



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

## **SUMMARY**

**of the Annual Report**

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

**on the activities in promotion and protection  
of human rights for 2015**

**Baku – 2016**

## ***Foreword***

The key purpose of this Report is to evaluate the state of ensuring human and civil rights and freedoms in the country, to analyze the situation of important problems on human rights revealed in 2015, as well as to provide the information on activities conducted by the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan for the restoration of violated human rights, protection of human rights and prevention of their infringement.

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

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

According to the Article 14 of the Constitutional Law of the Republic of Azerbaijan "On the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan", this annual report was prepared to be submitted to the President of the Republic of Azerbaijan, presented before the Milli Mejlis (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.

The Annual Report will be delivered through mass media to make it publicly available.

I strongly hope that this Annual Report of the Commissioner will help you to build in your mind some image of the situation of promotion of human rights and freedoms in our country and that you will also share your relevant thoughts with us.

Your valuable thoughts and recommendations would help to the Commissioner in future in improvement of her activities in promotion of human rights freedoms.

**Elmira Suleymanova**

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

## Introduction

In accordance with the Article 12 of the Constitution of the Republic of Azerbaijan, ensuring the rights and liberties of person and citizen, decent living conditions for citizens of the Republic of Azerbaijan is the highest principle of the State.

In general, policy aiming at development of economy, social area, in particular, takes an active role in ensuring the human rights effectively.

Constant measures were taken for the implementation of sustainable economic development processes as well as execution of sustainable social infrastructure projects in our country; also measures were taken to eliminate bureaucratic hindrances, corruption and bribery in the public management system and strengthening the State-Citizen relations.

New production and service companies were established as a result of soft loans allocated by the State.

Developing, re-constructing and renovation of social infrastructure were continued, social protection facilities, new school and kindergarten buildings were constructed or renovated; health facilities, Olympic-sport complexes, new highways and resort-hotel complexes were established.

State budget reductions to some fields are understandable due to the global financial crisis in the world. However, it is noteworthy that such reductions did not negatively influence to the sustainability of Support for Various Marginalized Groups Social Programs and Projects. *"...All programs to be carried out in 2016 will be executed..."* as it was said by the country President Ilham Aliyev.

Also, the application of customs and tax concessions for medium and small business enterprises, increasing transparency in this field, strengthening the struggle against monopoly and unfair competition and measures against persons violating these requirements in order to develop socially oriented market economy, social support to development of free entrepreneurship, creating favorable business conditions were taken as issues of priority.

Elections to the Parliament of the Republic of Azerbaijan held on 1 November, 2015, once more confirmed its adherence to the principles of legality and democracy of statehood in the country, ensuring the human rights and freedoms, further democratization of public management and the society, improvement of national legislation and election technologies, and strengthening the traditions of national public system. In general, elections were democratic, transparent and fair.

Azerbaijan did not spare its efforts for maintenance of peace and stability at the international level. The close participation of the President Ilham Aliyev in "G-20" Antalya Summit together with the world leaders in the discussion of global issues of the modern world, and his speech, are one of the key indicators of importance of Azerbaijan, along with increasing image at the international level.

III Baku Global Forum of Shared Societies, the 3rd World Forum on Intercultural Dialogue, held with participation of the country President, state and

governmental officials, well-known politicians, public and scientific figures; the First Baku European Games, where Azerbaijan has also succeeded, and Baku World Cup are evidences of its great reputation all over the world.

As well, there were heavy losses in the country's life. The tragedy occurred in the deep stationary platform No. 10 of "Guneshli" offshore of the State Oil Company (SOCAR) on the 14th December, 2015, as a result of a strong hurricane and caused to numerous human losses, was met with great sadness.

Measures taken in accordance with the Presidential Order, declaring mourning throughout the country, searching of the disappeared persons in the Caspian Sea, financial support of the families of victims, deceased and disappeared by the State, eased the problems to some extent.

The first Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan, who intensively receives numerous applications about human rights violations and other issues by various groups of the population, society and different individuals. In addition, as a mirror of general situation of such categories of the population, she built effective cooperation with the public institutions, non-governmental organizations, mass media, communities, and international institutions.

The Commissioner, who was set out to restore the rights and freedoms enshrined in the Constitution and in the international treaties to which the country is a bound and violated by the state officials, state and municipal bodies, high rank officials and to prevent further violations of the human rights, took constant measures to protect the human rights as a non-judicial institution.

The Commissioner protecting and restoring the violated human rights, completing the existed law remedies, and whose scope of authority and functions set out by the Constitutional Law, build her activities on the basis of the principles of independence, visibility, transparency, legality, justice and impartiality.

The Commissioner took serious initiatives for the elimination of procrastination, bureaucratic hindrances, arbitrary actions of state officials, and negligence to the applications and challenges of citizens, as serious obstacles for ensuring human and civil rights and freedoms.

Comprehensive work was taken for handling applications and restoration of the violated rights.

Complaints of citizens of the Republic of Azerbaijan, foreigners and stateless persons, legal entities were reviewed; individual and collective complaints were received for handling, investigated and majority of which have been successfully resolved.

The Commissioner and staff member organized intensive meetings with the people in various places of the country; held monitoring in prison facilities, investigation isolators, and temporary detention places (TDPs), military facilities, child houses, boarding schools, settlements for internally displaced persons, health, education and social care institutions; received the applicants; conducted explanatory and consultation works and took measures for human rights protection.

Many concerns about human rights were resolved in cooperation with public institutions and the violated rights were restored.

In general, during her terms of office, the Commissioner received 130.010 applications, whereas this amount in 2015 was 15.320, which is 16, 5% higher than in 2014.

72, 6 % of the appeals were complaints and 27, 4 % of which were applications.

Vast majority of those applications dealing with the right to property, right to social security, right to labor, execution of court rulings, and right to appeal.

In general, 2.966 persons were received in the head office and regional offices.

In accordance with the Constitutional Law, the Commissioner refused to investigate 46,3 % petitions as they went far beyond her competence; passed one year from the date on which an alleged violation of rights of the applicant; they were anonymous; or under examination of court proceedings; and they had not any new information, facts and evidence in the re-submitted petition.

53, 7 % of petitions were accepted for handling, of which 64, 5 % were successfully resolved.

The applications were handled within periods encountered by the Constitutional Law and all of them were responded.

The applicants were legally consulted during citizens' reception verbally and in written about different law remedies and/or the application procedure to different competent bodies.

The Commissioner initiated to organize numerous important events on protection of human rights.

A range of regional public hearings were held in Baku, Ganja, Sheki, Barda, Jalilabad and Guba covering other cities as well, for monitoring of implementation, promotion and implementation status of the National Action Program on Raising the Effectiveness of the Protection of Human Rights and Freedoms in the Republic of Azerbaijan, approved by the Presidential Order dated 27 December, 2011. Also, comprehensive events were held on promotion of the right to vote jointly with Central Election Commission (CEC).

Traditionally, "Human Rights Month-Long Campaign" from 18 May to 18 June was held on the eve of the "18 June-National Day of Human Rights in the Republic of Azerbaijan".

The Commissioner traditionally organized the annual XIII Baku International Conference of Ombudsmen "Role of Local and International Institutions in Ensuring of Constitutional Rights and Freedoms" with support of UNESCO on the occasion of the 20th anniversary of the adoption of the Constitution and the 70th anniversary of the establishment of United Nations (UN) and United Nations Educational, Scientific and Cultural Organization (UNESCO) from 12 to 14 November, 2015 in Baku.

As annually, it was held "Peace Month-Long Campaign" from 21 August to 21 September aimed at promotion of peace culture; public bodies, civil society

institutions and mass media were requested accordingly; this month-long campaign was enlightened in TV programs and published in news.

The Commissioner initiated to organize “Child Rights Month-Long Campaign” held between 20 October- 20 November, which was of crucial importance for raising legal education of pre-school and secondary school-aged children. The attention of public institutions was drawn to the problems of children.

The conference titled “Ensuring the Human Rights in Azerbaijan from Sustainable Development Perspective” dedicated to the 10th December - International Human Rights Day, the 20th anniversary of the adoption of the Constitution of the Republic of Azerbaijan, the 70th anniversary of the UN and UNESCO was organized. Likewise, traditional child drawing “Me and My Rights!” as well as journalist writings competitions “Rights for all!” were launched and subsequently, the winners were awarded with certificates.

The Commissioner issued statements regarding the 20th anniversary of January tragedy, Khojaly genocide, 31 March - Day of Genocide against Azerbaijanis and addressed to international organizations, diplomatic representatives in Azerbaijan and embassies of Azerbaijan in foreign countries and to different Azerbaijan Diaspora organizations abroad.

Also, keeping the issues of hostages and captives at the center of her attention, the Commissioner requested the President of International Committee of Red Cross (ICRC), Mr. Peter Maurer regarding to assist to release of Dilgam Asgarov and Shahbaz Guliyev, Azerbaijani civilians who were taken hostages by Armenian military servants in Kelbajar- city in the occupied territories of the Republic of Azerbaijan by the Armenian armed forces. Also, she met with the Vice-president of the ICRC, Mrs. Christine Berli in their Headquarter in Geneva where highlighted that the detention and trial of those persons are unlawful and contradicted to international law and the fact of torturing them raises concerns of our people and international community.

The Commissioner and staff members delivered speeches in various international events on current issues and had broad exchange of views and study tours on various aspects of human rights issues.

Alike, the Commissioner met with officials of foreign countries and international organizations and discussed the human rights situation, issues of protection of human rights and freedoms in the country and national and international experiences.

In all meetings with foreign and international organizations’ officials at the national and international levels, the Commissioner gave broad information on the human rights situation in the country, her activities towards protection of human rights and freedoms, multilateral cooperation with public institutions, including effective cooperation with the Parliament for advancing the legislation. Also, she attracted sponsoring organizations’ and participants’ attention to the issues of ensuring the collective rights, such as the right to live in peace and right to development. Furthermore, she proposed to solve the existed armed conflicts by

peaceful means only and to restore the rights of billions of people who suffer from atrocities of during and post conflict periods and to include joint preventive measures in their future plans reasonably justifying the significance of that in Europe from the perspective of common law and humanitarian space.

The Commissioner's Office, also as a national human rights institution (NHRI), accredited with "A"-the highest status by the UN International Coordinating Committee on National Human Rights Institutions (ICC-NHRI), intensively participate in sessions of the UN Human Rights Council (HRC) as well as meetings of the ICC-NHRI; Commissioner's written and verbal statements have been accepted and registered in those sessions.

The Commissioner participated in the 28th session of HRC held in Geneva and the next meeting of UN ICC-NHRI, delivered her statements during discussions; along with the human rights reforms taken at the country level for effective protection of human rights. In addition, she also gave comprehensive information about recommendations and suggestions addressed to the Government by the Ombudsman Office, continuing of those human rights reforms successfully towards better ensuring the human rights and freedoms and the adoption of three documents of strategic importance in the field of human rights protection and promotion in the years of independence of the country.

