



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

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

**ON PROVISION AND PROTECTION OF HUMAN RIGHTS AND FREEDOMS IN  
AZERBAIJAN**

**2014**

**(SUMMARY)**

**Baku – 2015**

## **Foreword**

The main aim of the report is to provide information on the activities of the Commissioner for Human Rights of the Republic of Azerbaijan for 2014 regarding examination and evaluation of provision of human and civil rights and freedoms in the country, reveal positive results along with shortcomings and violations, restoration and prevention of the violated human rights.

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

The annual report reflects the activities of the Commissioner in the sphere of the protection of civil, political and economic, social and cultural rights of the citizens, rights and freedoms of various groups of population, awareness-raising events on human rights, scientific and analytical work, public relations and relations with mass media, issues of international cooperation, as well as recommendations and proposals on effective provision of their human rights and solution of problems.

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 to 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 General Prosecutor's Office of the Republic of Azerbaijan.

At the same time the annual report will be published in mass media to submit to wide public.

I hope this annual report will provide you with the picture about the situation in the field of human rights and freedoms in our country and you will share your impressions with us.

Your proposals and recommendations would be helpful in further improvement of activities of the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan.

**Youth faithfully,**

**Professor Elmira Suleymanova**

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

## Introduction

The social economic policy was continued last year to implement the duties on provision of human and civil rights and freedoms, decent living level of the citizens of the Republic of Azerbaijan set as a supreme goal by our state. These matters are reflected increasingly on improvement of population welfare.

Opening the thousands of new work places, the unemployment and poverty level of population was decreased as the result of development of social economy, increase of investments, improvement of free enterprise and business environment, successful implementation of the “State program of social economic development of the regions of the Republic of Azerbaijan in 2014-2018”, increase of quality of social infrastructure in the regions.

Declaration of 2014 as “The Year of Industry” by the known decree of the President of the Republic of Azerbaijan for the purpose of acceleration of the industrialization of the state economy, more rational utilization of existing potential of our republic for turning it into a strong industrial center has contributed to gradual modernization of industry and development of non-oil sectors, establishment of new priority production areas, competitive industrial structures, new industrial institutions, creation of permanent jobs, increasing efforts in provision of employment taking into account the rapid development speeds.

Political and economic development and stability has continued, new energy projects were realized, financial resources and currency reserves have increased, and successful reforms were implemented while the world suffered from economic crisis.

Incomes of the people, including pensions and average salaries were increased, nearly 50 schools and kindergartens, more than 60 medical facilities, Olympic and sports complexes, cultural establishments were delivered, more than 20 thousand displaced people were moved to new houses last year, serious fight against corruption and bribery was started, “ASAN service” has functioned successfully. The activities on dynamic development of the country was continued to achieve the goals deemed in “Azerbaijan 2020: A Look into the Future” Development Concept.

The reforms held in our state and thought out economic policy was highly appreciated by the powerful economic entities of the world, the competitiveness of the economy of Azerbaijan was increased in the global competitiveness index of the World Economic Forum (WEF) and reached the 38<sup>th</sup> place among 144 countries.

Last year presiding the Committee of Ministers of the Council of Europe, launching of the second “AzerSky” satellite into orbit, taking place among 20 countries of the world in this field, organization of IV Baku International Humanitarian Forum, The First Global Forum on Youth Policies, The 6th e-Sports World Championship Baku 2014, International Peace Youth Forum as well as III National Forum of Azerbaijani Children at high level with the participation of the representatives of tens of foreign states and respected international activities had a great significance from authority point of view for our country.

By the way, the Head of United Nations Development Program delivering speech at IV Baku International Humanitarian Forum, noted that the experience obtained in decrease of poverty in Azerbaijan was very important and it could be a model for other countries.

The measures of great social importance, important influence on development of human rights and freedoms and increase of legal culture were taken last year. Taking into account the importance of wider introduction of Azerbaijan as an example of tolerance in the world, the Knowledge Fund was established under the President of the Republic of Azerbaijan in

accordance with the requirements of Baku International Multiculturalism Center. This Knowledge Fund is center for a modern information society and economy based on knowledge in order to increase scientific technical, socio-economic, humanitarian knowledge.

Allocation of necessary financial resources for the Council on State Support to Non-Governmental Organizations under the Auspices of the President of the Republic of Azerbaijan (“The NGO Council”) for certification of “The Culture Concept of the Republic of Azerbaijan”, solution of such problems as multiculturalism traditions and secularism, rational management and application of e-government by non-governmental organizations functioning in the foreign countries by the decree of the president of the state for the purpose of provision of development of culture, protecting against internal and external threats, successful integration to the world culture, human and civil rights and freedom in the field of culture in Azerbaijan shall be specially noted.

A number of measures were undertaken to develop diaspora organizations abroad and expansion of relations with them was one of the priorities of the state policy of our country. Besides, the activities on protection of rights of Azerbaijanis temporary living in the foreign countries continued last year too, the Commissioner and staff members met with the members of the diasporas of Azerbaijan, our citizens temporary or permanently living there, as well as with students studying overseas. The Commissioner was interested in their problems within the visits to different countries.

The Commissioner worked in collaboration with the state bodies, civil societies, international organizations and colleagues operating abroad within her authorities in order to restore human rights and freedoms enshrined in the Constitution of the Republic of Azerbaijan and in the international treaties supported by our country and violated by state and local self-governance bodies, persons in duty and prevention of their violations.

The necessary measures were taken in cases of violation of human rights, concerned government bodies were appealed to and appropriate instructions were given. Respective proposals were made and recommendations as well as suggestions to solve the problems were submitted.

Meetings with people, as well as receptions were held both in Baku and in the regions within the framework of the activities implemented by the institution, the monitoring was held on provision of human rights, the problems and difficulties faced by the citizens, the root causes were studied, relevant suggestions were offered in the direction of their solution and restoration of violated rights was achieved in many cases.

The people forwarded their appeals to the Commissioner through various means including post and e-mail, office reception room, regional centers, 916 “Child hotline” and hotline against tortures. During the visits of the Commissioner and the staff members of the institution to the prisons, detention centers, temporary detention places, military units, children’s homes, nursing homes, boarding schools, settlements of internally displaced persons, health, education and social security institutions.

Generally 114.690 appeals including 13.150 appeals in 2014 were entered during the functioning period of the Commissioner. 74,2 % of those applications comprised of complaints and 25,8 % were petitions.

Generally, 2468 persons were received at the Ombudsman Office and in the regional centers in 2014. Besides, 388 persons were received at the institution regarding their appeals submitted before and relevant recommendations and explanations were given to them.

3547 persons were received by the Commissioner and the staff members during the meetings held with the people at the institution, in the regions, settlements of internally displaced people, as well as their reviews held at prisons, detention centers, temporary detention facilities, military units, children's homes, nursing homes, boarding schools.

51% of complaints could not be observed due to the following requirements of the Constitutional Law: a complaint was out of the Commissioner's competence; more than a year has passed since the date when the case of human rights violation occurred; a complaint was anonymous; a complaint was being examined within court proceedings; repeatedly submitted petitions did not contain any new information, facts and evidences.

49% of the appeals were accepted for examination and 56,8% of them were resolved.

The activities implemented by the institution in the field of international relations were important too. The Commissioner and the Institute staff participated in various international events and held an exchange of views and experiences in the last year.

The rational cooperation was continued with UN and its specialized units, as well as, the Office of the United Nations High Commissioner for Human Rights (OHCHR), the European Union, European Council, OSCE, The International Committee of the Red Cross (ICRC), International Ombudsman Institute, and European Ombudsman Institute, Asian Ombudsman Association and other international intergovernmental and non-governmental organizations.

Teaching of the subjects "Human rights", as well as "Introduction to Gender" at the faculty of law and at other faculties of Baku State University and staff training on human rights at master degree of the mentioned faculty were continued on the initiative of the Commissioner considering development of legal thoughts of the citizens and their legal culture very important.

Lectures were read and interactive discussions were held by the Commissioner and relevant staff members at different higher education and training institutions.

The events serving to increase the legal culture of the electors and organization of election under democratic, independent and transparent condition were organized among the people's groups and communities with the participation of the representatives of different government bodies, district and precinct election commissions, the founders of civil society in Baku and in different regions of the republic.

Taking into account the importance of Universal Periodic Review mechanism, contribution to testing of implementation of the obligations assumed by the states in the field of human rights in unbiased manner, the Commissioner focused on this matter as an independent national institution of human rights accredited by "A" status by the International Coordinating Committee on National Human Rights Institutions under the UN Commissioner for Human rights. The Institute was re-accredited "A" status due to its activities complying with independent and Paris Principles.

The Commissioner held regularly joint consultations with the participation of the government bodies to draw up the report, as well as non-governmental organizations to determine to be implemented measures for elimination of the mentioned shortcomings. This was done by joint efforts in short time to discuss recommendations and as the result successful execution of most of the recommendations was achieved.

The Commissioner applied for many times to the International Committee of the Red Cross (ICRC) regarding release and returning back of our captured citizens, as well as soldiers wounded as the result of regular violation of ceasefire by Armenian military troops.

455 prisoners were pardoned or discharged applying for amnesty and pardoning acts on the request of the Commissioner within the period of her activities.

The Commissioner took the awareness-raising measures serving to effective protection of rights and freedoms, dissemination and increase of legal knowledge, as well as increase of legal culture.

XII Baku International Conference of Ombudsmen on “The Role of National Human Rights Institutions in Ensuring Women’s Rights” was devoted to June 18 – National Human Rights Day and to the 20<sup>th</sup> anniversary of the National Commission of the Republic of Azerbaijan for UNESCO, to Cairo Conference on Population and Development, the Beijing Declaration and Platform for Action and to the 35<sup>th</sup> anniversary of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW).

Traditionally, “Peace Month” long campaign was held from August 21 to September 21 upon the initiative of the Commissioner considering promotion of the peace culture in the society very important, the awareness-raising lectures were carried out for the staff of the state bodies by the staff of the institution, events were organized involving the institutions of civil society, broadcasts and television programs dedicated to peace were transmitted, articles and information were published in the newspapers.

Competitions and exhibitions were organized at secondary schools and children institutions with the participation of the representatives of regional centers, central and local executive bodies, civil society institutions in the cities and regions of the country within the framework of “Children Rights Month” long campaign held from October 20 – November 20, certificates were issued to the students successfully completed the “Graduated Training Program upon children rights”.

Legal publications, thematic leaflets, different collections, brochures, booklets and memory papers drawn up at the institution were distributed among the participants during the events held in the different regions of the country.

As a whole, the main activities of the Commissioner were directed to restoration of violated human rights and prevention of delinquencies previous year.

## Chapter I

### The activity of the Commissioner in the Field of Protection of Human Rights and Freedoms

#### 1.1. Protection of civil and political rights

*Right to freedom* expresses the movement ability according to own will and without any restriction.

During last year, 70 complaints regarding ID cards and registration were submitted from the cities and regions. As a result of the work conducted with regard to each complaint, violated rights were restored.

One of the main obstacles causing violation of this right was failure of appropriate internal affair agencies to take timely measures.

The number of the complaints received in the institution regarding the offenses committed by the police regarding issuance of identity cards was significantly reduced compared to the previous year. However, there are still some shortcomings in the relevant field.

The complaints regarding rendering assistance in provision of the citizens of Azerbaijan Republic by identity cards because of absence of permanent place of residence were investigated and resolved in the appropriate order.

In accordance with requirements of the Decree No. 55 of 9 April 2003 adopted by the Cabinet of Ministers for the provision of the decision of the Constitutional Court on 31 January 2003 regarding provision with permanent registration and ID cards of persons having no permanent place of residence and opportunity to get temporary registration; the rights of a number of persons violated in the given sphere were restored.

The restrictions put on free movement of the people were prevented in some other cases as the result of the intervention of the Commissioner.

According to the official reports, the medical certifications were not issued to babies of pregnant women not submitting the ID cards, as no relevant information had been included in the appropriate e-database. Even though the police was consequently informed by the delivery rooms about these women this matter was not resolved.

The suggestion on making amendments and addendums to “Rules on state registration of civil status acts” certified by Decree N 145 dated October 31, 2003 of the Cabinet of Ministers offered by the Commissioner for the purpose of legal regulation of the mentioned cases was adopted and amendments were made to the relevant legislative acts.

By the way, increase of number of people entered into cohabitation, but whose marriages were not registered, as well as failure to provide children born out of wedlock by birth certificates do not allow enjoying the rights enough. Therefore, implementation of awareness-raising work at the level of local executive structures, communities and municipalities is very necessary.

According to the inquiry of the Commissioner to the Constitutional Court regarding compliance of Article 448.5 of Criminal Procedural Code with the Constitution of Azerbaijan Republic, that Article was considered not corresponding to Part III of Article 149 and Part I of Article 28 of the Constitution of Azerbaijan Republic by the resolution of the Plenary Session of the Court, as well as the mentioned Article was excluded from the Code by the appropriate Law.

***Rights of the people held in temporary detention places.*** Last year the Commissioner and the staff members visited the places of custody at different times – temporary detention places (TDPs) of police departments, divisions and units of cities and regions of the Ministry of Internal Affairs, Detention Station of the Administratively Arrested Persons of Baku City Head Police Department, as well as temporary detention places of Head Office of MIA on Struggle against Organized Crime, Struggle Against Illegal Migration Division of the Main Passport, Registration and Migration Department and the Department on Struggle against Trafficking in Human Beings, to the Detention Centre for Illegal Migrants of the State Migration Service, as well as to the Temporary Detention Place and Investigation Isolator of the Ministry of National Security.

During confidential meetings held with the persons kept in appropriate detention facilities, their detention conditions and treatment were investigated and their rights were explained. These people familiarized with and received appropriate documents on informing their family about their detention, provision with lawyer services, medical examination, explanation of human rights while arrested as suspected, implementation of public prosecutor's supervision while detained at the police department, as well as legacy of detention.

Usually, the detainees stated that generally they did not face violence or rude treatment and had no complaints about treatment by police officers or staff members of Penitentiary Service. Along with that, some detained persons expressed their discontent regarding investigation process or decision adopted by the Court on their cases.

It was determined during the monitoring that a number of detention facilities had been constructed and put into operation, capital repairing and reconstruction work had been implemented in some of them for the purpose of establishment of the condition meeting the international norms and standards at the temporary detention places of police organs.

Besides the mentioned facts, a number of deficiencies were discovered at temporary detention places during the monitoring.

For eliminating violation of laws and shortcomings revealed during visits, the comments and recommendations on taking appropriate measures were sent to the head of police bodies; in necessary cases the appeals were submitted to the General Prosecutor of the Republic of Azerbaijan as well as to the Minister of Internal Affairs or Minister of Justice.

According to the official information of the Ministry of Internal Affairs, no case on violation of human rights was detected during arrest, at temporary detention facilities, however, 77 staff members of temporary detention places were punished in the disciplinary order, 8 of which were removed from service as the result of internal affairs, 2 were dismissed and



other disciplinary measures were undertaken with the rest 67 persons for shortcomings committed in their official duties.

New projects of the “Regulations on the administrative detention facilities” and “Internal discipline of the administrative detention facilities” drawn up by the Ministry of Internal Affairs for the purpose of more reliable provision of the rights of the detainees were reviewed by the Commissioner, appropriate comments and suggestions were provided.

The seminars were held within the framework of collaboration of the Commissioner with the Ministry of Internal Affairs for improvement of application of the duties coming forward from the provisions of the Law of Azerbaijan Republic on “Ensuring Rights and Freedoms of the Detained Persons”, and from the requirements of legal normative acts of the ministry regarding to it in the practical activities of the security services of the police departments of cities and regions, units in duty and staff members of TDPs.

***Right of protection of honor and dignity.*** In the appeals received on violation of this right the cases of rude treatment towards persons detained by high-ranked officials of governmental bodies, as well as by investigation organs, including police officers or towards persons under investigation were stated. However, any rude treatment was not certified in the responses submitted to the Commissioner on the results of the tasks given to the government authorities on verification of the cases reflected in those applications.

It was also stated that during the investigation of appeals received from suspected, accused persons or their relatives stating that the first ones were beaten and their dignity was degraded by concerning ranked officials during the investigation process with the purpose of confession of incident or crime they have not done, these facts were not confirmed as either.

***Activities of the Commissioner as the national preventive mechanism on prevention of torture and other cruel, inhuman or degrading treatment or punishments.*** The National Preventive Group (NPG) created by the Commissioner continuously visited the places which detained persons could not leave at their own will.

Last year, the NPM conducted 365 visits, including 267 planned and 98 adhoc visits implemented regularly to totally 244 places of deprivation and restriction of liberty, including penitentiary institutions, temporary detention places, social objects, and boarding houses for the elderly and persons with disabilities, psychiatric institutions. under the jurisdiction of the Ministry of Internal Affairs, Ministry of Justice, Ministry of National Security, Ministry of Defense, Ministry of Education, Ministry of Health, as well as Ministry of Labor and Social Protection of Population, State Migration Service, as well as of the region (city) executive powers. Thus, 219 visits were implemented to the temporary detention places of the Ministry of Internal Affairs, 112 visits to the prisons, jails, treatment facilities of Penitentiary Service of the Ministry of Justice, 3- to the prisons of the Ministry of National security, 4- to the disciplinary military units and guardhouse of the Ministry of Defense; 2- to the Center of Detention of Illegal Migrants of the State Migration Service; 8- to special correctional and education institutions, as well as boarding houses and special vocational school of the Ministry of Education; 10 visits to the boarding houses, nursing houses of the Ministry of Labor and Social Protection of Population; 4- to the psychiatric hospitals, hospital for mental and nervous disorders, psycho-neurological children's home, nursery and orphanages, 3- to the children's homes attached to the local executive bodies.

