with the paragraph 2.6 of the Chapter 2 of the “Bylaws of Temporary Detention Places of Police Agencies” in Police Departments”, people brought into TDPs should be strip-searched only by persons of the same sex and in the presence of witnesses. Taking this into account, the Commissioner recommended the Ministry of Internal Affairs *to attract female staff members to the TDPs.*

The Commissioner kept under her control the provision of detainees with qualitative food, as well as with water for protection their health and recommended pay close attention to this issue.

Additionally, the Commissioner proposes to *review the norms defined by the Cabinet of Minister’s Order No.154 dated 25 September 2001 on “Affirming the Norms on Food and Financial Position of Prisoners” and to define separate norms of products for children in Juvenile Temporary Detention Centers, persons in detention places for administrative offenders as well as in TDPs of Police Agencies.*

By the way, the Commissioner presented the mentioned proposals at the discussion of the Draft Law on State Budget of 2011 by the Milli Majlis (Parliament) as well as submitted them to the Ministry of Finance.

Right to security. Numerous complaints were sent to the Commissioner regarding the following issues: suggestion of certain compensations to people for their houses (apartments) during construction of multistoried buildings; legal or illegal (on the basis of or without court decisions) enforcement of people to leave their places of residence, demolishing of buildings and forcing people to leave their house by pestering (blocking sewing pipes, energy, telephone lines or water provision).

Besides violation the right of people to security, these cases provide the ground for violation of the rights to protection of honor and dignity, to own property, to housing and to live in healthy environment.

The analysis shows that local executive bodies allowed relevant construction companies to build the multistoried housing close to areas of habitation and quarters did not take any measure for providing the security of the appropriate population. On the contrary, in the majority of cases the executive bodies did not control the execution of their orders and thus made people to stand face to face with the companies what in its turn led to the escalation of conflict situations.

Besides, the situation of people living in buildings under the threat of collapse is still almost out of the attention of local executive bodies.

As it is seen from the complaints, in order to prevent possible threat some executive bodies in the area of which buildings under threat of collapse are situated, send only letters instead of properly addressing the superior structures and relevant state agencies. On the other hand, executive bodies did not concern about results of non-provision of financial resources or their delay by the agencies addressed. The victims were advised to appeal to the courts.

The situation of petrol stations near residential area is considered to be significant problem in ensuring population's right to security. The monitoring demonstrated that functioning of petrol stations near large residential areas, especially in Baku, country subordinate cities and regional centers, as well as in residential and public buildings of settlements and villages located along the main roads seriously threaten life, health and property of people living there.

It is suggested that appropriate state bodies should not allow the construction of petrol stations without considering existing norms.

On the other side, the territories around petrol stations that are far from residential areas long years before, particularly in 1970 – 1980s are being built on. Such cases also resulted in the violation of law.

Along with addressing the responsible state bodies on prevention of similar case in future, the Commissioner proposed to take security measures around appropriate petrol stations.

Right to the protection of honor and dignity. In compliance with the relevant Decree of the President the Commissioner has been designated as an Institution fulfilling the functions of national preventive mechanism (NPM) provided in the Optional Protocol to the Convention against Torture, and Other Cruel, Inhuman or Degrading Treatment or Punishment.

In order to increase the effectiveness of activities carried out as an NPM, the Commissioner recommended amending the Constitutional Law with appropriate changes and additions.

By the way, in compliance with the Constitutional Law adopted by the first voting of the Milli Majlis (Parliament) on 21 December 2010 and signed by the President of the Republic of Azerbaijan the provisions regarding the basis of the Commissioner's activity as an NPM were added to the Constitutional Law of the Republic of Azerbaijan "On the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan" and will enter into force after second voting.

In connection with implementation of requirements proceeding from relevant Decree and fulfillment of the mentioned functions, the draft version of organizational chart, staff schedule and regulation of the Institute's new structure were prepared and submitted to the Cabinet of Ministers and the Ministry of Finance. These state bodies were also recommended to provide financial resources for attracting experienced experts to a new structure. However, despite 2 years has passed since that time, the issue was still has not been solved.

The designation of the Commissioner as an institute fulfilling the functions of NPM ensured a shift to the next stage of combating torture and towards further improvement.

Significant organizational measures were taken in this regard; the list of existing 254 places of deprivation of liberty and detention places, including penitentiary facilities, TDPs, social objects, boarding schools, social centers for aged and disabled people as well as mental hospitals was compiled.

Following the relevant order of the Commissioner the NPM group was created within the Institute for effective implementation of the prevention activities. First, the group consisted of 9 Institute staff members; afterwards, considering the regional centers it was enlarged up to 17 persons.

In previous period, in accordance with the task set by the Commissioner, the NPM group regularly paid numerous visits to the relevant institutions, registered and documented the results of their work, drew up statements, addressed appropriate agencies and took other measures.

Press service of the Commissioner regularly informed the mass media on the activities of the NPM group. In previous year the NPM group conducted 396 visits to the places of deprivation of liberty. 274 of visits were paid to the TDPs and other facilities of the Ministry of Interior Affairs, 94 – to the investigatory isolators and prisons of the Penitentiary Service of the Ministry of Justice, 3 – to the disciplinary battalions of the Ministry of Defense, 2 – to the investigatory isolators of the Ministry of National Security, 11 – to the institutions of the Ministry of Health, 9 - to the institutions of the Ministry of Labor and Social Protection of Population, and 4 – to the institutions of the Ministry of Education.

By the way, the first report of the Commissioner “On the Activity as a National Preventive Mechanism on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment” for 2009 and 2010 was prepared. With the support of the OSCE the report is being translated into English and published in two books in Azerbaijani and English versions. Afterwards it will be disseminated among population and international organizations.

It should be mentioned that the Institute organized awareness-raising activities for staff members and heads of police agencies attending the public hearings conducted in country cities and regions in order to monitor the situation of implementation and promotion of the measures provided in the NAP. They were informed on the necessity of implementing the requirements of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the appropriate Decree of the President on its application.

Furthermore, special attention was given to building of international cooperation in this regard. With the purpose of exchange of experience, the Institute’s staff members working within the NPM group participated in various international events dedicated to issues of combating torture.

The Commissioner has been accepted as a member to the European NPM Network of the Council of Europe of s against Torture, and on the basis of appropriate order the Institute appointed among its staff a coordinator within the Network.

Moreover, the Commissioner conducted the event on presentation of the practical guide named “Monitoring Places of Detention” prepared by the Association on Prevention of Torture (APT) in cooperation with the ODIHR and OSCE Baku Office as well as translated into Azerbaijani by the Baku Office of the UN High Commissioner for Human Rights. In this regard the methodic trainings on the monitoring of places of deprivation of liberty were carried out for members of the NPM and regional centers.

During Commissioner’s meetings with representatives of state bodies, NGOs and

international organizations, exchange of experience as well as during national and international events, her designation and activities as an NPM were appreciated.

It is important to mention that from the first year of the Commissioner's work, the 24-hour "hotline" serving for prevention of torture and other cruel, inhuman or degrading treatment or punishment and "hotline 916" for promptly addressing the Commissioner regarding violation of child rights were launched within the Institute upon the initiative of the Commissioner. Investigations were conducted; appropriate measures were taken on complaints received via these hotlines.

There also were cases when citizens appealing to local executive bodies faced not only indifferent and nonchalant attitude of officials but also degrading treatment.

The Commissioner received complaints of citizens that faced with disrespectful and degrading treatment, also indifference of local executive structures and officials addressed regarding various problems.

Unfortunately, in majority of cases the courts satisfy the protocols on administrative offence and the submissions on selection of imprisonment as preventive measure what could be considered as a result of "police-prosecutor-judge" solidarity. That is why the inquiries sent by the Commissioner to responsible bodies for verifying the cases of torture and other cruel, inhuman or degrading treatment or punishment reflected in the complaints could not find their confirmation. At the same time, due to other reasons some officials were brought to administrative responsibility and punished.

According to the Article 1 of the Criminal Procedure Code, the legislation on criminal procedure is aimed at ensuring that nobody can be illegally or needlessly subjected to coercive procedural measures or to other restrictions on human and civil rights and liberties. In addition it is mentioned that, the legislation on criminal procedure creates the opportunity to establish the rule of law and respect for human and civic rights and liberties.

The analysis shows that the selection of imprisonment as preventive measure for a person brought to criminal responsibility is used as a tool of influence and pressing.

The Commissioner considers that imposition of arrest as a measure of procedural compulsion of a person without having necessary grounds or considering personality of the accused as well as public risk of the committed offence is inadmissible.

With regard to the above-mentioned it is appropriate to recall the words of our national leader, Heydar Aliyev: "The state may be weakened in two cases: if a criminal goes unpunished and if an innocent person is punished".

The Commissioner calls police, which do not observe the law requirements, to consider that detainees must not be subjected to coercion or any other methods of influence; degrading treatment and torture against them in order to get confession is intolerable. As a result of such cases people lose their belief in rule of law and justice as well as trust to legal enforcement agencies. Besides, such acts may lead to responsibility defined by the legislation.

In accordance with the Article 5 of the Law of the Republic of Azerbaijan on Police, degrading treatment of any person is inadmissible. While keeping the peace the police representatives should treat people within legal frames and prevent violence. The police

representatives who cause these cases should be brought to responsibility.

Complying with the provision 9 of the “Regulations on Serving in Agencies of Internal Affairs” of the Republic of Azerbaijan, officials of internal affairs agencies (chiefs) are responsible for the discipline of staff members under their subordination. Along being exigent towards staff members, the chiefs should rise the sense of high responsibility in them. Moreover, the chiefs should not patronize personnel on the ground of personal relation.

The Commissioner specially emphasizes that not only police staff but also the heads of appropriate agencies should be responsible for causing above-mentioned conditions.

It is an indisputable fact that as a rule during investigations of all cases reflected in complaints regarding torture and other cruel, inhuman or degrading treatment or punishment such cases not proved. There may be several reasons explaining these situations, including absence of witnesses at the moment of incidents, non-detection of marks of injuries, impossibility to prove that the injures were caused by official of law-enforcement agencies, non provision of information on that, non conduction of medical examination in time and others.

In accordance with the Article 1 of the UN “Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment”, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.

However, complying with the Article 133 (“Torture”) of the Criminal Code, the “torture” is causing strong physical pains or mental sufferings by regular causing battery or other violent actions, not entailed to consequences provided in articles 126 (“Deliberate causing of serious harm to health”) and 127 (“Deliberate causing of minor serious harm to health”) of the present Code. In other words, “causing strong physical pains or mental sufferings” can be accepted as a “torture” only if it has regular character. Consequently, the disposition given in the Article 133 of the given Code does not comply with the Article 1 of the Convention.

Thus, the Commissioner recommends *to bring the relevant article of the Criminal Code in conformity with the Article 1 of the UN “Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment”*.

Freedom of expression and speech. The measures taken by the national leader of Azerbaijan people, Heydar Aliyev, on the abolition of censorship, protection of freedom of expression, establishment of pluralistic environment as well as on creation of Media Council played an essential role in formation of free media.

The opportunities for worthy integration of freedom of speech into society and state as well as free dissemination of expressions and views without any degrading treatment are enlarged. In this condition the application of the Code of Professional Conduct of Journalists is important for regulation of journalist-reader and media-citizen relations in mass media as well as for the prevention of bad (“black”) PR.

Surrounded by the state support the mass media is developing; the measures on strengthening its financial and technical state were continued in previous year too.

Following appropriate Decrees of the President, 135th anniversary of the National Mass Media was conducted. In this regard, each of 32 newspaper offices were provided with 20 thousand Manats and every of 8 informational agencies – with 10 thousand Manats; 38 persons were awarded with the title “Honored Journalist” and 15 – with “Honored Worker of Culture”; and 38 people, including the head of the Division on Information and Public Relations of the Commissioner’s Institute – Zemfira Maharramly, were awarded with “Taraqqi” (Progress) medal. Additionally, 5 million Manats were allocated for improving the housing situation of mass media workers and construction of buildings for them.

Due to measures taken by Ilham Aliyev, the president of the Republic of Azerbaijan, on provision of freedom of expression and speech as well as free mass media, the Committee on Protection of Azerbaijan Journalists named “RUH” presented him “Friend of Journalists” award.

During 2010, in order to improve the capacity, awareness and knowledge on legislation of representatives of the mass media, especially of journalist writing on human rights topics, training-seminars, events on legal education and traditional article competitions of journalists were organized directly upon the initiative and proposal of the Commissioner.

Within the International Conference conducted on “December 10 – International Human Rights Day”, the article competition of journalists on the theme “Human Rights for All” was finalized, and winners received awards and certificates.

At the events conducted within the Institute upon the initiative of the Commissioner on the “World Press Freedom Day”, the importance of protecting freedom of expression, speech and mass media as well as their role in establishing civil society was brought to a spotlight.

Furthermore, in the reviewed period the seminar on human rights was organized by the UN Office of the High Commissioner for Human Rights in Guba city for a number of representatives of various mass media, including periodical publishing and news agencies, TV and radio channels as well as journalists organizations. The staff member of the Institute participated as an expert in the seminar and provided information on the UN treaty bodies, obligations of Azerbaijan regarding the UN conventions and freedom of speech.

The Commissioner proposes to prepare and implement measures on attracting appropriate state bodies, especially the State Support Fund for Mass Media Development, and Media Council to trainings and seminars on professional improvement of journalists’ capacities.

Also, during speeches and appeals the Commissioner calls officials possessing information on treating the journalists in a proper manner and observe the provisions of the Law of the Republic of Azerbaijan “On Access to Information”.

By the way, in accordance with the Constitutional Law adopted by the first voting of the Milli Majlis (Parliament) and signed by the President of the Republic of Azerbaijan on 21 December 2010, the provisions empowering the Commissioner to control whether state bodies, local self-government bodies and officials possessing information observe the Law of the Republic of Azerbaijan “On Access to Information” were added to the Constitutional Law of the Republic of Azerbaijan “On the Commissioner for Human Rights (Ombudsman) of the

Republic of Azerbaijan”. These amendments will enter into force after second voting.

Each representative of the society, especially journalists, must remember that the Constitution of the Republic of Azerbaijan ensures the freedom of expression and speech as well as the right to protection of honor and dignity.

It should be taken into consideration that both the national legislation and international law define restrictions regarding freedom of expression and speech.

For avoiding reasonable discontent of people the journalists should not insult them and should respect the right to honor and dignity while writing any material.

Other situations putting obstacles to the freedom of speech and expression were also matters of concern. Thus, some journalists represented views of the political bodies they were working for.

In previous year, broadcast of the information about children accused in committing crime or subjected to violence without their consent or permission of their legal representatives by some channels as well as demonstration of cruel scenes without notification were also problematic issues.

Opposite to the Article 21.2 of the Law of the Republic of Azerbaijan “On Advertisement”, the cases of filming children in commodities’ advertisements, especially in mobile operators commercials that have no relations to them were observed.

The Commissioner addressed the head of the Public TV and Radio Broadcasting Company and proposed to take appropriate measures on protection of children from information that may affect their mental and moral development during programmes, on disclosure of children’s names, addresses or other personal information without their consent or permission of their legal representatives, and non-involvement of children to the commodities’ advertisements, having no relation to them.

During previous year, the Commissioner paid close attention to the protection of mass media rights, provision of freedom of expression and speech, and mistreatment of journalists. The Commissioner and the Institute’s staff members paid numerous visits to arrested journalists: Qanimat Zahid, Eynulla Fatullayev, young bloggers Adnan Hajizade and Emin Abdullayev (Milli) as well as Nazim Quliyev; their detention conditions, health, provision with food and treatment always were the focus attention.

When the crime investigation of bloggers was completed and provided to the judicial proceedings, the Commissioner addressed the Court of Sabayil District and asked to consider the fact that this was the first time young people are brought to criminal responsibility and to give preference to alternative sentencing measures not relating to imprisonment reflected in sanctions of articles they are accused in.

In accordance with the decision of the Baku city Appellate Court, Adnan Hajizade was granted with conditional release from prison. Also, the Court of Salyan made a decision on substitution of unserved part of Emin Abdullayev’s (Milli) penalty with conditional release from jail.

The Extraordinary Plenary Session of the Supreme Court reconsidered the decision of the

European Court of Human Rights on release of E.Fatullayev from the prison and paying him 28 thousand euro of compensation. The Plenary Session confirmed the decision and terminated criminal case. The lawyer filed the petition on cancelling the imprisonment of the E.Fatullayev to the Baku Appellate Court. However, the Plenary Session did not provide the petition since cassation appeal was not submitted to the Supreme Court.

It should be noted that in compliance with the next pardon Decree signed in March 2010, Q.Zahid was released from prison.

Following the task set by the Commissioner the staff members of the Institute held meetings with media representatives – S. Kazimli, Q. Zimistanoghlu, N.Javadli and young activist E. Akhundov, which went on hunger strike in support of E. Fatullayev and got acquainted with their conditions. During the visits, the journalists were advised to stop the strike.

The Commissioner recommended referring to world practice, especially to experience of democratic countries, while sentencing the journalists, and instead of penalty on deprivation of liberty to give preference to alternative punishment such as fining, public exposure and apology as well as temporary suspension of newspaper activity.

Freedom of conscience. Azerbaijan is among the list of rare countries where main religions of the world - Islam, Christianity and Judaism (mosques, churches and synagogues), coexist in peace and tolerance.