By reporting with a speech at the meeting of the ICC, the Commissioner stated that along with the provision of the sustainability, the "Azerbaijan 2020: Look into Future" Development Concept defined important tasks; also, that the Millennium Development Goals determined tasks for fulfilling eight goals, and Azerbaijani approach in relation to implementation of beyond period of the agreed action plan was recognized as a best practice by other states as well.

Likewise, during her speech in the side-event Academic Forum of UNESCO Chairs on intercultural and inter-religious dialogue of the 3rd World Forum on Intercultural Dialogue, the Commissioner pointed out to the fact of occupation of 20 percent of the country territories by Armenian armed forces which resulted that one million of compatriots became refugees and internally displaced persons (IDPs), mosques, chapels, historical cultural and religious monuments on the occupied territories, landmarks were destroyed, along with the necessity to ensure the rule of law and to promote the respect for human rights.

To the point, the Commissioner actively participating in the activities of the Asian Ombudsman Association (AOA), delivered a speech in the 14th Conference "Challenges of the Activities of Ombudsman" held in Islamabad (Pakistan), about "Strategic Approach to the Promotion and Protection of Human Rights", took also part in the Board Directors' Meeting, where she was elected to the position of Vice-President of AOA.

The outcome of 2015 activities showed the significance of further extending, developing and improving the cooperation with public institutions, municipalities, civil society institutions, and mass media in order to ensure human and civil rights

and freedoms, to review immediately the citizens' appeals, and to investigate the complaints in a rapid way.

By reflecting the Ombudsman's recommendations and suggestions about effective ensuring and protecting human and civil rights and freedoms, about solution of some socio-economic problems of the various groups of the population, which have been sent to the public institutions and put forward in her Annual Reports, in the national legislation as well as implementation through measures for development and social-welfare, will support further development of the quality of life of the people and social and legal situation in our country.

## Chapter I

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

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

**Right to liberty.** Bureaucratic hindrances were eliminated and the procedure of issuance of ordinary passports and ID cards were further improved to efficiently ensure the right to liberty, timely handling appeals and solution of problems in the state bodies.

Successful service at modern standards to citizens by the “ASAN Service” Centers in Baku and in the regions was an important work.

Providing citizens with ID cards and passports without any impediments has been almost resolved and law violations about resident registration and other relevant law infringements significantly decreased.

Meetings with the administrations of police bodies and their personnel were organized in the frame of applicants’ receptions, awareness and other events of the Commissioner and her staff in the regions; legal publications prepared by the Office were dispensed. During those events it was recommended to study, use of those materials during trainings and seminars and to apply them into the practice. Also, the cooperation towards ensuring human rights and freedoms was given priority.

In 2015, 89 applications received from urban and rural districts of the country were about ID cards and registration issues. As a consequence of the appropriate measures, the violated rights shown in those applications were restored.

Thus, following the Commissioner’s relevant requests, numerous citizens were provided with ID cards and problems of resident registration, including provision of ID cards through registration to the administrative buildings of the relevant police bodies were resolved.

Some citizens at the age of 16, who have not ID cards and birth certificate complained in their application about the refusal by the police bodies and the registration authorities to provide them with ID cards or birth certificate due to loss, burning, destroying, and stealing of the respective documents.

According to the laws, a citizen who has not both documents simultaneously cannot to re-obtain those documents. Hence, according to the law, for obtaining the replay of a birth certificate or for getting a new ID card, it is required to present the birth certificates. So, the Commissioner recommends to make amendment to the Article 4 of the Law of the Republic of Azerbaijan on the Identity Card in wording as such “While issuing a new ID card to the citizens of the Republic of Azerbaijan, who have not an ID card and a birth certificate, the relevant executive body requests the respective executive body to issue a certified extract from the book of records of the birth certificate (certificate)” as a new third paragraph, to add the third sentence in wording “While issuing replay birth certificate for persons at the age of 16, the relevant registration body requests the Ministry of Internal Affairs or its relevant bodies to have the identification information about those persons and after the obtaining of the information approved as specified, the replay certificates are issued” to the first paragraph of the subparagraph 9.7 of the Rules on State Registration of

Civil Status Acts approved by the Decision No. 145 dated 31 October 2003 of the Cabinet of Ministers.

From the perspective of effective protection of the rights of aliens, temporarily visiting our country and stateless persons, the Commissioner proposed to amend the national legislation in terms of registration of such persons upon place of temporary stay within 7 or 10 days, instead of 3 days after arrival. Therefore, in accordance with the Law No. 1253-IVQD of the Republic of Azerbaijan dated 3 April, 2015, it is very important to edit the Article 11 of the Law of the Republic of Azerbaijan on Registration on Place of Residence and Staying, as such "Aliens or stateless persons temporarily staying in Azerbaijan for more than 10 days should be registered upon place of stay within the period of time and in a manner as specified by the Article 21 of the Migration Code of the Republic of Azerbaijan".

Attention was also paid to the issues of protection of the rights of persons detained in places of temporary detention (TDPs) and investigation isolators. At different times, the Commissioner and the staff held numerous monitoring in local police stations, including the TDPs of Main Organized Crime Department, of Department on Fights against Irregular Migration as well as Main Department on struggle against human trafficking of the Main Passport, Registration & Migration Department, Baku City Main Police Office center administratively detained persons, Detention Center of irregular migrants of the State Migration Service, TDP and Investigation Isolator of the Ministry of National Security, and Penitentiary Service isolator.

During the private conversations with the detainees in those places, their general custody conditions and treatment, provision with a lawyer, explanation of his/her rights to suspects, prosecutor's oversight were monitored. They were informed about their rights and the relevant documentation about the lawfulness of detention was checked. As well as, the administrations of those facilities were given necessary recommendations how to better improve the custody condition and to make documentation. Furthermore, the staff members in those facilities, the suspects and the accused persons were legally consulted about duties and obligations enshrined in the Law on the Protection of Rights and Freedoms of Persons Kept in Detention Places.

Harmonization of the TDPs and investigation isolators' standards into compliance with international ones or relocating of those facilities to new ones, supplying them with modern equipment pave the way to better improvement of custody conditions and treatment of the detained persons.

Legal awareness of the police bodies and TDPs were conducted during the monitoring. In the course of those monitoring, it was underlined the importance of ensuring human rights and freedoms, inadmissibility of unethical behavior and rude treatment of citizens and improving the work. Alike, suggestions were given regarding elimination of the existed shortcomings.

If during visits to the TDPs and investigation isolators to ascertain facts indicated in the applications and the information received via hotline, it was found that human rights were violated, then the Commissioner urged to the Prosecutor-General Office and the relevant ministries with remarks and recommendations. As a result of service investigation, when it was approved that the law was breached then those, who violated the law were punished and shortcomings were eradicated.

Recommendations to the draft Internal Disciplinary Rules of Detention Centers of Irregular Migrants were prepared and submitted to the appropriate body.

The abovementioned facets once again suggest that it is necessary to take more serious control and regular measures for elimination of overcrowding in TDPs, fulfilling medical and sanitary rules, placing inmates infected with various diseases in separate cells and keeping focus on detention conditions.

***Right to dignity and honor.*** 573 applications were received about the violation of the right to dignity and honor. Those applications were about rude treatment of citizens by officials and violation of rules of ethical conduct. The corresponding bodies were requested to investigate those applications. Some complaints were solved on the spot, relevant measures were taken and persons in charge of violations were punished in an administrative manner.

From the very beginning, the Commissioner initiated to establish two 24 hour hotlines in the Office in order to effectively organize preventive work against torture, cruel, inhuman and degrading treatment and to ease the access to the Ombudsman regarding the violations of child rights. Based on the incoming information, relevant investigations were conducted and measures were taken respectively.

The applications were also about abusive and rude treatment, along with bureaucratic indifference and negligence to the citizens, who appealed to the local executive institutions. However, despite the competent bodies were requested to make an investigation, as a rule, no similar actions were performed.

The sustainable events aimed at preventing the violations of the right to dignity and honor by the state officials, increasing trust and confidence in citizens to the rule of law and justice and confidence to state and law-enforcement bodies are being continued.

The activities of the Commissioner in capacity of a national preventive mechanism (NPM) on preventing torture, other cruel, inhuman and degrading treatment or punishment, was successfully continued. National Preventive Group (NPG) conducted planned, ad-hoc and immediate visits to 240 places of detention and deprivation of liberty, including penitentiary facilities, TDPs, children's houses and boarding schools, care and boarding houses for the elderly and disabled persons, psychiatric clinics on a regular basis and without prior notice.

In general, 329 such visits, of which 250 were planned, whereas 79 were ad-hoc; as well as visits were held to TDPs of the Ministry of Interior (173 visits), TDPs, prison facilities, penal colony settlement, health facility of the Penitentiary Service of the Ministry of Justice (104 visits), Investigation isolator and TDP of the Ministry of National Security (2 visits), Disciplinary military unit and guardhouse of the Ministry of Defense (2 visits), Detention Center of irregular migrants of the State Migration Service (3 visits), special education, boarding facilities and special vocational school under the Ministry of Education (27 visits), boarding and care houses for the elderly and the disabled persons under the Ministry of Labor and Social Protection of Population (6 visits), psychiatric clinics, neuropsychiatric dispensaries, psychoneurotic child house, as well as child and babies' houses of the Ministry of Health (7 visits), and children's houses under the subordinate of the local executive bodies (5 visits).

During those visits, the issues of treatment, custody and living conditions, documentation, quality of medical service, food quality and its ration, correctional measures for prisoners, organizational work for their leisure time were under the focus. The confidential and private conversations with the persons detained and held in those facilities were of priority.

By the appeal of the Commissioner and instructions of the Minister of Interior of Azerbaijan, every police station was provided with the Ombudsman's hotline posters "Pass the information about torture to Ombudsman". However, in some police stations, phone numbers of hotlines were confused with phones of non-governmental organizations, which is unacceptable. Therefore, after repeated requests of the Commissioner, the police stations were given instructions to hang Ombudsman's hotlines on a separate board.

During the monitoring, 440 private conversations were held in TDPs, 1012 in investigation isolators and penitentiary facilities, over 500 in places where persons unable leave on their own; also, private conversations with 450 staff members were made in those facilities. During the monitoring all favorable conditions for NPG members were created by the administrations of the facilities and persons in charge. Moreover, the necessary measures were taken for the execution of the previously given suggestions and elimination of violations.

The Commissioner requested to the competent ministries regarding taking measures for elimination of the shortcomings found in the places of detention and restriction of liberty, improving the relevant documentation and strengthening the control, instructing the administration in those facilities to prevent violations and joint monitoring and trainings according to the approved timetable.

In accordance with the UN Basic Principles for the Treatment of Prisoners, Standard Minimum Rules for the Treatment of Prisoners, European prison rules, Code of Execution of Punishments and Internal Disciplinary Rules for Prisons, it is appropriate to improve and harmonize detention conditions of prisoners with international standards, promotion of their rights to health and medical care in comply with the European Prison Rules as well as Council of Europe, Committee of Ministers, Recommendation No. R (98) 7 Concerning the Ethical and Organizational Aspects of Health Care in Prison.