During those visits private and confidential meetings were held with 237 detainees at temporary detention facilities, with 1030 people in investigatory isolators and prisons, 250 persons in facilities that people cannot leave on their own will. At the same time, the NPM representatives carried out private meetings with more than 300 staff members of these institutions. Heads of these facilities and other officials created necessary conditions for the NPM group members and took measures for implementing the recommendations as well as eliminating revealed shortcomings.

Appropriate posters stating "Give the information on tortures to the Ombudsman" were hung at the police departments and divisions of the cities and regions of the country and the "hotline" number of NPG was indicated.

It was determined that certain parts of the visited institutions had been newly built or major repairs were implemented. As a rule, the detainees had no complaint about the treatment of the employees of the institutions.

Along with positive changes mentioned during visits, a number of shortcomings were revealed. Appropriate state bodies were addressed regarding their elimination and examination. As a result, necessary measures were taken.

The chiefs of TDP of Nizami DPO and Sumgayit City Police Department (CPD), Police Major A. Abbasov and police lieutenant-colonel V. Mikayilov were involved in disciplinary proceedings for the shortcomings available in provision of rights of the detainees at TDP, responsible officers on duty of police departments of Sumgayit CPD No. 1 and No. 3, police captains M.Pashayev and P.Dunyamaliyev, police major N.Hajiyev, responsible officer on duty of Sabunchu DPO No. 14, police captain I.A.Novruzov for not implementing the registration of brought persons in accordance with the appropriate normative legal acts of MIA, responsible officer on duty of Samukh RPD, police major R.Abdullayev and chief of TDP, senior police sergeant S.Mammadov for not drawing up the official documents of TDP in details and for failure to comply with the requirements of the appropriate instructions on discharge regime. The chiefs of Police Departments No. 12, 14 and 15 were warned seriously and appropriate instructions were given to the police departments of the capital in order to prevent recurrence of similar incidents. Responsible officer on duty of Kurdamir DPD, police lieutenant S.Mammadov and the police sergeant - acting head of MS D.Karimov received reprimand for infringement of detention period of the arrested person.

Besides other persons detained at Baku Investigation Isolator of Penitentiary Service of the Ministry of Justice, Leyla Yunusova and Intigam Aliyev were met too and during these meetings it was determined that Leyla Yunusova refused the services of the physicians of the Main Medical Department of the Ministry of Justice and appropriate documentation was held about it. The Commissioner applied to the Main Medical Department of the Ministry of Justice regarding the results of both meetings. It was determined that the condition of the cell of Baku Investigation Isolator where L.Yunusova was detained was normal, the sanitary rules were complied with, roofless walking place belonging to the cell was open from 10:00 to 17:00 and other times the cell was aired by opening the window. The matter raised by L. Yunusova regarding her detention together with a previously convicted woman was examined at the jail and it was revealed that there were difficulties in replacement due to temporary crowd caused by the reparation works implemented in one of the buildings of the

Isolator. In this regard, the Commissioner applied to the Head of Penitentiary Service and her problems were solved and that woman was transferred to another cell.

76 official press reviews were published about the activities of the Commissioner both in Azerbaijani and English languages, information translated into English language was sent to the Commissioner on Human rights of the Council of Europe.

Reports on “Activities as national preventive mechanism on prevention of tortures and other cruel, inhuman or degrading treatment or punishments” for 2009-2010, 2011, 2012 and 2013 were published both in Azerbaijani and English languages and posted on the website of the institution. They were sent to the public and specialized international organizations, including UN Subcommittee on Prevention of Torture (SPT), European Committee for the Prevention of Torture (CPT) and the Association for the Prevention of Torture (APT). The fifth report for 2014 has already been drawn up and will be translated and submitted to the mentioned addresses.

***Freedom of thought and speech.*** In recent years, a range of actions carried out in this area has significantly increased the role of the information technologies in the society, new media proved itself as the platform of clarity, free and different thoughts in the society.

The Press Council exercising self-regulation of the press in the country continued its operations and measures were taken to comply with the requirements of Ethic Behavior of Journalists.

Nowadays, as all over the world, development and effective application of information technologies play an important role in progress of national press in our country too. Besides published newspapers and journals, electron information network is being developed too. Therefore, every journalist or writer shall keep up with this progress and establish his/her work on the basis of respect to human rights.

Every journalist respecting human rights shall be able to approach objectively to the comments of all events taken place in the society and to analyze them, to deliver unbiased and accurate information both to the concerned addresses and to the readers.

It should be noted that the media opportunities are not always used at the necessary level, despite the wide range of opportunities established in the field of freedom of the press, the nature and content of information transmitted to the society doesn't always meet the demand for necessary and objective information.

Exerting influence on the thoughts and consciousness of the people by information creating pessimism and despair at them, sometimes in non-professional manner through mass media leads to such cases as illegal behavior, the emergence of psychological disorders, tragedies and other negative phenomena.

Of course, there is a need for delivery of information regarding these events. However, this information shall not obscure the positive events taken place in the society.

Taking into account that the information exerts great influence on the society and it is obtained through Internet, the responsibility of representatives of media, public figures and intellectuals increases more according to its results.

Every journalist shall avoid the situations that may affect a person's honor and dignity and shall be far from slander and bias in his/her writings and shall not lead to litigations.

Protection of honor, dignity and business reputation, as well as respect to freedom of speech and thought, creating of favorable condition of attitude for healthy and legitimate criticism are the most important tasks of any democratic state. Complying with the requirements of professional ethics and professionalism spreading of insulting, racketeering, slandering, non-controlled, inaccurate data is not acceptable.

Thus, journalists shall comply with the requirements of the law. They shall not allow intervention in private life and family life of the citizens, damaging their business reputation in their writings. They shall not disseminate false information and information on private life of the citizens without their consent. Besides, they shall work hard on improving their skills and delivery of accurate and unbiased information.

Awareness-raising events were held in the field of human rights at different times for the representatives of mass media and traditional competitions were organized upon the writings of the journalists.

Traditionally a conference under the subject "Role of Ombudsman in protection of the rights of different groups of the population" was held in honor of "December 10 - International Human Rights Day" with the participation of the members of parliament, representatives of government agencies, civil society organizations, government agencies, civil society organizations, international organizations. The competition on journalists' writings on the topic "Rights - for everyone!" was completed within the framework of the conference and the winners were awarded.

A series of events aiming at development of electronic and published media, digital and online journalism, improvement of professional skills of the journalists, as well as representatives of media writing on subjects as law, increasing the possibility of use of modern ICT, improvement of information clarity and transparency, Internet resources, public relations are held at the institution and the thoughts and views of the representatives of media are taken into account.

The members of the delegation of the International Federation of Journalists (IFJ) visiting our state were received and wide exchange of thought was provided. The guests focusing in their activities aiming at the investigations on media environment, labor and security condition of the journalists were informed on the work implemented in the field of development of mass media in our country, obtaining information, freedom of speech and expression.

The Commissioner always pays attention to the protection of freedom of speech and expression and provision of freedom of speech and expression and supervised the cases of rude treatment of journalists and approached to their condition with special care.

The Commissioner states that rude treatment of the journalists is unacceptable for the purpose of rational provision of reliable protection of media rights, freedom of speech, thought and expression and considers important to involve the persons, as well as officials committing this action in the legal proceedings.

Application of the alternative methods available in the world practice on reproaching of the representatives of mass media sustaining infringement is appropriate.

Besides other detainees, the staff members met with detained journalists, according to the instruction given by the Commissioner during their visits to the facilities of the Penitentiary Service. They met with Faramaz Novruzoglu detained at jail No. 1, editor-in-chief of the newspaper "Khural" Avaz Zeynally detained at jail No. 10, Tofiq Yagublu detained at jail No. 13, Sardar Alibeyli detained at jail No. 14, editor-in-chief of the newspaper "Talyshi Sado" Hilal Mammadov detained at jail No. 17. Their detention conditions, health and existing situation regarding their treatment were investigated and the recommendations were given to the head of the institution.

The staff members met with the journalist Parviz Hashimli in the Baku Investigation\_Isolator and the Commissioner had received his father and wife some time before and listened to them. The conditions of Seymur Hazi and Khadija Ismayilova detained here was paid attention and they had no complaint on their conditions and treatment.

As it is known, F. Novruzoghlu and A. Zeynalli were pardoned by appropriate decrees of the President Ilham Aliyev.

***Freedom of access to information.*** The works regarding development of the information-communication technologies were continued successfully in our country last year too for the purpose of provision of this freedom more efficiently and especially, important steps were taken towards establishment of the information market.

It is the result of the mentioned successive activities that the results achieved by our country in the appropriate field were taken into account in "The Global Information Technology Report" of the World Economy Forum and our republic is among the top ten according to the indices "Successes of the government in support of ICT" and "Importance given to ICT in the future outlook of the government", it takes the 56<sup>th</sup> place among 144 countries for the network preparation index and it is in the group of leaders among CIS countries.

The activities of the institution as the information owner are also effective. Relations with mass media, as well as flexible, dynamic, new media structures having more superior quality, e-newspapers and news portals are very important.

It should be mentioned that, according to the paragraph 1.3 of "the National Action Plan on Promotion of Open Government in 2012-2015" approved by the Presidential Order No. 2421 of 5 September 2012, it is planned to improve the structure of the Institute for implementing control over the fulfillment of obligations implied by the Law of the Republic of Azerbaijan "On Access to Information". The execution of the suggestions offered to the Cabinet of Ministers and to the Ministry of Finance shall be accelerated in connection with the mentioned facts.

21 applications were received in connection with the information right, the mentioned applications were analyzed and surveys were sent to the competent authorities and they were resolved, the measures were taken for resolving of those applications within the framework of authorities and they were resolved in certain cases. However, it shall be noted that there are still serious problems in responding to information inquiries of the citizens.

Besides the mentioned facts, a number of government agencies don't treat seriously the provision of information rights of the citizens.

The Commissioner, implementing control over the fulfillment of obligations implied by the Law of Azerbaijan Republic on "Access to information" of the state bodies, self-management as the result and officials continued the activities on study and application of practice in the field of accessing to information.

The Commissioner conducted consultations with well-known experts on the means of mass media, heads of journalists' organizations, newspaper editors and other media representatives; discussed future cooperation issues.

During the meetings, the Commissioner recommended to take following measures:

- conduct joint awareness-raising trainings in the regions;
- prepare and publish appropriate educational programs and modules;
- train journalists;
- pay more attention to training and specialization of representatives of mass media, their professional skills;
- implement legal awareness-raising and advocacy activities for officials, journalists and local population in the country capital and regions;
- develop executive mechanisms for provision of information surveys;
- place broad information on the activities in the web-pages of state bodies;
- creation of electronic register in state bodies;
- improve the work of information structures as well as electronic resources in the state bodies holding information;
- conduct analysis regarding development of appropriate legislation;
- organize TV and radio programs;
- establish Working Group consisting of representatives of state bodies, mass media and journalists; prepare its regulations and action plan; define specialized speaker on information issues;
- develop sustainable cooperation;
- conduct regular meeting and work as network.

Moreover, the Commissioner recommended staff members of state bodies holding information to learn and apply provision of the appropriate law as well as provide prompt, unbiased and complete answers to the survey addressed to the given structures.

***Freedom of conscience.*** Besides Muslims comprising the main part of the population, Christian and Jewish communities participate in social-political life, statehood and development in the republic.

The state-religion relations were regulated in accordance with democratic principles and international law norms and freedom of belief and conscience of everybody was provided independently from their language, religion and ethnic origin. The religious groups of our country, as well as our Christian and Jewish citizens implement their religious faith and rituals; celebrate their national holidays and ceremonies freely.

2.5 million manats were allocated for the State Committee for Work with Religious Associations from the President's Reserve Fund in order to render financial assistance to the religious communities in the republic in accordance with the Decree dated November 27, 2014 of the President of the Republic of Azerbaijan for the purpose of strengthening religious awareness, raising work and promotion of national and moral values.

Last year, the biggest mosque in Caucasus Heydar Mosque was put to use of the religious people.

The president of the country brought to the attention that this religious temple serves to establishment of peace and stability in the region, our people remained faithful to their religious-moral values over the history, noted its importance in bringing up of the youth in the spirit of loyalty to the traditions and in widening of inter-religious dialogue.

Allocation of great amount to the Fund of Development of Religious Culture from the Reserve Fund of the president for the purpose of provision of religious culture, tolerance, promotion of inter-religious and inter-cultural dialogue by relevant decree of the President of the state are the indicators of reliable protection of freedom of conscience in our country respecting the religious values at the state level.

The Commissioner also paid attention to the condition in the field of provision of freedom of conscience, religion and belief. Last year the Commissioner received 9 applications and each of them was investigated.

The Commissioner had speeches and offered suggestions at the awareness-raising events dedicated to the freedom of conscience and belief held at the educational institutions for the purpose of development of religious tolerance, mutual relations of the people having different religious views, peace culture through religion, the role of national and religious tolerance in this field, inter-cultural dialogue and inter-religious collaboration and for instilling religious tolerance to the children and youth, **also** the religious persons and theologians attended these event too.

The Commissioner's staff members participated at the Conferences held under the subjects "Freedom of religion and belief in Southern Caucasus" in Tbilisi, Georgia and "Muslim women: human rights in the modern era" in Kazan, Republic of Tatarstan, Russian Federation. They stated that 1/5 part of our lands was occupied as the result of aggression of Armenia which carried out ethnic cleansing and occupation policy. Also, they mentioned that nearly 1 million people were displaced from their homeland and became refugees and internally displaced persons, a lot of religious – cultural monuments, shrines and cemeteries had been destroyed, the peace was necessary for our country, it was very important to achieve tranquility and support by everybody. As well, they gave information on the dynamic activities of the Commissioner paying special attention to prevention of violence against women, including the domestic violence and the measures taken for drawing up of the rehabilitation programs for the women undergone to domestic violence, strengthening the combat with violence against women, establishment of remedies, shelters for victims of such violence, provision of necessary compensation, rehabilitation, medical and psychological assistance and achievement of gender equality.

The Commissioner has paid special attention to provision of freedom of conscience and religious belief from the first days and has held events with the participation of the representatives of the religious confessions and communities, government bodies, civil society organizations within the framework of efficient collaboration with State Committee for Work with Religious Organizations.

A round table was conducted on the topic “Azerbaijan – a model of tolerance” devoted to “November 16 – International Day of Tolerance” by the initiative of the Commissioner and in collaboration with SCWRO, with the participation of the members of Parliament, representatives of government bodies, civil society institutions. It was noted that the tolerance was a part of the state policy and there were created necessary conditions for development of ethnic minorities and ethnic groups in our multi-ethnic and multi-national country.

**Right to vote.** The awareness-raising events serving to increase legal culture of voters and to organize democratic, transparent and free voting among the population groups, communities were held with the participation of the representatives of appropriate government bodies, district and precinct election commissions, local executive authorities and police authorities, non-governmental organizations and mass media in Baku and different regions of the republic together with Central Election Commission during the preparations held for the municipal elections to be held on December 23, 2014.

A series of regional awareness-raising events were held on municipal elections in Sheki, Ganja, Jalilabad, Fuzuli and Guba at the initiative of the Commissioner. The employees of the Central Election Commission, the representatives of local authorities, district and precinct election commissions of surrounding cities and regions, municipal authorities, civil society institutions participated in those events.

According to the international standard, promotion of the provisions of known decrees of the country President dated May 11, 2005 and October 25, 2005, as well as of improved Election Code was continued.

As in previous elections, a training regarding the rights to vote was organized for the staff members by the Central Election Commission at the invitation of the Commissioner on the eve of the election regarding the participation of the Commissioner and the staff members as the supervisors in the municipal elections.

The representative of the Central Election Commission gave detailed information about the election legislation and practice, registration of the candidates, international and local election practice, last amendments made in the legislation regarding improvement of the election process, voting rules, legal status of local and international supervisors, their authorities, supervision principles and rules, authorities of the election commission, taken awareness-raising measures.

The Commissioner and 40 staff members participated in 402 polling stations upon 98 constituencies of 48 regions, as well as at military units and penitentiary facilities of Baku city and the country as the observations on the day of municipal elections held on December 23, 2014, and observed the voting process.



The results of the observations give reason to state that generally, the municipal elections were held democratically, freely, transparently, disciplinary and fairly complying with the rules of the legislation.

Web-cameras were installed and real condition was established for direct observation of the course of elections in a number of polling stations by the Central Election Commission.

As the result of the observations, no intervention cases to the voting process by local executive power and police were observed during voting.

It shall be noted that as 4 persons and 26% of the elected members of municipality were women in the previous municipal elections, this number was 35% in this case. The awareness-raising work was widened in this field and taking measures for increasing the number of women in the elections for Milli Majlis (Parliament) is appropriate.

Generally, the municipal elections were held complying with the Election Code and certified loyalty to the principles as legal, democratic state-building, provision of human rights and freedoms, more democratization of our society, development of management, national legislation and election technologies, strengthening of national statehood traditions.

***The right to appeal.*** Delivery of the electron services to the people on the basis of “one window” principle by the states joined to Electronic government” portal contributed to solution of many problems faced by the citizens in the previous years without hindrances.

“ASAN Service” centers were established for the purpose of serving to the citizens more qualitatively, comfortably, from one location and by applying modern innovations, mutual integration of the information markets of the state bodies, acceleration of the process of organization of electron services, improvement of the management system in this field. They continued their activities successfully last year too. Establishment of regional electron application terminals has great importance for efficient provision of the right to appeal of the citizens. From this point of view, reception of the citizens by the heads of the central executive bodies in various cities and regions shall be estimated as a positive experience. Those receptions were met with satisfaction by the people.

Besides the successful activities of “ASAN Service” system become an important tool in prevention of the cases of violation of the rights to appeal, the “hotline” systems organized in the most state bodies as the result and being in practical functioning provide urgent consideration of the applications and especially the complaints.