Necessary conditions were created for ensuring the freedom of religion and belief as well as legal activity of religious organizations in the country.

In previous years, close attention was paid to construction and repair work of mosques, churches, temples and synagogues. New life was breathed into numerous praying places which belong to various traditional religions and are considered historical and architectural monuments of the country.

The situation of ensuring freedom of conscience, religion and belief always was the focus of the Commissioner's attention. During last year, 124 complaints regarding violation of freedom of conscience were submitted to the Commissioner; each of them was investigated.

Among them were also the complaints about the Sumgayit State University banning girls which wear hijabs to attend classes. The Commissioner always brings forward that every person has the right to determine independently his/her attitude towards religion and express religious belief; that creating opportunities for everyone to exercise freedom of religion and belief in Azerbaijan – the country in the way of its democratic development, is evaluated as the important feature of secular state. In this regard, the Commissioner being based on the legislation submitted necessary recommendations to appropriate authorities on elimination of obstacles in exercise of the right to education. After the Commissioner's interference, the problem discussed could find its solution.

In line with the provision 3 of the Article 14 of the “Convention on the Rights of the Child”, freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

Conforming to the Article 5.2 of the Law of the Republic of Azerbaijan “On Education”, the

state ensures creation of opportunity to get education and prevention of any discrimination against each of citizens regardless of their sex, race, skin color, language, religion, political views, nationality, economical and social situation, origin as well as health state.

However, during November and December the Commissioner received complaints with regard to issues such as prohibiting children wearing hijab to attend the schools for many days by the administration of different schools in Baku city, unveiling girls against their will, and threatening them to exclude from the school due to wearing hijab.

These cases resulted in violation of child rights, caused discontent of parents, lead to distancing children from education and thus were made public known.

Taking the above-mentioned into account the Commissioner addressed the Ministry of Education with regard to examining these cases in compliance with the Constitution and laws of the Republic of Azerbaijan as well as with international treaties to which Azerbaijan is a party without delay and upon respect to the freedom of consciousness to restore the right to education of children distanced from the education by school administration prohibition. In a consequence, the right of children to education was immediately maintained.

In its response the Ministry of Education stated that in compliance with the charter and the Article 14.10 of the Law of the Republic of Azerbaijan “On Education”, uniforms of children are regulated with the Charters of schools of the Republic of Azerbaijan. According to the Law and Charter, the children should attend general education schools only wearing appropriate uniforms.

Freedom of assembly. The Commissioner also implemented awareness-raising activities on provision of freedom of assembly.

Within the succession of public hearings carried out in country cities and rayons for monitoring the situation of implementation of the measures reflected in the NAP, the officials from local executive bodies and police agencies involved in the events were informed about the importance of ensuring citizens with freedom of assembly in connection with and on the eve of 4th election to the Milli Majlis (Parliament), serious observance of the legislation by their and other relevant bodies’ staff members and inadmissibility of police interference to gatherings and meetings; given appropriate instructions; and proposed to provide special open and closed places for conduction of assemblies regarding the elections.

The monitoring conducted within the frames of the public hearings demonstrated that open and closed places were defined in every cities and regions. With the aim to facilitate election campaigns equal and enhanced opportunities were created for every representative of the candidates for organizing promotional work. By the way, in the period of preparation for election and its conduction any violations regarding the above mentioned were not observed.

Right to citizenship. In 2010, the Commissioner cooperated with appropriate state bodies, especially the State Migration Service, on the issue of ensuring right to citizenship.

One of the main factors leading to violation of right to citizenship is delayed or groundless responses of the State Migration Service with regard to the appeals of various persons on obtaining this right.

The existing Law of the Republic of Azerbaijan “On Citizenship of the Republic of

Azerbaijan” creates obstacles for a number of our compatriots (including persons born in Azerbaijan and settled in the former USSR republics in accordance with appointments or for earning money in the past but trying to return back now; those with Azerbaijani roots living in other states and having desire to live in our country; people of Azerbaijan nationality which historically lived in Georgia but immigrated to Azerbaijan in 90s of previous century as a result of known events and living here at the moment; as well as descendants of Azerbaijanis that left the country for seeking shelter in foreign states in order to avoid repressions of the period after the collapse of the first Azerbaijan Democratic Republic) to obtain citizenship. In this regard, the Commissioner proposes *to make appropriate amendments and changes to the Law of the Republic of Azerbaijan “On the Citizenship of the Republic of Azerbaijan” and to simplify obtaining of citizenship by our compatriots.*

During the meetings with population conducted within public hearings carried out by the Commissioner in country cities and regions. in order to monitor the situation of the implementation of measures provided in the NAP, it was revealed that numerous problems in the sphere of provision of marriage and child birth certificates exist in a number of villages and settlements. Various challenges emerge if newborn children are not registered and provided with birth certificate in time. Some of these problems could be solved as a result of the Commissioner’s interference and involvement of local executive bodies.

Right to vote. Preparatory work conducted on the eve of the election to the Milli Majlis (Parliament) and monitoring of the provision of the right to vote were of outmost importance for the Commissioner.

Within the succession of public hearings carried out by the Commissioner in country cities and regions. for monitoring the situation of implementation of the measures provided in the NAP, the participants were informed about the importance of creating conditions for citizens to make their own choice and of providing equal opportunities for candidates during the elections to the Milli Majlis (Parliament). Also, it was informed that in order to conduct free and democratic elections interference of local executive bodies and police agencies to this process is inadmissible. Additionally, appropriate awareness-raising activities were implemented.

During these events, the information about the legislation on election and instructions of Central Election Commission (CEC) were provided; comprehensive data about the work done by district electoral commissions, local executive bodies and police agencies was presented; existing shortcomings were revealed; and recommendations on their elimination were given.

Throughout public hearings, along with positive experience some shortcomings were also disclosed. Sometimes the trainings conducted by the CEC for enlightenment of district and polling station commissions were not continued in regions; in some polling stations the citizens were not provided with the conditions to get acquainted with the list of candidates; the awareness-raising activities on the rules of election (drawing up additional lists, specification of box delivery addresses and others) were weak in regions; poor cooperation was built with appropriate bodies, including military commissariats, registration agencies, police, municipalities and communities, in accurate compiling of list of electors, recommendations on solution of these problems were presented. The above-mentioned cases were resolved with the support of the CEC.

The registered staff members of the Institute were appointed as observers; each of them was provided with the CEC “Memory Books for Observers”.

On November 7, 2010 – the day of election to the Milli Majlis, the Commissioner and 36 Institute's staff members participated as observers in 429 polling stations of 105 election districts of Baku and 46 districts as well as monitored the election process in a number of military units, prisons and investigatory isolators.

The Commissioner personally monitored the election process in many polling stations of election districts, including the prison No. 4 for women, and generalizing the information systematically submitted by the Institute's staff members who were participating as observers in election processes of various districts presented it to the mass media and the society in the Election Information Center of the CEC.

As a result of the monitoring it can be concluded that in general the elections to the Milli Majlis (Parliament) were conducted in democratic, free, transparent and fair manner as well as in compliance with the legislation and discipline. The installation of web-cameras in the majority of polling stations by the CEC for observing the election process directly was of special significance.

The observers representing various political parties, NGOs and international organizations participated in the election process in a manner of respect to each other and fulfilled the tasks within their competences. This was also emphasized by political parties' representatives monitoring the election as well as neutral observers.

61 complaints were submitted to the Commissioner with regard to the violation of the rights to vote. The Commissioner addressed the CEC in relation to these complaints. The appropriate investigation and measures were implemented.

By the way, the fact that 100 of 695 candidates were women and the number of elected women deputies increased to 20 representatives (16%) demonstrates the outcome of the attention paid toward attracting women participation in the government and decision-making.

As a result of observations it should be noted that generally during the election the cases of intervention of local executive bodies and police representatives were not defined, and no violations affecting the election results or putting in doubt its legality were detected. The shortcomings of technical character were immediately eliminated.

The Commissioner considered that implementation of appropriate measures and conduction of comprehensive awareness-raising activities for members of election commissions is important in order not to repeat the revealed shortcomings during next elections.

Right to appeal. In previous year it was also observed that the heads of numerous local executive bodies gave priority to meetings with the population, holding conversations with rural inhabitants on the spot and using the "open microphone" practice.

The creation of "hotlines" and utilization of operational three-number phones in a number of state bodies (Ministry of Internal Affairs, Ministry of Education, Ministry of Health, Ministry of Emergency Situations, Prosecutor's Office, tax agencies and others) provided the opportunity for rapid examination of complaints.

By not responding to appeals of citizens and thus demonstrating indifferent and nonchalant attitude towards them some officials do not entirely fulfill their functions. This demonstrates

disrespect to the superiority of law and leads to increase of discontent and disbelief of citizens.

Each of the complaints sent to the Commissioner regarding the violation of the right to appeal was investigated and responded by appropriate state bodies.

Mainly, the right to appeal is violated because citizens are not received by the officials, the appeals are not answered generally or by their essence, necessary measures are not taken and the problems are not solved, applicants are not provided with any official and reasonable as well as written responses, and red tape exists.

In 2010, the Commissioner received 1.014 (10,3%) complaints (including 53 complaints from Sabirabad, 44 from Shaki, 38 from Imishli, 29 from Aghjabadi and 26 from Kurdamir) relating to local executive bodies.

By the way, in 2010 the heads of executive bodies of several districts, Qaradagh district of Baku, Shaki, Qakh, Ujar and Naftalan, were dismissed from their posts.

In accordance with the analysis of complaints submitted to the Commissioner, in majority of cases many citizens due to low level of awareness about their rights do not send letters to relevant addresses.

In many cases, upon receiving the complaint, the state body infringing the law addresses it to other agency or to the official who violated the citizen's right instead of conducting appropriate investigation. As a result, the case remains unsolved which results in its aggravation and in additional bureaucratic correspondence.

Pursuant to the Constitution of the Republic of Azerbaijan, the executive bodies are responsible for ensuring human rights and freedoms of citizens before the law and have to respect the superiority of law as well as professionally fulfill their functions.

Generally, the officials should solve the problems in time and not allow them become public via mass media what may lead to their further aggravation. Thus, the control over the activity of state agencies should be strengthened. Central and General agencies shouldn't keep this position of subordinate executive bodies out of attention, on the contrary such cases should be the focus of their attention, efficient measures should be taken in time.

Sometimes, along with indifferent attitude of administrative-territorial representations of executive bodies towards ensuring this or other rights of citizens defined by the Constitution, the cases of mistreatment of people were also observed.

The other vital problems faced with regard to the violation of citizens' right to appeal were linked with non-registration of submitted complaints and applications as well documents attached to them not complying with the legislation or their receipt without registration by addressed state bodies, offices, establishments and organizations.

The divisions of law enforcement agencies on ID registration, departments of state traffic police, medical-social expert commissions, centers of labor and social protection of population, public services and other spheres usually addressed by citizens can be brought as examples of the above-mentioned cases.

As a result, in order to avoid the responsibility, the state bodies, offices, establishments and organizations which don't take measures on submitted complaints, appeals and their attachments as well as don't conduct necessary investigations and thus violate citizens' rights to appeal, assert that they did not receive any claims. Mainly, this can not be proved due to receipt of complaints (appeals) and documents attached to them without providing notifications.

The Commissioner considers that it will be appropriate to amend the Law of the Republic of Azerbaijan "On the Procedure of Examination of Citizens' Complaints" and other legislative acts by adding provisions on registering complaints and appeals (including documents attached to them) submitted by citizens regarding any issues to state bodies, offices, establishments and organizations as well as on immediate providing notifications of receipt.

Sometimes the Commissioner's instructions submitted to relevant state bodies regarding the investigation of cases reflected in complaints are not answered properly. Provision of formal and superficial responses led to breach of the law and thus created the obstacles for the work of the Commissioner (whose competences were defined in accordance with the Constitutional Law) in the restoration of violated rights. This resulted in infringement of a number of citizen's rights or continuation of their violation or in their restoration out of time.

By the way, in 2010 during conduction of the urgent meeting in the floods areas on Kura and Araz rivers with involvement of government representatives, the President of the Republic of Azerbaijan Ilham Aliyev stated, "Local executive bodies provide persons with lands anywhere they like, and citizens build there houses. Those buildings are hazard for inhabitants. Houses built under power lines are very harmful for people's health. At the same time, such situation impedes the conduction of efficient construction and repair works. The houses built along the banks put obstacles in appropriate implementation of consolidation work now. That is why shortcomings as well as crimes (in some cases) committed until this moment must be seriously investigated. Persons giving illegal orders should be defined, and proper measures should be taken against them. Despite the fact that those persons are holding office or not."

In general, indifferent attitudes as well as unreal or superficial responses of some officials of state bodies responsible for ensuring human rights and freedoms create difficulties in Commissioner's work on the restoration of human rights. Thus, taking into account that the fine between 20 – 40 Manats imposed in accordance with the Article 310.1 of the Code of Administrative Offences on restriction of or interference to the Commissioner's legal work is not efficient measure and it has formal character, it is proposed to review the above-mentioned sum and make it more real.

The right to fair trial. Without the complex of procedural means ensuring the effective restoration of fair trial and violated human rights it is impossible to sufficiently exercise the right to fair trial.

In a reviewed period, the state took numerous inevitable measures for improving composition of the courts,, facilitating the population opportunities to address the courts, ensuring strong observance of human rights by state bodies, protecting human rights and freedoms effectively, diminishing the workload of judges, and enlarging self-managing functions of judicial branch of power. These activities have thorough influence on the development of the state's court system.

In accordance with the Article 2 of the Administrative Procedure Code which defines court belonging of proceedings on administrative legal relations, as well as procedural principles and rules of court hearings and solutions of those proceedings and entered into force on 1 September 2010, if there is no other appropriate rule defined in accordance with the law, proceedings on cases of administrative issues should be implemented by the boards of the administrative and economic courts as well as of economic courts.

According to the amendments and changes made to the legislation and appropriate Decrees of the President, series of new courts were established in the capital and regions of the country. They include Baku Court on Grave Crimes created on the basis of the Court on Grave Crimes of the Republic of Azerbaijan as well as Courts on Grave Crimes of Lankaran, Ganja and Shaki cities and Nakchivan Autonomous Republic; Administrative and Economic Courts founded on the basis of Economic Courts in Baku, Ganja, Sumgayit, Shaki and Shirvan cities and Nakchivan Autonomous Republic. Also, the total number of judges of courts included in the court system of the state was increased from 120 to 600. At the same time, the analysis shows that there is still a need in enlarging this number.

Along with that, the Jalilabad Military Court was established and the Military Court of Grave Crimes of the Republic of Azerbaijan as well as Military Courts of Aghdam, Qazakh, Lankaran and Sumgayit were eliminated. In the meantime, territorial jurisdiction of Appellate Courts, Courts on Grave Crimes, Administrative-Economic Courts and Military Courts was defined.

Upon defining the rules of selection of judge candidates by progressive and transparent methods practiced in Europe, the effective experience has been formed in this field.

78 highly experienced lawyers considered by the Judicial-Legal Council as being worthy candidates for the position of judges were appointed to these posts in compliance with the appropriate Decree of the President.

In a reviewed period, the Judicial-Legal Council implemented the activities on increasing the effectiveness of fair trial, conduction of the evaluation and teaching of the work of judges in conformity with contemporary requirements, strengthening of executive and labour discipline, as well as on elimination of violations of law, red tape and other shortcomings. Moreover, the Council conducted substantial analysis and the work on the improvement of the court system.

Simultaneously, the disciplinary proceedings against some judges carried out during last years due to violation of the legislation requirements, non compliance with executive discipline, fair discontent of citizens regarding red tape and other negative cases were completed in appropriate manner.

Thus, owing to serious violations of law and other shortcomings the Judicial-Legal Council changed the workplace of 3 judges on the basis of disciplinary order, reprimanded 8 judges and pointed out shortcomings to 5 judges. Along with that, the powers of 8 judges (Courts of Binaqadi, Sabunchu, Yasamal, Nizami, Khatai Districts of Baku city, also Lankaran and Shusha cities and the Court on Grave Crimes of the Republic of Azerbaijan) were terminated.

Irrational conduct of control over the trial process and groundless selection of the imprisonment – the most serious punitive measure, without considering the requirements of the legislation and experience of the European Court of Human Rights by some judges as well as their formal attitude and unscrupulousness were in the prime focus of the Judicial-Legal

Council.

Being responsible and possessing necessary powers for ensuring human rights and freedoms, the courts also have to preserve international prestige of the country. Exactly because of judges who had unprofessional approach in relation to their work, were indifferent towards citizens' destinies and made decisions by breaching the requirements of the laws, a number of Azerbaijani people addressed the European Court of Human Rights.

Since Republic of Azerbaijan has entered the Council of Europe, the European Court of Human Rights has made 40 decisions with regard to our country. 16 of them were related to 2010.

Only the court that could gain the trust of people has the power to prevent unbearable situation of human rights violation. Consequently, the essence of punishments imposed by the Judicial-Legal Council should not only be considered as administrative measures, but, on the contrary, should serve for increase of people's trust in fair trial.

By the way, taking into account that the Article 448.5 of the Criminal Procedure Code contradicts to the Article 127 of the Constitution of the Republic of Azerbaijan, *the exclusion of the Article 448.5 from the Criminal Procedure Code is thought to be expedient.*

The Commissioner built successful cooperation with the Academy of Justice under the Ministry of Justice. The Institute' staff members at various times delivered lectures to the students of the Academy and answered their questions.