The Commissioner's recommendations and suggestions aimed at protection of the right to dignity and honor of the detainees, eradication of challenges, improvement of the custody conditions, and bringing the national normative legal acts in compliance with international legal acts, rules and standards.

It deemed necessary to add subparagraphs 126.2.6 and 127.2.5 in wording "committed against minors" as well as the Article 128.2 "the same acts committed against minors" to the Article 126 (Deliberate causing of serious harm to health) of the Criminal Code.

The monitoring show that provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture) and the Optional Protocol, thereto, are studied by the staff of the places of detention and restriction of liberty and law-enforcement bodies and this process should be continued.

The sixth NPM Report on activities of the NPM for preventing torture Other Cruel, Inhuman or Degrading Treatment or Punishment for 2015 was prepared.

At different times, NPG members participated in events about prevention of torture in order to extend international cooperation in the relevant field, to increase own theoretical knowledge and practical skills and to exchange experience and to improve the activities.

The Commissioner, as an NPM cooperates with the UN and its Treaty Bodies, Council of Europe (CoE), European Union (EU), Organization for Security and Cooperation in Europe (OSCE), the UN Subcommittee on Prevention of Torture (SPT), the European Committee for

the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) and Association for Prevention of Torture (APT) and other institutions.

The Ombudsman Office in coordination with the United Nations Children's Fund (UNICEF) Country Office launched five-day training for the members of the NPM and Regional Offices of the Ombudsman on increasing capacities to monitor the child rights.

The Commissioner held meetings with the members of international institutions and discussed the issues of human rights protection how to organize the professional work for NPM, evaluation of and developing the activities in the relevant field.

Within the 56th Session of the UN Committee against Torture (CAT) the Commissioner's Complementary Report on the Convention against Torture as an NPM, was reviewed along with the fourth periodic report of the Azerbaijani Government and reports of the non-governmental organizations.

***Freedom of thought and speech.*** Free thought, opinion and speech holders and press members take great role and responsibility in building of democratic society, positive and progressive development of social processes.

State continuously supported the press and took necessary measures for ensuring the freedom of opinion and information, development of ma/ss media and strengthening the social protection of journalists.

Meeting of the country President with mass media and the activities of the State Fund for Support of Mass Media Development under the Azerbaijani President and Azerbaijan Press Council significantly influence to the development of national press. The Fund organized competitions and the winners were financially supported.

Stating the importance of increasing of professionalism and legal knowledge of journalists, the Commissioner proposed to avoid the writings and articles with discriminative elements about various issues in the society.

Every person having freedom of thought and speech, particularly media representatives should respect the principle of respect to everyone's rights and freedoms and deliver message about their challenges to the society impartially, precisely and as specified by the law. While delivering the information about national, religious, ethnic and other sensitive issues to the society, all possible negative consequences must be taken into consideration.

Considering the significance of mass media in development of intercultural dialogue and inter-religious cooperation, the Commissioner call journalists writing about issues of religion and freedom of conscience, to be more responsible and sensitive, to develop multiculturalism and tolerance, to join efforts to strengthen the inter-religious bridges. In addition, she suggested organizing specialized seminars for journalists. In this regard, it would be noteworthy to adopt the Law on Fighting against Religious Extremism.

The Commissioner also stated that taking into consideration a huge need in writings about the independence, development history of the State, patriotism; however, spreading the groundless and slanderous information in the country at war is unacceptable. To the point, the existed activities are regulated by the approval of the Decision No. 279 of the Cabinet of Ministers dated 14 August, 2015 on the Accreditation of Journalists Rules of accreditation and coordination of business trips of journalists to the frontline zone with the ministry of defense.

The Commissioner always paid attention to the issues of legal awareness of journalists specialized in human rights and initiatives of mass media specialized in the field

of concern, cooperation with them was continued and media members intensively attended the events organized by the Ombudsman Office.

In 2015, in the frame of the CoE Project “Freedom of expression and media in Azerbaijan” trainings were held on security of journalists and freedom of expression, to which the Ombudsman’s staff members were involved as experts.

Information and totally 3.578 press releases about the activities of the Ombudsman Office, of which 280 belong to 2015, were delivered to media institutions, newspapers and journals, TV and radio, information agencies, electronic newspapers and information portals, on a regular basis.

Interviews and statements were given. During the terms of office, in total 10.102 information and articles, of which 324 belong to 2015 were published.

The event on “Role of Mass Media in Information Society” was held in order to foster comprehensive information about mass media into the attendant children of the School of Leadership operating under the Ombudsman’s Child Rights Resource Center – Azerbaijan Child and Youth Network. The Commissioner met also with numerous officials of international organizations and discussed the situation of freedom of thought and speech as well as promotion of journalists’ and media rights in the country.

Strongly supporting the inadmissibility and condemning the rough treatment of journalists, the Commissioner always keeps the issues of ensuring the freedom of thought, speech and press, protection of journalists under her control.

By the instructions of the Commissioner, who keeps the situation of media representatives, suspected or accused or sentenced to criminal offences not related to their professional activities at the center of her attention, the NPG members regularly met with such persons, including Rauf Mirgadirov, Tofiq Yagublu, Hilal Mammadov, Khadija İsmayılova, Parviz Hashimli, Seymour Hazi and Araz Guliyev.

The group members monitored the general situation, custody condition, nutrition, state of health and treatment in the relevant prisons or investigation isolators and gave the necessary suggestions for their further improvement.

The Commissioner pays attention to the alternative measures to reproach of mass media representatives for their offensive acts in comply with the international experience and the application of those measures into the practice, increasing professionalism of journalists jointly with the competent bodies, including State Fund for Support of Mass Media Development under the Azerbaijani President and Azerbaijan Press Council. It is also deemed necessary to continue to involve young journalists into educational training and seminars.

Almost hope that media representatives will more actively contribute to enlightening national priorities making preference the national interests, delivering the truths about dynamic processes, the priority issues of the people occurred in the country, to the international community and supporting justice. They also will join their continuous efforts for strengthening freedom of speech and press, pluralism and professional ethics, and will not begrudge their specialized knowledge, skills and professionalism for better and reliable protection human rights and freedoms.

***Freedom of information.*** The rapid integration of the country to the universal electronic world was provided as a result of the reforms taken in the field of information and communication technologies (IT). Necessary actions were taken towards the

establishment of an E-government, information security and elimination of other impediments.

Developing the Azerbaijani-language internet resources, extending internet-radio and TV programs, online newspapers, journals, social networks and increasing the number of internet users among the local population are clear indicators of development of IT technologies.

In the time when information society is established, empowering the Commissioner to monitor the execution of the Law on Access to Information by the information owners-state bodies and municipalities and their officials and extension of her mandate and competences lead to better promote her independence as it is specified by the relevant Constitutional Law.

For monitoring over the execution of the Law on Access to Information in 2013-2014 years, it was and involved her staff to the specialized training as it is specified in the paragraph 1.3 of the Open Government Initiative National Action Plan for 2012-2015 endorsed by the Presidential Decree dated 05 September, 2012.

In comply with the E-government requirements, in a time when information technologies are developed, the official website of the Ombudsman Office was newly reconstructed; more rapid and updated website was developed in order to ease the access to information by using the relevant new innovations.

Main obligations of the information holders as specified in the respective legal act, is to rapidly answer to the information request of the citizens. According to the subparagraph 1.3 of the Constitutional Law, the Commissioner supervises over the execution of duties by the information holding state bodies, municipalities and state officials in accordance with the requirements of the Law of the Republic of Azerbaijan on Access to Information.

58 applications about the right to get information were analyzed and the competent state authorities were requested accordingly. Mainly the problems were solved.

Events and discussions on studying and sharing experiences towards ensuring the right to get information, developing the relevant recommendations were also profitable.

The Commissioner made proposals to the corresponding bodies about fostering in children and youth how to properly use IT technologies, increasing parents' sense of responsibility, reporting programs addressed to children and youth in TV Channels and social advertisements, reporting programs and announces containing of harmful information on certain times and strengthening the control over that, creating internet portals fostering national values, ensuring security of children using mobile phones' internet, advancing the relevant legislation and ratification of related international documents.

Although the existing legal support to protection from threats to physical integrity, creating a culture of information security in the society and holding awareness events in this domain deemed necessary, taking into account failure to determine or lack of protection mechanisms, including prohibitions and punishments for threats to the human spirit and state of mind, which put the spiritual health of every person, including children under the threat.

This should be noted that at present rapid development of IT technologies did not negatively influence to the vulnerable groups of the population. Of course, internet has its negative and positive affects, which manifests itself in upbringing of the children. Thus, while using internet, children and adolescents can obtain harmful information, which consequently lead to spiritual and psychological shock.

It was requested to prepare with the Ministry of Communication and High Technologies joint Guidelines on rules of safe use of phone mobiles by children and proper usage of IT technologies.

The Commissioner recommended about submitting, analyzing, summarizing and placing of the references about the execution of obligations specified by the Law on Access to Information on the official websites by the information holders; organization of awareness activities on explanations of the relevant legislation; thoroughly studying and applying the relevant law into practice by the information holding state bodies; improving executive mechanisms of ensuring information requests; extending online services by the state bodies; developing internet websites of state bodies; establishing online Information Database (registry); organization of broad legal awareness activities for press service, mass media and the people in urban and rural areas of the country; extension of "Open Door" experiences for awareness of the people in districts; establishing associated and live network; increasing IT skills of press representatives.

***Freedom of conscience.*** In the country where inter-religious dialogue has become stronger and turned to an example of tolerance, all favorable conditions were created for people from all religions, including Muslims, Orthodox and Catholic Christians, and Jews to practice their faiths freely.

There are more than 2000 mosques, 550 sanctuaries, dozens of churches, synagogues, worship houses, and over 500 places of worships related to the religious history of people in Azerbaijan. All people of various beliefs, ethnic groups and religious communities, who continue to live in the country in peace, friendship and cooperation is a great example of mutual respect and solidarity.

State bodies and officials did not interfere into the issues of registration of religious institutions and communities or restrict their activities, religious attitude of citizens and lawful activities of the religious unions as specified in the law. In contrary, the favorable conditions were created for ensuring of the right to freedom of religion.

The Commissioner who pays special attention to ensuring freedom of conscience, religion and belief, received 16 relevant applications, according to which necessary investigations for restoration of the violated rights were conducted.

Within past years, the Commissioner proposed to improve the legislation in relation to prevention of religious radicalism and extremism. Hence, applying relevant additions and amendments to the Law on Freedom of Religious Belief and the Criminal Code, adopting the Law on Fight against Religious Extremism are deemed important for legal regulation of the relevant issues.