Besides the mentioned innovations and progress, timely response to the applications, there are still some challenges including officers’ arbitrariness, obstacles made in receiving the citizens by government officials, failure to respond to the applications in timely manner and procrastination cases in provision of these rights.

Last year the Commissioner received 875 applications regarding violation of the rights to appeal and a number of measures were undertaken within the framework of her authorities.

Urgent or planned measures were taken regarding the problems and matters reflected in the appeals, especially in the complaints, the matters disturbing the applicants were

examined, appropriate measures were taken depending on the results, as well, information and explanation work were implemented, and especially restoration of the violated rights was achieved.

The results of analysis, monitoring and investigations show that in the most cases one of the reasons of application of the citizens with complaints to the central government bodies is failure to perform the duties in duly order by the officials and individual officers.

Indifferent attitude to both written and oral application, not receiving the citizens by concerned government bodies, as well as failure to give necessary explanation caused to further complaints. Therefore, the central executive bodies and the heads of the central bodies shall always control the activities of the subordinated institutions and structures and shall take measures regarding reveal, elimination and prevention of infringements.

Despite direct orders and instructions of the country President, as well as punishments, improvement of management and establishment of officer-citizen relations on the level of new requirements, officers' arbitrariness and rude treatments still remains. Some officers do not justify the confidence of the citizens, the care and problems of the people are not approached carefully.

In most cases, negligence and carelessness of the officials did not allow for identification of the objective reality, the investigation process was extended, procrastination was allowed and they caused to the further complaints of the applied citizens. Therefore, the cases observed with failure to comply with the requirements of the Constitution Law by some officials were resulted in violation of the rights of the applicant or did not allow to the restoration of the violated right.

One of the curious situation is that in some cases it was stated in the responses issued by the examination task given to concerned government authorities by the Commissioner upon the complain of the applicant that "the complaint was written by anger", "filed by mistake", "he was not aware of the facts written in the application because of illiteracy", "he had no complaint during investigations" and so on and besides obscuring objective examination of appropriate applications, it doesn't exclude composition of the applications under the influence or pressure of certain officials.

As a result, it should be noted that every received application regarding the violation of the right was examined and response to those applications by appropriate government bodies, institutions, offices and organization was provided, as well as written responses were given to the citizens by the Commissioner.

***Judicial guaranty of rights and freedoms.*** Measures on establishment and continues improvement of modern judicial infrastructure, as well as facilitation of applications to the courts by the people were continued last year too. As its integral part, "Electronic court" information system providing application of the information-communication technologies in the activities of the court was established in accordance with the Decree dated February 13, 2014, of the President of the Republic of Azerbaijan to provide transparency, efficient protection of human and civil rights and freedoms, acceleration of the process of application of modern information technologies.

The organization and functioning of this system, as well as its utilization rules shall be provided and identified jointly by the Supreme Court, Ministry of Justice and State Agency of Service to the Citizens and Social Innovations under the President of Republic of Azerbaijan.

Last year the Court – Judicial Council of the Republic of Azerbaijan was appealed regarding the examination of the cases reflected in some complaints received by the Commissioner.

It should be noted that the results of the successive reforms carried out for improvement of the judicial activities were discussed, the work carried out to update judicial infrastructures was stated, in the meetings of the Judicial Council, provision of transparency, as well as e-services to facilitate application of the citizens to newly built premises of the court and for getting information, creation of favorable condition for realization of the rights by the people was appraised and continuation of relevant measures was considered appropriate.

According to the appropriate decree of the country President, the authorities of the judge of Baku Serious Crimes Court Hasan Aliyev and of the judge of Gazakh Region Court Jabiyev Elnur Muxtar oghlu were terminated earlier of their term for repeated rough infringement of the requirements of the legislation.

Efficient cooperation was continued between the institution of the Commissioner and the Academy of Justice of the Ministry of Justice last year too and the staff members delivered speeches before the listeners of that academy, as well as the candidates for judge and responded to their questions at different times.

The cases regarding infringement of the right of judicial protection of rights and freedoms were reflected at 1367 complaints received over the last period. The complaints regarding violation of rights included procrastination in the courts, failure to give the copies of the decisions of the courts in time, not sending appropriate notification about the place and time of the hearing of the case at the court in a timely manner, failure to inform the parties in accordance with the requirements of civil procedure legislation, failure to direct the court decisions to the execution, not responding the applications.

The Commissioner continued the cooperation with courts, took steps to restore the violation of human rights revealed during investigation of the applications. The cases reflected in complaints were referred to respective courts to consider these matters during trial.

The measures were taken also for provision of the rights of the citizens undergone to procrastination by courts, as well as bureaucratic approaches of the court officials.

It should be noted that, contrary to the requirements of procedural law, besides failure to answer to the applicant in due time, keeping citizens uninformed by the court, procrastination by the court, it is resulted in restriction of the possibilities of utilization of their legal rights too. These cases show that in some cases the citizens cannot use enough the right of judicial protection of human rights and freedoms because of legal unawareness of the citizens and abusing this situation by some judicial officers.

The analysis of the applications shows that in some cases the resolution of the court is not sent to the participated persons in timely manner and it is resulted in infringement of the right to appeal against that resolution to the court of higher instance.

Establishment of legal consultation offices serving to the people on the account of the state in the different cities and regions of the country from the point of view of supporting increase of legal awareness of the people, drawing up of the legislative act reflecting the mechanism of legal assistance can support reliable provision of the right of getting qualitative legal assistance by law-income people.

As a result, the measures shall continue on reveal and prevention of the shortcomings and legal infringement.

## **Cooperation with Law-Enforcement Agencies in the Sphere of Human Rights Protection**

***Cooperation with the prosecution authorities.*** The prosecutor's office continued the activities in the field of protection of human and civil rights and freedoms last year on the basis of the principles of rule of law, legal equality of everybody before law, respecting rights and freedoms of physical entities, rights of legal entities, objectivity, impartiality and factual basis, uniformity and centralization, hierarchy and political neutrality.

The Commissioner received 765 applications regarding the prosecutor's offices. Most of these applications were examined in cooperation with the General Prosecutor's Office; the necessary measures were taken to restore violated human rights.

Despite cancellations of the decisions adopted regarding the same cases by the investigating authorities, no serious measure is taken about those prosecutors and investigators and their responsibility matter is not considered.

Mainly, the applications reflect such cases as biased implementation of the investigation, unfounded rejection of beginning of the criminal case, failure to begin the criminal case upon the fact, unjustified suspension of the proceedings, failure to report on the progress of the investigation.

In some cases, legality of the decision regarding revocation of proceeding coming to the conclusion on the lack of a criminal conviction in the collected material was examined after the application of the Commissioner to the General Prosecutor's Office, in case of reveal of failure to investigate fully and thoroughly, those decisions were canceled and the instructions were given on implementation of additional investigation upon the material.

Generally, the supervision on local procurator's offices shall be strengthened in order not to need restoration of violated human rights, additional intervention of the Commissioner or the Prosecutor General.

Superficial and biased approach to the criminal cases was observed even at some local prosecutor's offices, but they were eliminated.

It should be noted that it is the result of poor supervision of the investigation and examination by some local Prosecutors General supervising the initial investigation that in some cases biased decisions were adopted on refusing beginning the prosecuting upon the collected materials.

After the appeal of the Commissioner to the Prosecutor General, the criminal case was investigated, relevant decisions were revoked in the case of biased suspension of proceeding without providing throughout and objective investigation.

Sometimes the Prosecutor General controlled the criminal cases after application of the Commissioner for the purpose of examination of the cases reflected in the complaints.

Sometimes, the written instructions were given to the local Prosecutor's offices in the process of investigation of the Commissioner for ensuring the objectivity of the investigation.

The complaints received by the Commissioner and reflecting the corruption were sent to the Prosecutor General, appropriate investigations were held and the relevant decisions were adopted.

Attention shall be increased to taking all measures necessary for protection of human rights, as well as consideration of the applications of the citizens and their reception, informing the victim, civil plaintiff, defendant or accused persons and their legal representatives, advocate, civil responder by the prosecutor's as the result about the course of the criminal case.

By the way, last year 46 employees of the prosecutor's office were called to disciplinary account because of different shortcomings revealed upon the results of the official examinations conducted by the Prosecutor General.

Basing on the results of the investigations carried out on the applications it is possible to state that increase of control on the execution process, as well as on the work of local prosecutors' offices and of rationality of procedural management on the pre-trial investigation by the Prosecutor General's Office is very important.

***Cooperation with the judicial authorities.*** As every year, the Commissioner worked in close cooperation with the Ministry of Justice last year too. Thus, the staff members of the institutions of justice also participated in the events held both at the institutions and in the regions.

A range of measures were taken for improvement of the judicial systems, development of notary and registration bodies, establishment of the activities of self-management bodies according to modern requirements for the purpose of provision of human rights and freedoms in more efficient order by the ministries.

Besides the mentioned facts, according to the official information given by the Ministry of Justice, 68 employees of the ministry were called to disciplinary account for violation of human rights and interests, as well as failure to approach them anxiously and sensitively, allowing procrastinations and other shortcomings. 8 out of them were discharged from the justice bodies, as well as the materials on 2 persons were sent to the prosecutor's office for legal assessment, 22 employees were dismissed, 12 persons were warned on failure to comply with their duty, severe reprimand was given to 14 persons and 10 persons were reprimanded and 2 persons were rebutted.

Such cases as state registration of the civil status acts of the citizens that are among the activities of the Ministry, as well as organization of notary activities, a range of problematic issues concerning provision of execution of court decisions and the cases reflected in the applications were investigated under mutual cooperation and measures were taken on elimination of the revealed infringements of rights.

Last year the Commissioner received 704 complaints regarding execution of the court decisions. The examination of applications gave reason to state that besides affecting the efficiency of justice adversely, unreasonable delay of enforcement of court decisions, procrastination, tormenting of citizens, illegal actions and omissions violate the right of judicial protection of citizens' rights and freedoms enshrined in the Constitution.

Generally, as a result of non-professional and indifferent attitude of some officers of the court, a number of court decisions were not executed at all or were executed with delay. In its turn it was resulted in infringement of the rights of the citizens appearing as a claimant according to the court decision.

The rights of a lot of citizens were restored as the result of the investigations held by the Commissioner.

The Commissioner received 248 applications regarding non-execution of the court decisions on payment of alimony. The complaints regarding periodical non-payment of alimony by the indebted party or evading payment or delay in payments were raised.

Notwithstanding the execution of the relevant executive actions upon the court documents received by the officers of the court, in some cases the difficulties arose in requesting the payment of alimony or it was not possible to provide the payment because of unemployment of the indebted person, as well as non-discovery of any property or other revenues in order to request payment.

Direct approach of the state authorities to the matter is very important for obtaining serious results in this field, i.e., for fulfillment of the duties of the debtor in due time and in the matter required by law.

Taking into account increased number of divorces, the fact that the majority of divorced mothers were unemployed housewives having juvenile children and alimony was their sole provision source, as well as availability of the numerous problems associated with alimony payment by the debtor, establishment of "Alimony Fund" is necessary (development and application of the payment mechanism by an appropriate government body providing further taking of alimony from the debtor).

Mandatory measures identified by law were taken in case of non-implementation of the court decisions regarding evacuation of property, occupied territory or estate, request on non-payment of debts on salaries, as well as others issues.

According to the Constitution and laws of the Republic of Azerbaijan, non-execution of the court decisions by the government bodies whose duty is provisions of human rights and bearing responsibility for it before the society is unacceptable.

Though that the Commissioner was informed by the Ministry of Justice that the execution work was controlled and appropriate measures were continued taking into account the requirements of Decree No. 303 dated July 15, 2010, of the President of the Republic of Azerbaijan for the purpose of achievement of execution, the execution of many court decisions has not been provided yet.

Therefore, according to the court decisions, development and application of the mechanism on allocation of adequate funding for those bodies is very necessary for the purpose of provision of payment of amounts to be paid by indebted state bodied to the citizens.

Generally, besides the executive officers delaying the execution of judgments or not implementing their duties as it is required by law shall be responsible too and their activities shall be controlled.

Continuation of measures for execution of the court decisions being the integral part of the judicial protection of rights and freedoms of the citizens in the manner determined by law, as well as increase of professionalism of the executive officers, complying with the execution discipline by them in the manner determined by law and increase of the sense of responsibility, avoidance of procrastinations and timely review of the execution work can increase the possibility of eliminating the encountered problems in this field.

***Cooperation with the bodies of internal affairs.*** Many awareness-raising measures were held for police officers at Police Academy, as well as in the regions and in the capital within the framework of efficient collaboration with the Ministry of Internal Affairs.

Last year 1928 applications regarding police bodies were received. Such cases as biased conduct of the inquiry or investigation, unsubstantiated rejection of the criminal case, preventing the criminal case due to the fact, the unjustified termination of criminal proceedings or the suspension of the proceedings, procrastination, failure to adopt the procedural decision regarding the complaint, lack of response to the application, rude treatment of the citizens by the police officers were reflected in those applications.

The investigator and the interrogator shall consider the applications regarding the committed or planned crimes and other information, begin the proceeding in case of sufficient grounds, adopt the case, solve the case, take necessary measures for objective and thorough investigation of the case, and also realize all investigation or other procedural actions within their responsibilities.

Lack of professionalism of some investigators or interrogators or even intention covering up a range of crimes, as well as incomplete conduction of the collected materials, adopting of decision in a hurry about rejection of beginning the criminal case caused to numerous complaints.

In these cases the Commissioner appealed to the prosecutor's offices supervising the investigation for the purpose of prevention of infringements, as the result, decisions regarding rejection of beginning the proceeding were revoked, thus, the violated rights of the citizens were restored and positive results were obtained.

It should be noted that relevant decisions were examined and canceled not only once, but repeatedly after the applications to the General Prosecutor's Office regarding a number of complaints.

While examining the substantiations of the decision adopted upon the criminal case on the basis of implemented studies after the application of the Commissioner to the prosecutor's office upon the complaints, the decisions on termination and suspension of criminal proceedings were revoked and were returned back to the investigation by sending written instruction upon the case to by the prosecutor's office in case of non-implementation of necessary investigation actions for thorough, full and objective implementation of the investigation, incomplete provision of the investigation actions having great important on the case, incomplete fulfillment of the instructions given in the adopted decisions, failure to eliminate the contradictions between the testimonies.

In all cases when the information of committed or planned crime is received, the investigator, the interrogator or the public prosecutor implementing procedural management on the initial investigation shall adopt one of the appropriate decisions as beginning the proceeding, rejection of beginning the proceeding, sending the information upon the crime or the information concerning the private prosecution crime to the court. However, that body considers its duty completed by accepting the application to the work instead of adopting one of the decisions appropriate for the citizen. Sometimes, the decision on "acceptance" of the investigation shall be disputed instead of investigation of the complaint in the procedural manner as the result of careless approach to the infringement of relevant legislation.

The disciplinary punishments were applied against the police officers violated the law and undertook the actions harming the reputation of the police, not complying with ethic treatment rules in the attitudes with citizens, as well as infringed the rules of "Code of Ethical Conduct for Employees of the internal affairs bodies", demonstrated disrespect to citizens, the police offices exceeded their official duties, as well as the police officers violating the ethic norms in the attitude with drivers and with the citizens committing infringements during the investigations held in accordance with the application of the Commissioner,

According to the official information given by the Ministry of Internal Affairs, as in previous years, no fact regarding torturing the detained or arrested persons, as well as cruel, inhuman or degrading treatment or punishment was observed last year. However, such facts as groundless detention, groundless bringing or rude treatment revealed during inter-institutional control were investigated thoroughly and objectively within the framework of legislation and legal decisions were adopted upon each of them. Thus, 343 officers were called to disciplinary account upon 277 certified facts (including 133 facts regarding rude treatment of the citizens, 69 facts regarding groundless bringing to the police office and detention, 52 facts regarding violation of rights of the drivers, 3 facts regarding groundless calling to criminal account, 3 facts regarding violation of the rights of the foreigners and the persons not having citizenship, 17 other facts) over last year. 21 out of these officers were discharged from the bodies of internal affairs, 37 officers were dismissed and other disciplinary measures were taken on 285 officers.

The measures were taken to provide road safety and to eliminate the problems and shortcomings available in this field. Such cases as rude treatment of the drivers by some



police officers, violation of ethical conduct rules, non-professional attitude were reflected at 172 applications regarding the employees of State Traffic Police Department (STPD) last year.

Both the analysis of applications and the results of monitoring show that the accidents on road occur mainly because of the rapid increase in the number of vehicles, lack of technical inspection programs providing the security of these means and people, sometimes the technical situation of the roads, the number and density of cars, driving without driving licenses or drunk driving, violation of rules on high speed and overtaking. Thus, the road accidents shall be examined taking into account the relevant area, the time of day and the season. Development and realization of complex action plan jointly by the Ministry of Internal Affairs, Ministry of Transport, as well as concerned government bodies and non-governmental organizations is expedient.

## **1.2. Protection of Economic, Social and Cultural rights**

***Protection of labor rights.*** Hiring of the people in need without concluding the employment contract by the employers was one of the most serious problems of the last years and the Commissioner proposed taking of urgent and drastic measures both in the annual report and in her application to the state authorities for solution of this matter. This proposal was reflected in the amendments made to the Labor Code, the employers were charged by introduction of the notification on employment contract to electron information system, as well, administrative and criminal liability and financial sanction were determined for hiring of physical entities by the employer without enforcement of the employment contract.

Creation and commissioning of new electron service called “Reference on working place” by the Ministry of Labor and Social Defense in December of last year is an important tool in prevention of procrastination in this field.