During reviewed period, 1.306 (13,3%) of the complaints sent to the Commissioner reflected the cases of violation of the right to fair trial. 116 of these appeals were related to the Supreme Court, 225 – to the Appellate Court and 923 - to the courts of first instance (including 45 sent from Binaqadi district of Baku, 38 – from Sabayil district, 28 – from Nizami district, 33 – from Sumgayit, 25 – from Shaki, 22 – from Lankaran, 18 – from Yevlakh, etc.).

The generalized analysis of a numerous complaints addressed to the Commissioner with regard to the infringement of the right to a fair trial demonstrates that this right was violated in the following cases: red tape; non-provision of the copies of court decisions in time; notifications on time and place of the trial are not sent to participants or are delayed; the appeal petitions and cassations are not submitted to the relevant court of higher instance or refused to be accepted; the presented documents are lost or not attached to the case.

Complying with the competence provided by the Constitutional Law, the Commissioner continued the cooperation with courts in previous year. Upon revealing the cases of human rights violations during the investigation of complaints on red tape as well as on the lost of documents or their delivery out of time measures were taken on their restoration.

As a result of consecutive measures implemented with regard to the complaints submitted to the Commissioner, in some cases the violated rights of people were restored.

The parties which did not receive appropriate information (notification, etc.) before cognizance in different court instances could obtain it upon the intervention of the Commissioner.

After Commissioner's interference, the measures were taken on ensuring the right of citizens to appeal to the courts.

Moreover, activities were carried out with regard to ensuring the rights of citizens facing red tape or bureaucratic attitudes of officials. Non-provision of copies of court decisions or other important information in time caused complaints. It should be mentioned that such complaints are majority.

The Commissioner prioritizes the issue of accelerating constructive measures for the creation of juvenile justice system. Consequently, along with the elimination of problems appearing during criminal trial processes of juveniles, their interests would be provided more effectively.

Right to legal assistance. Basing on the analysis of the complaints submitted to the Commissioner it was concluded that the legal assistance granted by the government is not always sufficient and satisfactory. On the one hand, such situation is connected with a low level of professionalism of some lawyers providing legal assistance; on the other hand, main factor affecting the quality of this aid is small honorarium paid to the lawyers.

The Commissioner recommended to take into consideration economic capacity of low income groups of people and to establish legal consultation centers financed by the state budget in every city and region.

Within the frame of the range of public hearings conducted in country cities and rayons for monitoring the situation of the NAP implementation it was revealed that Khizi, Dashkasan, Goranboy, Yardimli, Neftchala, Aghdash and Gobustan rayons as well as Naftalan city have no lawyers and legal consultation centers what restricts people from obtaining professional legal advice. As a result, the population of these areas has to address the legal consultation centers and lawyers functioning in neighboring rayons. Taking into account the above-mentioned the Commissioner appealed to the Ministry of Justice.

The Cooperation with Legal Enforcement Agencies in the Sphere of the Human Rights Protection

Cooperation with prosecutor offices. The analysis conducted regarding the appeals sent to the Prosecutor General's Office of the Republic of Azerbaijan as well as to local prosecutors' offices in connection with complaints submitted to the Commissioner shows that the control mechanism of the Prosecutor General's Office over local prosecutor's offices is improving and the efficiency of procedural management in preliminary investigation is increasing.

As a result of drastic measures carried out for formation of high standard conditions in prosecutors' offices, 83 of their staff members were brought to administrative responsibility for breaking executive and labour discipline as well as for coarse violations of law committed at work or out of service, 50 persons were reprimanded, 5 members were dismissed from their posts, as well as 5 other employees were expelled from the prosecutors' offices because of behavior inapplicable with their service.

During previous year, the Commissioner received 565 (5,8%) complaints (including the 23 complaints sent from Aghjabadi, 17 – from Binaqadi, 14 – from Shamakhi and Shamkir, 13 –

from Gedebeý) regarding prosecutors' offices. Many of them were investigated within the effective cooperation with the Prosecutor General's Office; necessary steps were taken for the restoration of violated rights.

It should be noted that the attention towards the implementation of all necessary measures on reliable protection of human rights, including examination of citizens' complaints and their reception, the work on providing information on criminal inquiry process to the aggrieved person, civil claimant, suspect or accused, their legal representatives, defense attorney as well as respondent, must be increased.

Sometimes, the courts make decisions on discharge of accused persons or basing on insufficient number of evidences revealed during criminal inquiry and return criminal cases to prosecutors, which carry out procedural management of preliminary investigation. Also, the decisions of inquisition and investigation agencies made on the same cases are eliminated repeatedly and in this regard the direction of investigations is changed. However, despite of the above-mentioned, no serious measures are taken about relevant prosecutors, inspectors or investigators and they are not brought to the responsibility.

Besides, the issues of biased and superficial attitude of some local prosecutors' offices towards the criminal inquiry were detected and solved afterwards.

Moreover, occasionally citizens could not gain any result while appealing to prosecutor's offices in connection with discontent about violations committed by the police agencies during preliminary investigations.

Furthermore, in series of cases the prosecutors, which carry out procedural management of investigations, gave partial and non-comprehensive responses to the Commissioner's inquiries or in contrast to the Article 12.2.5 of the Constitutional Law displayed indifference towards the task and provided unchecked answers.

It should be mentioned that, as a result of weak control of some prosecutors, carrying out procedural management of preliminary investigation, over the process of inquisitions or investigations, several times groundless decisions were made regarding refusal to initiate criminal proceedings on the basis of collected materials.

The analysis shows that the work of the prosecutors' offices on ensuring human rights and freedoms as well as on combating criminality is gradually improving and rising in its efficiency. In this regard, the "hotline service" functioning in the Prosecutor General's Office has significant role in enlarging the opportunities of people to appeal.

Along with that, there still a necessity in increasing the control over the work of local prosecutors' offices, taking preventive measures for raising the effectiveness of the fight against criminality, improving the process of observing the citizens' appeals and reception, regularly providing information on the activities of the prosecutor's office, especially local ones, to the society, as well as in carrying out necessary measures for reliable protection of human rights and freedoms.

Cooperation with Justice agencies. Within the frame of the range of public hearings conducted in country cities and rayons for monitoring the situation of the NAP implementation it was revealed that there was no notary in Khizi rayon what created obstacles for citizens to exercise their rights and duties implied by the law. During the meetings with

the population, people expressed their discontent with the activities of the notaries and notaries' offices, requiring payments higher than duty and service fees defined by the law, red tape and notarization of forged documents.

Taking into consideration the above-mentioned situation, the Commissioner addressed the Ministry of Justice and recommended to establish notary's office in Khizi and improve the work of notaries.

According to the Decree of the President of the Republic of Azerbaijan dated 15 June 2010 on improving the execution of decisions of courts and other bodies, appropriate recommendations on provision of effective promotion of forced execution and responsibility measures implied by the law, strengthening the activities on prevention of the cases of avoiding the execution of decisions adopted by courts or other agencies and on conduction of the work on other issues were submitted to the Ministry of Justice.

By the way, in 2010 due to the infringements of the law and shortcomings revealed at their work the Ministry of Justice sent the documents on 4 persons to the prosecutor's office. Additionally, more than 220 of justice employees were brought to administrative responsibility as well as 26 people were dismissed from their posts and expelled from justice agencies. Upon the investigation of data submitted to the prosecutor's office, the cases of 2 persons were addressed to the court what resulted in their condemnation. Chief of Gobustan prison K. Abdullayev received severe reprimand and later on was dismissed from his post.

In the reviewed period, the analysis of the 619 (6,3%) complaints on the execution of court decisions submitted to the Commissioner shows that the delay in the execution of a number of cases, red tape as well as illegal acts and encroachments led to decrease of the fair trial efficiency. At the same time, owing to nonprofessional approach and indifferent attitudes of some executive officials towards their position, the decisions sometimes remained unexecuted for a long period of time.

The majority of complaints in the given sphere was related to the non-execution or delayed execution of court decisions on demands for restoration to work place, payment and final calculation of salaries, property, apartment, land and alimonies. The Commissioner conducted necessary investigations on each of the complaint and could achieve the complete or partial execution of the decisions.

Red tape and start of execution work out of time by the officials caused inconvenience.

In a number of cases in spite of implementation of executive activities on assigning alimonies, unemployment of the debtor or non-detection of appropriate property or other profits lead to difficulties in paying alimonies. In such situations timely and proper execution of decisions is impossible.

By the way, the Commissioner proposed *to create the mechanism of payment of alimonies (defined by the court for raising a child) by setting up "Alimony Fund" (on terms that the alimonies will afterwards be taken from debtors in obligatory manner) to be created within the State Social Protection Fund or appropriate central executive power body and financed by the State.*

The Commissioner also recommended conducting trainings for increasing the professionalism of officials, studying normative and legislative acts as well as improving the work in the

mentioned field.

Cooperation with internal affairs agencies. The administration of the Ministry of Internal Affairs conducted regular activities aimed at increasing discipline and the sense of responsibility among police. However, the analysis of multiple complaints on violation of human rights and freedoms by police staff demonstrates that these activities should be continued and strengthened.

In order to examine the cases reflected in the complaints, the Commissioner appealed to the police agencies and conducted investigation. As a result, serious measures were taken against police staff who violated the law, treated people coarsely and disrespectfully, acted in a manner damaging the police reputation, violated ethical rules of conduct towards citizens as well as went beyond their competence and used violence against citizens.

During previous year, 174 facts of violation of human rights and freedoms were detected. 51 of them were related to mistreatment of citizens, 38 – to groundless detention, 46 – to baseless taking to the police department, 22 – to infringement of drivers' rights, 5 – to groundless attraction to criminal responsibility, 3 – to violation of rights of foreigners and persons without citizenship, and 9 – related to other facts. For committing such negative acts 276 police representatives were brought to disciplinary responsibility. 18 of them were dismissed from the internal affairs agencies, and 20 were dismissed from their posts; other disciplinary measures were taken against 238 police representatives.

The Commissioner also investigated the complaints which were directly sent to the Ministry of Internal Affairs. In a consequence, 14 facts of the violation of the legislation and Ministry's normative and legislative acts by police representatives were revealed. On this ground, in accordance with the Minister's orders, 41 representatives were brought to disciplinary responsibility as well as 2 policemen were discharged from the internal affairs agencies, 6 staff members were dismissed from their posts and other 3 were punished by other disciplinary measures.

7 of the police representatives brought to disciplinary responsibility were holding high rank positions, 12 - were engaged in the sphere of criminal investigation, 13 were involved in public security, 4 – in inquiry and investigation, 3 – in road patrol and 9 – in other fields.

Complying with the MIA's information, the facts which were revealed during the internal investigation conducted in connection with 34 appeals of the Commissioner regarding torture and inhuman treatment were not confirmed. However, due to groundless taking of citizens to police, mistreatment of those persons them and other reprehensible acts, 30 police representatives were brought to disciplinary responsibility basing on 10 internal investigation materials. 2 of these representatives were expelled from the service in internal affairs agencies, 4 - were dismissed from their position, 2 - were notified about noncompliance with the service job, 10 –were reprimanded severely, and 12 – were reprimanded.

In previous period the Commissioner received 1.904 (19,4%) complaints on the police agencies. Among them were 69 complaints from Narimanov and Nasimi, 64 – from Yasamal, 54 – from Qaradagh, 47 – from Nizami, 45 – from Binaqadi districts of Baku, 54 – from Shaki, 39 – from Sumgayit and Absheron, 34 – Shamkir and Lankaran, 27 – from Astara, Guba and Gedebe, as well as 26 – from Aghjabadi, Barda and Goranboy.

These complaints were covering the following issues: biased conduction of preliminary

investigation in corresponding department, violation of the right to appeal, mistreatment of police, especially during inquiry and investigatory process, use of physical and psychological pressure, infringement of rights of apprehended and accused persons at the time of operative-investigatory measures, as well as nonprofessional attitudes in some other cases.

With regard to these complaints 529 inquiries were sent to the Ministry of Internal Affairs.

It was also revealed that sometimes criminal cases are not recorded; citizens face illegal physical violence from the police staff; as well as while examining people's complaints red tape takes place.

Nonprofessional approaches of a number of inquisitors and investigators including attempts to deliberately conceal some crimes, incomplete verification of collected materials, as well as causing procedural violations by prompt decisions on refusal to initiate criminal proceedings, were also among subjects of complaints. In appropriate situations after the appeal of the Commissioner to procurators' offices the decisions on refusal to initiate criminal proceedings were found out and in majority of cases were eliminated.

During the examination of complaints, upon the intervention of the Commissioner prosecutors' offices in order to ensure the objectiveness of the case occasionally referred it from one interrogator or investigator to another.

Moreover, the Commissioner addressed relevant prosecutors' offices regarding such issues as termination of criminal cases proceedings because of incomplete execution of instructions on them. Once the materials were reviewed, the decisions were eliminated and the cases were returned to investigation.

After the Commissioner's appeals either to the Ministry of Internal Affairs or to the Baku City Police Department on examination of citizens' complaints regarding biased inquiry, appropriate investigation were carried out, and owing to inconsistency of the decisions made by inspectors, the petitions on their elimination were filed.

Instead of taking necessary operative-investigatory measures for detecting suspicious person by police agencies, in some cases the criminal proceedings were stopped. Along with that, upon the Commissioner's appeal terminated proceedings of some cases were returned to investigation, or written instructions regarding the issue were given by the prosecutor.

Furthermore, negligence of some staff members of investigatory agencies resulted in that the complainants were not provided with the information on cases as well as were not sent the copies of the decisions. The Commissioner's interference eliminated these violations too.

It was disclosed that some inquisitors or investigators carried out superficial and poor inspection, did not conduct complete, thorough and objective examination of cases reflected in the complaints, and not complying with the requirement of the Criminal Procedure Code made groundless decisions on refusal to initiate criminal proceedings or on termination of criminal case.

One of the serious problems attracting attention is red tape in police agencies. In this regard, the Commissioner conducted the investigation and took measures on restoration of violated human rights.

The analysis of complaints provide ground for stating that the acts of police representatives which can not cope with their work, have biased and nonprofessional attitudes towards the work, as well as violate the citizens' rights and make them to appeal to other state agencies are not always measured according to the offences they committed as prescribed by law. The Commissioner considers that combating such cases is a serious preventive measure for the protection of people's rights.

The activities on provision of road traffic safety and preventive measures on eliminating problems and shortcomings in this field were conducted.

The analysis of 163 complaints on officers of the State Traffic Police (STP) submitted to the Commissioner shows that some of them treat drivers roughly, have nonprofessional attitudes as well as require paying more money than defined by the fine. Eventually, such situations lead to fair discontent of people and their appeal to the superior state agencies.

By the way, according to the appropriate Decree of the President, it was decided to add 25 percent of the sum paid by persons and legal entities as fine defined by the Law of the Republic of Azerbaijan "On Road Traffic" to monthly salaries of STP representatives patrolling the road and regulating the traffic. At the same time, the Ministry of Internal Affairs was ordered to strengthen the control over observing the legislation by the STP representatives serving in the sphere of provision of road traffic safety while performing their duties and examining administrative infractions.

In order to verify the cases reflected in the complaints the Commissioner carried out the investigation. However, as a rule, in some cases the Commissioner was informed about people being "angry" and "nervous" while filling in the application, in other cases about absence of complaints.

According to the above-mentioned analysis, it is required to take necessary measures on prevention of series of existing problems. Thus, the duty of STP officers does not consist of groundless stopping citizens and tormenting them but of controlling the observance of traffic rules by drivers as well as ensuring road traffic security.

Also, if on the one hand the car density causes traffic jams, on the other it is connected with failure of STP staff to fully perform their duties.

The ineffective distribution of STP staff in streets and prospects with tensed traffic or at peak hours impedes timely prevention of traffic jams. Along with that, the observations demonstrated that at hardly controlled road crossing the STP representatives give preference to fine the drivers violating traffic rules instead of efficient regulation and control over the traffic.

It has become common to use mobile radars both at private or service vehicles. Actually, it is inexplicable to install these radars in private cars once there are service cars of STP. On the other hand, usage of mobile radars without any notifying sign serves more for punishing and tormenting of drivers violating the traffic rules because of the reasons not depending on them as well as a source of bribery rather than for providing safety and preventive measures.

Generally, besides vehicles the radars also take photo of passengers what means interference to their personal life and infringement of their constitutional human rights. Thus, from technical point of view it is more appropriate to install the radars only for recording

identification number of cars in the case of exceeding speed limit.

The analysis shows that traffic accidents at the road of the country, especially in Baku city, happen because of the following reasons: absence of technical control program for ensuring the safety of people and vehicles, increased car density, violation of rules on speed and overtaking, driving while being drunk, absence of traffic lights at some cross-roads, as well as officers of STP who instead of imposing legal measures on drivers violating traffic rules take bribes and close their eyes to infringement.

The Commissioner considers that it will be appropriate *to conduct analysis considering all traffic accidents at the territory of the whole country, their place and time; and to prepare as well as implement the plan of complex measures with involvement of the Ministry of Internal Affairs, Ministry of Transport and other relevant agencies.*

In order to protect pedestrians' rights and provide their free movement on the street, it was also recommended to run the month-long campaign under the motto "Give back sidewalks to pedestrians!", evaluate it and to make the evaluation results public.