The Government that created necessary conditions for lawful activities of the religious communities also took actions for harmonization of the relevant legislation with international legal norms and principles. Nonetheless, some restrictions enshrined in domestic and international laws with regard to ensuring freedom of conscience and religion were also considered. For example, according to the Office of Prosecutor-General's official website, there was an armed criminal gang operating under the religious pretext and planning to destroy public-political stability, diversions, riots and terror acts in the country. This criminal gang created a movement "Union of Muslims" in order to violently change the Government's political system and to build a religious state governing with Sharia law. Apart from, this group created a criminal group by gathering supporters from Baku and other districts of the country and providing them with arms of various types, ammunition,

explosive devices. Also, gang members discussed the ways of how to raise the population against the Government organizing unlawful meetings in Nardaran - the district of Baku, gave the tips to fans and dispensed the summons to the people.

During the riots in Nardaran, children were used of religious purpose and this led to dropping them out schools, which raises a serious concern.

The Commissioner resolutely condemns such an unlawful activity, which in general, is contrary to either the law or principles of freedom conscience, religion and belief or human rights and considers it necessary to prevent such actions in the future.

During monitoring in prison facilities attention was paid to the issues related to freedom of conscience. As well as, the Commissioner proposed to invite theologians to such facilities to discuss religious, ethical and moral issues with prisoners and to use the religion as a correctional measure for inmates.

In meetings with religious confessions, organizations and communities, the Commissioner informed them about the national law on freedom of religion and international legal norms and considers the importance of the religious communities functioning in comply with the law in the country.

The representatives of the European Association of Jehovah's Christian Witnesses visiting our country, Mr. Marc Hansen, Counsel for Religious Freedom, Mr. Vasiliy Kalin, Chairman of the Administrative Center of that Association and local representatives of this religious sect were received at the Ombudsman Office and the issues of ensuring religious tolerance and freedom of conscience were discussed.

Whether in national or international events, the Commissioner and staff members exchanged their views related to relations between people of different religious beliefs and living of such people in the country in peace, friendship and brotherhood as a model of tolerance.

Delivering speech in the Academic Forum of UNESCO Chairs on intercultural and inter-religious dialogue of the 3rd World Forum on Intercultural Dialogue organized under the motto of "Share a Common Culture for the Safety!" and calling the international community to peace and cooperation, the Commissioner pointed out that to the fact of being this Forum as a factor of demonstration of solidarity, encouraging intercultural and inter-religious dialogue among the State Parties by Azerbaijan as a model of multiculturalism, treating various religious sects, religions, confessions, mosques, churches, synagogues and cathedrals existed in the country equally and without any discrimination by the State; occupation of 20 percent of the country territories as a result of Armenian aggression lasted over 25 years, turning of one million compatriots into refugees and internally displaced persons (IDPs), destroying mosques, chapels, historical cultural and religious monuments on the occupied territories and the importance of ensuring the rule of law, and developing the culture of respect to the protection of human rights and fostering peace culture.

The Commissioner recommended to include the discrimination, xenophobia, ethnic cleansing on the ground of race, nationality, religion, and other grounds and fighting against other similar cases to the list of priority issues of national human rights institutions (NHRIs) as well as international organizations, dealing with the protection of human rights; and to join efforts for punishment of the States charged in crimes with severe violation of human rights at the international level.

Furthermore, she recommended to establish the culture of peace network of religious communities of the country; involving state and local self-governing bodies, civil

society institutions and communities to intercultural dialogue, inter-religious cooperation; creating favorable condition for peace, stability, mutual understanding, sustainable development, support and collaboration by fostering of religious tolerance; fostering of religious tolerance in children and youth and teaching world religions in education establishments.

Declaring 2016 –the Year of Multiculturalism in Azerbaijan according to the Presidential Decree issued for the maintenance the multiculturalism traditions, better development and wide campaigning are also an evidence of a real indicator that the multiculturalism is became a way of lifestyle without alternatives in the country.

**Right to vote.** In 2015 when the Elections were held to the Parliament, the Commissioner held range of joint awareness events with the Central Election Commission (CEC) in districts of the country. Officers in charge of the CEC, relevant local executive bodies, judiciary, prosecution and police bodies, municipalities, constituency and precinct election commissions, education, health and cultural facilities, and civil society institutions took part in those events.

During events, it were welcomed the organization of training and seminars for constituency and precinct election commissions, supplying of election points with modern equipment, and information and communication technologies, organizing awareness events on the right to vote, preparing and distribution of booklets and other printed products for election observers and the police, also installing web-cameras. It were given information about the unacceptability of any interference into the election process as well as unethical conduct against citizens by the police or central and local executive bodies, also about the hotlines for CEC and Ombudsman Office, along with the possession of every citizen of the right to vote and their duties.

In the frame of the public hearings and as a result of the pre-election monitoring, indoor and outdoor places organized for assembly freely in urban and rural areas of the country were monitored, and consequently it was found that everybody was provided with equal opportunities for enjoying the right to free assembly.

On 1 November 2015, the Commissioner and staff members, including staff of the Regional Offices in Ganja, Sheki, Guba and Jalilabad observed the elections in capacity of independent observers, in general in 452 polling stations related to 101 constituencies in Baku as well as in 52 regions of the country, also polling stations set up, in refugee and internally displaced persons settlements, series of military units of the Ministry of Defense, training center of the Armed Forces and penitentiary facilities of the Ministry of Justice.

Likewise, the Commissioner in capacity of an independent observer, observed the elections set up in many polling stations in constituencies, in prison facility No. 6, prison facility for women No. 4, the first voting of three juveniles at the age of 18 held in Correctional facility of the Penitentiary Service, military units, refugee and internally displaced persons settlements of Baku and every district of the capital city. She controlled over the election process throughout the country as her staff members also observing the elections, gave her the hourly information.

During the elections, the Commissioner met with members of election commissions, voters, observers and became acquainted with their opinions in relation to the election process. To the point, the Commissioner also met with the delegation of international observers, including international institutions and foreign countries like Poland, Greece, Russian Federation, Pakistan and others and was acquainted with their impressions. The

persons met, pointed out the active participation of the population in the election process, which were held in accordance with relevant regulations and standards and did not mention any shortcomings.

On the elections day, the Commissioner summarized the outcomes of the elections, gave broad interviews to mass media and the public in the Information Center of the CEC. As a result of the observations, this must be noted that elections to the Parliament, playing great role in building democratic and legal state, were held in democratic, transparent and fair conditions, no cases of intervention to the voting process by any state officials, executive power bodies and the police were observed, the voters freely voted for the candidate of their wish, and finally the elections ended up with highly active participation and in self-disciplined order.

International observers underlined the developments in the election processes, in the activity of the election commissions in Azerbaijan, which work in compliance with the highest standards, in organization of high level election process, active participation of the voters, lack of stress, that lead to their free, fair and transparent observation and that it was notwithstanding that all conditions for international and local observers by the government of Azerbaijan were created.

Independent and impartial female observers from various political parties and civil society institutions also did their job in mutual respect and not in a disciplinary manner.

Aside, according to the Decision of the Parliament of the Fifth call, establishment of 4 new committees, including health, family, women and children, public unions and religious bodies and committees on youth and sport within the premises of the Parliament, pave the way to better mutual cooperation of state bodies and civil society institutions for effective protection of human rights.

***Right to appeal.*** Within last year, the Commissioner proposed improving the Law of the Republic of Azerbaijan on Procedures for Review of Citizens Applications for better ensuring this right. In this regard, it would be notwithstanding to adopt the draft Law on Applications of Citizens, to which the Commissioner made her recommendations, as well.

The measures for application of information and communication technologies in the work of state bodies were continued and in majority of state bodies' electronic service to citizens have been provided. Those services are quite important for preventing and eliminating bureaucratic impediments and possible corruption cases, also for free access of citizens to public services.

Activities of "ASAN Service" Centers delivered more than 200 e-services and received over 8 million applications, were of great importance for timely responding them and preventing bureaucratic hindrances. Consequently, according to the relevant instructions of the President, number of digital services in those centers as well as citizen satisfaction is being increased.

Totally, "ASAN Service" paves the way to advancing the democratic administration, gradually eliminating procrastination, bureaucratic impediments and corruption, and advancing state-citizen relations. President İlham Aliyev in his speech at the Cabinet of Ministers' meeting about outcomes of social-economic development and future challenges of 2015 said: *"as one might say, activities of "ASAN Service" are 100 percent welcomed by the people. Such public services are really a revolution in fighting against corruption."*

Positive developments can be seen in the field of ensuring the right of citizens to appeal by the state bodies, institutions, enterprises and organizations. However, negligence

to ensuring of this right of those, who are appealing to competent state bodies, local executive bodies, institutions, enterprises and organizations using their right to appeal about the violations of their rights and freedoms guaranteed by the Constitution, caused to violation of their other rights and create impediments for preventing and restoring of the violated rights.

As a result of the investigations of 1.216 applications of citizens regarding violation of the right to appeal, those violations have been eliminated. As well as measures were taken in relation the other issues raised in those applications, the applicants were brought clarity to the issues of their concern and they have been informed in this regard.

Series of measures have been taken by the Commissioner to ensure the right to appeal in accordance with the requirements specified by the law.

Sometimes not receiving of citizens, not responding their applications, delaying the responds, giving formal and not reasonably justified responds, not responding in written, bureaucratic impediments by officials, in particular, caused to the violation of the right to appeal.

As a consequence of the investigations, immediate as well as urgent measures were taken in relation to the issues and concerns raised by the applicants were clarified, were taken explanatory and awareness works, the violated rights of citizens were restored, and sometimes other violations have been prevented.

The subordinate organizations of the Center for Work of Municipalities of the Ministry of Justice were instructed by the Head Office to respond the requests by themselves, which caused to failure of the Head Office to keep control over the executions. Consequently, the complaints remained unsolved. Similar cases led to continuous violation of rights and just discontents of citizens.

It is necessary to strengthen the control over the restoration of the violated rights, to held regular meetings by the structures of the local and central executive bodies with the population in order to prevent increasing the number of complaints as well as discontents. Work of learning of problems of citizens should be improved. Also, serious measures must be taken for timely solution of shortcomings and problems and preventing law violations. The central executive bodies must strengthen the supervision of the activities of local executive bodies and their administration.

Subsequently, analyses and investigations showed that bureaucratic hindrances and violations were still continued in some central state bodies, their local departments or subordinate organizations during the reception of the applications.

In the process of examination of complaints, it was revealed that some state bodies did not perform any actions towards the problems of citizens and failed to give relevant additional information to them which led to repeated complaints and continuous violation of their rights.

Those citizens who did not receive any satisfied responds to their applications or not received any respond by numerous state bodies, executive structures and high level instances at all, appealed to the Commissioner and asked to protect their rights.

Central bodies must keep control over the activities of the subordinate organizations in terms of review the applications and take sufficient measures if that is necessary. While performing their duties each state and local executive body, especially those of working directly with citizens, first of all, must serve for building democratic, legal state and civil society in the country.

As it is specified by the Constitutional Law and within her competences, the Commissioner took measures for restoration of the violated rights of persons appealed to her and positive results were achieved in many cases.