The Commissioner received 672 applications regarding the labor rights. The rights on fair and favorable working condition of the citizens were violated in some cases. Thus, such cases as dismissal by violating the requirements of legislation, rejection of restoration at work and compensation of the injuries sustained at work, failure to pay the salaries and leave allowances in timely manner, failure to pay wage arrears, failure to give the last settlement and the labor book, as well as reference about salary or work place, taxation of some payments deemed in the wages or failure to calculate appropriate additions, improper labor division were reflected in the applications.

Concrete steps were taken and different measures were implemented for restoration of labor rights of the people violated during the examination of the applications.

Serious measures were taken in the attitude with the employers violating the requirements of labor legislation in the process of investigation of the applications within the framework of efficient ongoing cooperation between the Commissioner and the State Labor Inspectorate.

Thus, in some cases the employers were called to administrative account, administrative protocol was drawn up about them or fines were imposed on them.

In some cases the restoration of work of dismissed persons was provided as the result of efforts of the Commissioner.

According to the information, 20417 facts regarding violation of the requirements of labor legislation were discovered as the result of the state inspection measures conducted by State Labor Inspection Service last year and generally, 1.915.347 AZN of fine was applied. By the way, establishment of independent "hotline" service is appropriate for the purpose of increase of efficiency of labor rights protection.

**Right to social security.** Special attention was paid to the groups needed social defense during preparation of the department of expenditures of the state budget and the amount allocated for social defense of the population of these groups, low-income families, pensioners, the persons with disabilities, internally displaced persons is increasing year by year.

Investigation of the status of the population groups in need of social security and making amendments to the legislation regarding the mentioned matter is very necessary and it is also a continuous process. The positive measures taken to improve the well-being of the population, especially the low-income groups needing special care demonstrate themselves in the positive direction. The proposals of the Commissioner regarding the mentioned matter are resolved gradually.

The proposal of the Commissioner regarding revision of Decree No. 74 dated April 30, 2009, of the Cabinet of Ministers on "Composition of a Minimum Consumption Basket of the Republic of Azerbaijan", relevant additions to the list of foodstuff, non-food goods and services included in that composition taking into account real needs, was resolved.

Taking into account that payment of lump sum does not cover a wide range of groups and payments if necessary, consideration of means for increase of allowances paid each year for treatment of the persons injured as the result of radiation accident, allowances for child birth and burial allowances is necessary.

Social houses for 360 orphaned children graduated from boarding schools are being constructed by the Ministry of Labor and Social Protection of Population and thereby the proposal of the Commissioner made in the previous annual reports regarding continuation of education of the children brought up at the boarding schools, who had lost their parents or deprived of parental care, reached to certain age level, leaving the school and supplying them by residence and work was resolved.

The Commissioner received 1108 applications regarding social security right. Special attention was paid to the cases aiming at more efficient protection of social security right of the population during the analysis of the applications. The investigations were conducted and resolved upon the application of the citizens who were dissatisfied with the amount determined during determination or re-calculation of the pension.

According to Article 14.1 of the Law of Azerbaijan Republic "On Labor Pensions" the family dependents of deceased or dead head of family (dependent being under full supply of the deceased person or used him as the main source of their livelihood) determined by the mentioned Law are entitled to survivor's pension.

The rights and legal interests of the people are being improved taking into account the shortcomings and legal gaps revealed during the process of application of the legislative acts regarding provision of ***the right to get targeted social aid***, as well as the cases creating obstacles in provision of social security right. The measures are carried out for elimination of such kind of procedures as submission of documents identified for getting the mentioned assistance to the concerned bodies, as well as requiring documents directly from the citizen.

According to being developed new rules, the persons intending to get targeted social assistance shall submit the documents reflecting his/her family members, monthly income, property, and other information to appropriate state body. After the application of the electron system, the citizens will be able to apply for targeted social assistance by a telephone-call or by entering to the email address of the Ministry of Labor and Social Protection of Population and introducing the number of their identity card.

The Commissioner received 464 applications regarding appointment of targeted social aid. The analyses show that the difficulties and procrastinations regarding appointment of targeted social assistance were decreased in comparison with the previous years.

The Commissioner investigated each received application regarding appointment of targeted social aid applicants; in most cases restoration of violated rights was achieved.

***Right to health protection.*** A number of serious steps were taken to protect public health. Modern medical diagnostic centers, hospitals, healthcare facilities were given for exploitation by population and material-technical base of medical facilities were significantly improved.

Last year, the Commissioner received 528 complaints regarding right to health protection. As a result of investigations, in majority of cases violated rights were restored.

The analyses showed the applicants were mainly citizens from poor families. Thus, as a rule, despite treatment and examination, issuance of medication at public expense was carried out; the problems regarding other aspects of right to health were reflected in these applications as well.

Appropriate instructions were given to concerned healthcare facilities, as well as central and regional hospitals by the Ministry of Health for examination and treatment of the patients after their application for undergoing examination and treatment at public expenses considering financial poorness of their families.

After the application of the Commissioner to the Ministry of Health regarding the citizens needed specialized medical assistance, a lot of citizens were sent to the specialized clinics, including to the National Ophthalmology Center named after the academician Zarifa Aliyeva, Scientific Surgery Center named after M.Topchubashov, Scientific Research Institute of Traumatology and Orthopedics, National Oncology Center and other institutions to provide appropriate medical assistance and organization of examination and treatment at high level.

The Ministry of Health was requested to render assistance in realization of examination and treatment abroad at public expense; the instructions were given to the "Commission on

affairs of medical treatment of citizens abroad” under the Ministry to give appropriate view on their treatment.

The appeals of the citizens were sent to the Ministry of Health, as well as to the specialized commissions of its subordinate committees including the “Commission on registration, selection and hospitalization of the children needing Cardiac Surgery”, Special commission attached to Republic Clinic Urological Hospital named after M.Javadzade, “Commission on prevention, diagnosis, and treatment of B and C viral hepatitis” in order to give opinion in the process of investigation held upon some applications.

Decrease of number of natural delivery among the women giving birth to children, increase of the death cases of mothers and children during and after delivery, artificial interruption of pregnancy for unwanted gender of future child causes serious troubles.

No significant changes in the current situation are observed considering death of mothers and children as the result of cesarean section of pregnant women without vital need, their invalidity, birth of babies with defects, noticeable measures for prevention of these surgeries, drafting administrative responsibility for the persons guilty in illegal implementation of caesarean section, as well as drawing up of “Medical basis for conducting caesarean section” and clinic protocols on those surgeries by the Ministry of Health and certification by the decision of the board and functioning of the Commission on Assistance in Giving birth.

The investigations show that usually doctors evade from responsibility for death of mothers and newborns and are not punished for their actions. Any administrative punishment given to the doctors who committed these tragedies is the superficial approach to the problem, which does not offer any thoughtful solution.

Therefore, analysis of mother and child mortality, joint monitoring of medical basis of the cesarean surgeries, analyzing of the results and implementation of relevant measures were suggested to the Ministry of Health to strengthen maternal and child health. This will also help to protect reproductive health of people, ensure safe motherhood, create necessary condition for delivery of desired children in any number and with intervals, prevent mother and child mortality, as well as fight against artificial interruption of pregnancy due to unwanted gender of future baby.

The following measures are set as priority in our country where strengthening of family is of high importance. These measures include strengthening of control over the protection of reproductive health and regulation of legal basis in the field of rendering services in family planning, prevention of diseases prevalent among women, donor origin during extracorporeal insemination and artificial interruption of pregnancy for unwanted gender of future baby.

Special attention was paid to protection of rights of HIV-infected persons, as well as organization of awareness rising activities in fight against drug abuse and glue sniffing. A number of awareness rising measures were implemented with the Republic Center of Struggle against AIDS.

The Commissioner paid special attention to ensuring the rights of persons with mental disorders. She got acquainted with the condition created for treatment of these patients at

appropriate medical institutions on regular basis, studied the problems of these people who need assistance and helped in solving their problems.

The members of National Preventive Group visited Specialized boarding house for mental-nervous, persons and elder people No. 9 at Buzovna settlement, boarding house No. 3 for children with mental disorders at Shaghan settlement, psychiatric hospitals in Sheki, Ganja and Salyan, as well as Republic Psychiatric Hospital No. 1 of the Ministry of Labor and Social Protection of Population, examined the issues on treatment, detention conditions and nutrition of the people there, met with the residents and their attitudes and conditions were assessed.

Different approaches to the matters on nutrition of patients at different Psycho-Neurologic Dispensary drew attention during considerations and monitoring. Thus, besides other matters, the Commissioner offered suggestion on bringing in conformity with standards of the average amount allowance allocated for daily food per each patient treated at Psycho-Neurologic Dispensary, determination of "unit price" according to this norm, taking steps on daily normal nutrition of patients during the discussions of the draft State Budget Project for 2014, in Milli Majlis (Parliament) and the amount allocated for daily nutrition per each patients has been increased 5 times since January 1, 2014, after her application to the Ministry of Finance with the same proposals.

***Right to education.*** The analysis of complaints and observations show that not with standing adoption of legislative acts and documents in new program serving to develop education, a number of problems in the quality of education, as well as shortcomings in education process still remain which leads to justified discontents.

It is already the sixth year that the Hierarchic Education Program is implemented successfully in the field of child rights in secondary schools by the initiative of the Commissioner and within the collaboration with the Ministry of Education.

Schools from 12 districts of Baku city and three schools from 8 country regions, including Khizi, Siyezen, Ismayilli, Oghuz, Lankaran, Salyan, Goranboy, Tovuz regions have been selected for Hierarchic Education Program on child rights taught from February of last year. The teachers and pupils met the lessons organized in interactive, peer-to-peer form with interest. The book titled "Child rights for everybody" and the manual titled "Selected topics regarding Hierarchic Education Program on child rights", other legal publications and posters developed at the institution are used during tutoring.

The mentioned education program serves for the promotion of human rights culture, realization of child rights in the society and school environment, improvement of legal thoughts and abilities of teachers.

It is necessary to establish preschool education system at modern level. Many preschool facilities are placed in the adapted buildings, suspension or closing of a number of such facilities especially in rural areas create a particular concern.

The cases reflected in the applications are lack of kindergartens at the residential areas, failure to meet the demand with regard the number of children by available facilities, children not accepted by the kindergartens or requesting money from parents to meet some

needs of the kindergartens, observation of shifting principles on accepting children to the kindergartens, closure of existing kindergartens.

Estimable to note the adoption of new standards in training of teachers by the Ministry of Education and making amendments in the education programs of higher schools training pedagogical staff last academic year.

Last year more than 30 thousand teachers were involved in testing in Baku and their subject-specific skills, methods and communication skills were examined for the first time. As the result, 14 percent of the participating teachers shown poor and 85 percent achieved satisfactory results.

Last year, 129 complaints were submitted with regard to the right to education. A number of shortcomings were revealed as the result of the investigations held upon the mentioned applications and the faulty persons were punished.

The analysis shows that mutual tendentious pedagogical relations, unhealthy atmosphere between teachers exerts negative influence on the education process and challenges establishment of proper educational work.

Such cases as discrimination of teachers by the school principal, lack of proper division of courses, allowing the teachers functioning as private tutors at schools in exchange for bribes have been revealed during the investigations.

In some cases, discharge of pupils with poor attendance and knowledge on basis of their own application via threats from pedagogic body was observed. Parents threatened by “keeping their children for the second year” by the principals is also noted. The mentioned cases cause the violation of rights of some teenagers, as well as appropriation of different negative habits and committing of offences.

Failure to apply educative measures to the teenagers, as well as to the children evading from education, leaving them without control both by the parents and the educational facilities causes raising of inclination to infringements at them and committing administrative offences and even crimes. As a result, the schools undertaking educative and teaching duties push it without understanding legal responsibility. This is affected by the principal that manages the school and fails to study social and spiritual aspects to eliminate the cause and condition for occurrence of various negative cases and taking preventive measures.

A lot of new school buildings have been built in Baku and in the regions, additional buildings have been constructed for existing school, as well as major reparations have been implemented, many schools have been supplied with modern inventories. However, a number of schools located in the cities and regions are still unfit for education process and some of them were in emergency situation.

Special attention was paid to the education and social protection of children at education institutions, especially at boarding schools by the Commissioner. Thus, the members of National Preventive Group visited children’s homes No. 1 and No. 2 at Baku city Executive Power, as well as boarding schools in Lankaran and Lerik cities, the children didn’t have any complaint regarding harsh and rude treatment while meeting with them. A number of shortcomings revealed while visiting secondary boarding school named after R. Aghakishiyev

of Goranboy city were eliminated after the application of the Commissioner to the Ministry of Education.

Cases as requiring money to give diplomas and transcripts, delays in issuance of diplomas, as well as delays to recognize diplomas of the persons graduated overseas, assistance in transfer from one higher education institution to the other, tuition fee exemption and other issues were reflected in the applications regarding ensuring of higher education.

It is necessary to ensure accommodation for students studying at public expense at higher and secondary specialized education facilities at dormitories, and if it is not possible, then rent payment should be required. At the same time, students who entered higher and secondary specialized education institutions on paid basis and achieved highest results during study should be exempted from tuition fee payment for the next half year term which may serve as a stimulus to higher education.

Conscription delays for a full time masters degree students is important to enable them continue their education at higher education facilities and their branches till the termination of education.

Given the termination of the “State program on education of Azerbaijani youth in the foreign countries in 2007-2015”, drawing up and application of a new program for future years is very necessary.

The proposal of the Commissioner regarding determination of some concessions for the young specialists beginning to work as teachers at schools in the rural regions of the republic, especially in the war borders regions and settlements of internally displaced people was reflected in the decision dated August 15, 2014, of the Cabinet of Ministers. A number of concessions have been determined to stimulate recruitment of young specialists graduated from higher and secondary specialized education institutions of pedagogical profile and aged till 35 and meeting the demand on pedagogical staff at those institutions.

***Right to housing.*** Formation of housing policy corresponding to the real opportunities of the persons in need, as well as comprehensive approach to solution of the problem regarding provision of flats, as well as, drawing up and realization of the concept and purposeful state program reflecting resettlement of the people residing at old flats with poor condition. The facilitation of issuance of mortgage loans according to the purchasing power of the population, application of social mortgage are recommended to solve problems existing in ensuring of this right.

Last year, the Commissioner received 476 complaints regarding right to housing. Such cases as failure to respond to the applications regarding construction of individual houses by local executive powers, the unreasonable refusal and delays, deception of the citizens purchasing apartments from rented houses by fraud, issuance of inappropriate compensations instead of the property purchased for the public use, assistance in elimination of damages caused by natural disasters, provision of land for the construction of individual houses, rendering financial assistance for reparation of the residential area in emergency conditions, damages caused to the houses and apartments in vicinity in connection with the implementing work were reflected in the most of the complaints.

According to Article 80 of Urban Planning and Construction Code of the Republic of Azerbaijan, the appropriate documents regarding construction of individual houses on land plots belonging to citizens (application, documents of land, copy of projects and licenses executing the project) sent to the executive bodies of the regions shall be considered by those executive bodies and in case of faultfinding, no one comments on this document or a negative response is given based on failure to work out a detailed plan on relevant area. This case prevents improvement of living conditions of the citizens by constructing individual houses and contributes to bribery. It was answered to the inspection tasks sent to local executive bodies regarding the mentioned cases that the solution of the applications of the citizens was not possible as the detailed plan upon the relevant area was not worked out.

Therefore, acceleration of the legislative acts deemed by Decree No.695 of the President of the Republic of Azerbaijan dated September 4, 2012, on Application of Law No 392-IVQ dated June 29, 2012 of the Republic of Azerbaijan on application of the Law of the Republic of Azerbaijan on “Approval, Enforcement of the Housing Code of the Republic of Azerbaijan and legal regulatory matters”, as well as by Decree N 153 dated August 27, 2009 of the President of the Republic of Azerbaijan on application of the Law of the Republic of Azerbaijan on “Approval, Enforcement of the Housing Code of the Republic of Azerbaijan and Legal Regulatory Matters” is needed for the purpose of solution of many problems of the citizens in this field.

Sale of apartments in modern multi-storey buildings constructed and commissioned by some companies or being under construction in Baku in violation of the requirements of the legislation resulted in violation of rights of hundreds of families and thousands of people. Despite beginning and investigation of a number of criminal cases in the mentioned field, no result was achieved and the rights of the citizens were not ensured.

The sale of apartments in the multi-storey buildings is prohibited by law and not allowed for usage without the state acceptance commission approval. These sold apartments were not registered in the state register on real estates, not insured to prevent the mentioned cases.

On the other hand, the situation created by the construction companies contributed to illegal settlement, which causes residents to face various problems. A lot of multi-storey residential buildings without commissioning approval were supplied with water and power, but not the gas.

The complaints of the citizens from low-income families whose houses were in unfit condition due to financial hardship were approached with high sensitiveness, as well as the applications regarding rendering assistance in elimination of damages sustained by the construction work implemented around the residential houses or by the enterprises or organizations realizing certain activities were resolved.

The Commissioner previously visited the natural disaster zones, and met with the representatives of the institutions participated to remove the consequences of the disaster and met the persons undergone the damages. The Commissioner got acquainted with their, listened to their requests, wishes and suggestions, gave them recommendations, as well as referred to appropriate government bodies to solve some problems.

Last year the Commissioner received 174 complaints from the citizens suffered from the natural disaster. The citizens complained that the damaged houses had not been inspected



or repaired by appropriate commission, the amount given for reparation was not enough, as well as that amount of damage was not compensated. The citizens asked for assistance to solve the problems and overcome the difficulties.

After the application of the Commissioner to the Ministry of Emergency Situations and Local Executives Powers for the purpose of inspection of the mentioned cases and solution of problems, a number of damaged houses were inspected by the area commissions, the houses needed restoration-fortification work were included in the list, the emergency situation of some houses was identified and decisions on taking relevant measures on their restoration were adopted, some houses were included in the list of houses needed restoration and amount was allocated to their owners, as well as some houses were registered for consideration.