The fight against corruption. The success achieved as a result of regular and consequent measures carried out in socio-economic sphere of the country, brought to the spotlight the issue of strengthening fight against corruption and bribery.

At the meeting of the Cabinet of Ministers dedicated to the outcomes of socio-economic development of 2010 and the challenges of 2011 the President of the Republic of Azerbaijan Ilham Aliyev stated, "*Red tape must be eliminated, the fight against bribery and corruption have to be reinforced, and the public control must be strengthened.*"

At the meeting with the population and mass media in Tovuz rayon the President noted, "*The fight against corruption and bribery in Azerbaijan should be conducted more strictly. There is sufficient legislative basis, instructions and Decrees regarding the issue. We have to eliminate such problems in Azerbaijan. And for this reason all of us, including the government as well as the citizens, should strike the same target.*"

As it is known, at the meeting of the Commission on Combating Corruption, established upon the order of the President, it was highlighted that the conduction of more strong and systematic fight against corruption and bribery on the state level should be the chief duty of the responsible agencies. Appropriate measures must be taken in the given sphere.

During last year, the Commissioner carried out the awareness-raising activities on combating corruption and bribery with the involvement of representatives of local executive bodies, courts, police agencies, other various executive structures, municipalities, NGOs, local communities, district election commissions as well as mass media. Simultaneously, joint consultation and monitoring were implemented together with state bodies. This work will also be continued in 2011.

For better protection and ensuring human rights and freedoms in her previous annual reports the Commissioner proposed to use the public control institute in penitentiary facilities, army, spheres of social protection, education and health as well as in socio-economic life.

As it is known the Public Committee was established within the Ministry of Justice with the aim of attraction and provision of public participation in detention places and conduction of

public control over penitentiary facilities.

Although some steps were taken for promotion of public control institute in the army, it was not reflected in the legislation.

The Commissioner considers it necessary for central state bodies to strengthen the control over their local divisions.

1.041 complaints reflecting the cases of corruption and bribery were submitted to the Commissioner.

Several times the Commissioner raised before the senior governmental bodies the issue of imposing appropriate punishment implied by the law to persons found guilty after the investigation and confirmation of the cases reflected in complaints regarding corruption by officials; addressed the Prosecutor General's Office and other appropriate state agencies; and kept these issues on the focus.

For verification of cases on officials demanding bribe from people reflected in complaints, the Commissioner sent inquiries to legal-enforcement agencies. However, as a rule, no attitudes were shown towards the issues or the cases were not confirmed.

The analysis demonstrates that various officials in regions could achieve obtainment of the necessary explanation from complainants and rejection of appeal by threatening, punishing or promising to resolve their problems.

Generally, there were cases of bribery and receiving additional fees for the services envisaged by law in various spheres of socio-economic life (for example, provision of the documents in illegal constructions areas, secondary schools, facilities of higher education, registration and notary offices; seizure of different documents from housing communal facilities which no longer justify their existence as communal facilities or from the representatives of administrative territorial unit of local executive body's heads; defining the disability degree in medical-social expert commissions; in communal service agencies; in ID and Registration divisions, in public services and other).

Differing from previous times, in maternity clinics or maternity departments of hospitals of both Baku and country cities and regions doctors without existence of any threat to life of mother and child give preference to cesarean section operation for earning more money. The cases of demanding payment from various patients for providing medical services and thus making them to face psychological pressure should be eliminated.

Taking into consideration the violation of laws and shortcomings reflected in the complaints or disclosed during meetings with the population or monitoring, the Commissioner proposed to place the information on state duties, fines and payments for services in vivid places of appropriate agencies, facilities and organizations. In this regard, the Commissioner highly appreciates the launch of internet portal www.rusum.az as the only source of information on duties and tariffs created with the support of the Commission on Combating Corruption.

One of the problems leading to the corruption is the red tape that people face in state agencies, facilities and organizations during submission of appeals or applications as well as documents attached to them, their registration and handling.

In a previous period, the Commissioner proposed to implement structural measures in housing communal facilities, their liquidation and transfer their functions to municipalities; reorganizing the work of medical-social expert commissions; strengthening the fight against corruption and bribery in these spheres.

The Commissioner notes that in his concluding speech at the conference dedicated to second year results of implementation of “State Program on Social-Economic Development of Regions of the Republic of Azerbaijan in 2009 - 2013” President Ilham Aliyev assigned strengthening public control, ensuring transparency, intensifying fight against corruption and bribery, carrying out structural and institutional reforms aimed at elimination of the latter cases as a task.

Taking into account the fact that no positive changes in legal-enforcement agencies, hospitals, especially maternity clinics, as well as educational sphere are observed, the Commissioner considers it necessary to continue effective measures and to pay close attention to fight against the problem to be very.

Unfortunately, the issue of fraud having direct relation to the problem discussed also cause anxiety. Various people offer their mediation function using the name of the Commissioner and obtain money from people. Such fraud, illegal acts and non-conduction of measures for combating this problem by legal-enforcement agencies are of highest concern for the Commissioner.

Fight against human trafficking. In comprehensive work of the Commissioner the fight against human trafficking has important place. Numerous activities on this issue were carried out together with divisions on struggle against human trafficking of appropriate state bodies; broad awareness-raising work was conducted in Baku and districts.

In a previous period the Commissioner also closely cooperated with the Department on Struggle against Trafficking in Human Beings of the Ministry of Internal Affairs and “Clean World” Public Union.

The analysis of the information disseminated either by mass media or Ministry of Internal Affairs shows that at the moment the internal family disagreements attract more attention. Certainly, attempts of family members on each other’s lives as well as suicides raise concern. The main reason of that are domestic conflicts.

Appropriate measures should be taken in order to prevent or reduce the mentioned cases. In this regard special attention should be paid to training of social psychologists.

In majority of cases legal-enforcement agencies consider that internal family conflicts have the civil character and do not interfere or sometimes stand in the position of contemplator. Thus, the possible criminal consequences of such conflicts should be taken into account and preventive measures should be immediately taken. The district police should strengthen routine inspection of conflicting families, take preventive measures, increase the attention to complaints on such issues, and use mediation and reconciliation opportunities.

At the same time, the Commissioner and Institute’s staff members participated in a number of events dedicated to fights against human trafficking.

During these events and among the topics discussed it was noted that although women are

subjected to domestic violence, this problem affects not only one member but the family as a whole; the families in which one or both of parents are drug or alcohol addicted the children are mainly suffering; preventing sex-selective abortions, domestic violence against aged women is very important; to take measures on eliminating early as well as unregistered marriage, early pregnancy and sexual violence; the police should conduct drastic activities on disclosure and elimination of whore houses.

The hard consequences of domestic inter family violence, increase of divorces, suicides of women constantly facing violence as well as murder of husbands by those women were also stated. Those women noted the reasons of such cases are domestic violence, interfamily conflicts, as well as the facts that they are regularly humiliated and beaten.

In order to solve such problems as early marriage, domestic violence, provision of addressed social assistance, supplying young families with apartments, problems regarding reproductive health, family planning, psychological aid, alimonies as well as recognizing the right to live in place of residence and others the Commissioner submitted proposals to appropriate state bodies.

These proposals were covering the following areas: adoption of the law and the plan on combating human trafficking; establishment of crisis centers for women and children being subjected to violence, shelters for juveniles released from penitentiary facilities as well as of centers of support to children deprived of parental care; adoption of legislative and normative acts for regulating legal state of people deprived of their place of residence or released from prisons and staying at streets, stations and carriages; addition of provisions on the fight against human trafficking to the Criminal Code; and preparation of legislative acts on protection of women's rights, provision of gender equality and prevention of domestic violence.

The Commissioner recommended to combat violence against women on various stages, including usage of preventive measures, carrying out the work on legal enlightenment, organization of meetings and explanation, revealing the cases of violence, obtaining accurate statistic data, creation of data base, restoration of violated rights, establishment of special shelters, provision of financial, moral and psychological support to women suffered from domestic violence as well as implementation of these activities in parallel to combating violence against children.

In previous year the Commissioner provided recommendation on the adoption of the law on prevention of domestic violence to the Milli Majlis (Parliament).

By the way, in the reviewed period the Law of the Republic of Azerbaijan "On Prevention of Domestic Violence" was adopted, but it has not been effective due to absence of implementation mechanisms.

Moreover, series of events on combating human trafficking are organized in the secondary schools.

Taking into consideration *the need in social psychologists for elimination of interfamily conflicts and strengthening the fight against human trafficking*, the Commissioner recommends:

- *to form the institute of social psychologists and trainings of experienced specialists;*

- *to establish and supply the units of psychologists within the legal-enforcement agencies;*
- *to take measures on regular conduction of broad awareness-raising activities with involvement of civil society organizations and communities all over the country.*

2. Protection of Economic and Social Rights

Labour rights. The Commissioner proposed to join the following articles of the “European Social Charter”: *on the right to safe and healthy working conditions (3), the right to vocational training (10), the right to social and medical assistance (13), the right of persons with disabilities to independence, social integration and participation in the life of the community (15), the right of aged persons to social protection (23), the right to protection against poverty and social exclusion (30), and on the right to housing (31).*

Analyzing the opportunities of the ratification of the International Labour Organization’s Convention No.156 “Concerning Equal Opportunities and Equal Treatment for Male and Female Workers: Workers with Family Responsibilities” and “Maternity Protection Convention” No.183 by the Republic of Azerbaijan the Commissioner recommended the state to approve these documents. Azerbaijan joined the Conventions in 2010.

Taking into account the significance of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights adopted by the UN General Assembly’s Resolution No.63/117 on 10 December 2010 and already signed by our state the Commissioner considers acceleration of its ratification as a necessary step. It should be mentioned that the Optional Protocol provides the Committee on Economic, Social and Cultural Rights with the responsibility to hear individual or inter-state complaints.

Along with that, it is of outmost importance to raise the salaries of persons working in the sphere of social protection, especially in boarding schools and orphanages, as well as those looking after people with disabilities.

Unfortunately, under the pretext of financial crisis the heads of some facilities and organizations achieve the dismissal of employees reaching the pension age either upon “their own request” or by using other methods. It should be noted that this process violating the labour legislation was continued and to a certain extent got mass character.

In a number of cases the measures directed on providing the right to additional vacation due to the character of labour conditions and employment functions as well as on labour protection of people working in hazardous and difficult occupations were not fully taken; additions to salaries were cut.

The Commissioner received 936 complaints regarding the violation of labour rights. Such cases as non-payment of salaries in time; refusal to reinstatement and payment of labour injury damages; nonobservance of the legislation during concluding and abrogation of labour contract, including the signing of labour contract not reflecting all significant labour conditions, employment without signing labour contract, indicating in contract salaries lower than paid in reality or payment of salaries in amount not complying with appropriate schedule; non-provision of annual vacation; non-compensation of unused vacation in accordance with the legislation; delay in issuance of work record card, copy of order,

providing last payment and others became common while being dismissed from job.

As a result of conducted activities, in series of cases dismissals were prevented as well as last payments were issued.

Destruction of archives during the process of privatization of state institutions (facilities) became widespread. In majority of cases archive documents kept for 50-70 years and covering information on the lifes of people were destroyed because of irresponsible attitudes.

Right to social security. The formation and sustainable improvement of integrated social security system that justifies the citizens' expectations display itself in provision of pensions and state social allowances.

The adoption and further promotion of the Law of the Republic of Azerbaijan "On Labour Pensions" improved the system of labour pensions. However, along with that a number of shortcomings remain.

Since the first years of her activity the Commissioner addressed the Milli Majlis (Parliament) and at the time of the preparation of the Draft Law "On Labour Pensions" recommended to coordinate the sum of pensions paid to persons belonging to similar category but retiring at different times; provide aged people with special financial benefits (for example, life insurance and others); and increase low level of pension up to the minimum living standard.

Considering real demand of people and existing consumer price the Commissioner recommends to eliminate existing disparity in 2011 by raising minimal salary (85 Manats) and basic part of pensions (85 Manats) to minimum level defined for able-bodied population (102 Manats).

At the same time, it was proposed to examine the situation of group of people in need of social security and in this regard make appropriate amendments to the legislation.

It should be mentioned that in comparison with previous period the measures directed at increasing the welfare of the population raise year by year.

Taking into consideration that lump-sum allowances do not cover a huge group of people and is not paid in necessary cases, there is a need to increase the allowances for the childbirth (at the moment it is equal to 75 Manats).

Nowadays, these problems in the sphere of pension provision to unemployed pensioners as well as those working in state agencies, facilities and organizations are being eliminated.

895 complaints were submitted to the Commissioner in connection with the violation of the right to social security. During the analysis of these complaints, the attention was also paid to more effective protection of the right to social security.

In accordance with the Article 19.2 of the Law of the Republic of Azerbaijan "On Labour Pensions", the sum equal to 10% of basic part of age-related labour pension is added to the basic part of labour pension for nursing the persons of first disability degree and children under 18 with limited physical and mental capacities. However, persons looking after people from the same category as well as receiving age-related allowance are deprived of this right. Taking the above-mentioned into consideration the Commissioner recommends *to add a new*

provision 4.1 (“to add 10% of the whole allowance sum to the age-related allowance for persons taking care of persons of first disability degree and children under 18 with limited physical and mental capacities) to the Article 4 of the Law of the Republic of Azerbaijan “On Social Allowances”.

Besides, it may be evaluated that unavailability of people to use the rights to receive pension or age-related allowance (because of not reaching the age limit defined by the legislation) as well as their unemployment lead to violation of the rights to social security of these persons. Thus, the Commissioner proposes *to add the provision considering the allowances “for persons taking care of persons of first disability degree and children under 18 with limited physical and mental capacities” to the Article 4.0.1 of the given Law.*

The Commissioner suggests *to review the rule on granting Presidential allowance to persons awarded with the title of National Hero and bring it to conformity with the paragraphs 2 and 3 of the “Regulations on Assigning and Provision of the “Allowance of the President of the Republic of Azerbaijan to the Families of Martyrs of War” approved by the Decree of the Cabinet of Ministers on 29 January 2007.*

Simultaneously, the Commissioner submitted proposals regarding the discussed Draft Law “On Social Service” to the appropriate commission of the Milli Majlis (Parliament).

The Commissioner received 457 complaints (including 55 from Guba, 33 from Shaki, 25 from Lankaran, 20 from Astara, 18 from Ganja as well as 17 from Khachmaz) on assignment of the Addressed Social Aid (ASA). The analysis of these complaints demonstrated that series of shortcomings remain in the existing sphere.

As a result of analysis, the Commissioner proposed *to improve and simplify the list of documents required for assignment of ASA; not to take into consideration the things unfit for exploitation, including cars as well as land unsuitable for sowing, while preparing the list of property; during assignment of the ASA not to include the sum of allowances paid to disabled, aged and other indigent group of people (considering family’s disabled and aged people as well as other invalids) of the family to total sum of the general demand criterion.*

By the way, in order to investigate the infringements of the law during the ASA assignments and shortcomings in this sphere, the Institute’s staff member together with the representative of the Ministry of Labour and Social Protection (upon the agreement with this Ministry) implemented the monitoring in a number of country rayons.

As a result of this monitoring series of investigations were carried out on the spot in Hajiqabul, Sabirabad and Beylaqan rayons with the participation of complainants. At the same time the explanatory work was conducted with the population. Complying with the results of the monitoring the director of the Beylaqan Region Center on Social Protection of the Population and one employee were dismissed from their position, the deputy director was reprimanded and other employee was downgraded.

The Commissioner proposed to the Ministry of Labour and Social Protection *to conduct monitoring in regions as well as seminars and other educational activities on the importance of policy and assignment principles regarding ASA with the involvement of representatives of local agencies engaged in setting and provision of ASA as well as of population.* The continuation of joint regular monitoring all over the country has already been provided with the Ministry.

Right to live in healthy environment. In order to effectively implement the people's right to live in healthy environment, the state carried out complex of measures in the sphere of the environmental protection during previous years.

According to the appropriate Decree of the President, the 2010 was declared as the "Year of Ecology". Within the successful implementation of relevant policy in the sphere of ensuring people's right to live in healthy environment the Ministry of Ecology and Natural Resources took significant measures.

With the aim of more efficient provision of citizens' right to live in healthy environment the Commissioner together with the mentioned Ministry carried out joint activities within the frame of the "Year of Ecology".

The Commissioner provided recommendations on conduction of joint discussions in connection with the improvement of the legislation on Ecology; conducting legal enlightenment events and short-term training courses in the secondary and high educational facilities as well as for people living in rayons, IDP settlements and for NGO representatives; organization of joint awareness-raising TV programs within the "Year of Ecology"; publication and dissemination of leaflets, memory books, posters and other promotional materials.

In previous period the VIII Baku International Conference on "Human Rights and Environment: legal and ethical aspects of the climate change" held on 17 – 19 June 2010 and dedicated to the "Year of Ecology" as well as to Human Rights Day was conducted and Baku Declaration reflecting proposals on priority problems in the sphere on the protection of environmental rights was adopted.

At the Conference the Commissioner sounded numerous proposals on taking preventive measures for eliminating heavy disturbances of natural and manmade disasters and emergencies occurred as a result of conflicts as well as wars; functioning within the active and dynamic network of appropriate bodies for the restoration of violated rights; rapid elimination of the disaster consequences; conduction of legal enlightenment activities among the population; and promotion of legal culture.