Sometimes, in order to avoid the accountability, competent state bodies, institutions, enterprises and organizations failed to take measures with regard to the applications and additional documents, to conduct necessary investigation, which violated the right of citizens to appeal, refused that they received any application by citizen.

Failure to register verbal requests in the corresponding state bodies also led to the violation of rights and bureaucracy.

State officials must conduct explanatory works and legal awareness with citizens to ensure their right to appeal.

For better ensuring the right to appeal and encouraging the use of Regional Online Appeal Terminal Networks it was recommended to expand them and hold joint training in regions with the Ministry of Communication and High Technologies.

Sometimes in the process of restoration and elimination of the violated rights, the officials, including high rank officials, who unprofessionally and negligently approach to this process, are not punished as prescribed by the Law. Therefore, the Commissioner recommended increasing the amount of a fine, prescribed in the Article 310.1 of the Code of Administrative Offences about restriction of her lawful actions or interference into her activities as the current amount carried out only formal nature. Subsequently, in a new Article 554 on Preventing from legal activity of the Commissioner of the Code of Administrative Offences, approved by the Law dated 29 December 2015 and entered into force on 1 March 2016, the same penalty amount increased up to 500 Azeri New Manats.

During the examination of the applications, it was found that sometimes, some state organizations and their local regional branches failed to give true and sincere responds, or give formal answers to the requests and instructions, persecute the applicants or force them to refuse to write an application due to various excuses such as “the complaint was written in anger or while being nervous” and there were images like the problems of the citizens have been already resolved.

So, all these cases and the existed situation show that it is necessary to continue reforms for ensuring objectiveness, efficiency, and transparency in the review process of applications; for development, support and extension of the public control mechanism; and strengthening the control over relevant local structures by the central state bodies.

*“...Mechanisms of public control must be applied. I repeatedly expressed my view about this. However, I think that mechanisms of public control must be developed as it is very difficult to say to particular persons to control one particular area. Here, must be both public activeness and mechanisms. So, public mechanisms must be applied....”* These words by the country President were sounded in the meeting held in 2015 by the Cabinet of Ministers dedicated to the outcomes and challenges about social-economic development and they should be accepted and implemented by each state official in charge of human rights promotion.

**Due process of law.** Taking into account the modernization of judiciary, increasing effectiveness of justice, raising professionalism in the practice of law, evaluating the performances of judges and their education, elimination of corruption, bureaucracy, other negative issues and relevant international experience, Judicial Legal Council’s working

mechanisms were improved, additional independence of judges was determined and self-governing functions of judiciary power have been further extended.

About new 20, including regional court of appeals and specialized courts have been established; new court buildings meeting high status of judiciary, administrative judicial institute for the first time and seven administrative courts have been established in regions. The number of judges increased up to 2 %, whereas staff increased to 75 %. For easing the access to the judiciary, each judge was provided with a law clerk in accordance with international standards.

Last year, in the frame of Judicial-Legal Council's activities to eliminate corruption and other negative cases, about 200 judges were subjected to disciplinary proceedings; over 70 judges have been dismissed from the judiciary system due to severe law violations and results of their professional assessment and severe human rights violations. Also, disciplinary actions and reprimand were filed against some judges since of corruption and artificial barriers in the process of implementation of citizens' rights.

A range of events were held for international organizations, well-known experts and experienced judges and the judiciary staff about human rights, elimination of corruption and ethical conducts considering the importance of the education of judges and judicial staff to eradicate the judicial errors.

1.982 applications about due process have been received. The application about violation of this right were mainly about failure to send or delay of subpoena (a written call to appear in the court), violation of principle of equality before the law and litigation process by some judges, sometimes not consideration of petitions and evidences submitted by the parties during the trial, failure to give or delay the copies of the judicial decisions, making technical errors in decisions, failure to notify the parties about the appeal and cassation appeals, which were sent to the corresponding bodies by the relevant courts, bureaucracy, failure to execute decisions on time and to control their executions.

The Commissioner sent relevant information to the Legal-Judicial Council of Azerbaijan at different time regarding the complaints about court judges. She also requested to investigate other facts shown in the complaints and about what necessary actions were taken.

Responding to the petitions on time by the courts as prescribed by the laws and fulfilling their duties on time and in a perfect manner according to the procedural legislation decreased the number of complaints.

Based on the complaints about failure to receive the court decisions, the Commissioner sent inquiries to the corresponding judiciary and consequently, during the investigations it was revealed that the claims about sending decisions to the petitioner on time and even re-sending after the repeated appeal was a false information.

Analysis of the applications show that in some cases the court decisions were not sent to the parties on time, which violated their right to re-apply to the court and the right to appeal to the high instance court against the decision. Besides, failure to notify the citizen on time about the progress of the court proceedings led to bureaucracy and just discontent. The measures were taken about complaints dealing with bureaucracy in judiciary.

Sometimes subjecting of aliens and stateless persons to correctional rehabilitation by the courts does not allow properly executing the relevant decisions. Hence, aliens are permitted to labor in the country by the specific procedure and the employer should pay the government taxes for each such an alien.

Experience shows that employers (entrepreneurs) usually do not want to give way to undue financial losses. Consequently, it became impossible to execute the relevant judicial decisions and employ foreigners who subjected to correctional rehabilitation. So, that person cannot leave the country until the decision is executed.

Taking into consideration the abovementioned, the Commissioner recommended to make a new subparagraph 49.4 to Article 49 of the Criminal Code as such “Correctional works shall not be applied to convicted aliens and stateless persons, also women at the age of 60 and men at the age of 63 until the court decision is issued.”

During the decision-making process by the courts, it is necessary to strictly fulfill the principle of equity and lawfulness, to pay more attention to citizen-civil servant relationships, to extend public scrutiny in trials and make the results publicly available, to study and apply the precedent laws of the European Court of Human Rights, to raise the professionalism, to strengthen labor and executive disciplines, to approach the citizens’ petitions more sensitively and carefully, to prevent corruption in terms of ensuring the citizens’ rights and freedoms at due process.

Considering the low-income citizens, State financially supported the establishment of legal advice centers in Baku and regions of the country, which are operating at free of charge, and it is of vital importance. Subsequently, this would prevent law violations and arbitrariness.

***Fight against Corruption.*** Fulfilling the requirements of the law by officials as well as citizens is the most effective tool.

As it was stated by the President Ilham Aliyev in the meeting devoted to the outcomes of the second year of the implementation of the State Program on Socio-Economic Development of Regions of the Republic of Azerbaijan for 2014-2018“, “ ... *We fight against corruption and bribery that gives its results. Corruption is a big problem not only for Azerbaijan but also for all countries. We take punishment, administrative and institutional measures.*”

Effective ensuring of free entrepreneurship is a serious step against corruption. The Commissioner considers that measures must be applied constantly for preventing the fabricated hindrances to the development of the entrepreneurship and needless interference. From this point of view, it is necessary to stimulate the development of entrepreneurship, to create favorable business conditions, to ease special permission procedures and ensure transparency, to entrust the number of activities requiring license from 59 up to 37 to ASAN Service Centers by decreasing their number, to decrease the amount of state duties in Baku two times, but in regions-four times, and to create Online License Portal, which provides the required documents for entrepreneurship according to the Presidential instructions and to adopt the Law on Suspension of Inspections in the Field of Entrepreneurship.

In accordance with the Presidential Orders, in a view to advance the stability and sustainability of the financial system and mechanisms of control and to ensure the transparency and dexterity in the country, it is necessary to develop multilevel structure for handling the applications of natural persons and legal entities functioning as entrepreneurs as well as public legal entity Chamber for Control over Financial Markets of the Republic of Azerbaijan and to establish Council of Appeals within the premises of central and local executive bodies under the Presidential Administration to improve the mechanism of complaints procedures to high instances about actions or inactions.

Taking continuous measures for developing “Single window” principle in various fields of economy, educating and awareness raising of citizens and entrepreneurs are of great importance in the fighting against corruption.

Along with illegal actions of officials and information about their other violations, the complaints were also about discontent with the activities of some state bodies and organizations in charge of legality, legal regulations and ensuring the rights and legal interests of citizens,.

While analyzing the complaints about corruption and if such information was approved, the Commissioner motioned to the prosecutors’ offices and local departments of the related central executive bodies regarding punishment of persons found guilty of corruption in accordance with the laws. She kept these issues under her control and consequently necessary measures have been taken.

Impunity of state officials leads to arbitrariness, new violations and serious discontents among citizens.

Considering fighting against corruption as a serious factor in ensuring transparency in all areas of social and economic life, in the past year, the Commissioner recommended to make structural reforms in several areas, to liquidate housing offices authorizing their powers to municipalities, to re-organize activities of medical-social commissions, to improve the mechanisms of determining and provision of social targeted aid; and considers necessary to strengthen the measures for re-organization of in the relevant fields.

One of the problems causing corruption in the process of receiving, registration and delivering the applications, complaints and other enclosed documents of citizens by the state bodies, institutions, enterprises and organizations is a bureaucracy, which requires to improve the governance.

Provision of real guarantees to the development of socially oriented market economy, and free entrepreneurship, allocating tax and customs privileges to small and medium entrepreneurs in order to create favorable business environment, increasing transparency, strengthening the fighting against monopoly, unfair competition and corruption, provision of free competitiveness, and taking serious measures for punishment of those violated such requirements are of great importance.

The instructions given by the country President about taking serious measures against corruption must be treated as a policy document by each state body and its officials.

## **Cooperation with the law-enforcement bodies in the field of protection of human rights**

***Cooperation with prosecutors’ offices.*** The activity of the prosecutors’ offices successfully carrying out fighting against the criminality, in the field of protection of human and citizens’ rights show that the work is getting improved and becomes more efficient.

According to the Office of Prosecutor-General’s official information, 37 staff members of the prosecutors’ offices was brought to disciplinary responsibility due to the deficiencies and shortcomings in their performances found as a result of the relevant investigations.

The Commissioner received 750 applications about the activities of the prosecutors’ offices. Majority of those applications were investigated in effective cooperation with the Office of the Prosecutor – General and necessary actions for restoration of the violated rights were taken.

The applications were about failure to implement sufficient procedural oversight over inquests and investigations by some prosecutors' offices, to commence the investigation or other procedural actions despite enough evidences and reasonable justifications in relation to the petitions about the committed or planned crimes were existed, lack of necessary investigation and other procedural actions, and failure to fully or partially ascertain the facts indicated in the petitions.

Based on the investigations following the Commissioner's motions to the prosecutors' offices, in many cases, commencement of the criminal proceedings was refused; decisions about the suspension and termination of criminal proceedings were cancelled; collected materials were sent to the investigation body, according to which criminal proceeding was commenced. Also, after analyzing of the relevant evidences, the committed crime was classified under another article of the Criminal Code; the case investigation was transferred to another investigative body in charge. Moreover, if shortcomings were detected and if deemed it necessary the relevant operation instructions were given to review the facts thoroughly and objectively.