***Right to property.*** Mainly, 2.103 complaints received regarding this right were about demolition of owned property (house, building) by local authorities without appropriate court order, taking back the plot of land in private property for public use and not giving any compensation relevant to them, incorrect identification of the boundaries of the plots of land in the state act on land share, procrastination in documentation of houses and lands belonging to the citizens, non-payment of premiums.

Implementation of any demolition work in respect of any construction without any appropriate court decision by local authorities is prohibited by law. The legality of the construction may be determined only by the court.

Expropriation of a property for public use may be allowed only by fair reimbursement of its cost beforehand. Any illegal interference to the property by local authorities and failure to reimburse fairly its amount is not allowed.

In general, determination of the compensation amount enough for obtaining adequate residential area, in compliance with the real prices available in the property market and payment in timely manner is recommended in case of expropriation or substitution of the properties belonging to citizens for public use.

Such suggestion as issuance of document on “Plan and size of plot of land” by taking back the state acts or certifications confirming the right to land based on the mistakes made during distribution of plots of lands issued to them by the state during land reforms, unfairness of charging state duties on issuance of the extract from the state register on state registration of property rights and technical documents on real estates were reflected in the applications.

Therefore, the acts and certifications verifying the rights on real estates issued as land were cancelled as the result of the errors committed by relevant executive authorities (local and regional agrarian reform commissions, the State Land and Cartography Committee and its local offices) and instead, inclusion of provision regarding releasing the citizens from the state duty for issuance of the extract from the state register on state registration of property rights on real estates upon “Plan and size of plot of land” and technical documents on real estates to Law of the Republic of Azerbaijan on “State duty” as Article 27.5 is deemed appropriate.

Appropriate amendments shall be made to the Law Republic of Azerbaijan on “Protection of the consumer rights”, as well as administrative penalties shall be applied to the commercial entities not giving correct answers to the consumers to prevent infringement of buyer rights. These are violations of buyers’ rights by commercial objects regarding initial prices of goods and their discounts and use of various deceiving methods during sale of goods more expensive than the determined amount.

The savings invested by the citizens in the savings banks in the Republic of Azerbaijan lost their purchasing power within a short time as the result of inflation relating to the economic crisis of the state since January 1, 1992. Non-indexing of those savings troubled a lot of citizens having savings in the banks.

The amounts deemed in contracts on “Life insurance”, “Insurance of children”, “Wedding insurance” and other insurance types concluded between the Ex-USSR Head Government Department of Insurance and the citizens shall be indexed; their payment mechanism shall be developed and applied.

**Business and human rights.** Last year the “Working Group on Business and Human Rights” consisting of the representatives of concerned government bodies and non-governmental organizations established at the institution by the initiative and under the management of the Commissioner continued their activities successfully, they organized round tables, conducted discussions and exchange of views upon priority subjects and gave proposals.

The first meeting of the Working Group on Business and Human Rights was devoted to the subject “Children’s Rights and Business Principles”. Detailed information was given on implemented work, future priority directions, necessary documents in the relevant field and the duties deemed in the field of protection of children’s rights in the National Action Plan and “Azerbaijan 2020: Look into the future” Development Concept were noted in the event held with the participation of the representatives of the government bodies included in the relevant working group, as well as the representatives of civil society organizations, as well as head of the branch office of UNICEF in Azerbaijan.

The importance of respectful approach to children’s rights in the activities of the business structures and requiring protection of their interests by the business bodies was noted in the event, detailed information was given on 10 principles reflected in the document titled “Children’s rights and Business principles” translated by UNICEF and afterwards, that publication was distributed among the members of the Working Group.

The necessity to increase competitiveness of women in labor market, development of entrepreneurship among women, establishment of equal possibilities for entrepreneur women, application of appropriate concessions regarding entrepreneurship activities, promoting women at work and appointing them at management positions, conducting targeted awareness works with business institutions, preparation and distribution of appropriate publications was noted in the second meeting held on “Business and women’s rights” with the participation of the deputies of Milli Majlis (Parliament), the representatives of concerned government bodies and civil society institutions.

The Commissioner provided wide information on international practice, leading principles and existing rules in the field of “Business and women’s rights” as well as noted the

importance of improvement of the legislation on business environment and administrative procedures in gender matters.

The Commissioner stated in the third meeting of the Ministry of Environment and Natural Resources on “Observation of ecological requirements during realization of business” that the changes related to scientific technical development of the world economy caused aggravation of contradictions between people and the nature, the ecological matters took the first place in the system of global problems after the problems of peace and war and therefore taking measures on safeguarding and sustainable use of ecology was one of the principal tasks.

The Commissioner noted the importance of investigation of the causes of ecological problems and their solution methods and stated the disturbance of ecological balance as accelerated industrialization, prevention of deforestation and cut out of rare sorts of trees by different entrepreneurs for their own profit, the principal task of a number of international organizations, as well as of the UN to protect the environment by the industrial enterprises and other business organizations, working out of important documents in this field, as well as the importance of efficient provision of living of the people identified in the national legislation and appropriate international documents on healthy environment.

The Commissioner always pays attention to Business and human rights, continued the cooperation with the government bodies, local non-governmental organizations for the purpose of taking joint measures in the field of monitoring of the situation, determination and elimination of deficiencies.

The cooperation of the Commissioner with the international bodies was efficient too. The proposals and recommendations serving to strengthening of the employer-employee relations of the Commissioner were expressed and information was given about the works implemented by her in these events.

Last year, the Commissioner received the members of the UN Working Group on Business and Human Rights, she stated that the problems on “Business and human rights”, as well as protection of human rights during entrepreneurship activities was under attention, as well as continuous events were organized for discussion of implementation of joint activities in the field of monitoring of current situation, in determination and elimination of shortcomings, the cooperation was continued with the government bodies, civil society organizations and international organizations to this end.

### **1.3. Protection of the Rights of Population Groups**

***Protection of the rights of the refugees, internally displaced persons (IDPs) and migrants.*** The Republic of Azerbaijan which has one-fifth part of the territory occupied by Armenia has protected averagely one million refugees and internally displaced persons by its own efforts and potential for more than 25 years.

Armenia does not fulfill the requirements of known resolutions of the UN Security Council and General Assembly and continues its aggression and terrorism policy against Azerbaijan.

The living conditions of 46 thousand families and 240 thousand internally displaced persons were improved as the result of efforts of the state in 2014. Therefore, 89 new residential

complexes were built, 145 schools were constructed, as well as 56 kindergartens, 56 medical centers, 50 cultural centers, 2 Olympic Sports Complexes were built and put into operation.

630 million manats, including 300 million from State Oil Fund, 273 million - from the state budget, 57 million- from the international humanitarian and other organizations was allocated last year. 7 new residential complexes with 270 thousand square meters area were built, 7 secondary schools for 2288 students and 5 cultural houses, 6 kindergartens, 6 medical centers were built and put into operation in 2014. Thus, the living conditions of 4450 families and 22 thousand internally displaced persons were improved.

All the mentioned facts show that the government of Azerbaijan mobilizes opportunities and takes complex measures to improve the destiny of its citizens and their social and living conditions.

Despite the taken measures, more than 370 thousand internally displaced persons reside in difficult conditions at public buildings, dormitories, health camps and other temporary settlement places unfit for living and face many social problems.

The meetings of the Commissioner with internally displaced persons, direct communication with them, learning their needs and problems was very important for the protection of their rights over the last period.

Last year, the Commissioner also paid special importance to the cooperation with the Offices of the UN High Commissioner for Refugees and UN International Migration Organization in Azerbaijan. As the result of this cooperation, "Collection of normative legal documents on refugees and internally displaced persons" published under edition of the Commissioner and including different laws adopted for solution of social problems of refugees, internally displaced persons, asylum seekers, decrees and orders of the President of the Republic of Azerbaijan, the decisions of the Council of Ministers, as well as international documents was presented to the public and distributed.

Furthermore, the Commissioner sent the statements regarding the Khojaly genocide and the violence towards Azerbaijanis committed by Armenian Armed forces at the Nagorno-Karabakh and surrounding areas to the UN Secretary-General, UN High Commissioner for Human rights and UN High Commissioner for Refugees, the Council of Europe, OSCE, International and European Ombudsmen Institutions, Asian Ombudsman Association and the Ombudsmen-members of this establishments, the Azerbaijan embassies in foreign countries and foreign countries' embassies in Azerbaijan as well as Diaspora functioning in different countries.

Statements, as well as numerous books and CDs reflecting the tragedies faced by our people were distributed at all events held during the business trips of the Commissioner and the staff.

Armenia undertook a number of obligations, including continuation of efforts to regulate the Nagorno-Karabakh conflict only by peaceful means, on the basis of Opinion No. 221 of the Parliamentary Assembly when it became the member of the Council of Europe, regulation of international and local disputes without threaten the neighbors by force and according to the peaceful means and the principles of international law. But Armenia demonstrates non-constructive position and doesn't comply with these obligations, challenges establishment of

peace in the region, hinders the ongoing development processes and regularly violates the ceasefire.

The Commissioner appealed to the head of the Mission of the International Committee of the Red Cross in Azerbaijan to return back Dilgem Asgarov and Shahbaz Guliyev who visited the graves of their relatives in Kalbajar region of our Republic which is occupied by the Armenian Armed Forces. They were taken hostage by Armenian military forces in July last year, the return corpse of Hasan Hasanov murdered by the occupants, guarantees not to undergo tortures and degrading treatment while being in captivity and provision of treatment according to the requirements of Geneva Convention dated August 12, 1949, and other matters were raised by the Commissioner in front of International Committee of the Red Cross.

In 2014, the Commissioner focused on protection of rights of foreigners, stateless persons and migrants. A number of suggestions and recommendations were given as the result of analysis of the complaints received regarding infringement of rights of migrants. These suggestions were sent to concerning bodies. Thus, according to the legislation in force, the foreigners or stateless persons temporary staying in Azerbaijan more than 3 days shall be registered at the place of temporary residence. This period was increased given the suggestion of the Commissioner. Presently, the foreigners temporary staying in Azerbaijan for not more than 3, but more than 10 days are registered at the place of temporary residence.

***Protection of the rights of detainees and prisoners.*** Protection of the rights of detainees and prisoners is one of the important matters. The Commissioner always takes into account the importance of ensuring the rights of the persons in this group, and continued her activities to ensure the rights of the detainees and prisoners in the current year likewise. Investigation of the applications, protection of honor and dignity of the persons, protection of their health, ensuring the right to apply, receive legal assistance and other rights were under primary attention.

The measures were continued to reconstruct the pre-trial and temporary detention facilities, detention rooms, as well as prisons in accordance with modern standards, and to improve the detention conditions as well as ensure the human rights at this facilities and rehabilitate the prisoners.

Successive works were implemented to eliminate the infringement of law and the reasons causing to this infringement and the control over the detention places and the work of penitentiary establishments was strengthened as the result of taken measures and applied innovations.

The Commissioner applied to the Pardon Issues Commission under the President of the Republic of Azerbaijan at different times taking into account the applications received from the prisoners and their families regarding pardoning.

455 prisoners were pardoned or the amnesty act was applied about them at the request of the Commissioner during her functioning and 46 prisoners were pardoned in 2014.

Holding the events upon the plans jointly approved by the government bodies and the public institutions of the Penitentiary Service of the Ministry of Justice was continued in the current year to create conditions for cultural events in prisons, strengthen the social relations of the prisoners with the society and ensure social adaptation after being discharged.

The Commissioner and the staff members implemented regular examinations in prisons and jails of the Penitentiary Service, met with the detainees and prisoners and learned their problems to investigate their detention conditions and treatment.

Based on examinations of penitentiary facilities, the recommendations were given to administration of these facilities regarding elimination of revealed shortcomings and deficiencies, the Ministry of Justice was applied where necessary, and as a result, a number of deficiencies were eliminated.

As a rule, special attention was paid to avoid ill-treatment of prisoners, to ensure the right to vote, freedoms of conscience, belief and religion, to protect health during the medical examinations. At the same time, the prisoners applied in regards to the pension, health, family and other problems. The mentioned problems were removed as prescribed by law following the intervention of the Commissioner.

The Office of the Prosecutor General was immediately applied to regarding the applications received by the Commissioner on cruel treatment and subjection to violence and the forensic examination was conducted where necessary.

Such cases as ensuring the right of health, rendering assistance in their extradition, infringement of their right to appeal, as well as cruel treatment were among the applications received by the Commissioner. These types of applications were answered sensitively by the Commissioner.

The interruptions in water supply and very low water pressure cases were revealed during the examinations held at Penitentiary No. 14 by the staff members. The Commissioner applied to "Azersu" Open Joint Stock Company in connection with the matter and according to the action plan it was answered that improvement of water supply at the Penitentiary was considered in the "Project on the reconstruction of water supply system of Gizildash settlement" and water supply was implemented through the existing line.

The event occurred on December 22 last year at that institution was under attention too. Thus, it was answered that the investigation was held by Garadagh District Prosecutor's Office in relation with death of the prisoner E.I., the reason of death of the prisoner was investigated and appropriate measures would be taken depending on the results.

The Commissioner highlights the need to continue the work on community involvement in successful realization of reintegration of the persons deprived of their liberty into the society. Strengthening of measures using the labor, religious and educational methods are considered necessary in rehabilitation of prisoners.

The Commissioner applied to the competent authorities to efficiently ensure the rights of the detainees, as well as prisoners with the suggestions and necessary measures were taken taking into account certain part of these suggestions.

***Protection of the rights of military servants.*** Year by year significant increase of expenses allocated from the state budget for the military field contributed to strengthening of the state defense potential and modernization of material-technical basis of the army. It should be noted that the amount allocated for the national security, military needs and social defense of the military personnel from the State budget for 2015 is 3 billion 783 million manats and it is 27% more than the amount allocated in 2014.

Our ever-growing economic strength pushed strongly the development of the military industry necessary for our country. Existence of durable economic potential, strong army and defense industry is one of the priority issues among the factors determining comprehensive and rapid development of independent Azerbaijan.

Necessary steps were taken for social defense of the military personnel, as well as improvement of housing conditions and medical and health services. The decrees and orders signed by the country President are of particular importance for strengthening of the social defense of the military personnel and their family members and increase of the state care to them.

The defense of the rights of the military servants is one of the priority directions of the activities of the Commissioner.

Such cases as failure to pay the monetary compensation to the military servants for unused leave time in timely manner, problems in determination of health condition of the recruiters, failure to provide the concessions to be applied to the war veterans and disabled, families of martyrs by local executive bodies in timely manner, failure to give appropriate references from the archives of the Ministry of Defense, as well as non-payment of insurance to the military servants were reflected in the complaints received by the Commissioner.

The measures are taken successively and continuously to strengthen ideological, legal awareness-raising and educative work, high fighting spirit of the personnel, their psychological state, services according to the legislation and regulations, loyalty to native land and patriotism and to prevent the crimes that may occur.

According to the analyses of complaints it is possible to state that the activities of the commissions determining the health status of the recruiters of the State Service for Mobilization and Conscription shall be improved.

Other problem is related with payment of insurance to the families of the military personnel died in the military service, to the military personnel considered unfit for military service due to ill health status (injuries, traumas, contusion).

The problems with compensation payment considered in the legislation for unused vacation during the military services years caused discontents of the military personnel serving on military service, being in reserved or retired.

According to the Law of Azerbaijan Republic dated May 11, 2010, on making amendments to the Law of Azerbaijan Republic on the "Status of military personnel", when military servant, except those who are on active military service, doesn't use the vacation in the calendar year, as well as in other calendar years when they functioned for any reason, the

compensation for unused vacations is paid to them in the order and amount fixed by the appropriate executive bodies.

According to the Decision dated March 28, 2014, of the Plenum of the Constitutional Court regarding the interpretation of the twentieth paragraph of paragraph 1 of Article 11 of the Law of the Republic of Azerbaijan on "Status of military personnel" and the second part of Article 121 of the Regulations on "Military Service", the right to get compensation for next unused vacation was applied to the military servants discharged for reserve or retired personnel till June 12, 2010. According to the recommendations of the Constitutional Court, the amount and payment rules of the compensation to those people were determined by the Decision dated December 26, 2014, of the Cabinet of Ministers.

The Commissioner and other authorities still receive the complaints regarding non-completion of issuance of the mentioned compensation to the military personnel in active military service and not beginning issuance of the compensation to the retired personnel or the personnel discharged for reserve.

One of the main directions of the Commissioner's activity is the works implemented on enlightening the military servants. The purpose of the events conducted by the Commissioner and the staff members at the military units and institutions was examination of the state of ensuring the rights and freedoms of the military personnel, as well as the condition created for their living, services and efficient leisure time, the level of medical services, food quality, their behavior according to the regulations.

Such kind of measures were important for protection of the rights and freedoms of the military personnel, strengthening of ideological, awareness-raising and educative work, fighting will of the personnel, the spirit of patriotism and loyalty to the motherland in the Armed Forces.

According to the work plan jointly certified under the management of concerned bodies, such events were continued by the Commissioner and the staff members at a number of military units of the Ministry of Defense, Internal Troops at the Ministry of Internal Affairs, Civil Defense Forces of the Ministry of Emergency Situations, military police (including the Guardhouse) and Higher Military schools of the Ministry of Internal Affairs. As well, the members of the National Preventive Group visited the disciplinary military units of the Ministry of Defense and the garrison guardhouses.

The complaints were investigated in place and the questions of the military servants were answered during the meetings, at the same time the recommendations were given to the commanders of the military units and the management of the institutions for elimination of the revealed deficiencies and their causes, the concerned authorities were applied and measures were taken.