The event on provision and protection of environmental rights was conducted in the Azerbaijan Child and Youth Peace Network serving as Commissioner's resource center on child rights and the School of Leadership (functioning within the Network) with the participation of the Commissioner, the Minister of Ecology and Natural Resources H. Baghirov, parents as well as children of Baku schools.

Upon the special instruction of the country President, the process of planting six million trees was continued in previous year too.

The launch of the facility being built for recycling industrial wastes accumulated in the area of Balakhani is of special importance for the solution of the problem. As a result, the issue of accumulation and recycle of industrial wastes throwing out to rivers, irrigation channels and resulting in insanitary conditions will be solved.

Exploitation of quarries not complying with technical requirements harms the public health and flora. Thus, the control over this field should be strengthened.

The Commissioner received and investigated 14 complaints regarding the violation of the rights to live in healthy environment.

It should be specially emphasized that in her statements submitted to various international organizations the Commissioner required to stop fires in the occupied territories, long-term aggression against nature and animals as well as excavations in Shusha, Kalbajar and other occupied cities and rayons, which also cause danger to environment, and called international organizations to give assessment to illegal actions of Armenia.

Right to health protection. As a result of reforms carried out in the sphere of health, significant measures directed at health protection were taken and material and technical basis of medical facilities were improved.

New modern medical –diagnostic centers, as well as hemodialysis centers are functioning in several cities and regions, IDP settlements. Organization of heart surgery in up-to-date level in the Scientific-Surgical Center named after Topchubashov underwent thorough repair and construction, will afford opportunity to operate on numerous children suffering from heart diseases.

The fight against renal failure resulting in need of hemodialysis, thalassemia, blood circulatory system and infectious diseases as well as spread of drug addiction, AIDS and tuberculosis, especially among youth, has purposeful character.

The Commissioner proposes that *along with the implementation of medical prophylactic measures for prevention of above-mentioned diseases, healthy lifestyle promotion should be prioritized, anonymous cabinets for prophylactics should be established within polyclinics all over the country and the information on them should be disseminated among the population, as well as the conduction of express-tests with involvement of pregnant women, creation of blood banks and broadcasting of the awareness-raising TV programs on combating AIDS in mass media sources should be increased.*

The Commissioner submitted recommendations to the Milli Majlis (Parliament) on the improvement of the Law of the Republic of Azerbaijan “On Prevention of Disease Caused by Human Immunodeficiency Virus” which has already been adopted.

Also, the Commissioner continued its cooperation with the Center for Combating AIDS of the Ministry of Health.

Moreover, the Commissioner paid attention to the situation of ensuring the rights of people suffering from mental illnesses, regularly got acquainted with the conditions created in appropriate medical facilities for their treatment, learned the problem of these group of people in need of assistance and helped to solve them.

Besides, the Commissioner addressed the Ministry of Health and submitted various proposals: *to advance the conditions of facilities and treatment of patients in compliance with the European Minimum Standards; speed up the construction of facility separate from residential buildings in a larger area in order to provide effective treatment, rehabilitation and hospital conditions; establish various departments in accordance with the severity of illness levels within the buildings; to set up isolators and rehabilitation divisions develop medical transport vehicles and their provision with medicine; improve patients check-up as well as examination*

of tuberculosis HIV/AIDS and other diseases; increase the number of staff members and salaries; as well as take other necessary measures.

Although in developed countries health insurance is considered as an important and sufficient part for providing qualitative medical aid, in Azerbaijan this process has not started yet despite the existence of necessary legislative acts on compulsory health insurance as well as the study on situation of application of compulsory medical insurance in the country.

The launch of the State Agency on Compulsory Health Insurance under the Cabinet of Ministers should be speeded up in order to define the amount of compulsory health insurance payments as well as funding source and consequently, depending on that to determine basic set of medical services provided by the state to citizens free of charge.

Sale of fruits, vegetables, meat, milk and other agricultural products in open air, overcrowded places, along the roads as well as in the streets of both Baku and centers of country cities and rayons are negative factors affecting people's health. All of these have negative impact on sanitation and cause dissemination of infectious diseases among the population.

Thus, the Commissioner recommends *strengthening the control over sale of food and agricultural products by responsible structures as well as increase attention on storage, transportation and sale of foodstuffs in compliance with the rules set by the legislation.*

275 complaints regarding the right to health protection were received; the assistance was provided for their solution.

The measures on provision of the rights to health protection as well as of healthcare created opportunities for implementing necessary prophylactic activities in the sphere of the health protection of and provision of specialized medical aid at state expenses to low-income people and category of citizens in need of special care. Therefore, the discussion and adoption of the law reflecting the protection of patients' rights at the spring session of the Milli Majlis (Parliament) is of outmost importance.

By the way, in accordance with the Decree of the Ministry of Health Board, 21 staff members of managerial position of hospitals, including maternities and centers of hygiene and epidemiology were dismissed and disciplinary acts were imposed on 54 executive senior officials.

Paying attention to the above-mentioned, the Commissioner considers that it is necessary to strengthen the control over the work of all healthcare agencies and including state healthcare facilities situated both in Baku and country cities and regions improve the quality of provided medical service and prevent unprovided service fees.

Right to education. During last years, solid infrastructure changes directed at sustainable development, application of legislative acts and implementation of programmes and projects demonstrated the result of state's systematic attention and concern for education, educational employees and studying people.

The monthly salaries of educational employees and scholarships of doctoral candidates and students of higher and secondary educational institutions were raised. Additional concessions and stimulating measures were defined for young specialists graduating from pedagogic specializations of higher and secondary educational institutions and starting their work in

educational facilities. Also, the winners of competitions “The Best Secondary School” and “The Best Teacher” were granted lump sum 10.000 and 5.000 cash award respectively.

Nowadays, one computer is provided for per 20 students what is result of importance attached to the role of information and communication technologies in the education.

The Commissioner received 341 complaints on the violation of the right to education. Each complaint was investigated; in necessary cases the examination and monitoring were conducted on the spot and a number of problems in the sphere of education were analyzed.

By the way, last year 10 school directors were dismissed due to shortcomings at work, 6 school directors were reprimanded and 146 school directors were notified. This process is being continued.

According to the Article 18.4 of the Law “On Education” of the Republic of Azerbaijan, five-year-old children have to attend preschool courses. However, only 25-30 percent of children in Baku and 15-16 percent in regions were attending kindergartens, though pre-school education is a serious factor for physical and psychological development of children. Nevertheless, the number of pre-school education facilities and places in classes financed by the state is much lower than the number of appropriate age children.

In previous reports the Commissioner opposed the announcement of kindergartens’ privatization and notified its harm on pre-school education.

43 of privatized facilities were not functioning, 12 – are used for other purposes, including business, 8 – are used as residences for IDPs, 4 – are destroyed and only 1 was reconstructed and is used as intended.

Generally, 15 of privatized kindergartens are functioning and only 6 of them have the license.

According to official statistics, in previous year 1.612 pre-school facilities covering 103.617 children were operating in Azerbaijan. 1.550 pre-school facilities covering 98.663 children were functioning within the system of the Ministry of Education. There are 18 special purpose groups in 4 special pre-school facilities and 8 general purpose facilities for disabled children. Along with that, 5 sanatorium type pre-school facilities are functioning. 515 children graduated from 6 private pre-school facilities starting their activities on the basis of license of the Ministry of Education. Thus, only 26 percent of pre-school aged children were provided with necessary education.

One of the main problems of kindergartens is their poor financial and technical base and non-allocation of necessary funds into given sphere. The settlement of IDP families as well as establishment of various organizations in the buildings of pre-school facilities is also among important challenges. The other difficulties are inappropriate level of personnel training and low salaries.

The analysis demonstrates that almost all functioning kindergartens are in need of repair.

In previous annual reports the Commissioner proposed to create evaluation system of schools and higher education institutions.

According to statistics, 4.500 secondary schools are functioning in Azerbaijan. In previous

period 49 schools having places for 17.434 children were constructed; additional corps with 1.418 places were built within 10 schools; 7 schools were overhauled and 356 were repaired; the construction of 25 schools with 6.980 places were launched. At the same time, more that 200 schools are in need of reconstruction or overhaul.

Like in previous years in 2010 the Heydar Aliyev Foundation granted its support to renovation of the schools. Thus, upon the initiative of the Foundation 2 schools having 1.100 places were built.

Along with the positive changes in the development of secondary education, there are also vivid shortcomings. A big number of children, especially girls, avoiding the school, attendance problems and some challenges in discipline are serious factors leading to deterioration of secondary education.

While merging the schools functioning in low population density villages, the situation of appropriate villages should be studied and the reason why 13-17-year-old girls and boys of 9-11 forms are avoiding schools must be thoroughly analyzed. On the other hand, the desire of separate group of rayons' population to have or not to have school buses has to be taken into account.

There is a necessity of conducting examinations as well as surveys among children and parents in order to learn actual effect of curriculums applied lately in the sphere of education. Introducing innovations without pilot checking as well as by means of administrative methods may weaken educational system formed for decades.

At the same time, the application of curriculums should not reduce responsibilities of teachers and unreasonably overload students. The training of teachers should be systematic and sustainable as well as should not be stereotyped.

In some of their appeals the parents complain that due to the lack of textbooks at schools they have to purchase them as well as test books, workbooks on "Azerbaijan Language", "Mathematics", "English" and other subjects on their account and that certain books distributed among students are unusable.

Once the mentioned workbooks and test books are included into education they have not to be purchased on the account of children. On the other hand, if those teaching materials are not included in the education, forcing students to buy them is not expedient.

The Commissioner proposes *to allocate funds for the publication of all textbooks, workbooks, supplementary resources necessary for children and used during educational program as well as test books required by teachers and for providing them to children.*

The Commissioner is also concerned about cases of incorrect conduct of relations between teacher and children which may negatively impact on the behavior of children, injure their future formation as individuals, encourage violence against surrounding persons and affect their dignity and self-esteem.

Complying with the analysis, the work of psychologists is weakly organized at schools. In majority of schools instead of professional psychologists, teachers completing retraining courses are fulfilling this position.

The associations of parents and teachers mainly have formal character. In some schools directors do not create appropriate conditions for parents' participation in school life. Thus, it is advisable to improve the activity of such associations and enlarge it by covering as much schools as possible.

Moreover, the cases of money collection by various methods and pretext are still present. The functioning of "hot line" service created by the Ministry of Education for providing efficiency of the work on revealing and elimination of problems in education sphere was significant for receiving and investigating people's complaints.

Introduction of new school uniform was accompanied by some shortcomings. The transition possibilities to those uniforms and the situation of low-income families were not considered. The families with several children of school age encounter such difficulties. In some regions this situation is abused.

Setting single price for teaching materials used at comprehensive schools and uniforms is expedient.

The application of electronic two-stage competition mechanism for employment of teachers to schools in previous year is a positive progress. Along with that, the attention should be paid to preventing inclination for artificial reduction of the number of teachers during implemented activities. Otherwise, the abilities of experienced teachers and skilled young personnel should be widely used during the education process.

Both in Baku and rural area schools hiring new teachers without any necessity lead to problems during distribution of teacher load and result in provision of less than one class hourly rate. At the same time, non-acceptance of professional teachers to work when it is needed and distribution of class hours among non-specialized teachers also have negative influence on the educational system.

It should be noted that following the proposal of the Commissioner the Ministry of Education reprinted announcements about the hot line "916" and placed them in the educational facilities of the country.

Upon the agreement with the Ministry of Education as well as in accordance with signed action plan and agreement, "Peer to Peer" project of the hierarchic education of child rights basing on appropriate teaching modules was successfully implemented in the reviewed period. The students of Baku secondary schools No. 5, 31 and 207 were involved as pilots to the first stage of the project. The Ministry of Education provided 10 computers and 1 server to each of the mentioned schools. For the first time regularly functioning "Child Rights Education Centers" were created within these schools.

In 2011, it is planned to realize the project in schools of each district of Baku as well as in Guba, Shabran, Jalilabad, Bilasuvar, Shaki, Gabala, Ganja and Goygol.

The Commissioner proposes *to carry out the child rights hierarchic education in next years and cover all country schools in the future.*

Simultaneously, addressing the Ministry of Education the Commissioner recommended include "child rights" teaching into the "Life Skills-Based Education" subject.

In order to bring up patriotic children, Commissioner proposed to dedicate first lesson at schools on 26 February of each year to the Khojaly massacre and conduct relevant events during the week around this date. Furthermore, it was suggested to read the statement addressed by the Commissioner to the UN Secretary-General, UN High Commissioner for Human Rights, UN High Commissioner for Refugees, Council of Europe, OSCE, International and European Ombudsman Institutions, Asian Ombudsman Association and Ombudsmen-members of this organizations, the Azerbaijan embassies in foreign countries and foreign countries' embassies in Azerbaijan as well as Azerbaijan Diasporas functioning in various states.

Along with the above-mentioned, it was offered *to dedicate the first lesson of the first day in all educational facilities of the state to the exemplary life and way to fight of National Hero M.Ibrahimov under the motto "Long Live My Motherland!" It has already been realized since 2010.*

In previous year, the Commissioner paid serious attention to the issues of social protection and the education of children in educational facilities, especially boarding schools.

In 2010, according to the Commissioner's instruction, the staff members of the Institute carried out investigations in a number of educational facilities of the Ministry of Education.

The Commissioner proposed *to adopt special program on continuation of their education of children brought up in boarding schools and leaving these facilities upon reaching appropriate age as well as on their provision with places of residence and job.*

In the times of rapid changes the higher education has huge role in social-economic progress of the society and formation of competitive human capital.

These factors bring the necessity of defining the direction of reforms in higher education sphere in compliance with the world tendencies in the given area to the forefront.

The Commissioner proposes *at first to submit documents upon the completion of the initial stage of distribution to educational facilities and thus define vacant places; only afterwards to carry out the second distribution.*

In previous year, one of the main problems emerged in the sphere of education was discontent of students and their parents raised after the Ministry of Education cancelled the license of the Azerbaijan International University (AIU).

The serious infringement of the AIU was connected with admission of students to universities at various years out of the State Students Admission Commission (SSAC). In spite of that, unlawful acts of the AIU in the educational process were not approached fundamentally and only after continuous violation of many citizens' right to education its license was taken back.

During the last two years, the results of admissions carried out by the SSAC or in other words the low number of school-leavers' entrance to the institutes of higher education demonstrated that the level of secondary education does not comply with appropriate requirements. Therefore, there is a need to increase attention towards and strengthen the control over quality of education, especially to teaching process of schools and activity of local departments of education.

In majority of institutes of higher education (universities) discontent is expressed regarding compulsion of students to purchase the books by instructors of separate subjects or other teachers of departments, who are the authors of these textbooks, for overcharge. In some cases teachers make pressure on students refusing to buy these books and put them poor grade at exams and final tests.

It is known that, during the conduction of entrance exams to the institutes of higher education the SSAC define beforehand the fees of private facilities for the whole term of education, and each school-leaver takes into account payments while submitting their documents. However, some private institutes each academic year declared fees higher than initially announced by the SSAC. It contradicted the existing rules and resulted in violation of students' right to education.

Cases of self-will of officials during conduction of exams and final tests in the secondary and higher educational facilities as well as bribery taken for grading lead to serious discontent of the society and impede the development of the education and training of highly qualified specials.

In order to prevent the mentioned situations, the Commissioner proposes *to hold teachers from the conduction of exams and final tests and use tests for evaluation of knowledge without involvement of human factor*. The application of this method will assist the enhancement of education's quality, make the relations between instructors and students more transparent and increase of students' responsibility.

Right to housing. The right to housing guarantees permanent place of residence, worthy housing conditions and healthy environment as well as stipulates the implementation of necessary measures directed at state provision of suitable place of residence to low-income group of people in need of house.

In previous year, all 537 complaints submitted to the Commissioner in connection with the right to housing were analyzed; majority of them were investigated and responded.

The most favorable method of people's provision with the place of residence is mortgage loans. Nevertheless, breaks in mortgage lending during last years as well as pendency of social crediting issue did not let solve certain problems in provision of apartments.

The Commissioner considers that improvement of mechanisms of people's provision with places of residence through long term, society directed mortgage loans appropriate to the earnings of low-income families will play a crucial role in providing a big number of families with apartments.

Besides the construction of expensive buildings in Baku (which do not match to the resources of the people in need of housing) and apartments for families of martyrs of war and disabled persons of Karabakh war, the building construction work is almost not carried out in various rayons of the country.

The Commissioner considers that the implementation of the policy encouraging the construction of contemporary places of residence appropriate for financial capacities of low-income families in need of house living in Baku, Sumgayit, Ganja, Lankaran, Mingachevir and other cities will be expedient. Also, she recommended *prepare and carry out conception including complex approach to the issues of supplying people with apartments as well as*

appropriate State Program.

The Commissioner assumes that *the preparation and implementation of the State Program on resettlement of people living in old and dangerous apartments prevent the violation of the right to housing of these citizens enshrined in the Constitution and may protect them from possible future disasters.*

One of the population problems occurring the last year was complete or partial destruction of houses and agriculture as a result of floods on Kura and Araz rivers.