If it was found that materials were not reviewed thoroughly, the decisions about refusal of instituting the criminal proceedings were terminated and returned to the prosecutor or high prosecutor's office, which is carrying out the procedural oversight of inquest and investigation.

Complaints analysis show that despite the prosecutor approved the decision to refuse to institute the criminal proceedings based on investigation materials, after reviewing the material by the Office of Prosecutor-General, which found that the investigation was not conducted comprehensively and objectively, consequently the decision was cancelled by that prosecutor and returned for the repeated investigation.

Thus, applications and facts indicated by the applicants were approached negligently in some district prosecutor's offices, only with interference of the Commissioner and Prosecutor-General it was revealed that the justifications for decisions by those prosecutors' taken during the repeated investigation, were not sufficient. However, it must be particularly specified that those defects could be avoided without such interference by the Prosecutor-General.

The preliminary investigator, investigator or the prosecutor supervising the preliminary proceedings in any case of obtaining information about a committed or planned offence, must take only one decision either "to institute the criminal proceedings", "not to proceed with the case", "to send the information to the authority in charge of the investigation", or "to send the information on semi-public crime to the relevant court."

However, sometimes these requirements of the law were violated and that petition was archived instead of adoption of procedural decision on the petition. From time to time, the prosecutor supervising the preliminary proceedings also cannot correctly assess the lawfulness of actions taken regarding petitions. Apart from, the prosecutor to whom such petitions were sent to be reviewed neglected the violation of relevant legislation. Apart from, instead of the investigation of petition in accordance with the law, the prosecutor did not dispute the decision to enclose materials of the preliminary investigator to the case.

It is necessary to take serious measures regarding staff, who conducted incomplete investigation, whose procedural decisions were cancelled by the prosecutor, isolated from the investigation process due to incomplete investigation of pending case materials, negligence of instructions given by the prosecutor supervising procedural oversight of

inquest and investigation, failed to comply with criminal procedural norms and violated rights and legal interests of citizens.

From the perspective of further efficient ensuring and maintenance of human rights and freedoms by the prosecutors' offices, it is necessary to improve the quality of the preliminary investigation oversight, better improve the review process and reception of citizens, to continue measures for ensuring transparency.

***Cooperation with judicial authorities.*** Some measures were taken to bring the judiciary into compliance with international standards, to organize notary and registration activities and to develop the mechanism of execution of judicial decisions.

The Commissioner worked together with the Ministry of Justice and took part in host events or held in regions with the representatives of the Ministry of Justice. The Ombudsman Office closely and effectively cooperated with the Academy of Justice and her staff delivered lectures for the listeners in the compulsory trainings.

Some applications were about discontent with the activities by notary, registration bodies and municipalities, bureaucracy along with the other issues abovementioned. As a consequence of the investigations of the applications, the violated rights of citizens were restored.

According to the official information, 34 employees of the judiciary bodies were brought to the serious disciplinary responsibility as they have shortcomings in the applications' review process. Furthermore, 388 heads of various municipalities failed to function, were brought to disciplinary responsibility, law violations were revealed, including 65 materials dealing with financial shortcomings were submitted to the prosecutor's office to be legally assessed.

1.009 applications were about failure to execute of judicial decisions or remained unexecuted for a long time, bureaucracy, unethical conduct against citizens by executive officials, whereas 374 of which were about failure to execute the decisions about alimony.

Failure to use of their powers sufficiently by executive officials and returning the case to the court without being executed also led to the violation of rights. Alike, due to unprofessionalism and negligence by some court supervisors to their duties resulted with infringements of the laws.

According to the official information, 35 court supervisors were brought to the disciplinary responsibility, 2 of which were dismissed from the judicial authorities and 3 of which were dismissed from their jobs due to serious shortcomings in their performances.

Failure of the debtor to pay on time or evade from paying alimony, delay of the payment or disappearance of a debtor from bodies in charge of execution of decisions hamper the execution of judicial decisions.

Despite executive actions were implemented, the unemployment of a debtor, lack of an official workplace or property or incomes to which the demand could be directed, inability of a disabled debtor to work, failure to obtain pension (allowances) or lack of the amount, evasion or concealment or other various unlawful ways found by a debtor in order not to pay and leaving the country create difficulties in payment of a child support debt (alimony) or make impossible to provide full payment.

During the divorce processes, while determining alimony and dividing the property, courts must take interests of a mother and a child paramount, including their right to social security, housing and property.

Sometimes, failure to execute the court supervisors' recommendations submitted to the courts as a leverage, and on solution of the issue of responsibility of debtors, who failed voluntarily implement or evade the judicial decisions, create impediments in execution of those decisions.

Since 2006, in her Annual Reports and recommendations sent to the competent state authorities, the Commissioner considers necessary to create the Alimony Fund to solve the problems with regard to payment of child support debts.

By relevant interference of the Commissioner, some court decisions on property and other demands have been executed. Nonetheless, failure to execute or delay of the court decisions by the indebted state authorities led to the fair discontent among citizens.

Strengthening the disciplines of execution and punishment of court supervisors creating bureaucratic hindrances in execution of judicial decisions, violating the rules of ethical conduct towards citizens, performing unprofessionalism and negligence to their duties, would pave the way to enhancing their sense of responsibility and eliminating the violations.

***Cooperation with law-enforcement bodies.*** The law-enforcement bodies playing great role in protecting stability and ensuring the public order in the country, continued their duties with professionalism and high sense of responsibility for making this progress and stability sustainable; they strengthen the fight against criminality and control the crime situation.

The Commissioner efficiently cooperated with the Ministry of Interior in the field of human rights protection. 2319 applications were received about police bodies. These applications were about unethical behaviors of police officers to citizens, including insults and pressure during interrogation and investigation procedures; harsh treatment; unlawful use of physical force; conducting biased, prejudiced and sluggish investigation or criminal investigation instituted according the petition; failure to provide a copy of procedural decision; remaining appeals ineffective or creating bureaucratic hindrances in the appeals review process.

The law-enforcement bodies were sent motions regarding the facts shown in the complaints and were given instructions for inspections and such investigations were conducted.

In 2015, the investigations of 10 cases about violations of professional activities, conducted by Commissioner's motions to the Ministry of Interior and the facts were approved, subsequently, 14 staff members were brought to disciplinary responsibility. Thus, according to 3 facts of rude treatment, one member out of 4 was dismissed from his job, 2 were severely reprimanded and one was subjected to reprimand measures. Furthermore, among 7 facts of shortcomings in performances of police officers, one policeman out of 10 was dismissed from a job; whereas 4 police officers were subjected to severe reprimand and 5 got reprimand like disciplinary measures.

According to the official information of the Ministry of Interior, 369 employees were brought to the disciplinary responsibility (of which 126 facts were about cruel treatment, 56 facts of arbitrary arrest and detention, 68 facts of violation of the rights of taxi drivers, 6 facts of groundless criminal charges, 3 facts of violations of aliens and stateless persons rights, and 26 - relating to other facts) on the basis of 284 facts of human rights and freedoms submitted and approved by the Ministry of Interior. In addition, 46 staff members out of them were dismissed from the law-enforcement agencies, 32 staff members were

dismissed from their jobs, whereas 291 staff members were subjected to disciplinary measures.

During the investigations of the prosecutor's offices conducted on the basis of the Commissioner's request, regarding the examination of cases dealing with failure to conduct full investigation and with a biased investigation, it was revealed that sometimes, court made arbitrary decisions, not to proceed the criminal case without thorough and unprejudiced examination of case materials, which later was cancelled by the relevant prosecutor's office and sent to the police for further investigation.

Also, in the course of the investigations, it was found that with regard to the same complaint of the citizen it were made several decisions about not to proceed the criminal case on the ground of the collected investigation materials and the case was once more reviewed by the relevant prosecutor's office and sent to the investigation agency to commence the relevant criminal case.

While examining the reasonableness of the judicial decision regarding the criminal case, sometimes during additional investigation, the case was returned to the investigation body for further investigation by terminating the relevant decision on not to proceed the case because the decision of the case was not fully executed.

Following the Commissioner's requests to the prosecutor's bodies regarding to conduct examinations, the decision about not to proceed the case was cancelled as no necessary measures were taken for thorough, comprehensive and unbiased investigation; or investigation procedures were not fully carried out; or there were conflicts between testimonies; and giving a written notice, the prosecutor returned the case for re-examination. However, preliminary investigators and investigators violating principles of providing thorough, comprehensive and unbiased investigation in most of cases remained unpunished.

It is necessary to take actions for prevention of domestic violence, prevention of to sexual harassment, direct or indirect encouraging to sexual immorality and law violations, discovering brothels and abolishment of them or for punishment of persons procuring brothels.

Measures for ensuring traffic security were continued to implement. 239 complaints were about facts of insulting and rude treatment to citizens by the police, unlawful detention, requiring money for returning the documents or not to be subjected to fine, groundless fine and protocols of administrative offences drawing up by the police, failure to respond to requests, and biased investigation of road accidents.

Based on the complaints, Commissioner conducted necessary monitoring, took measures for the improvement of the activities in the relevant field and traffic police violating ethical behaviors in relation to taxi drivers and having shortcoming in their performances were sometimes subjected to disciplinary measures. Analysis of the complaints requires taking necessary measures for overcoming several problems existed in the field concerned.

Numerous death cases and injuries caused by exceeding the speed limit or violations of rules of overtaking, drunk-impaired driving, losing control over the vehicle, negligent operating the vehicle, and accidents occurring in rainy weather remain a great concern.

Taking into consideration the above noted, Commissioner proposed to prepare complex action plan by involving Ministries of Interior and Transportation, the competent state authorities and civil society institutions.

## 1.2. Protection of economic, social and cultural rights

**Right to labor.** Measures taken for efficient promotion of the right to labor is of great importance from the perspective of citizens' individual and social welfare development and gradual eliminating of the existed law violations.

960 applications were received about the violation of the right to labor. Those applications were about non-payment of a monthly salary or last calculation, refusing to compensate for injuries at and restoration to the workplace, violation of laws while signing or termination of an employment contract, lack of payment for business trips, failure to provide with service rec

ord book during the termination of an employment and the relevant order and about arbitrary dismissal.

As a result of measures taken by the Commissioner and investigations, in many cases the violated rights of the employees were restored. Therefore, the Commissioner efficiently cooperated with the Ministry of Labor and Social Protection of Population and State Labor Inspection under its subordination.

The applications by the employees dismissed in contrary to the labor legislation, were examined carefully and in many cases such citizens were returned to their workplace.

Following the requests to the competent authorities as well as by interference of the Commissioner in order to ascertain facts indicated in the complaints, violations of other aspects of citizens' labor rights were restored.

Analysis show that in some cases when entities, especially private entities become insolvent or declare bankruptcy, it creates serious problems during payment of arrears of salaries to employees, which made citizens' rights to labor to be violated.

Considering this fact and with purpose of payment to employees, the Commissioner proposes developing relevant security system and mechanisms of payment of salaries' arrears to employees in cases of bankruptcy of an entity or when an entity is unable to pay to an employee since of bankruptcy as a result of destruction of its property.