***Ensuring protection of women's rights and gender equality.*** The activities of the Commissioner to protect and promote the women's rights, to ensure the gender equality, to restore the infringed rights of women were implemented successively over the year. The legal reforms implemented in the country contribute to the successful realization of the activities in this sphere. These measures manifest themselves in ensuring equal opportunities for men and women.



Strengthening of struggle against stereotypes on the basis of successes achieved in widening of authorities of gender equality and women's authorities, increase of attention to gender policy in the regional and rural areas and elimination of available gaps in this field are among the recommendations given in concept paper "Azerbaijan 2020: Look into the Future" to be realized by appropriate state programs. This is to be realized considering measures on prevention of gender-based violence and ensuring gender equality. The completion of the Millennium Development Goals in 2015 and currently, a wide range of activities are conducted by the Commissioner in this regard.

The Commissioner realizes her activities upon 12 critical areas of concern of Beijing Platform for Action including the women's rights and consisting of the main international documents and cooperates with local and central executive powers, municipalities, NGO and mass media, communities and she organizes her activities to resolve the problems in increasing participation of women in all areas of social life on the basis of gender balance, equal authorities, especially in decision making and development of policy.

Education and protection of health of women, as well as ensuring and promoting the right to reproductive health takes a great place among the measures taken by the Commissioner in connection with the execution of the National Program for Action and public discussions were conducted for elimination of violence against women, violation of gender equality principles and creation of equal opportunities in these areas.

During the meetings the Commissioner recommended to the students and to the persons continuing their education in all stages of professional training regardless their age to increase the role of women and girls in the field of technical education, increase of quality of education for economic, social and cultural development and to take effective measures for wide use of ICTs. She took certain efforts for consideration in the policies and programs directed to the poverty from the gender perspective, and implemented number of measures for giving micro credits and other financial means for the purpose of expanding the economic opportunities of women, organization of income-generating activities for them, widening of utilization of principal social services, as well as education and medical services and listened to the problems of the women engaged in small and large entrepreneurship. She appealed to the authorities for solution of these problems and as the result the problems faced by women entrepreneurs were eliminated.

On the events devoted to the 35<sup>th</sup> anniversary of the UN Convention on "Elimination of All Forms of Discrimination against Women" the promotion of the Law of the Republic of Azerbaijan On "Prevention of Domestic Violence" was carried out.

Considering the recommendations put forward by the Government of Azerbaijan within the frames of UPR mechanism and reports upon concerning conventions, the training on the topic "Struggle with domestic violence, the situation with provision of sexual and reproductive health rights from human rights perspective" was conducted for the state agencies and members of civil society.

The 16 Days of Activism Against Gender-Based Violence Campaign beginning from "November 25 - International Day for the Elimination of Violence Against Women" to fight against gender-based violence in the local, national, regional and international levels and legal awareness-raising was ended on December 10, International Human Rights Day.

The hearings held in the state Parliament as a part of the campaign, the awareness-raising event conducted in Baku and in the regions of the country by the Commissioner and the State Committee for Family, Women and Children Affairs were directed to combat violence against women and more efficient provision of women's rights.

Traditionally, XII Baku International Conference of Ombudsmen on "The Role of National Human Rights Institutions in Ensuring Women's Rights" was devoted to June 18 – National Human Rights Day in the Republic of Azerbaijan also to the 20<sup>th</sup> anniversary of the National Commission of the Republic of Azerbaijan for UNESCO, to the 35<sup>th</sup> anniversary of the Convention on Elimination of all forms of Discrimination against Women (CEDAW) and to forthcoming 25<sup>th</sup> anniversary of the Beijing Declaration and Platform for Action and it was very important in respect to ideas exchange, mutual cooperation and study and exchange of the experiences of different countries and gave positive contribution in this direction.

Special attention is paid to the rights of women to sexual and reproductive health, as well as to the promotion of their reproductive rights and improvement of normative-legal basis in the activities of the Commissioner. Information about family planning, matters concerning health of girls and women, sexually transmitted diseases, HIV / AIDS infection and struggle against such kind of infectious diseases were paid attention and wide awareness – rising works were implemented.

The Commissioner pays attention to rendering to the women and girls subjected to violence necessary services including legal services, shelter, medical and counseling services. Wide awareness-raising works are implemented with law-enforcement agencies, courts, medical workers and appropriate service staff regarding this matter.

The measures were taken in cooperation with appropriate bodies regarding the families in conflict, their residential area was taken under control by the police and preventive work was carried out.

The Commissioner focused on the matters regarding the protection of refugee and internally displaced women, and implemented measures to ensure the rights of innocent people, especially of women and children as victims of ethnic cleansing by the Armenians in Nagorno-Karabakh conflict and sent numerous statements and appeals to the world community regarding violation of ceasefire and killing innocent people by the Armenian armed forces, also Khojaly Genocide and the Tragedy of January 20.

The Commissioner and the staff members conducted awareness-raising seminars and trainings on the subject of concrete efforts, activity of women in the elections, woman entrepreneurship, domestic violence, reproductive health, human trafficking and early marriages to achieve gender equality in decision making, importance of the participation of women in development processes and adoption of decisions in the different state and public administration levels, gender equality of women residing in remote regions and villages together with the members of civil society.

As a result of intensive awareness-raising campaigns, hundreds of women were informed about their rights and free legal assistance was provided to them upon request.

The lectures and speeches prepared on the basis of the provisions of Beijing Platform for Action, development and teaching of large-scale manual called "Introduction to Gender", as well as teaching the same subject at the faculty of law and at others faculties of the Baku

State University contributes to promotion of the notion “gender”, formation of new approaches to the gender theory and perspective development of the gender relations.

At the same time, the lectures were given upon modern aspects of human rights and gender problems for the persons responsible on gender policy and the active members of trade unions at the Academy of Public Administration under the President of the Republic of Azerbaijan, the Justice Academy, the Academy of Labor and Social Affairs.

Taking into account the importance of the document of the Commissioner, the special document on the Beijing Declaration and Platform for Action, as well as on “Future measures and initiations upon realization of the platform” was improved, translated, edited and published.

The works were implemented for protection of the rights of woman prisoners, these activities were continued as the meetings, receptions, legal awareness-raising events held at the Women’s Penitentiary of PS of the Ministry of Justice. In addition, the problems of the women prisoners, their living and working, health and psychological conditions were regularly examined; the applications and appeals were received and investigated on site.

Besides, the legal awareness-raising issues, literary, musical events in cooperation with regularly functioning Resource Center for the Elderly established attached to the Azerbaijan Women and Development Centre and the rehabilitation matter of those women was on the focus of attention at the initiative of the Commissioner.

***Protection of child rights.*** One of the principal directions of the activities of the Commissioner is study and defense of provision of child rights and restoration of violated rights.

As in previous years, the works were done for investigation of the complaints received regarding violation of child rights and restoration of their rights.

The Commissioner reviewed the situation with provision of child rights and prepared suggestions to improve new legislative acts, state programs’ drafts and normative legal acts in force.

Besides the applications, immediate measures were taken regarding the calls come to hotline 916 and hotline for the calls on violence and rude treatment serving for 24 hours at the institution in order to appeal to the Commissioner without delay in case of violation of children’s rights and the applications were investigated where necessary.

The applications regarding the education, health, infringement of social rights of children, their housing provision, also domestic violence against children and other issues were received through the hotline and legal advice were given and the investigations were implemented.

The Commissioner and the members of NPG regularly conducted planned and ad-hoc monitorings and visits to the state facilities where children lived and were kept (orphanages, boarding schools, police stations (departments), and institutions for children in conflict with law) for elimination of violence against children, appropriate measures were taken and the guilty persons were punished.

As every year, the Commissioner closely collaborated with the representative office of the UNICEF in Azerbaijan. Thus, the trainings were held at the Children Creative centers in the regions, the surveys were held to assess current situation and their needs at secondary schools, orphanages and boarding schools, a training was conducted in the subject “defense of children’s rights in the juvenile justice context” for the employees of the prosecutor’s office, police departments and of the regional centers of the Commissioner and the children’s institutions were examined by the members of the National Preventive Group and the round tables were organized upon the recommendations of the Convention on “Rights of the persons with disabilities” and appropriate treaty bodies of UN within the framework of the work plan together with the mentioned body.

Several measures were carried out in cooperation with government bodies, civil society institutions and international organizations for working out the proposals targeted at enlightening on and promotion of child rights, conduction of investigations for learning the situation of children, as well as at improvement of legislation in this sphere and bettering the situation of children.

The Commissioner forwarded the initiative to conduct the Child Rights month- long campaign under the motto “Let’s listen to children and ensure their participation” on the eve of the 90<sup>th</sup> anniversary of the Geneva Declaration on the Rights of the Child, to the 55<sup>th</sup> of acceptance of the UN Declaration on the Rights of the Child, to the 25<sup>th</sup> anniversary of adoption of the UN Convention on the Rights of the Child from October 20 to November 20 for the purpose to increase the care to children, improvement of the realization state of child rights and ensuring more effective provision. The Commissioner applied to all concerned central and local executive bodies, civil society institutions and mass media on taking appropriate measures within the framework of the month long campaign.

The Ombudsman Institution, including the Regional Centers of the Commissioner in Ganja, Guba, Sheki and Jalilabad in cooperation with appropriate central and local executive powers, non-governmental organizations held different events and organized enlightening events, competitions, Olympiads and exhibitions.

Traditionally, the staff of the Regional Centers of the Commissioner conducted events at a number of educational facilities, as well as in Baku with participation of the students of the secondary, vocational and higher educational facilities, students and teaching staff, representatives of government bodies, civil societies and NGOs and the residents within the framework of Peace month-long campaign, as well as on June 18 – National Human Rights Day.

One of the sessions of XII Baku International Conference of the Ombudsmen traditionally held with the support of the UNESCO and devoted to June 18 – National Human Rights Day in Azerbaijan, the 20<sup>th</sup> anniversary of the National Commission of the Republic of Azerbaijan for UNESCO, Cairo Conference on Population, Beijing Declaration and Platform for Action and the 35<sup>th</sup> anniversary of the CEDAW was dedicated to “Ensuring women’s and children’s rights in conflicts and emergency situations” taking into account the anniversary of the Convention on the Rights of the Child.

The conference, the journalist writings on the topic “Rights for everyone!” and the children’s paintings competitions on the subject “Me and my rights” were held at the initiative and

organization of the Commissioner in connection with December 10 - International Human Rights Day held every year.

The Commissioner and the staff members participated in various events, round tables organized by the government authorities, international and non-governmental organizations regarding the child rights and put forward proposals on elimination of problems existing in this field.

The peer-to-peer education program as a part of child rights being fulfilled successfully since 2009-2010 at secondary schools was also continued in 2014 at the initiative of the Commissioner and in the cooperation with the Ministry of Education and a school from each of 12 districts of Baku city and three schools from each of 8 regions, including Khizi, Siyezen, Ismayilli, Oghuz, Lankaran, Salyan, Goranboy, Tovuz regions have been selected and 882 students from Baku and 982 students from the regions participated in this program.

As every year, trainings, awareness-raising activities in the spirit of patriotism were held upon the Convention on the Rights of the Child with the participation of children in 2014, at the Azerbaijan Child and Youth Peace Network being the resource center of the child rights and at "Leadership School" attached to it under the motto "Azerbaijan is my homeland", their problems were discussed and the visits were organized to the museums, historical places for the purpose of efficient provision of leisure time of the Network members and their participation in the competitions was provided.

The Commissioner and the staff members participated in the international events and made statements in order to study the international experience and to share the experience of the institution regarding the child rights.

***Protection of older persons' rights*** is as important as protection of other vulnerable groups. This remains under attention of both the country administration and the Commissioner.

Important measures were taken for social protection of the strata of population with special needs including old citizens.

A part of the received applications were from the complainants dissatisfied with pension amounts and incorrect counting of their pensions. From this standpoint, continuation of work towards forming and improving efficient social protection system, adaptation of the pension that is main income source in sustaining the old age period to real social demands is among important issues.

According to statistics, 343 thousand 245 of labor pensioner registered at SSPF are old people. 207 thousand 740 persons of them are women and 135 thousand 505 persons are men. Though, the expected indicator of average life duration was 72.3 years in 2003, according to the results of 2013, this indicator became 74.2 years, 71.6 years for men and 76.8 years for women.

According to the Law of the Republic of Azerbaijan "About Social Benefits" the men and women not entitled to pension are entitled to old-age social benefits when they reach 67 and 62 years respectively. Reducing the age limit to use social benefit rights of men to 65

years is reasonable, as statistically, the percentage ratio on average length of life for men is lower.

The elder people shall not be accepted only as a depending stratum in need and their contributions to their families, communities shall be recognized. They shall be encouraged and supported and their experience and potential shall be used for purpose. These issues are solved at the resource center for aged people at the Azerbaijan Women and Development Center and the benefits and successes of the mentioned center contribute to the development and improvement in this field.

It is very important to take into account their previous work experience, involve every citizen in active participation in the life of society, and create conditions to express their views in the approach to the education of adults. The solution of the problem does not consist only of opening new courses and changing professions. In this regard, it is necessary to campaign among people, overcome the stereotypes and complexes formed in the community by reshaping public opinion and encourage people to keep pace with time. From this point of view, re discussion of the Draft law on "Adult education" at the parliament and its improving and adoption is advisable.

If a descendant refuses from his/her old parents, he/she shall pay alimony according to court sentence as provided by law. Abandoned parents, however, don't apply to the court and the descendants are not subjected to public reproach and wide enlightening measures shall be conducted in this area.

The far relatives of the aged people with limited physical capacities shall be involved if their close relatives are not able to take care of them. If it is not possible, the condition shall be created for cohabitation of older persons with the persons known by them or with persons they rely on. These conditions will help to solve the problem of allocation of a very small part of great funds spent both on the convenience of the aged persons and for the residents of nursing home, as well as for the bodies supervising their future life and delivering them to the families.

Adoption of the "State Program for the protection of the rights of older persons" developed by the initiation and under guidance of the Commissioner and the draft of which was sent to the Ministry of Labor and Social Protection of the Population, shall be accelerated.

A manual shall be developed for rendering assistant in the legal awareness-raising work of the old people with the advice and guidance of the Commissioner.

***Protection of rights of persons with disabilities.*** The Commissioner on Human Rights of Republic of Azerbaijan focuses on the issues of protection of rights of persons with disabilities and has implemented various measures to improve the national legislation basis regarding this matter, organized various events for protection of rights of these persons and a range of proposals addressed to concerning state agencies have been positively realized.

This is estimable that measures implemented by the Ministry of Labor and Social Protection of Population in cooperation with the Commissioner and specialized civil society institutions to bring into the conformity the appropriate normative legal basis with the UN Convention On the Rights of the Persons with disabilities give their positive results. Thus, the appropriate

proposals given by the Commissioner, the Representative office of the UNICEF in Azerbaijan, concerned government bodies and specialized non-governmental organizations were taken into account and the drafts of the Law of Azerbaijan Republic on “The Rights of Persons with disabilities”, of “the National Action Plan for the Protection of the Rights of persons with disabilities” (2015-2020) were presented for public discussion for improvement, appropriate opinions and proposals were worked out and submitted to the Ministry.

Thus, measures and other important matters regarding utilization of different texts, Braille alphabet, communication felt by touching, big prints, possible multimedia means, as well as publication materials, audio means, readers, as well as strengthening and alternative methods of communication including possible information-communication technologies, means and formats were reflected the drafts on the Law of Azerbaijan Republic about the “Rights of persons with disabilities” developed in 2014, according to the UN Convention on “the Rights of persons with disabilities” and taking into account a part of the proposals of the Commissioner, “National Action Program for the Protection of the Rights of persons with disabilities” (2015-2020), “State Program on Development of Inclusive education in Azerbaijan 2014-2020” and “the Rules on establishment of working condition necessary for the persons with disabilities in designing of buildings and facilities”.

The provisions regarding application of various developing, correcting and inclusive education programs for the children in need of special care and with limited physical capacities, development of their skills and abilities, increase of access to information and prevention of social exclusion are enshrined in the “National Program for Action to Raise Effectiveness of the Protection of Human Rights and Freedoms in the Republic of Azerbaijan”, “Azerbaijan 2020: Look into future” Development Concept and “State Strategy on development of education in the Republic of Azerbaijan”.

The Commissioner considers that after adoption these drafts improving them in accordance with the modern international standards and existing realities, they will play an important role in implementation by the state of the international obligations assumed in the sphere of protection and provision of the rights of the persons with disabilities at proper level and in more active integration of the persons from this group to the society.

As noted in the previous annual reports, the Commissioner was defined as a National Human Rights Institution implementing the functions of the independent monitoring mechanism in accordance with the requirements of Article 33.2 of the UN Convention on the “Rights of Persons with Disabilities” in 2011.

According to the practice of the Ombudsmen of foreign countries identified as the independent monitoring mechanisms, giving additional authorities to those institutions is realized through legislation by entrusting this function to the National Human Rights Institutions functioning in accordance with Paris principles. The Commissioner proposed to make appropriate amendments to the Constitutional Law and to improve the structure of the Ombudsman Institute for more efficient achievement of execution of the mentioned function.

By the way, it was considered to represent the advisor of the Commissioner specialized on the rights of the persons with disabilities of the Working Group representatives of concerned state bodies and non-governmental organizations to strengthen inter-organizational

relations for efficient realization of the duties following from the Convention and developed by the Ministry of Labor and Social Protection of Population.

The Commissioner proposed improving the appropriate legislative acts according to the Convention for rejection of using current irrelevant terms by introducing the term “person with disabilities” to the legislation of our republic.

The Commissioner applied to concerned bodies to take appropriate measures upon the application of the persons with disabilities.