In connection with the floods urgent meeting in the area of disaster was conducted under the guidance of the country President and with the involvement of state officials; the instructions were given on implementing urgent and complex activities following the plan. Also, Government Commission headed by the Prime Minister of the Republic of Azerbaijan was established.

It should be pointed out that the staff members of the Ministry of Emergency Situations, police forces of the Ministry of Internal Affairs, personnel of internal troops, "Melioration and Water Industry" Public Corporation and other appropriate bodies built joint work regarding floods, effectively functioned as headquarter, took measures for carrying out preventive measures in time, strengthened as well as constructed new dams.

In accordance with statistics, 1,617 houses of Imishli, Sabirabad, Saatli, Kurdamir, Salyan, Zardab, Neftchala and Hajiqabul were under threat of collapse. Along with that, 1,500 new houses were built, new settlements were created and the population was resettled. Moreover, 3,375 houses were repaired; number of houses were restored and fixed. 7,424 families received in total more than 6 million 547 thousand Manats. 27 schools, 6 pre-school educational facilities, 12 medical centers, 15 mosques and others were repaired and are exploited now.

The Commissioner traveled to the regions affected by natural disasters at various times and visited headquarters created for preventing the consequences of disaster and controlling the existing problem. The Commissioner met with victims of natural disaster and discussed their situation, difficulties and the process of resettlement with the heads of appropriate state bodies. Simultaneously, she paid visits to camp supplied with necessary medication by the Ministry of Emergency Situations and the Ministry of Health. It should be mentioned that the vehicles were allocated for children to continue their education in schools of neighboring villages.

While meeting with people evacuated from their places of residence and settled in special camps and local schools, the Commissioner witnessed that more serious damages were prevented as a result of rapid measures. She stated that urgent needs of flood victims, including shelter, food and medical services, were met. The people expressed their gratitude to the country President for his attention and concern about victims.

The Commissioner proposes *to make amendments and annexes to the appropriate legislation for conduction of enlightenment work among the population and provision of compulsory property insurance.*

Since the establishment of municipalities, people of relevant areas has faced a number of problems and challenges impeding them from using their right to housing due to the reasons

that the streets in residential area settled in the lands provided to citizens for building private houses were not named and houses were not registered as well as provided with addresses.

The Commissioner recommends *inventory the houses built in lands provided for construction of private residences since the establishment of municipalities and take immediate measures on the solution of the problems.*

In a reviewed period, it was reflected in series of complaints submitted to the Commissioner that after the possessions of special property are destroyed by appropriate local executive bodies in accordance with the laws, they are not provided with adequate compensations.

In a number of cases, land areas were taken from people under the pretext of public needs without court decisions and compensation. These situations led to the infringement of people's rights and the legislation.

Moreover, the right of people to housing is violated because their special property houses and authorized apartments were captured by the IDPs.

The Commissioner takes into account that thousands of people living in nonregistered residences located in Hovsan, Bina and Ramany dairy farms as well as in "Dairy Farm" of Baku city, in well-known "Alatava", "Zigh", "Khutor", "NZS", "UPD" and "Keshla" areas have restricted opportunities to fully use their rights implied by the Constitution of the Republic of Azerbaijan and other legislation. Both in annual reports of previous years and appeals submitted to the state agencies the Commissioner proposed to define market value in order to solve this problem troubling thousand of people, to conduct technical inventory work on huge residential areas where illegal constructions were set in order to impose taxes and to review the issue of registering these buildings.

Another related problem is connected with the buildings illegally constructed by IDPs mainly for renting in various areas of Baku, especially in places of public importance, including "Yeni Yasamal" residential area.

In any case, it should be accepted that these illegal buildings are constructed upon the non-official consent of the heads of housing maintenance areas, area internal affairs bodies, executive bodies of districts and Baku city as well as municipalities.

Cooperation with municipalities in the sphere of human rights protection. In developed countries municipalities as main institutes of local self-government are closely engaged in the solution of population's social-economic and cultural problems.

In comparison with the municipal elections of 2004, when only 4% of elected candidates were women, in December 2009 this number increased up to 26,6 %.

During the public hearings conducted in cities and rayons for the implementation of the NAP, the importance of the role of municipalities in solution of people's social problems, prompting their work as well as of increasing the activity of women in public life and elections were also stated.

In this regard the Commissioner proposes *to carry out monitoring of municipalities' activities, to improve appropriate normative and legal basis, to conduct educational activities on raising legal knowledge of the population, to study international experience, to attract the*

state attention to the implementation of interconnected, systematic and sustainable work in the given sphere, to provide municipalities with financial aid, and to mobilize the capacity of these bodies.

At the same time, the Commissioner evaluated the shortcomings in the work of municipalities revealed in first years and advised to make qualitative changes in their activities.

Municipalities should better learn the legislation, improve their activities, and conduct work with the aim to gain higher achievement in good governance. In this regard, the Commissioner considered that it is necessary to organize trainings and seminars for staff members of newly elected city and region municipalities. Under the guidance of the Commissioner proper resources were prepared for raising legal knowledge of municipalities.

Taking into account the importance of the above-mentioned for raising the activity of municipalities in examining citizens' complaints and expanding the cooperation of people living in the area of related municipality, the Commissioner proposed to organize regional meetings and appealed to the Department for the Work with Regional Administration and Local Self-Governance Bodies of the President Administration of the Republic of Azerbaijan as well as to the Center for the Work with Municipalities of the Ministry of Justice.

Conforming with new edition of the Article 9.1 of the Law of the Republic of Azerbaijan "On Management of Municipal Lands", *"The citizens of the Republic of Azerbaijan permanently living in municipal areas and having at least five-year residence registration may obtain the right to property or to rent of municipal lands only through open auctions or tenders except the cases when lands are given to ownership for building private houses"*.

It should be mentioned that in accordance with the law, the land must not be put on auction or tender in case if it is given for building private houses to the people permanently living in municipal areas and having at least five-year residence registration. However, the analysis of the complaints submitted to the Commissioner with regard to the work of the municipalities on provision of lands for building personal houses demonstrated that complainants without any reason were advised either by municipalities or appropriate executive bodies to appeal to the city commissions on auctions and tenders. Thus, on the one hand it is not observed that the law is not properly applied; on the other hand, people are subjected to red tape and indifference.

Other shortcoming revealed during auctions or tenders is connected with appraisal of lands.

The Commissioner recommends *create mechanisms on considering the purpose and fertility of the lands while pricing, forming commissions on auction and putting lands up to auction.*

Moreover, the Commissioner examined the complaints received in connection with municipalities; in some cases the violated rights of people were restored.

Non-observance of the legislation by municipalities while providing the citizens with lands results in red tape, indifferent attitudes towards population and violation of their rights.

Along with the Center for the Work with Municipalities of the Ministry of Justice, prosecutor's offices also took measures on combating the crimes on violation of the right to ownership through illegal sale or occupation of lands.

Significance of the development of the agricultural sector in ensuring economic and social rights. For increasing the welfare of citizens, especially of rural population, the attention to agricultural sector is being gradually enhanced. Simultaneously, the measures on raising the knowledge and professionalism of product producers are the factors significantly influencing increase of efficiency of economic development and entrepreneurs activities. From this point it is important for entrepreneurs and personal farm owners to obtain advanced knowledge and progressive experience. Also, their enlightenment as well as provision with consultations and information is of outmost necessity.

Moreover, the following factors are significant for increasing the production of agricultural products: provision of necessary techniques, equipment and other appropriate stuff for better meeting consumer needs; restoration of out-of-work irrigation systems or setting new ones; desalinization of lands; implementation of planned activities for restoration of soil fertility; elimination of difficulties in funding the purchase of fertilizers and other chemicals; sufficient supply with seeds; as well as enlargement of the manufacturing facilities network.

According to appropriate Decrees of the country President, the sum necessary for provision of sustainable activities on increasing agricultural production was allocated.

Within “State Program on Social-Economic Development of the Districts of the Republic of Azerbaijan in 2009 - 2013” the conduction of important measures on development of agricultural sector in traditional economic country districts was considered.

During public hearings carried out in all country cities and regions for the implementation of the NAP, the Commissioner visited technologically provided Imishli Sugar Factory, two-ton barn refrigerator which is being built in Goychay for storing fruits and vegetables, factory for cutting and processing livestock (its construction is completing) in Dashkasan, milk processing plant and dairy factory in Aghjabedi, Agrosud processing plant in Bilasuvar and other social and industrial objects and got acquainted with the measures taken for providing people with products.

Along with that, carrying out sustainable measures on development of agriculture and its various spheres is of special significance.

There is no doubt that solution of problems in communal service, including electricity, gas and water and ensuring the stability in villages raise the development rates.

Generally, 588 complaints on agricultural problems, including land use, were submitted to Commissioner in previous period. In spite of that a long time has passed since land reforms, there were complaints on mistakes and shortcomings made in this field, wrong allotment and re-allotment of plots, non-issuance or change of the state order on the right to possession of the property by local departments of the State Committee of Land and Cartography, non-recognition of the land on spot, non-provision of the plan and land size as well as demanding bribe while giving the documents on the land. As a result of the Commissioner’s interference all violated rights were mainly restored.

1.3. Protection of the Rights of Various Population Groups

Protection of the rights of refugees and internally displace persons (IDPs). In a consequence ethnic cleansing policy of as well as the occupation of the Nagorno-Karabakh and

surrounding areas – integral part of Azerbaijan by Armenia, nearly one million of refugees and IDPs are under the protection of our state for more than 22 years.

As a result of double standards and partial approach to the mentioned issues by International organizations and world community, Armenia does not fulfill appropriate resolutions of the UN and General Assembly recognizing territorial integrity of Azerbaijan as well as continues the occupation and terroristic policy.

In previous year, the state continued its systematic work on improving the living conditions and solution of social problems of IDPs.

Appropriate funds were allocated in order to construct multistory building for nearly 700 IDP families; the food allowance given per man was increased; the time of salary compensation for refugees and IDPs deprived of their places of work and haven't been provided with job, because of no their own fault was prolonged.

The protection of refugee and IDPs' rights became one of the main directions of the Commissioners' work.

The Commissioner met with IDPs settled in Aghdam, Fuzuli, Bilasuvar, Oghuz, Yevlakh, Aghjabedi and Beylaqan rayon, learned their problems on the spot as well as listened to their proposals and appeals.

The Commissioner visited the Diagnostic Center of Fuzuli, place of residence built for its staff, Olympic-Sport Complex, bus station, series of newly built schools and houses, Mugham center (which was under the construction) as well as met with the local population.

In Aghdam the Commissioner visited new hospital, met with medical staff and learned their views as well as proposals.

The Commissioner also met with IDPs from Khojaly and Aghdam settled in new residential area named "New Life" in Mingachevir, learned their situation and problems and received complainants.

Moreover, the Commissioner met with IDPs from Lachin settled in Takhtakorpu village of Aghjabedi, visited central hospital, polyclinic built for population of Lachin, and buildings constructed for local branches of numerous central bodies as well as provided recommendations on further improvement of the situation.

The responsible bodies were addressed and provided with the recommendations in the connection with the complaints and proposals of IDPs.

The Commissioner received the majority of refugees and IDPs appealing to her at various times and helped them to solve their problems.

Furthermore, the Commissioner sent the statements regarding the Khojaly genocide and violence committed by Armenians in occupied Nagorno-Karabakh and surrounding areas to the UN Secretary-General, UN High Commissioner for Human Rights, UN High Commissioner for Refugees, Council of Europe, OSCE, International and European Ombudsman Institutions, Asian Ombudsman Association and Ombudsmen-members of this organizations, also to the Azerbaijan embassies in foreign countries and foreign countries'

embassies in Azerbaijan as well as Azerbaijan Diasporas functioning in various states.

At every international event and during the business trips to foreign countries, the Commissioner and the Institute's staff members distributed the literature, statements and disks on these tragedies faced by our people.

Protection of the prisoners' rights. The Commissioner and the Institute's staff members regularly paid visits to investigatory isolators and prisons of the Penitentiary Service of the Ministry of Justice and of Gobustan Closed Prison. During these visits they inspected dormitories, infirmaries, canteens, libraries and clubs of penitentiaries as well as had meetings with inmates imprisoned in punishment cells and chamber cells and learned their problems. At the same time, workshops of industrial areas facilities were inspected.

Special attention was paid to personal security of prisoners, provision of their right to vote, freedom of conscience, belief and religion as well as their health protection.

The following cases were reflected in the complaints of inmates from penitentiaries and Gobustan prison as well as their family members: discontent about court decisions, facing the pressure and violence from the prisons' staff; sale of medicines by penitentiary's aid posts; non-provision of appropriate conditions for long visits; groundless reprimands; non-provision of diet food; deprivation of the right of ill persons to have an extra walk; high temperature in cells in summer and others. In order to investigate and eliminate these shortcomings the Commissioner addressed the Minister of Justice; as a result, appropriate measures were taken.

In order to coordinate the work on the protection of prisoners' rights, the specialized advisor appointed among the Institute's staff members upon the relevant instructions of the Commissioner, continued their activities on a voluntarily basis.

Along with the above-mentioned, after the Commissioner's interference the complaints of prisoners on detention conditions, issuance of pension, family and other problems found their solution.

Analyzing 253 appeals on pardoning submitted by the prisoners or their family members, the Commissioner sent the motions to the Commission for Pardoning Issues at the President of the Republic of Azerbaijan regarding granting pardon to a number of people.

It should be pointed out that during the term of Commissioner in office 326 prisoners in general and 17 prisoners in 2010 were pardoned or released upon the amnesty act following her motions. The Commissioner also urged with regard to pardoning of women, juveniles, disabled persons, aged people, and journalists. Taking into consideration a number of significant national and international events in 2011, including 20th anniversary of the state independence of the Republic of Azerbaijan, 10th anniversary of the state's membership in the Council of Europe as well as of acceding to the European Convention for the Protection of Human Rights and Fundamental Freedoms, also European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, 10th anniversary of the adoption of the Constitutional Law of the Republic of Azerbaijan "On the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan" upon the initiative of the national leader Heydar Aliyev, 45th anniversary of adoption and 35th anniversary of entering into force of the International Covenants on "Civil and Political Rights" and "Economic, Social and Cultural Rights", the Commissioner addressed the Milli Majlis (Parliament) with the proposal to take a decision on amnesty.

The Commissioner considers usage of the labour, religious and educational methods in the correction of prisoners to be expedient.

Finally, in order to prevent people exemption from punishment to repeat crimes and be re-imprisoned, a special attention should be paid to implementation of the Law of the Republic of Azerbaijan “On Social Adaptation of Persons Released from Serving a Punishment in Penitentiary Institutions”.

Protection of the rights of military servants. According to the schedule plan coordinated by the Commissioner with heads of the Ministry of Defense and of the Internal Troops, the meetings in military units were continued last year. The aim of these meetings was to get acquainted with living and service conditions of soldiers and officers, measures taken for effective organization of their leisure time, medical service, feeding regime and the situation of observance of military regulations by military servants as well as to conduct legal education activities.

In order to continue these activities, the Commissioner addressed the Minister of Defense, Minister of Emergency Situations, the head of the State Boundary Service and the Commander of Internal Troops of the Ministry of Internal Affairs, proposed to conduct joint activities in the given area in 2010 and legal awareness-raising activities were carried out regularly in military units.

The Commissioner visited the “N” military unit in Tovuz rayon and participated in Oath Ceremony of soldiers.

The staff members of the Institute and regional centers met with officers in military units on the eve of significant as well as planned days.

The Commissioner and the Institute’s staff members inspected living conditions, clubs, libraries, canteens, kitchen and hospital conditions, warehouses and places for leisure time. The works carried out were highly appreciated and the proposals on improvement were given.

The Commissioner’s suggestion to establish public control over the army with the involvement of military experts, parents of soldiers, NGOs and representatives of the civil society gained public consent. Its importance in prevention of out of regulation relations and possible violation of laws was mentioned.

In order to coordinate the work on protection of the rights of military servants, the specialized advisor appointed among the Institute’s staff members, upon the relevant instructions of the Commissioner, continued his/her activities on a voluntarily basis.

Numerous cases were reflected in the complaints of military servants, their family members, retirees and military servants in reserve: the problems regarding accommodation and pensions, as well as non-execution of the court decisions, non-demobilization of military servants upon termination of the service time defined in the contract; non-provision of responses to appeals by military administration bodies; red tape; obstacles in obtaining military cards and issuance of the “veteran of war” status; and biased determination of capability to service.

The analysis of complaints demonstrates that mainly numerous appeals submitted by various

people to the Central Archive of the Ministry of Defense were not answered. Along with that, in a number of cases the responses to inquiries sent to appropriate ministries for investigating the above-mentioned complaints were delayed or wrong information was provided.

However, as a result of conducted investigations the problems of a number of military servants were resolved.

A professional and mobile army is the main provider of state protection and security. This requires taking serious measures on raising the respect and influence of army in the eyes of civil society, strengthening the status of military servants including officers and soldiers and elimination of out of regulations relations.

Generally, the observations and analysis provide the ground for stating that first of all the activities taken on improvement of the Military Forces should serve for the formation of positive attitudes of people towards military servants and military service.

Protection of women's rights. Being the priority issues of the state, women's problems, protection of their rights and ensuring gender equality (equality between men and women) were also one of the main directions of the Commissioner's activity.

The Commissioner highlighted the importance of studying international experience on the protection of women's rights as well as the promotion of knowledge and skills learned by her and the Institute's staff members during the international events, seminars and trainings.