According to the reporting by the country President who pays attention to social welfare of the citizens, in the meeting on the outcomes of the second year of implementation of the State Program on Socio-Economic Development of Regions of the Republic of Azerbaijan for 2014-2018 " ...I think that if businessmen approach this issue from the social responsibility perspective and will employ the unemployed people, or do not reduce of those whom they intend to do so, they will make great contributions to our common work. Hence, this is an issue of social responsibility. Equally, I have already ordered to the Ministry of Labor and Social Protection of Population and state agencies of Azerbaijan to work together in this regard. There must be opened new vacancies in state agencies for employment of people requesting to the employment agencies."

In accordance with instructions of the country President, new initiatives are being already implemented. For example, hundreds specific workplaces were offered to the unemployed persons during mini career fairs organized by the Ministry of Labor and Social Protection of Population in Nardaran-district of Baku and in Ganja. This should be noted that in such career fairs single bread-winner women (single mothers) must be taken into consideration as priority.

In some applications, people complained that although the applicants were skilled professionals, when they requested to the employment agencies, they were offered jobs out of their specialties, such as jobs for persons with middle skills or with secondary

education and in case of refusal, they were denied to be granted a status of unemployment. Consequently, the Commissioner proposes to amend the Article 5.3 of the Law on Employment 713-IVQ dated 2 July, 2013 in wording as such “Persons, who are specialists with higher education, may be offered new specialization only with their consent. Without such consent those persons must be considered as an unemployed.”

Also, it is necessary to improve the mechanism of additional payment for working disabled persons by amending the Article 5.4 of the Complex Program on Adults or Children with disabilities in the Republic of Azerbaijan, approved by the Decision No.185 of the Cabinet of Ministers dated 10 May, 1994 in order to more effectively protect the labor rights of persons with disabilities (PWDs).

Awareness raising work and bilateral cooperation with the Academy of Labor and Social Relations as measures for protection of labor rights taken by the Commissioner are of great importance. Staff of the Commissioner Office in various times delivered lectures on labor rights for the listeners of the Academy.

***Right to social security.*** Within a last year, protection of the rights of citizens coming from socially marginalized groups was considered as a priority in the social policy of the State.

Constant increasing the minimum amount of insurance part of all types of labor pensions and the costs of living, played great role in strengthening of social security of the retired persons.

Participation of the Commissioner and consideration of her proposals about solution of social problems of various groups of the population during discussions of the State budget for the upcoming year and in the process of its drafting, have great influence to the effective protection and promotion of human rights. Most recommendations of the Commissioner about further improving social situation of the people are being implemented step by step.

In her previous annual reports, the Commissioner proposed strengthening the social protection of the orphans and children deprived of parental care, creating social-rehabilitation centers in charge of social care of such children, and provision of those, who are obliged to leave the boarding houses as they reached the age of consent, with housing. In this regard and according to the relevant Decision of the Cabinet of Ministers, it is necessary to create the House of Graduates Social Institute and provide the graduates deprived from parental care, of such state boarding houses under the subordinate of the Ministry of Labor and Social Protection of Population, with complex medical and social rehabilitation; establishing Public Rehabilitation Institute for Children with Special Needs in order to ensure their integration to the society; determining of allowances to parents or legal guardians of those involved to home-based education for taking them to health, rehabilitation or medical institutions.

With regard 1.225 applications about the violation of the right to social security, numerous measures were taken for the investigation and ensuring this right, for elimination of shortcomings, and restoration of the violated rights.

Those complaints were about incorrect calculation of pensions, including not considering period of work experience while calculating pensions, and failure to calculate the additions to the labor pensions, which were solved with interference of the Commissioner into the work of the competent authorities.

Following the examination of the complaints, other aspects of the right to social security of citizens, including problems of lump-sum allowances for ex-prisoners have been solved and the violated rights were restored.

Sometimes nonpayment to the State Social Protection Fund the 3 percent mandatory state social insurance from employees' salaries by employers led to calculation of pensions of citizens submitted their documents for determining pensions, lower than it had to be. So, it is necessary to strengthen the control over this issue by the appropriate Fund.

Analysis showed that it is still a necessity to take important measures for more efficiently ensuring human rights as well as overcoming some challenges of social development.

Improvement of the Law on Social Benefits regulating the legal principles of determination and provision of social benefits for the groups of the population with special needs is deemed necessary.

State care of families refers to fully using of all existed legal remedies and developing legal, social, economic and institutional mechanisms of purposeful state family policy complying with contemporary development tendencies of a family and society, in general.

Thus, the Commissioner proposes to prepare a draft and implement the Program on Social Support for Low-Income Families considering social support to low-income families, assistance in kind for developing private farm in villages, and one-time financial support to small business in towns.

It is also important to pass the draft Law on Social Protection of Large Families to efficient provision of social protection of families with over 5 or even more dependants under the age of 18.

Furthermore, it is a necessity to adopt the Law on Ensuring the Minimum of Subsistence Level, stipulating necessary support for ensuring social protection of low-income families, including determining allowances for housing utilities, supporting families wished to have own peasant-farmer, small business, including small commercial units, allocation of lands for building private houses by exempting from charge and provision with soft loans for purchasing of construction materials.

It is needed to determine allowances for civilians (or their family members) killed, injured, traumatized or received a contusion as a result of the enemy-opened fire in the frontline during settlement of social security issues as well as compensation for the damages to crops as the only living source of income.

*Targeted state social aid.* Low-income families have the right to social aid when their monthly income does not depend on them, have family members incapable of work or registered as an unemployed, dead, considered missing or dead by the court decision, imprisoned and etc.

Within last years, the Commissioner made various proposals about how to ease the process of appointment of the targeted social aid, improving access to rural areas, and overcoming bureaucracy and other bureaucratic hindrances.

In previous years, for targeted social aid it was needed to submit 17 documents to be given by different authorities, whereas as a result of amendments made to the relevant legislation due to Commissioner's relevant recommendations and suggestions, the number of such documents was significantly decreased.

Also, the Commissioner recommended improving the appointment process of this social aid and provision of its online version. Therefore, it is important to create Common Online Application and Appointment Sub-System on the targeted social aid in the centralized information system of the Ministry of Labor and Social Protection of Population in accordance with the Presidential Order dated 23 February, 2015 on improving the Targeted Social Aid System.

622 applications were taken about targeted social aid appointment. Those applications were about that some officials in social protection centers of the population offered to families to appoint them such allowance if they give some amount of their allowance to them in advance, bureaucracy and failure to inform citizens about the appointment to them of such allowance.

Subsequently, examining the applications regarding assistance to appointment of such an allowance, and taken measures, numerous low-income families were provided with such a social allowance.

Analysis showed that the relevant laws must be improved as well as the list of documents necessary for the social allowance should be reduced.

This must be note that in regions, especially in villages the employment agencies are located very far and jobs offered to citizens in those agencies are very low. In such cases citizens refusing these offers become unable to receive this allowance.

In general, while appointing such an allowance, especially in the process of drafting the list of properties at the frontline, it is necessary not to consider the lands which cannot be used on a regular basis, and unsuitable to use vehicles, also not include the amount of the allowance for disabled persons, the elderly, children and other groups with special needs (considering in the families persons with disabilities, the elderly and other persons incapable of work) into the listed eligibility criteria.

Families temporarily left their permanent residence address to earn money, but are in need of such a social allowance, are unable to enjoy this right since they cannot be registered at the place of temporary residence. Thus, it is better to monitor the actual living conditions instead of requiring a certificate of residence from the low-income families renting an apartment or temporarily living at their relatives due to various reasons.

Taking into consideration the Commissioner's recommendations, the process of appointment of targeted social aid is being improved. In a view of the fact that according to the Decision No. 37 of the Cabinet of Ministers dated 5 February, 2016, it was approved the "Rules for applying for targeted state social assistance, its appointment, issuance and refusal of issuance" Rules on Application, Appointment, for the Targeted Social Aid" in a new edition. The issues dealing with tuition fees and loan commitment have been removed from the list of inadmissibility criteria for a social aid according to those new Rules.

Nonetheless, the process of improvement must be continued.

As well as, the Commissioner considers necessary to continue measures for ensuring access to targeted social aid, and to accelerate the process of entrusting of social aid appointment to ASAN Service Centers.

Subsequently, President Ilham Aliyev said during his report in the final meeting of the Cabinet of Ministers in 2015 about the outcome of social and economical developments and future challenges *"...In the future quantity of services performed by ASAN Service Centers must be increased. The areas, suffering from lack of transparency, will be transferred to ASAN Service. Therefore, it is necessary that the Government gives his recommendations about which areas can be transferred to such Services..."*

The measures still must be taken for strict state and public scrutiny over activities of social protection centers in the regions and punishment of officials abusing their professional duties, taking into account that the elimination of shortcomings and constantly improving and strengthening social security system are main obligations imposed by the Government, carrying out socially oriented economic policy, in order to better protect the right to social security and strengthen the social welfare of the population.

**Right to health.** Measures have been taken for developing health service and modern diagnosis treatment centers, hospitals, health centers which meet the requirements of standard of living and lifestyle of population were built and material-technical base of the whole health system was strengthened.

The Commissioner received 445 applications about the right to health. Those applications were about assistance in medical treatment and examination to be carried out by the State, provision with medicaments and other aspects of protection of the right to health.

Following the request of the Commissioner to the Ministry of Health regarding the applications about assistance in medical examination and treatment at public expense due to lack of financial resources, relevant health institutions, including Baku City Main Health Department, local health offices and central city hospitals were given relevant instructions for medical examination and treatment of those applicants.

Some existed problems of the privileged groups, also those with special needs or those suffered from specific diseases and being registered at dispensary as well as eligible to get medicaments at public expense have been solved. Lack of medicines or their substitutes is an issue of concern of those persons.

It is necessary to expand the list of medicines for diabetes, and for those infected with dangerous diseases as Hepatitis "B" and "C" to be provided with relevant medicines at public expense.

In the last years, the Commissioner recommended to ensure the availability of prices of medicines to the large part of the population, especially to low-income families. For this reason, according to instruction of the country President, it is important to regulate the prices of numerous medicines; including drugs at the first stage are of life importance of treatment and drugs containing more demand by the Tariff (Price) Council. During the investigations of applications, majority of problems of citizens dealing with medical examination and treatment were solved following the requests to the competent authorities made by the Commissioner.

Taking into account the appeals of many people with heart diseases, including those with heart defects and with musculoskeletal and eye disorders regarding their treatment at public expense, with interference of the Commissioner, those people have been sent to the relevant clinics for medical examination and treatment and were provided with necessary assistance.

Following the requests of the Commissioner to the Ministry of Health, documents of some patients have been sent to the Commission on Affairs of Medical Treatment of Citizens Abroad under the Ministry of Health and to Special Commission of highly qualified experts, including urological, cardial and virus hepatitis commissions for obtaining the relevant reference.