The Commissioner applied to the Ministry of Labor and Social Protection of Population to render assistance in identifying limitation of physical capacities of children under 18 years and the appropriate disability degree of citizens over 18 years. In most cases, their just complaints were solved as a result of joint efforts.

The Commissioner put forward the proposals to establish and develop various types of rehabilitation and development centers, training of specialized staff in this sphere for rendering complex rehabilitation (medical, social, psycho-pedagogical and etc.) services for the persons with disabilities and children with limited physical capacities (with autism syndrome, hearing and speech problems, etc.), establishment and development of network of audio-logical and logopaedic rooms at the children treatment - prophylactic and educational facilities in the cities and regions of the republic.

The Commissioner proposed affirmation and speeding up implementation of “the Rules on creation of the working conditions for the persons with disabilities in the drafting of buildings and devices” worked out by the Union of Organizations of the persons with disabilities by the order of the Ministry of Labor and Social Protection of Population that was submitted to the Cabinet of Ministers for consideration and certification.



## **Charter II**

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

#### **2.1. Awareness-raising on human rights**

Last year, the Commissioner's awareness-raising activities in the sphere of human rights were developed in the environment of mutual cooperation with state bodies, non-governmental organizations, mass media and communities, as well as with international organizations.

The month long campaigns announced traditionally at the initiative of the Commissioner on the eve of the dates as "June 18 - National Human Rights Day", "September 21 - International Day of Peace", November 20 – the Day of Adoption of the Convention on the Rights of the Child" and in these frames a range of events held by state institutions, bodies and non governmental organizations within this framework became a positive experience and contributed in development of legal culture and thought among different groups of population, in elimination of encountered difficulties.

From the point of view of requirements coming forward from new challenges and the development of the society, the National Program for Action plays an important role in widening of consecutive measures for ensuring human rights, improvement of remedies, strengthening of protection of the rights of different groups, including the rights of the most vulnerable groups of population.

Teaching of the subjects "Human rights" and "Introduction to gender" are being continued at Baku State University and the scientific approach is demonstrated in this sphere by beginning the training of staff on human rights at Master's degree. Besides, education of human rights was started not only at law faculty, but also at other faculties. Spreading of this positive practice at other higher education institutions is necessary.

It is already six educational years that the program of "Peer to peer teaching of child rights" is successfully continued as positive practice at secondary schools, the teaching centers on child rights were established at education facilities, legal education addressed at children basing on appropriate educational manuals was improved.

The students of Baku State University, Academy of Public Administration under the President of the Republic of Azerbaijan, Baku Slavic University, Azerbaijan University of Languages, Qafqaz University are undergone to practical trainings at the institution.

The Commissioner and the staff members of the institution regularly delivered speeches regarding human rights in front of the students and trainees at the Academy of Public Administration under the President of the Republic of Azerbaijan, at "ADA" University, at the Police Academy, Academy of Justice and military educational institutions.

Special attention was paid to the legal enlightening work at the Resource center of aged people and at "Leadership School" of Azerbaijan Children and Youth Peace Network.

The Child Rights Clinic established at the initiative of the Commissioner is the result of successful mutual cooperation which has improved its activities in short time. The protection of child rights, representation in courts, legal education regarding child rights were organized on the basis of the applications forwarded to the clinic.

The Regional Centers of the Commissioner located in Ganja, Sheki, Guba, Jalilabad covering surrounding regions have implemented wide legal education activities for various groups of the population in the regions.

According to the National Program for Action, the events addressed to the refugees, internally displaced persons and migrants, prisoners and military servants, women, children and young people, the old people and persons with disabilities, as well as promoting the fight against AIDS and drug abuse were conducted over the year.

Traditional "Child Rights Month" long campaign was declared from October 20 to November 20 at the initiative of the Commissioner, series of events were conducted, as well as contests on painting and writings of journalists were organized on the occasion of the 90<sup>th</sup> anniversary of Geneva Declaration, the 55<sup>th</sup> anniversary of UN Declaration and the 25<sup>th</sup> anniversary of the Convention on the Rights of the Child.

Legal education events were organized on the eve of municipal elections - December 23 encircling population groups in Baku and in the regions on the basis of action plan.

A range of legal education events were conducted on such topics as "domestic violence against children, strengthening of national children protection system, juvenile justice and other issues". The staff members of the institution organized these events with the participation of the representatives of local executive bodies in Baku and different regions of the country, as well as the commission on works and protection of rights of juveniles, the court, prosecutor's office, police, education and health bodies, as well as of municipal authorities, child care facilities and civil society organizations.

A number of events on promotion, provision and protection of children's rights were conducted by the Commissioner in cooperation with the Representative Office of the UNICEF in Azerbaijan.

Legal education work was continued for widening legal awareness-raising on promotion of women's rights, gender equality and combating domestic violence, organization of seminar-trainings in particular regions of the republic, preparation and distribution of enlightening materials, development and application of programs on prevention of violence against women and girls in the family, protection of rights of women entrepreneurs, prevention of girls to drop out of schools and also of early marriages.

The recommendations given regarding the UN Convention "On the Elimination of All Forms of Discrimination against Women" and within the framework of Universal Periodic Review of Azerbaijan Government were taken into account and a range of trainings were conducted regarding provision of "Combating domestic violence; Rights to Sexual and Reproductive Health" for the government bodies and members of civil societies together with the United Nations Population Fund.

The Resource Center for aged persons functioning at the Azerbaijan Women and Development Centre was involved in the events held on the eve of October 1 - the International Day of Older Persons.

The legal education work regarding the refugees, internally displaced persons and migrants was conducted in the cooperation with the State Committee for Affairs of Refugees and Internally Displaced Persons, the State Migration Service, the Representative of the UN High Commissioner for Refugees in Azerbaijan, International Organization for Migration.

Awareness-raising work was conducted at a number of military units of Armed forces and other military units.

Conduction of training seminars and conferences was continued by National Preventive Group for law-enforcement officers.

A series of events were conducted on December 1 – World AIDS Day, the International Memorial Day of People who died from HIV/AIDS commemorated every third Sunday of May, on June 26 – on the eve of the International Day against Drug Abuse and Illicit Trafficking.

The awareness-raising publications regarding human rights and freedoms play an important role in organization of legal promotion and awareness-raising work among the people.

Generally, 160 publications were prepared at the institution, more than 23 books regarding human rights and good governance were translated from foreign languages into Azerbaijani language, 46 manuals were translated from Azerbaijani into the English language and 36 manuals from Azerbaijani into the Russian language and they were published and distributed among wide audience, as well as at the events and at the libraries.

## **2.2. Scientific-analytical work**

Scientific-analytic work was conducted for development of proposals regarding normative-legal acts, state plans and programs; opinions and proposals given by Parliament, government agencies and civil society institutions on appropriate projects related to the improvement of legislative acts; surveys concerning verification of compliance of appropriate provisions of some normative-legal acts with the Constitution of the Republic of Azerbaijan; appropriate proposals about joining a number of international legal acts; responding to requests and appeals of different international organizations in order to ensure human rights and freedoms.

The Commissioner proposed to replace the realized targets of the National Program for Action, offered suggestions on the final version of the draft “State program on development of demography and population in 2014-2025” and prepared opinions and proposals for the Order project of the President of the Republic of Azerbaijan about approving of the “National Action Plan regarding protection of the rights of the persons with disabilities in 2015-2020” and “National Action Plan of the Republic of Azerbaijan upon the fight against human trafficking” (2014-2018).

Our country was suggested to join some provisions of the European Social Charter, to the International Convention about “Protection of all persons from enforced missing”, to the Convention of the Council of Europe about “Protection of Children from Sexual Exploitation and Sexual Abuse”, to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, The Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention), to Protocol No.12 of the Convention on “Protection of Human rights and Fundamental Freedoms”, to the “Marrakech Treaty to Facilitate Access to Published Works for the Blind, Visually Impaired and Otherwise Print Disabled”.

The monitoring of Criminal, Criminal Procedural, Civil, Civil Procedural, Administrative Offences, Labor, Family, Housing, Taxes, Urban Planning and Construction Codes and of the legislative acts regarding the disability, retirement, social benefits, social services, penitentiary services was conducted and appropriate proposals were offered.

The opinions and proposals were given for the drafts of “The Procedure for State Registration of Civil Status Acts”, “Internal enforcement rules regarding information freedom of State Migration Service of Azerbaijan Republic”, Law of Azerbaijan Republic about “Military status” and “Civil Service Code of the Republic of Azerbaijan”.

An appropriate decision was adopted by the Chamber of the Court on the basis of the survey of the Commissioner addressed to the Constitutional Court about controlling the compliance of part 6 of Article 114 (Main vacation and its duration) of the Labor Code to the Constitutional Law of the Republic of Azerbaijan on “Normative legal acts” and to the Constitution of the Republic of Azerbaijan.

Article 448.5 of the Criminal Procedural Code was considered inconvenient to Part I of Article 28 and to Part III of Article 149 of the Constitution of the Republic of Azerbaijan by the decision dated September 16, 2014, of the Plenum of the Constitutional Court of Azerbaijan Republic on the basis of the survey sent to the mentioned court regarding controlling the compliance of Article 448.5 of the above mentioned code (compulsory conduct of investigative procedures, the application of coercive measure or judge's decision on implementation of the search operation) with the Constitution of Azerbaijan Republic.

Totally, decisions were adopted on sixteen applications out of 26 sent to the Constitutional Court by the Commissioner and decisions including widening comments having both theoretical and practical importance were adopted on ten applications by the Chamber.

One of the main directions of the mentioned activities was the delivering statements and reports including various views, opinions and proposals addressed to efficient provision of protection of human rights and freedoms during participation of the Commissioner and as well as of the staff members in the events of international, regional and local importance.

Theoretical and practical issues such as scientific analysis and responding for execution of the documents with various contents sent by the government agencies, civil society organizations and international organizations are up to date.

## 2.3. Cooperation with Civil Society and Mass Media

**Public relations and cooperation with NGOs.** The relations of the Commissioner with non-governmental organizations, experts specialized in the field of human rights and communities were widened more last year too. Successive events were organized both by involving these organizations and with joint cooperation.

The provisions of the National Program for Action and their implementation status were discussed with the participation of non-governmental organizations and suggestions and recommendations were taken into account.

A decision was adopted on working together as a network for implementation of recommendations at the round table dedicated to the cluster discussions of the recommendations of the second report of the Republic of Azerbaijan within the framework of Universal Periodic Review mechanism of the UN Human Rights Council and held by the Commissioner with the participation of non-governmental organizations.

The events dedicated to various aspects of human rights, including “Provision of sexual and reproductive health rights in terms of human rights” together with UN Population Fund; "My rights and duties" at Leadership School functioning under the Azerbaijan Child and Youth Peace Network; “Heydar Aliyev and human rights”; discussion of the recommendation of relevant committee of UN regarding the first report of Azerbaijan government about implementation of the Convention On the rights of the persons with disabilities, as well as to the World Mental Health Day; to the 22<sup>nd</sup> anniversary of Khojaly Genocide; March 31 - Day of Genocide of the Azerbaijanis; business and human rights, as well as to the issues regarding electoral rights were conducted at the initiative of the Commissioner and with the participation of non-governmental organizations and the proposals and recommendations were summarized and addressed to the relevant government agencies.

The regional centers of the Commissioner worked in close collaboration with non-governmental organizations, civil society institutions and communities and regular events were conducted with their participation.

From the civil society institutions, National Non-Governmental Organizations Forum, Women's Association of Azerbaijan, Women and Development Center, Child and Youth Peace Network, Resource Center of Aged persons, Union of Disabled Organizations, Azerbaijan Non-governmental organizations' Alliance for Children's Rights, Parent-Teacher Association, Reliable Future Youth Organization and other organizations participated at the conference held on the topic “The role of the Commissioner in protection of rights of different groups of the population” dedicated to December 10 - International Human Rights Day, to the 35<sup>th</sup> anniversary of the Convention on elimination of all Forms of Discrimination against Women and to the 25<sup>th</sup> anniversary of the Convention on the Rights of the Child and they also participated at the awarding ceremony of winners of contests – “Me and my rights” children's paintings, as well as “Rights - for everyone!” journalist writings.

**Cooperation with mass media.** The information reflecting the goals and principles of the institution, its new ideas and initiatives, the different aspects of its activities was sent to different newspapers and journals, TV and radio stations, news agencies, electronic newspapers and online news portals.

The cooperation was continued with newspapers published in the capital and in the various regions of the country, with central and local TV and radio channels, local mass media. The press conferences and briefings on various topics were conducted at the institution and the representatives of the press were focused on the activities aiming at protection of human rights and restoration of violated rights.

While investigating the cases reflected in the applications regarding violation of the right of access to information, the Commissioner clarified whether information-holder state bodies, local municipal bodies or officials complied with the requirements of Law of the Republic of Azerbaijan "On Access to Information". The Commissioner analyzed the applications regarding the right of access to information, sent surveys to the relevant bodies and took measures for its solution.

The consultations were continued at the institution with the participation of the representatives of different mass media, of the heads of press services of the state agencies possessing information and famous mass media specialists.

The Commissioner and staff members participated at the Annually Privacy and Access Law Symposium held in Canada and at VII International Conference of Information Commissioners and the head of the information sector of the Office participated at the international media conference held in Dubai, UAE.

The Commissioner received the members of the delegation of the International Federation of Journalists visiting our country and gave them comprehensive information about the work done in the field of freedom of thought, speech and expression.

The survey regarding the "Information Commissioner" of the Center for Freedom of Information of the School of Law of the University of Dundee, Scotland, also surveys on migrants, children, gender and other issues were responded.

Totally 9764 articles and information and last year 344 articles about the activities of the institution were published in newspapers and journals. At the same time, the press service issued 3298 press releases including 219 ones issued last year. The press releases were translated into the English language and sent to the Council of Europe.

Averagely 60 press-releases were prepared and published about the legal education events held among the people by Ganja, Shaki, Guba and Jalilabad regional centers of the Commissioner and implemented monitoring.

Since the establishment of the office the Commissioner has made 56 statements. In 2014, 4 statements were made by the Commissioner on the occasion of the 24<sup>th</sup> anniversary of Tragedy of January 20, the 22<sup>nd</sup> anniversary of Khojaly Genocide, March 31 - Day of Genocide of Azerbaijanis, as well as September 21- International Day of Peace were addressed to various influential international institutions.

120 issues of monthly information bulletins, including 12 bulletins in 2014, were prepared, collected in three books and published.

The activities of the Commissioner were highly valued repeatedly and presented by rewards and honorary diplomas in various categories.

## **2.4. International relations**

The Commissioner paid special attention to study international practice for strengthening of work on the effective protection and promotion of human rights. The cooperation relations established with international organizations and National Human Rights Institutions functioning in other countries played an important role in achieving the goals in this area.

Besides learning the international experience in the field of human rights, last year was very successful from the standpoint of presentation at international arena of the work carried out in the field of protection and promotion of human rights considering the Commissioner's proposals.

One of the events with discussion on an important issue of global nature dedicated to the protection of human rights was XII Baku International Conference of Ombudsmen held on June 18-20 on the topic "The role of national human rights institutions in promoting women's rights" with the participation of the representatives of USA, Switzerland, Romania, Serbia, Macedonia, Nepal, Turkey, Turkish Republic of Northern Cyprus, Pakistan, Kyrgyzstan, Georgia, Latvia, the Russian Federation and its oblasts, as well as of a number of other countries at the initiative of the Commissioner and with the support of the UNESCO. At the end, Baku Declaration was adopted unanimously.

The public presentation of the report on "Analysis of the activities on combating violence against children in the child protection system in Azerbaijan" was held with joint cooperation of the Commissioner and the State Committee for Family, Women and Children Affairs and the Representative Office of the UNICEF in Azerbaijan.

The Commissioner attaches great importance to the organization of enlightening events for more efficient work with international organizations. Thus, a round table was conducted on the topic "Cooperation of the National Human Rights Institutions with parliament, government agencies and civil society" with the participation of the representatives of the national human rights institutions and Regional mechanisms Section of the United Nations High Commissioner for Human Rights Office.

The Commissioner and the staff members participated at several international events last year and besides learning the international experience, they provided information about the reforms and activities of the institution regarding the human rights and distributed materials.

The Commissioner also participated at the meeting of the 25<sup>th</sup> session of the Human Rights Council at Office of the UN High Commissioner for Human Rights held on the topic "Interactive dialogue: Children and armed conflict" and made a statement there.

In her written statement she noted that people worldwide hoped that XXI century would bring peace and prosperity for mankind, but a lot of persons passed away as the result of countless natural disasters, wars, armed conflicts, human rights were grossly violated, one million Azerbaijanis became refugees and internally displaced persons as the result of the Armenian aggression lasting for more than 25 years and one third of them were children. The

oral statement of the Commissioner on this matter and the videotape recording of that statement was included in the list of documents and posted on the website.

The written statement of the Commissioner was included among the official documents of the institution, posted on the website and published in 250 copies. This was also distributed among the participants in the session on prevention of genocide held on the occasion of the 65<sup>th</sup> anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide within the agenda of the 25<sup>th</sup> sessions of Human Rights Council.

The Commissioner participated at the international event held in Antalya, Turkey, on the topic “Policy of promotion of general market approaches in the family planning” with the participation of the representatives from Eastern European and Central Asian countries and gave information about the measures carried out in family planning and reproductive health and mentioned the publications prepared on this topic.

At the same time, the Commissioner participated at the 27<sup>th</sup> meeting of International Coordination Committee of UN National Human Rights Institutions held in Geneva; at the first conference about “Networking of Ombudsman Institutions of member states of the Organization of Islamic Cooperation” dedicated to “Strengthening the Institution of Ombudsman in OIC Member Countries by sharing knowledge, experience and ideas” held in Islamabad, as well as at the Second International Ombudsman Symposium organized by the Ombudsman institution of Turkey (Social Control Organization) in Ankara. Delivering the speech titled “The Culture of amicable settlement of disputes in public administration and the role of Ombudsman” at the last event; the Commissioner stated the importance of application of finding innovative ways of peaceful settlement of disputes in efficient protection of human rights.