In order to coordinate the work on the protection of women's rights, the specialized advisor appointed among the Institute's staff members, upon the relevant instructions of the Commissioner, continued his/her activities on a voluntarily basis.

In 2010, women of various social groups and ages addressed 3.441 complaints to the Commissioner. These complaints were connected with such issues as violation of the right of honor and dignity, freedom of conscience, rights to fair trial, appeal, labour, health protection, education and housing, divorce, non-payment of defined alimonies, and deprivation of the rights to live in place of residence. Within the competence of the Commissioner measures were taken on the provision of their rights.

The Commissioner proposed to create crisis centers for women victims of human trafficking or domestic violence and trying to find shelter as well as to establish asylums for women deprived of permanent place of residence as well as for those who were released from prisons.

The Commissioner paid attention to the situation of women facing domestic violence, being subjected to degrading treatment and suffering from severe psychological stress.

In previous year, the Commissioner stated the necessity of and supported the adoption of the law on prevention of domestic violence.

The Commissioner and the Institute's staff members paid regular visits to women living in various country cities and regions, communities as well as those detained in the Penitentiary No.4 of the Ministry of Justice, conducted awareness-raising activities among them, got acquainted with their problems and took measures on the restoration of their rights. Considering that mother and family health as well as the protection of right to health of mothers and babies are among national priority issues and included in the Millennium

Development Goals the Commissioner attracted the attention of state bodies, non-governmental organizations, deputies, various UN agencies and mass media to these issues.

During meetings with women conducted within the framework of public hearings, their appeals on social and domestic problems were heard and educational work on such topics as increasing their political activity, effective use of the right to vote and to be elected, expressing personal will following the principles of imitateness and voluntariness. Also, the efforts were made on the achieving sufficient influence of women's integration to the society and public life on the process of democratic development.

Within the frame of the Council of Europe's special campaign on combating violence against women and domestic violence the head of the German Institute for Human Rights, leading the preparation of the Draft Convention on Preventing and Combating Violence against Women and Domestic Violence, took into account the positive experience of the Commissioner and addressed her to submit proposals and comments on the given Convention. Appropriate proposals were provided.

As it was stated the attention was also paid to the attraction of women to governance and decision-making process.

During the elections of 2010 to the Milli Majlis (Parliament), among 695 candidates 100 were women and at the moment the number of women deputies raised to 20 seats or 16%.

In comparison with the municipal elections of 2004, when only 4% of elected candidates were women, in December 2009 this index increased up to 26,6 %.

In order to effectively prevent the spread of infectious diseases the Commissioner addressed the appropriate bodies with the recommendations on the coordinating of the work of relevant structures, state agencies and NGOs, provision of free medical, psychological and legal aid, creation of hotline service and preparation of special programs on professional training of social employees.

Moreover, in a reviewed period the Commissioner was cooperating with the State Committee on Family, Women and Children Affairs.

The Commissioner set forward a number of proposals on effective implementation mechanism of gender equality (equality between women and men). Gradual realization of these proposals will provide solid ground for the equality between women and men.

Protection of child rights. In 2010, in order to protect child rights the Commissioner continued monitoring on the state of children, prepared proposals for improvement of national legislation, continued the close cooperation with appropriate state bodies, non-governmental organizations and international organizations, as well as carried out awareness-raising activities.

The first specialized report of the Commissioner on child rights was prepared and translated into English and afterwards published and sent to the UN Committee on the Rights of the Child, UNICEF, ombudsmen of foreign countries and international organizations what facilitated the dissemination of our state's positive practice and exchange of experience.

The Commissioner pays special attention to the application of the right to education and

during trips to regions visited schools as well as took interest in education, children's problems and attendance. The adoption of the Law of the Republic of Azerbaijan "On Education" and approval of appropriate rules for its execution will give impetus to provision of the right to qualitative education.

In 2011, it is planned to implement the "Peer to Peer" project of hierarchic education of child rights in schools of every district of Baku as well as in Guba, Shabran, Jalilabad, Bilasuvar, Shaki, Gabala, Ganja and Goygol.

Upon the initiative of the Commissioner, the successful graduates from the hierarchic education of child rights and the School of Leadership founded within the Commissioner's resource center on child rights – Azerbaijan Child and Youth Peace Network, functioning for 10 years were presented certificates and token of "The Ambassador of Ombudsman".

Regularly, round tables on "Mother and Baby Health" were conducted; discussions were held with the involvement of state bodies, international organizations, NGOs and mass media representatives.

It should be noted that in some cases children are subjected to violence by staff of the facilities they live or are kept in, what results in the violation of child rights and their suffering from stress.

In order to strengthen the elimination of the violence against children, it is important to adopt the law "On Protection of Children from Corporal Punishment" prepared by the Ombudsman Institute with the support of the UNICEF and submitted to the Milli Majlis (Parliament). Along with that, it was recommended Parliament accelerate the ratification of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse signed by Azerbaijan on 17 November 2008 upon the initiative of the Commissioner.

With the aim to support the campaign of the Council of Europe on combating violence against children started at the end of the previous year the discussions on violence against children, early marriage, reproductive right, fight against HIV/AIDS and other relevant topics were conducted upon the initiative of the Commissioner. The events were carried out together with the Scientific-Research Institute of Maternity and Gynecology of the Ministry of Health at the Buta Youth-Friendly Clinic Center with the involvement of children and parents. Simultaneously, within the Child Rights Month declared by the Commissioner this campaign of the CE was promoted during every conducted event. The information on the work carried out as well as Commissioner's proposals on the campaign was sent to the Council of Europe.

Protection of aged persons' rights. Complying with the new state system of pension provision, by paying certain fees each worker (or the structure providing him/her with the work) collects his/her pension during the working period. Once the employee reaches pension age, the pension is allocated for him/her depending on the sum collected. Undoubtedly, this system should ensure that every person receive pension in accordance with one's length of service (previous experience). Thus, the realization of new pension system may lead to discrimination towards women pensioners. That is why this issue should be put on the spotlight.

In conformity with the State Program on Strengthening Social Protection of Older Persons, during 2006 – 2008 it was planned to provide old people of country cities and regions with gerontological services, professional psychological and medical aid as well as conduct

appropriate courses on gerontology. Nevertheless, these activities have not been fully implemented yet.

Moreover, aimed at the protection of the health of old people the State Program covers organization of radio and television programs on psychology, sport and health as well as the implementation of appropriate activities on ensuring their health. These important issues should be taken into consideration. It can be concluded that there is a need in the adoption of new state program.

On the International Day of Older Persons upon the initiative of the Commissioner the event was conducted in the Ombudsman's Resource Center for Old People with the involvement of well-known expert on gerontology, the Professor and Doctor of Medicine Sudeif Imamverdiyev. He noted, "The work of the Resource Center is estimable and the conduction of regular meetings with doctors, psychologists and lawyers demonstrates care and attention towards older people." The Experience shows that there is a necessity in the creation of such resource centers and shelters for victims of the domestic violence.

Unfortunately, in our country one can encounter with such cases when old parents are exposed to psychological and physical pressure from their children as well as with the facts of rejection of parents. The conduction of awareness-raising activities in this sphere is of outmost importance. At the same time, the mediation center or professional psychological service should be organized for holding psychological conversations with family members and carrying out the mediation mission.

The state programs should also cover the issues of identifying the measures directed at the elimination of discrimination, degrading treatment and violence against older people and reflect the study of best national and international experience on the protection and promotion of the rights of lonely old persons.

Moreover, it is necessary to investigate the reasons of the discrimination in the families and attract the mass media to the prevention of the discrimination against older persons and creation of their positive image in the society.

After visiting retirement homes the Commissioner advised to carry out training courses for the staff of these facilities, to create conditions on organization of trips for exchange of experience and conduction of different meetings. Such events will stimulate them that will have positive impact on the quality of work and make them feel that they are not isolated.

The conduction of meetings with gerontologists, psychologists, theologians and workers of culture may positively affect the health of older persons in need of such special care. Family members and relatives of old people may be invited to these events for maintaining relationships, return of old people to their families. The provision of psychological service in retirement homes will be helpful in the solution of the mentioned issues.

Furthermore, in the period of demographic aging the announcement of one of the next years as the "Year of Older Persons" would be positive experience in facilitating the increase of the attention and care toward them both in our country and the world community.

All of these recommendations were addressed to the responsible bodies. It is anticipated that the application of the recommendations will create conditions for improving the situation of older persons and more efficient provision of their rights.

Protection of rights of disabled persons. The issues of the provision and protection of rights of disabled people and children with disabilities were always on the spotlight. Numerous activities were taken for integrating these persons into the society.

Considering the Commissioner's initiative various events were implemented after the Convention on the Rights of Persons with Disabilities was ratified in accordance with the appropriate statement based on the Law dated October 2, 2008 and entered into force with regard to our Republic on January 28, 2009. However, no decision was made in relation to the creation of independent monitoring mechanism implied by the Article 33.2 of the Convention.

Considering the fact that in the international experience, the responsibility for the mentioned mechanism implied by the Convention had been given to the national human rights institutions working in accordance with Paris Principles, like Ombudsman institutions with "A" status. Thus, the state can fulfill its obligations by entrusting the implementation of monitoring mechanism function to the Commissioner and by involvement of the NGOs to this process.

The following complaints were reflected in 125 submitted appeals: discontent about the work of the Medical and Social Expert Commissions; red tape and self-will while defining disability degree; the documents were not received without any reason; biased and contradictory decisions; and bribery. As a result of taken measures violated rights were restored in majority of cases.

The Commissioner organized round-table discussions on the topic "The Role of Monitoring Mechanisms and Coordination in the Protection of Persons with Disabilities" dedicated to 5 May – European Day of People with Disabilities and on "Perspective of the Creation of Monitoring Mechanism in the PImplementation of the Convention on the Rights of Persons with Disabilities" dedicated to 3 December – International Day of Persons with Disabilities with the involvement of state agencies, NGOs, international organizations and mass media. The materials of one of the conferences were published into book named "The Role of Monitoring Mechanisms and Coordination in the Protection of the Persons with Disabilities" and disseminated.

Visits were conducted in the facilities of the Ministry of Labour and Social Protection of Population and recommendations were given with regard to improvement of their situation, living conditions, social problems, provision of rights to education and health.

The examinations showed that ramps for ensuring secure and free movement of people with disabilities in wheelchairs were not installed along a number of roads and in some buildings, or existing ones do not comply with contemporary standards.

The recommendations of the Commissioner on provision of buses and cars acceptable for disabled persons were taken into account by the Ministry of Transport and modern vehicles having special ramps for disabled people and children in wheelchairs were brought to Azerbaijan.

Chapter 2

The Activities of the Commissioner in the Field of Legal Education, Scientific-Analytical Work and International Relations, Cooperation with Civil Society and Mass Media

2.1. Education on human rights

A special attention was paid to the conduction of educational work aimed at the development of people's legal sense and obtaining knowledge on human rights. The activities in this sphere were implemented in mutual cooperation with state bodies, municipalities, civil society organizations, local communities, mass media and international organizations.

Large-scale activities directed at children, disabled people, women, older persons, military servants, refugees, IDPs, as well as detainees and aimed at raising the awareness on their constitutional rights as well as at the fight against HIV/AIDS and drug addiction were conducted and still being carried out. This work was sufficient for staff members of appropriate state bodies and useful for improvement of the skills and experience of public servants working with various strata of the population.

The summaries of the Commissioner's annual reports are published in three languages, are disseminated among appropriate bodies, including local and foreign countries' libraries, and various conference participants.

Moreover, different materials were translated into Azerbaijani and after public presentation were spread to broad masses of readers and presented to libraries. Among them were three books named "Prevention of Torture in Europe", manual "Monitoring Places of Detention" and "Informative Book on the State Commitments According to the UN Convention against Torture" as well as such legal educational materials as "The Role of Monitoring Mechanisms and Coordination on the Protection of Persons with Disabilities", "Materials of the Conference Dedicated to the Results of the Third Year of the Implementation of the National Plan on the Protection of Human Rights of the Republic of Azerbaijan" and "Materials of the Round-Table on the Protection of Cultural Rights and National Priorities". The posters entitled "Be quick in sending the information on violation of child rights to the Commissioner! 916 – is the hotline functioning for 24 hours", "Protect children from corporal punishment" and placards on the combating HIV/AIDS were multiplied and presented to the facilities dealing with children.

The education on human rights, including child rights, through provision of the respect to human dignity and equality as well as the participation in the democratic processes has sufficient influence on the prevention of violence-related attitudes.

The students of various years of the Law and International Law faculties of the Baku State University, Academy of Public Administration under the President of the Republic of Azerbaijan, Western University and Caucasus University, International Relations and Region Studies faculties of the Baku Slavic University, European Studies and International Relations faculties of the Azerbaijan Language University as well as Azerbaijani students studying in foreign countries' universities completed internship in the Commissioner's Institute regularly during the year.

During the internship period students got acquainted with the Constitutional Law, functions of Institute's structural departments, including separate divisions of the Department on the Protection of Human Rights, as well as took part in the process of preparing appropriate inquiries with regard to complaints submitted to the Institute and reception of complainers.

Upon the Commissioner's initiative and with the support of international organizations and NGO Alliance for Child Rights, the Network of Child Rights Clinics was created. Generally, there is a huge necessity in the development of legal clinics and clinic legal education as well as in the creation of UNESCO departments in the universities of the country.

Through the cooperation with the "School of Leadership" functioning within the Azerbaijan Child and Youth Network – the Commissioner's resource center and other NGOs, the Commissioner and Institutes' members pay special attention to bringing up youth educated in the sphere of human rights.

During previous period, upon the initiative of the Commissioner agreements on mutual cooperation were signed with the Ombudsmen of Poland, Ukraine, Georgia, Uzbekistan, Russian Federation and its subjects – Moscow, Sverdlovsk, Saratov oblasts and the Republic of Tatarstan. The improvement of the Institute's staff members work and study tours has positive outcomes for learning international experience.

Along with that, the Council of Independent Experts is functioning at the Commissioner. It has huge importance in evaluating main directions of human rights in the country, adoption of international conventions and preparing recommendations on the improvement of national legislation. Rational attraction of NGO resources in the conduction of joint activities and monitoring on the evaluation of the application of proposals submitted to the state is of special importance.

Furthermore, the Commissioner and staff members of the Institute and regional centers paid attention to the provision of people with sufficient information during succession of legal awareness-raising events. Parliamentarians, representatives of legal-enforcement agencies and various state bodies, NGOs as well as mass media representatives were involved to these events.

Regional center's staff is regularly carrying out legal educational activities in cities, rayons, settlements, villages and rural areas they cover.

2.2. Scientific-analytical work

In previous period, the Commissioner's scientific analytical work was connected with the following activities: implementation, monitoring and coordination of national action plans and state programs on the protection of human rights and freedoms; the preparation of recommendations on the consideration and joining international treaties on the protection of human rights to which Azerbaijan is not a party and of the reports for submitting to international treaty bodies; implementation of international treaties to which Azerbaijani is a party on the national level; improvement of legislative acts for more effective provision of human rights and freedoms; preparation of recommendations on the amendments and changes to the draft laws submitted by state bodies and NGOs; addressing the inquiries on the examining the compliance of some normative acts with the Constitution of the Republic of Azerbaijan to the Constitutional Court of the Republic of Azerbaijan; preparation and

implementation of theoretical and practical recommendations of legal awareness-raising activities; and participation at series of international, regional and local programs and events as well as delivering proposals and statements on more rational provision of the protection of human rights and freedoms.

The situation of the Commissioner's implementation of the activities reflected in the NAP and the results of public hearings were evaluated. Since the execution period of NAP's 24 paragraphs covering the years of 2007-2010 were finished in 2010, a new draft NAP was prepared with the inclusion of the proposals of organizations responsible for its implementation and submitted to the President for affirmation.

The monitoring of more than 50 state programs and national action plans implemented during the independence period of the country was carried out. At the moment, more than 60 documents related to this group are being applied.

In accordance with the results of the monitoring, the Commissioner prepared or submitted the proposals on the replacement of some state programs and national action plans with new ones, increasing the implementation period of the paragraphs (maintaining their relevance) of expired documents or adding new activities to them.

During the period of the Commissioner's activity, series of proposals on joining the international treaties to which Azerbaijan is not a party were taken into account.

In previous period the Commissioner made numerous recommendations on adding some amendments and changes to the Criminal, Criminal Procedure, Civil Procedure, Administrative Offenses, Labour, Family, Housing and Civil Codes.

The eight of all seventeen inquiries sent by the Commissioner to the Plenary Session of the Constitutional Court were decided. The rulings including the explanations which have theoretical and practical importance were made by the Chamber regarding other eight cases. The last one is still under the Chamber proceedings. Along with that, the work on series of inquiries to be submitted to the Constitutional Court is continuing.

2.3. Cooperation with civil society and mass media

Relations with civil society and cooperation with NGOs. The cooperation of the Commissioner with the civil society organizations and communities are enlarging.

