### Legal Framework

On December 28, 2001 the constitutional law on the Commissioner for Human Rights of Republic was adopted by the country parliament (Milli Mejlis). The first Ombudsman was elected on July 2\textsuperscript{nd} 2002 by 111 votes (from 112 possible) of the members of the parliament of the republic of Azerbaijan among three candidates, nominated by the country president.

Ombudsman institute have been set up to restore the human rights and freedom enshrined in the constitution of the republic of Azerbaijan and in the international treaties to which the republic of Azerbaijan is a party, violated by governmental and municipal bodies and officials of the republic of Azerbaijan.

### Jurisdiction/Functions

A complaint may be lodged by a citizen of Azerbaijan, foreigners and stateless persons, as well as legal entities, a third person or a non–governmental organization (NGO). Government bodies are barred from filing complaints with Commissioner.

Complaints addressed by imprisoned persons are delivered to the Commissioner within 24 hours of being filed.

According to the law, the Commissioner shall not investigate the complaint if it is beyond his competence, or it is sub-judice in a court of law, or the application is anonymous. Other grounds for refusing are the resubmitted petition does not contain any new information, facts and evidence. Except that a complaint may be lodged with the Commissioner within a period of one year from the date when an alleged violations of rights of the applicant occurred or he became aware of that violation.

Major function of the Department on Protection on Human Rights and Freedom is consideration of the complaints on violation of human rights and freedoms and ensuring the measures falling under the ombudsman activity being undertaken in terms of restoring violated rights and freedom. This Department includes five divisions: on protection of refugees and protection of the rights of the convicted detained persons; and protection of military servant’s rights.
Legal Powers

Main powers and duties is the legal education, scientific analytical, information and international relations department which includes four divisions pertain to raising legal awareness of population in order to prevent violation on human rights and freedoms, analyzing the cases of human rights and freedom violations, ensuring information, maintaining cooperation with the organizations engaged in protection of human rights, acting republic of Azerbaijan and abroad, as well as organizing the commissioner’s international relations.

Organizational Structure

Implementation Arrangements

The complainer, if he or she wishes to lodge a complaint orally, first received by the Secretariat and the application is registered. Then he/she is received by the Ombudsman herself or the by the specialized officer appointed. The written complaints are also registered at the same department and forwarded by the respective officer to the specified unite which is specialized in respect of the subject of the complaint concerning human rights issue.
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<th><strong>Addressing Systemic Issues</strong></th>
<th>The second department in the head Office deals with mainly analytical research and legal education on human rights. This department is also responsible for preparing recommendations on certain issues related to human rights according to the instruction of the Ombudsman. This department functions coordinate with the first department that is mainly handling complaints addressed to the Ombudsman. According to the new findings which require making necessary amendments to the legislation then this department prepares report in this regard and submits to the Ombudsman. There are also specialized advisors deal with certain fields of human rights namely, child rights, rights of elderly persons, rights of military personal, rights of prisoners, etc. They prepare periodic reports on their fields and latter these reports may be included in annual report of the Ombudsman.</th>
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| **Investigative Techniques** | Upon receiving the complaints by the first department the respective officer starts investigation of the complaint and reports to the Ombudsman.  

In respect to a complaint on violation of human rights lodged with the Commissioner, he or she may take one of the following decisions:  
1. -accepts the complaint for investigation;  
2. -refuses to pursue the complaint.  
3. -In case of refusing, to pursue the complaint, the Commissioner shall, within 10 days, submit to an applicant substantiated written reply. |
| **Freedom of Information (FOI) Standards** | The applicant has a right of access to any information on processing his/her complaint |
| **Use of Technology** | The Ombudsman Office has an official website through which the applicants may lodge their complaints. The update information as well as regular bulletins take place in the website. |
| **Public Awareness & Outreach** | Public awareness takes important place in the Ombudsman’s activities. The regular bulletins, brochures, booklets on legal education on human rights are published by the Ombudsman Office. There is also 24 hours hotline service which is realized by rapid reaction team. This team consists of officers of the Office. The posters indicating procedures and giving basic information on how to defend the rights and what to do while being detained are hanged on the walls of the police stations in the different regions and districts. And also phone numbers of the hotline service take place in these posters.

The press releases and regular bulletins are also available on the website of the Ombudsman Office. |
| **Linkages with Civil Society** | The Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan is a member of Asian Ombudsman Association and European Ombudsman Institution. It was also established a council of experts that consist of the representatives of various NGOs, public officers and independent experts |
| **Parallel Complaint Redress Systems** | Have no parallel complaint redress systems. |