Last year, the Commissioner received the representatives of various international organizations, including the members of Parliamentary Assembly of the Council of Europe, Commissioner for Human Rights of the Council of Europe, Special Rapporteur of the UN Secretary General on the human rights of internally displaced persons, representatives of the UN Working Group on Business and Human Rights, European Committee for the Prevention of Torture (CPT), international experts and the ambassadors of foreign countries in Azerbaijan and provided and discussed comprehensive information on work carried out on human rights, implemented reforms and the perspectives of joint cooperation.

## **Conclusion and recommendations**

As every year, successive wide-scale events in all fields of socio-economic life and covering all strata of population, especially low-income families and individuals needing care were conducted last year in our country.

Social economic projects to increase welfare of the people played a great role in increasing salaries, pensions and benefits and reducing unemployment as the result of ensuring employment.

Application of new methods and systems based on challenges in the field of labor, social security, health, education and other areas contributed in increasing of well-being of the population, as a result in development and reliable protection of human rights.



Every step taken towards the goals defined in the Development Concept “Azerbaijan 2020: Look into the future”, implemented series of events ensure sustainable development of our country and gradual improvement of socio-economic situation of the citizens.

The proposal of the Commissioner regarding application of public supervision over the activities of appropriate executive bodies implementing the duties on ensuring of human and civil rights and freedoms was supported by the state. It was reflected in adoption of the Law of the Republic of Azerbaijan on “Public Participation” that was one of the important successes of last year.

Transparency, mutual trust in state-citizen relations, new initiatives in management, modern challenges of society development, application of advanced information technologies and innovations will serve to increase international prestige of our country and social status of population.

The Commissioner continued the activities under business cooperation condition with the government agencies, civil society organizations and communities, as well as international organizations and foreign colleagues. The Commissioner spoke of a number of innovations and initiatives to effectively ensure human rights and freedoms, as well as to solve problems of different groups of population. She forwarded to the government bodies more than 460 suggestions and recommendations and a great part of them – more than 60% have already been realized.

A part of those suggestions and recommendations both submitted to the competent state bodies and reflected in the annual reports of the Commissioner was taken into account while adopting various legislative acts and program documents and was executed in the current activities of the state bodies.

Unfortunately, a number of suggestions and recommendations forwarded by the Commissioner in the annual reports and sent to competent state bodies for efficient provision of human rights and freedoms have not been resolved yet.

The results of the events and public hearings organized by the Commissioner indicated that the capabilities of the state bodies responsible for ensuring human rights should be organized, coordinated and mobilized, the civil society institutions should be involved and obtained achievements should be widely promoted, the solution methods of the problems in mutual cooperation should be discussed and the activities should be continued.

Besides the mentioned facts, the Commissioner proposes the following to solve a number of problems of the groups needing care:

- *To mobilize the capabilities of the government, civil society and communities, to establish wide legal education and awareness-raising bodies and networks with joint efforts, to support the activities by applying information communication technologies and taking into account termination of decade of education and legal education of UNESCO, Office of the UN High Commissioner for Human Rights;*

- *To carry out series of measures in order to analyze particular articles of the Convention on human rights and the implementation of the Convention at the national level with the participation of experts from the Council of Europe and the European Court considering the significance of 2015 with the 65<sup>th</sup> anniversary of the European Convention on Human Rights in,*
- *To support establishment of "Education Network for Human Rights" under the institution and widening its activities, as well as establishment of specialized human rights centers;*
- *Development and promotion of program of measures on the basis of new strategies and conceptual approach in accordance with sustainable development purposes identified for the next decade from 2015 given the execution period of the Millennium Development Goals.*
- *Development and ratification of executed and expired state plans, programs and strategies, as well as new conceptions basing on modern challenges regarding humanitarian sphere and socio-economic development.*
- *To establish state-funded legal advices offices serving free of charge in Baku and in the cities and regional centers of the republic considering the means of low-income families, as well as to support the increase of professional lawyers in the regions.*
- *To conduct trainings together with the Ministry of Communications and High Technologies considering widening of the network of regional electronic application terminals and promoting their use for efficient ensuring of the right to appeal of the citizens;*
- *To conduct trainings to increase activity of newly elected female members of municipalities, as well as of women in the regions and to organize events for training of leader women;*
- *To improve the labor legislation regarding the labor rights of working women and workers with family responsibilities considering the obligations coming forward from the conventions "Maternity Protection" (2000) and "Equal opportunities and Equal Treatment for men and women workers: workers with family responsibilities" (1981) of the International Labor Organization;*
- *To conduct joint monitoring at work places by the Commissioner together with Azerbaijan Trade Unions Confederation and Ministry of Labor and Social Protection of Population of the Republic of Azerbaijan for efficient protection of labor rights of employees;*
- *ratification of Article 2 (the right to just conditions of work), Article 3 (the right to safe and healthy working conditions), Article 10 (the right to vocational training), Article 13 (the right to social and medical assistance), Article 15 (the right of persons with disabilities to independence, social integration and participation in the life of the community), Article 17 (the right of children and young persons to social, legal and economic protection), Article 19 (the right of migrant workers*

*and their families to protection and assistance), Article 23 (the right of elderly persons to social protection), Article 30 (the right to protection against poverty and social exclusion) and Article 31 (the right to housing) of “European Social Charter” by Azerbaijan Republic.*

- *To joint Convention No. 102 on “Minimum standards of social security” (Geneva, June 4, 1952) of the International Labor Organization*
- *To make amendments to Article 21 of the Law of Azerbaijan Republic on “Labor pensions” on introduction of the education period graduated from higher, secondary and vocational schools till January 1, 2006, as well as of the education period at personnel training courses, re-qualification courses, postgraduate, doctoral and clinical residency into the insurance record;*
- *To determine financial aid by the legislation for civil persons (or their families) killed, injured, traumatized or contused by gunfire from the enemy forces at the battle (front);*
- *To make amendments and additions to Decree No. 258 of the President of the Republic of Azerbaijan dated July 14, 2005, on establishment of “the Presidential Scholarship of the Republic of Azerbaijan for the persons who received the title of National Hero of Azerbaijan”(to allocate the mentioned scholarship to the spouses of the persons who received the National Hero title, for their children under age of 18 or over 18 years with disabilities, for their sisters and brothers brought up at boarding schools, for grandparents with no one to support them; to pay the mentioned scholarship for their children under the age of 18 or over 18 years with disabilities, for their sisters and brothers brought up at boarding schools until the end of education in case of full-time education, but till 23 years);*
- *To add the sentence “The person representing the family shall be informed not later than 3 working days from the date of adoption the decision on appointment of social aid by the commission” to Article 3.8 of the “Rules on Appealing for social assistance, its determination, issuance and rejection from its issuance” certified by Decision No. 32 dated February 2, 2006, of the Cabinet of Ministers;*
- *To accelerate approval of law on “Protection of reproductive health”, develop and approve a new strategy in connection with expiration of the national strategy regarding reproductive health upon 2008-2015;*
- *To establish conditions necessary for strengthening the health of mothers and children, ensure safe motherhood, for birth of healthy children regardless their number and ensuring pauses between birth; analyze the reason of maternal and infant mortality for prevention of mortality as well as artificial interruption of pregnancy due to unwanted gender of fetus; organize family planning services at the community level given the country priorities; to implement joint monitoring on cesarean surgeries for compliance with the medical basis;*
- *To conduct state funded medical services and consultations free of charge for pregnant women, mothers and infants; to restore patronage service;*

- *To expand awareness-raising work in Baku and in the regions for strengthening fight against AIDS, hepatitis, drug addiction and toxicomania;*
- *To coordinate the detention condition of persons with mental disorders and their treatment in accordance with the European Minimum Standards and improve it; speed up construction of new specialized buildings according to the standards; supply those hospitals with necessary alimentation, medical products and medical transportation means;*
- *To improve the "List of free medicines issued on the basis of medical prescriptions" approved by the Ministry of Health and as stipulated in Article 2 of Resolution No. 28 dated March 7, 2005, by the Cabinet of Ministers.*
- *To teach "Human Rights" as a separate subject at higher, secondary vocational schools and secondary schools;*
- *to provide delays for conscription for the persons pursuing their full time master degree at higher education institutions and their branches and to make amendments to Article 21.1.4 of the Law of the Republic of Azerbaijan on "Military duty and military service";*
- *To develop and apply a new program for forthcoming years considering the expiration of the "State program for study of Azerbaijani youth abroad in 2007-2015";*
- *To determine administrative responsibility in relation to persons guilty in diverting the child from compulsory education; increase the responsibility of parents and teachers; improve normative-legal basis regulating the duties of parents;*
- *To ensure the students studying at higher and secondary vocational institutions at public expense stay at the dormitories, when it is not possible to cover their rent;*
- *To speed up development and approval of the rules and other legislative acts stipulated in Decree No. 695 of the President of the Republic of Azerbaijan dated September 04, 2012, on "Application of Law No. 392-IVQ dated June 29, 2012 of the Republic of Azerbaijan about "Approval, enforcement of Urban Planning and Construction Code of the Republic of Azerbaijan and legal regulation regarding it"";*
- *To speed up the not yet adopted legislative act stipulated in Decree No. 153 of the President of the Republic of Azerbaijan dated August 27, 2009, on "Approval, enforcement of the Housing Code of the Republic of Azerbaijan and its legal regulation";*
- *To determine the compensation in the amount enough for obtaining adequate living space in case of alienation or replacement of the property belonging to the citizen for public needs, adjust them to the real prices in the property market and pay them in a timely manner;*

- *to make amendments to the “Rules on issuance of preferential mortgage loans in Azerbaijan Republic” approved by Decree No. 515 of the President of the Republic of Azerbaijan dated January 23, 2007, for coordination of the maximum amount of preferential mortgage loans to the real requirements of the housing market, diminishing or cancellation of the initial amount to be paid by citizens, especially by young families, extending the payment duration of loans, decreasing the percentage rate, widening of the list of persons entitled to use the concessions on mortgage loans;*
- *To develop and realize the concept with comprehensive approach to solve problems regarding supply of low-income and young families, as well as young scientists and specialists, relocation of the persons residing at elderly houses in emergency condition and the purposeful State Program;*
- *To add the provision regarding cancellation of the acts and certifications certifying the rights on real estates issued on land as the result of errors committed by relevant executive authorities and releasing the citizens from the state duty for issuance of the extract from the state register on state registration of property rights on real estates upon “Plan and size of plot of land” and technical documents on real estates as new Article No. 27.5 to the Law of the Republic of Azerbaijan on “State Duties”.*
- *To prohibit settlement and sale of houses in the apartment buildings that are not allowed to be commissioned by the legislation, not registered in the state registration of real estates and not insured;*
- *To add the sentence “The power supply of the consumer may be terminated within law by the power supply agency by sending an appropriate notification due to failure to pay the amount indicated in the meter of power supply within the fixed period by the consumer” to paragraph 9.13 of the “Rules on utilization of power supply” approved by Decision No. 18 dated February 2, 2005 of the Cabinet of Ministers;*
- *To add amendment on reduction of interest rate for consumers paying off the loans before the deadline or the duty to give the right to pay the loan before the deadline to the Article 36.6 of the Law of the Republic of Azerbaijan on “Banks”;*
- *To index the amounts stipulated in contracts on “Life insurance”, “Insurance of children”, “Wedding insurance” and other insurance types concluded between the Former USSR Head Government Department of Insurance and the citizens, develop and apply their payment mechanism;*
- *To develop and apply the indexing mechanism of deposits made in the state banks (savings banks) of Azerbaijan Republic by the citizens after January 1, 1992, and devaluated after the inflation;*
- *To increase attention on corporative responsibility; apply appropriate tax benefits for the entrepreneurs functioning more efficiently in protection of rights of the groups of people needing care; realize the rights of the entrepreneur efficiently and increase the state control on their activities without limiting those rights;*

*identify the legal norms, principles and standards reflected in the relevant international standards in the legislation of the Republic of Azerbaijan;*

- *To make relevant amendments to the Law on “Protection of consumer rights” of Republic of Azerbaijan regarding the initial prices of goods and discounts on them, as well as apply administrative penalty to the commercial objects not responding correctly to the consumer;*
- *To ratify the “Convention on prevention and combating domestic violence and violence against women” dated May 11, 2011, of the Council of Europe for improvement of the activities implemented in fight against violence and reliable protection of the rights of the persons suffering from these attitudes, especially the women;*
- *To develop and apply the rehabilitation programs on victims of human trafficking, as well as women and children affected by domestic violence; to commission new shelters and resource centers including the regions;*
- *To organize specialized psychological services at the appropriate state bodies to carry out reconciling mission at the families in conflict to prevent divorce and domestic violence;*
- *To organize awareness-raising events covering the regions ensure women rights and gender equality within the framework of Gender Equality Strategy of the Council of Europe, covering 2014-2017;*
- *To adopt a national strategy in accordance with the Convention on the Rights of the Child for elimination of all cases of violence against children according to the “Council of Europe Strategy for the Rights of the Child (2012-2015)”;*
- *To speed up adoption of the draft law on “Organization of rest of children”;*
- *To improve the actions of the commission on work with juveniles and protection of their rights under the local executive bodies and adopt new charter of the body of guardianship and trustee;*
- *To allocate financial resources to “Guardianship family” model as a new and successful practice in the country and increase the amount allocated for “Family type small group houses” to continue the support for establishment of daytime service and rehabilitation development centers of the state children institutions and speed up ratification of the “Charter on Guardianship family”;*
- *To speed up ratification of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse signed by our country on November 17, 2008, as well as adoption of the draft law on “Protection of the children from corporal punishment”;*
- *To establish the “Child TV Channel”;*

- *To determine the notions “juvenile”, “child” “adolescent” and “young” according to the age level in the legislative acts;*
- *To determine social aid for the physical persons taking care after the orphaned or abandoned elderly persons not being able to take care after themselves;*
- *To realize the programs in order to increase participation of the elderly persons in the public life;*
- *To take measures in order to establish equal opportunities for persons with disabilities, to settle their problems, increase attention to determine work places on quota stipulated by law, encourage employers active in implementation of quota to employ those individuals;*
- *To improve the education legislation in accordance with the international standards to widen inclusive education opportunities of the persons and children with disabilities, as well as speed up the process of ratification of the “State Program on development of inclusive education”;*
- *To ratify the “Marrakech Treaty to Facilitate Access to Published Works for the Blind, Visually Impaired and Otherwise Print Disabled” adopted on June 27, 2013, by our country within the framework of the World Intellectual Property Organization;*
- *To widen relevant measures for rendering legal, psychological and other assistance for internally displaced persons, establish educational facilities and rehabilitation centers for children of preschool age at the settlements of IDPs;*
- *To create regional administrative detention facilities;*
- *To establish shelters and resource centers for the prisoners leaving the detention facilities without permanent place of residence, as well as social adaptation centers stipulated in Article 6.1.2 of the Law of Azerbaijan Republic on “On the social adaptation of persons released from detention facilities” in all regions of the republic; prepare the mechanism on settlement of problems on employment;*
- *To prevent spread of information and images about the detained or arrested persons without enforced resolution of the court in mass media;*
- *To speed up construction of women penitentiaries, juvenile correctional facilities, investigation isolators, penitentiary complexes and prisons;*
- *To speed up determination of the rules and conditions on payments to the military servants died, missed, injured or not received the insurance amount prior to the enforcement of Law on “The state compulsory insurance for the military servants” of Azerbaijan Republic dated May 20, 1997;*
- *To increase the amount of financial compensation for age, disease or redundancy (for servicemen with at least 5 years of service) for temporary apartment rent of the military officers, married cadets of the military educational institutions, as*

*well as officers, warrant officers, ensigns, the military officers serving for the extended period (15 calendar years or more) in accordance with real prices;*

- *To realize trainings and awareness-raising events serving to timely and exact execution of the duties following from the Decree of the President of the Republic of Azerbaijan dated July 15, 2010, as well as to increase responsibilities and professionalism of the executive officers to improve enforcement of court decisions;*
- *To establish "Alimony Fund" (to create and apply a mechanism of payment of alimonies with the support of the State Social Protection Fund on terms that the sum equal to alimonies will be taken afterwards from debtors in obligatory manner);*
- *To prepare and apply the mechanism on allocation of appropriate monetary means to state bodies to ensure the means to be paid to the citizens by indebted bodies on the basis of court decisions;*
- *To prepare and apply maintenance programs providing security of vehicles and people;*
- *To improve the structures of the Commissioner's Office in accordance with Article 1.3 of the "National Action Plan on promotion of Open Government for 2012-2015" approved by the Decree of the President of the Republic of Azerbaijan dated September 05, 2012, as well as give staff units for creation of sector on children's rights in accordance with the recommendations of the UN Children's Rights Committee, at the same time to make amendments and changes to appropriate Constitutional Law considering realization of the functions of independent monitoring mechanism stipulated in Article 33.2 of the convention on "Rights of persons with disabilities" of the UN by the Commissioner;*
- *To establish the network of "electronic document turnover" considered to be founded at the institution of the Commissioner, as well as allocate funds for improvement of available "Electronic information basis" in accordance with new requirements;*
- *To support the development of the library of "Human rights" functioning under institution of the Commissioner and creation of an electronic library;*

Persistent, systematic and successive development of human rights, improvement of practical state management mechanism based on democratic supports, establishment of civil society institutions, deepening of public control to stimulate efficient provision and protection of freedoms. Thus, the cooperation relations between the state bodies and civil societies shall be developed steadily for the sake of sustainability of obtained successes.