A significant place was given to the Council of Experts created upon the initiative of the Commissioner within the Institute and comprised not only of representatives of state bodies but also of NGOs. The members of the Council were actively participating in different round-tables, conferences and seminars conducted by the Commissioner on such topics as "The Role of Monitoring Mechanisms and Coordination on the Protection of Persons with Disabilities", "Heydar Aliyev and Human Rights: Contributions to the Spheres of Intellectual Property, Science and Culture", "Protection of Cultural Rights and National Priorities", "Issues of the

Provision of the Population's Safety: Problems and Prospects" and "Elimination of Violence against Children" as well as dedicated to 1 December – "World AIDS Day", 3 December – "International Day of Persons with Disabilities" and 10 December – "International Human Rights Day".

As it was mentioned, in order to monitor the state of the NAP promotion and implementation the Commissioner conducted public hearings in 58 country cities and rayons with the involvement of representatives of local executive bodies, judges, prosecutors' offices, police agencies, district election commissions, municipalities, local NGOs, mass media and communities. Also, discussions were conducted with the population and local communities.

For her activity in the protection and promotion of human rights and versatile work with civil society as well as for efficient cooperation with press the Commissioner was awarded with "Khatun" prize and Honorary Certificate of "Oscar" newspaper office, rewarded with Honorary Diploma for the nomination "Public Official Open for Media" of the Azerbaijan Journalist Women Association, with the Certificate of Honorary Member by the "Simurq" Azerbaijan Association of Culture, with "Golden Buta" by "World Azerbaijanis" Public Center, as well as received "The Message of Thanks" from Azerbaijan Diabetes League.

Cooperation with mass media. The Commissioner lays special emphasis on the cooperation with mass media. In previous year these relations were versatile and diversified.

During the period of Institute's activity, 2259 press releases reflecting the Commissioner's official position were given to the mass media; 369 of them were related to 2010.

In previous year, 350 press-releases were translated into English and sent to the Council of Europe.

Until 31 December 2010, 7593 articles and information about the Institute were published in newspapers and magazines. In 2010, 832 articles and information on the Institute were printed and broadcasted through radio and TV.

Throughout her activity the Commissioner has prepared 37 statements. All of them, including last year statements connected with the tragedy of 20 January, Khojaly Genocide, anniversaries of the Shusha occupation and "31 March – Azerbaijanis' Genocide Day" were sent to the UN Secretary-General, UN High Commissioner for Human Rights, Council of Europe, OSCE, International and European Ombudsman Institutions, Asian Ombudsman Association, the Azerbaijan embassies in foreign countries, Ombudsmen institutions of foreign countries and other significant international organizations.

The texts of statements were spread by various news agencies, published in newspapers and magazines as well as sounded in radio and TV programs.

During the period of her activity, the Commissioner has prepared 72 bulletins; 12 of them were written in current year.

Traditional competitions of journalists' articles on the topic "Human Rights for All" and children's paintings on "Me and My Rights" were carried out. The winners received certificates and money rewards.

2.4. International Relations

Effective work of the Commissioner in the international sphere during 2010 further increased the prestige of the Institute.

The Commissioner built collaborative relations with various international organizations in the country and abroad, including UN and its agencies, Council of Europe, OSCE, European Union and others. The participation in the conferences conducted by these influential organizations for experience exchange provides the Commissioner and the Institute's staff members with the opportunity to get acquainted with the work of appropriate Institute's of different states, apply this knowledge in their own work and to share their experience. It should be mentioned that the work of the Commissioner in Azerbaijan and activities implemented in connection with the Universal Periodic Review was assessed as positive experience in the book on "Prevention of Torture: Actions of National Human Rights Institutions" published by the UN Office of High Commissioner for Human Rights.

The Ombudsman Institute is successfully taking part in the "Twinning" project of the European Union. Moreover, discussions are being held on participation in the "Eastern Partnership" Program.

The Commissioner pays special attention to the cooperation with foreign colleagues. Mutual cooperation relations were built with organizations where the Commissioner is an institutional member – International Ombudsman Institute (IOI), European Ombudsman Institute (EOI) and Asian Ombudsman Association (AOA) and other international organizations.

From 17–19 June 2010 the VIII Baku International Conference on "Human Rights and Environment: legal and ethical aspects of the climate changes" dedicated to the "Year of Ecology" and "18 June - Human Rights Day" in Azerbaijan was conducted with the support of the UNESCO and in cooperation with the Ministry of Ecology and Natural Resources and the Ministry of Emergency Situations. As a result, the Baku Declaration was signed by Ombudsmen of a number of countries and international experts.

There was also organized the International Conference titled "Effective Mechanisms and Tools for the Implementation of the European Convention on Human Rights" dedicated to 10 December – "International Human Rights Day" and to the 60th anniversary of the adoption of European Convention for the Protection of Human Rights and Fundamental Freedoms.

The Head of the Unit on Cooperation with National Human Rights Structures of CE, Markus Jaeger, attending the event noticed the importance of the protection of human rights in members states of the CE, highly appreciated the creation and effective functioning of implementation mechanisms including Ombudsman Institute on the fulfillment of the commitments reflected in the given Convention by Azerbaijan as well as stated the aims ahead.

The Commissioner received a number of experts and representatives of embassies and international organizations. During these meetings, such issues as the role of the Commissioner in the protection of human rights in the state and restoration of violated human rights and freedoms, her efforts and activity directions, joint solution of problems and cooperation matters with these organizations were discussed.

The Commissioner and 23 Institute's staff members took part in 40 international conferences,

seminars and trainings as well as exchanged the experience with foreign Ombudsman institutes. The certificates were presented to the participants of these events.

During these international events, the Commissioner and the Institute's staff members focused on Armenian aggression against Azerbaijan for more than 22 years violating the norms of international law, which resulted in mass violation of human rights, and was accompanied by ethnic cleansing policy and terror; informed participants about the Khojaly genocide committed by Armenia before the eyes of the world, noted that Armenia continues to plunder and to destroy material and cultural heritage of our country. In order to solve the conflict within the frame of international legal norms they called the world community and influential organizations to protect fair position of Azerbaijan and support the restoration of the country territorial integrity, return of refugees and IDPs to their homeland as well as the provision of human rights.

Conclusion and recommendations

Working on effective protection of human rights as well as learning the state of their provision, prevention of their violation and the restoration of violated rights for more than eight years, the Commissioner also worked in close cooperation with appropriate state bodies and implemented planned and urgent activities in previous year.

As a result of a number of measures taken on such issues as the provision of responses by state agencies to submitted appeals of citizens, prevention of abuse of their responsibilities by officials, maintenance of ethics rules in dealing with citizens and elimination of red tape, many violated rights were restored.

In accordance with the amendments made to the Constitutional Law of the Republic of Azerbaijan "On the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan" by the Constitutional Law of 26 November 2009, the same candidate may be elected to the position of the Commissioner for two terms. Also, the provision stating that the Commissioner whose term in the office is terminated can fulfill his/her responsibilities until the day of the election of a new Commissioner was included in the mention Constitutional Law.

As it is known, on 5 March 2010 among three candidates presented by the President Ilham Aliyev Elmira T. Suleymanova was elected by the Milli Majlis to the position of the Commissioner for seven years at the second time.

Along with that, in compliance with the Constitutional Law adopted by the first voting of the Milli Majlis (Parliament) and signed by the President of the Republic of Azerbaijan on 21 December 2010, the provisions on the prevention of human rights violations, the bases of the Commissioner's activities as a national preventive mechanism as well as on control over the fulfillment of the obligations enshrined in the law on "Access to Information" by the state agencies, local governments and officials owning information were included to the Constitutional Law of the Republic of Azerbaijan "On the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan". These provisions, which will serve for increasing the effectiveness of the work on the human rights protection, will enter into force after the second voting.

In order to perform NPM duties granted by the appropriate presidential Decree, the

Commissioner prepared draft documents reflecting the structure of new department, schedule of staff members and regulations and submitted them to the Cabinet of Ministers and the Ministry of Finance.

In previous year the Commissioner initiated and organized a number of important activities and made numerous proposals on effective provision of human rights and freedoms as well as on solution of the problems of groups in need of care, including women, older people, children, disabled persons, refugees, IDPs, migrants, detainees and military servants, were taken into account in various legislative acts, programs and are applied in current work of state bodies.

The Commissioner and Institute's staff members following her instructions regularly conducted meetings with the population in different country areas, carried out visit to prisons, investigatory isolators, temporary detentions places, military units, orphanages, boarding schools, settlements of refugees and IDPs as well as social protection, health and educational facilities, organized receptions, carried out explanatory and consultative work and took measures on the protection of human rights.

Not taking any actions or not providing any responses to the appeals of citizens submitted to the state bodies resulted in the violation of their rights to appeal.

Sometimes in the process of complaint investigation addressed state agencies provide wrong, insincere or formal responses to Ombudsman's inquiries and appeals. Moreover, in some cases the complainants were chased or were forced to deny their complaints by various ways, like being "angry" or "nervous" during submission of appeals or manipulating, threatening complaining people. These cases impede the rational and in-time restoration of people's rights and hamper the fight against corruption.

The officials having direct duty to ensure human rights and legally responsible for the protection of human rights demonstrate disrespect for Rule of Law, do not fully implement their commitments and lead to increase of discontent and disbelief of citizens.

It should be specially pointed out that such attitudes do not comply with the current measures and sustainable development course of the state aimed at the effective protection of human rights.

Thus, first of all, the Commissioner severely controlled the provision of people's right to appeal by each state body and official.

It is important to notice that in comparison with previous year the number of complaints submitted to the Commissioner increased for 32,5%.

This is the result of year by year improvement of the work of the Ombudsman Institute on restoration of violated human rights, increase of belief and trust in the Commissioner and the Institute, giving preference to the meeting with the population in the regions, organization of receptions, prioritizing the investigation of complaints on the spot, the activities of the Commissioner as a NPM as well as other factors.

The analysis demonstrated that the number of complaints regarding the provision with the ID cards has considerably decreased in comparison with previous years.

The Commissioner, the Institute's staff member and representative of the NPM group regularly conducted visits to places of detention, carried out work on registration and documentation, appealed to appropriate bodies as well as took immediate measures upon the reveal of human rights violation cases.

It was recommended that the district police should strengthen the preventive control over conflicting families, the attention to complaints on such issues should be increased, and reconciliation opportunities should be broadly used.

Among the complaints submitted to the Commissioner the cases on State Traffic Police treatment and professionalism attracted special attention. They treat drivers roughly, require paying more money than defined by the fine and conduct other actions contradicting with the law. Eventually, such situations lead to fair discontent of people and their appeal to the superior state agencies.

The exposure to pressure, rude attitudes, enforced seizure of car documents as well as vehicle verification numbers, deprivation of the car keys and requirements of bribery by the staff members of "Auto Transport Expertise" Industrial Union of "Auto Transport Service" Department of the Ministry of Transport and were reflected in complaints.

During the construction work and building of apartments, people were offered lower compensations for their houses (apartments). In the cases of citizens' refusal they were enforced to abandon their homes with or sometimes without court decisions. Demolishing of buildings and forcing people to leave their houses were observed.

Upon the initiative and proposal of the Commissioner, trainings and legal awareness-raising activities were carried out for increasing professional skills and enhancing legal knowledge of mass media representatives, especially journalists writing on human rights, and. Furthermore, the competition of journalists' articles on the topic "Human Rights for All" was carried out and winners received certificates and rewards.

In connection with the Elections to the Milli Majlis (Parliament) the Commissioner conducted broad educational activities among the population of country cities and regions on the right to vote, visited district and local election commissions, provided instructions and proposals on the improvement of their work. Also, the Commissioner and the Institute's staff members observed the election process all over the country. The information was systematically provided to the mass media and society by means of the Election Information Center of the CEC.

During the monitoring the Commissioner revealed that there are not lawyers and legal consultation centers in Khizi, Dashkasan, Goranboy, Yardimli, Neftchala, Aghdash and Gobustan rayons as well as Naftalan city and there is no notary office in Khizi and appealed to the Ministry of Justice in this regard.

Besides, it is of outmost importance to make changes to the Law of the Republic of Azerbaijan "On Labour Pensions" and coordinate the sum of pensions paid to persons belonging to similar category but retiring at different times.

The continuation of examining the situation of the population groups in need of social provisions and of amending the law in this connection is expedient.

The Commissioner proposes to carry out seminars and other awareness-raising activities jointly with the Ministry of Labour and Social Protection of Population as well as with involvement of staff members of local agencies dealing with defining and providing addressed social aid, local NGOs and communities.

It will be appropriate to take necessary measures for providing low-income categories of people with addressed social aid, to reexamine the legislation and list of documents for defining the assistance, train social workers and raise executors' capacity.

Taking into the consideration recommendations of the President within the "Year of Ecology" declared for more effective provision of people's rights to healthy environment, the Commissioner addressed the Ministry of Economy and Natural Resources as well as proposed to implement joint actions.

Along with the medical prophylactic measures for prevention of the spread of drug addiction, AIDS and tuberculosis among the population, especially the youth, it is proposed to prioritize the mass promotion of healthy lifestyle, and increase the advertising materials on AIDS in mass media and educational TV programs.

The Commissioner paid attention to the situation of ensuring the rights of people suffering from mental illnesses, regularly got acquainted with the conditions created in appropriate medical facilities for their treatment, learned the problem of these group of people in need of assistance and helped in their solution.

Within the framework of public hearings the Commissioner conducted visit in the Psychiatric Clinics in Shaki, Qazakh and Ganja and got acquainted with the treatment of patients, their cure, nourishment, and provision with food and medicines. Afterwards, set of proposals were sent to the Ministry of Health.

The launch of the State Agency on Compulsory Health Insurance under the Cabinet of Ministers should be speeded up in order to define the amount of compulsory health insurance payments as well as funding source and consequently, depending on that to determine basic set of medical services provided by the state to citizens out of charge.

Furthermore, it is significant to solve the issue of provision children of appropriate age with preschool education as well as to repair of more than 200 schools under the threat of collapse in short terms.

While merging the schools functioning in low population density villages, the situation of appropriate villages should be studied and the reason why 13-17-year-old girls and boys are avoiding schools must be thoroughly analyzed.

It is planned to realize in 2011 the project of hierarchic education of child rights which was conducted upon the initiative of the Commissioner, in schools of every district of Baku as well as in Guba, Shabran, Jalilabad, Bilasuvar, Shaki, Gabala, Ganja and Goygol.

In addition, the improvement of mechanisms of people's provision with accommodation though society directed mortgage loans appropriate to the earnings of low-income families will play a crucial role in providing a big number of families with apartments.

One of the problems of previous year faced by the population was complete or partial

destruction of houses and agricultural plots as a result of floods on Kura and Araz rivers. In this regard the Commissioner proposes to conduct educational work among population and to make amendments and annexes to relevant legislation on compulsory property insurance.

The Commissioner attaches the importance to solve and prevent the problem of illegally constructed buildings set up by IDPs mainly for renting in various areas of Baku, especially in places of public importance, including “Yeni Yasamal” residential area.

It is recommended to name the streets as well as register and provide addresses to the houses situated in residential areas in various empty lands which were given to citizens for building personal houses since the time when municipalities started functioning.

It is necessary to create mechanisms on considering the purpose and fertility of the lands while pricing, forming commissions on auction and putting lands up to auction.

It was revealed that bribery cases were observed in various sphere of social-economic life, such as provision of the documents in illegal constructions areas, secondary schools, facilities of higher education, registration and notary offices; seizure of different documents from housing and community amenities that are not able to function as agricultural subject any more or from the representatives of administrative territorial unit of local executive body’s heads; defining the disability degree in medical-social expert commissions; defining addressed social aid in STP agencies; in ID and Registration divisions, in public services and other.

As it is known in order to implement more serious and systematic fight against corruption and bribery proper instructions were given to appropriate state agencies, their main responsibilities were identified and concrete measures are being taken.

For better protection and ensuring human rights and freedoms in her previous annual reports the Commissioner considers it necessary to use the public control institute in penitentiary facilities, army, and spheres of social protection, education and health as well as in socio-economic life.

At the same time strengthening the control of central state bodies over their local departments is of outmost significance.

Moreover, it is recommended to consider the Commissioner’s proposals on the solutions of social-economic problems of various groups of people as well as to increase the efficiency of ensuring human rights and their protection.

As a result, many proposals on further improvement of the social situation of citizens are gradually implemented.

The activities on increasing the welfare of various groups of the population make positive input year by year. Simultaneously, for more effective provision of human rights there is a need in carrying out series of measures to solve existing problems in social sphere.

Undoubtedly, guiding with economic state financial resources of the country in the process of conduction of measures in social-economic sphere, gradual implementation of the proposals made by the Commissioner and sent to respective bodies based on generalized analysis of complaints, appeals and proposals also challenges disclosed during the visits of the

Commissioner and staff members of the Institute to penitentiaries, investigatory isolators, temporary detention places, military units, orphanages, boarding schools, settlements of the refugees and IDPs, healthcare and social protection facilities, meetings with population in regions and investigations carried out there; as well as of official responses and attitudes of state agencies and authorities; materials of national and international seminars and conferences dedicated to human rights; work carried out within the framework of the cooperation with non-governmental organizations; the information provided by the mass media will provide the opportunity to eliminate problems revealed during last years.

Finally, the Commissioner who carrying out analysis on the basis of received complaints, submitting effective proposals and recommendations to responsible state bodies for the protection and provision of violated human rights and bringing to the spotlight the important issues on reliable protection of citizens' rights and freedoms, expresses her intention to continue her activities through the cooperation with state bodies, municipalities, local communities, civil society organizations and mass media and calls everyone to build effective cooperation to achieve these goals.