Some complaints were about serious medical malpractice during examination and treatment in private health facilities; high cost of medicines and services; ineffectiveness of

medical treatments, including medical negligence in public health facilities; unethical treatment of physicians to patients; lack of sense of responsibility of physicians towards patients; various lab and diagnostic examination of patients irrespective of such a medical reference; becoming of stable source of income; and lack of quality of medical service.

Ensuring accessibility of maternity hospitals for pregnant women, restoration of patronage service for them would lead to prevention of birth of babies with various defects, whereas prenatal screening will prevent maternal and infant mortality and birth of such kind of babies.

Cochlear implant surgery (timely cochlear implant surgery of children with severe-to-profound sensor-neural hearing loss (inner ear prosthesis) and their complex rehabilitation may prevent the increase of number of deaf and dumb among children, which also may prevent the increase of persons with disabilities in future. So, since 2012, the Commissioner has been focusing mainly on that particular issue, in her annual reports, for this purpose considers necessary to allocate financial resources to the extent permitted by the state budget. Incidentally, the Commission on Registration, Selection, Examination and Treatment of Children in Need of Cochlear Implant Surgery by the Ministry of Health started operating.

The Commissioner considers necessary to approach the patient-physician relationships seriously, to adopt new normative and legal acts ensuring the rights of patients, including victims of medical malpractice, and to develop the contract system, regulating bilateral duties in the treatment process. Therefore, the adoption of the Law on Protection of Rights of Patients must be speeded up.

The medical service to patients with hemophilia and thalassemia were advanced, their life expectancy increased and quality of life was improved, number of disabilities and mortalities as a result of this disease decreased, and improvement of protection of the rights of such people and their social welfare are always in the center of attention. As a consequence of the establishment of Republic Thalassemia Center initiated by Heydar Aliyev Foundation, such patients have been treated at high standards.

For taking complex measures for prevention of thalassemia among the population, it is important to take measures for awareness raising, social mobilization activities, preliminary medical examination of persons getting married, especially for identification of the risk groups among them.

Alike, for identification of early examination and treatment of blood diseases, it is significant to create a Medical Genetic Lab in order to conduct DNA tests.

According to the Family Code, persons tend to get married should present a health certificate proving the medical examination of the couple, to the registration offices of the Ministry of Justice. Advice on medical examination and family planning of persons getting married, must be given in health facilities at free of charge.

Considering the importance of medical examination of newly married couples, preventing most of diseases in advance and diagnosis of hereditary blood diseases, the Commissioner, who pays more attention to the issues dealing with genetic examination of couples getting married and establishment of medical-genetic lab conducting prenatal diagnosis for timely detection of sick fetus in our country, requested to the Ministry of Health to speed the process of increasing number of medical students specialized in genetics.

Health issues of children with Down syndrome were also at the center of attention. Establishment of the Rehabilitation Center for Persons with Down syndrome initiated by the

Heydar Aliyev Foundation and its supplement with modern equipment is a great step on this way.

Taking into consideration the serious challenges in organization of training-education and rehabilitation due to the lack of relevant preschool, primary and secondary health facilities for children with Autism syndrome, specialized rehabilitation development centers, skilled personnel and professionals, the Commissioner recommended to establish modern rehabilitation and development and training for such children. Also, the Commissioner supported drafting and adopting the Law on State Care of Persons with Autism Syndrome and relevant draft state programs and necessary recommendations have been made.

Holding hearings on social protection of persons with Autism syndrome with a coordination of the Parliament's Standing Committee for Social Policy is also a noteworthy towards the developing of relevant legal and normative framework.

Outcomes of the monitoring and analysis of applications showed that the increased dynamics of persons on hemodialysis needs year after year requires additional budget considering all demands in this field. Despite the relevant state program was adopted, multiply applications are continued to be received.

For prevention of the rapidly progressing HIV/AIDS and drug-addiction, it is necessary to prepare special programs, to take preventive measures and awareness raising activities by involving civil society institutions, also treatment of prisoners suffered from these diseases in specialized health facilities.

Unfortunately, today when in our country, the number of persons infected with hepatitis is progressing; the absence of precise registration of such people does not allow to see the real situation in the field of concern. Hence, it is seriously necessary to make precise registration of such diseased persons and provision with complex treatment in a targeted manner.

In such economic situation ensuring health of the people and fostering of healthy lifestyle are issues of priority, therefore, food security must be provided. However, protection of the green environment is also not an issue of less importance.

Pruning or destruction of perennial trees in the name of development, and destroying the greenery of housing estates are unacceptable. Even if hundreds of seeding is planted instead of every cut tree, it cannot replace the decade's trees in the near future. Thus, control over this filed must be strengthened and unlawful and arbitrary decisions shall be prevented.

Taking into account the invaluable importance of drinking water for the health of a person, it is necessary to conduct regular monitoring of water treatment plants and to prepare as well as delivering video clips on usage and protection of drinking water through TV channels, public places, social facilities, particularly, in education facilities, including schools and kindergartens.

***Right to education.*** Within the frame of measures taken at the country level, the infrastructure of the education in regions was renewed; the Government, including Heydar Aliyev Fund took serious measures for comprehensive development of children, education, intellectual integrity, new school buildings were constructed, child houses and boarding schools were renovated and well equipped.

140 applications about the right to education have been examined and taken measures for restoration of the violated rights.

Consistent measures are taken for modernization of pre-school education system. However, number of places for children in kindergartens is significantly less than the pre-school children living in the relevant areas, region or city.

Online admission system of school-aged children to first grade in schools must be highlighted as a positive innovation of the 2015. From the other hand, difficult logic tests considered for 6-year children during the admission process is significantly contradicted to the real mentality and way of thinking of majority of children at this age. Consequently, parents are obliged to pay to special private teachers to prepare their school-aged children during the preparation period. The main reason for this is a lack of pre-school education facilities providing correct forming of intellect and way of thinking of children, professional teachers and moving away of those facilities from the subordination of the system of Ministry of Education being under the local executive bodies.

It is noteworthy that division of the preparation process for the first elementary grade between pre-school education facility and secondary schools' preparation groups may lead to complications for preparation to schools.

Statistical information about results of final assessments in secondary schools delivered by the State Student Admission Commission (SSAC) allows us to think about the real situation of education in depths and take urgent measures.

It is necessary to strengthen accountability for cruel and degrading treatment, physical and spiritual violence of students and accordingly to increase the amount of fine specified in the Article 49-1 of the Code Administrative Offences about violation of the Law on Education.

The Commissioner and her staff regularly visited state-run child facilities, including Baku Child Boarding Houses No. 1 and 2, the Boarding school No. 5 for children with limited health capacities, Special Boarding School No. 3 and monitored the living and education conditions, access to medical care of those children and checked the documentation in such facilities.

The Commissioner also paid more attention to inclusive education of children with speech impairments as one of the serious problems in the ensuring the right to education. For active integration of children with hearing impairments, Autism syndrome, and those with speech impairments due to similar reasons, but who in certain amount have a potential for a rehabilitation, it is important to create necessary condition for the complex rehabilitation and inclusive education of such children in secondary schools with their peers and to take planned measures to achieve those goals.

According to the results of investigations under the supervision of the Commissioner, lack of pre-school as well as specialized or secondary state, municipality or private schools, specialized rehabilitation and development centers, skilled and professional personnel for the children with special health care in such centers creates serious impediments for education, training and rehabilitation work. Therefore, the Commissioner recommended establishing various types of rehabilitation centers, surdological and logopedic centers, inclusive education institutions for such children and preparing workers specialized in psycho-pedagogical and in other fields.

Investigations in coordination with the Ministry of Health were conducted to ascertain facts shown in applications about problems of ensuring the right to education in secondary schools, and necessary monitoring was held, some problems were analyzed and positive results were achieved.

Lack of correct management of education process and abusing the professional duties by the administration of secondary school, creates such complaints. As a consequence monitoring conducted the revealed shortcomings and defects were eliminated and responsible for such actions were punished.

Knowledge and skills gained during education process, as well as ethical behavior norms and values must give an opportunity for each studying person to be real worthy member of society and assist in becoming an example citizen to others due to his knowledge and ethical behavior. Thus, causes of evasion of education by children in secondary schools, especially girls in rural areas should be analyzed.

Despite large-scale constructional works were taken, some school buildings in villages are still unsuitable for the education process and even some of them are in emergency condition.

The Commissioner stressing the importance of fundamental studying the causes of evasion of education in schools by children, especially in villages and mainly by girls within last years, recommended determining administrative responsibility for persons guilty in evasion of compulsory education by a child, strengthening parents' and teachers' accountability, and advancing the legal and normative framework regulating the duties of parents. Incidentally, amending the Article 51.1.-1 of the Code of Administrative Offences by the Law dated 4 December, 2015 it was stated that "Excluding the causes specified by the relevant executive body, a person is entitled to pay fine up to 100 AZN in case of evasion of a pupil the secular and compulsory education for 7 days in one month."

Without pilot projects in education, also application of administrative methods may lead to weakening the education system established through decades.

In general, it is necessary to return pre-school education system to the subordination of the Ministry of Education and funding either these facilities or secondary schools from the budget of the Ministry.

The Commissioner recommends applying the encouraging methods of reducing or exempting from tuition fees of students studying in state higher or secondary education facilities on a self-financed basis, demonstrating high grades during exams, following the rules of specified attendance and behavior. From this perspective, according to the Presidential Decree, payment of state scholarships to full-time students studying in institutions of higher or secondary education regardless of public, state or self-financed education, in a prescribed amount considering their average of academic records and achievements in academic subjects is an issue of significant importance.

It is needed on a targeted manner to determine monthly amount for students who study in state institutions of higher or secondary special education but have not been provided with a place in student dormitories and in need of finance for payment of renting.

One of the serious problems appeared after abolishing the Azerbaijan International University and still remained unsolved is failure to obtain the diplomas by its graduate students. Actually, the Ministry of Education was aware of the fact that the administration of the University deceived its students and until its liquidation either through SSAC continued to issue diplomas to those admitted or transferred or graduated outside of state student admission process. It is also obvious that diploma blanks are given to education institutions by the Ministry of Education.

Taking into account the abovementioned the Commissioner considers necessary to review the process of issuing diplomas to those students and to solve it.

In some applications citizens complained about prolongation of the nostrification process of diplomas given by foreign higher education institutions for several months and bureaucracy by the Ministry of Education.

Despite submitting all necessary documents specified by the Regulations on recognition and determination of equivalence of higher education specialties of foreign countries (Nostrification) approved by Executive order No. 64 of the Cabinet of Ministers dated 13 May, 2003, Ministry of Education refused giving a certificate of equivalence to persons studied abroad claiming that the relevant inquiries sent to foreign higher education institutions by the Ministry was not responded.

Based on those Regulations it is also refused to give diplomas to distance learning students of foreign higher education institutions. Therefore, the Commissioner recommends making addition to the provision 1.2 of those Regulations before wording "higher education program" the wording "full-time, part-time and distance education".

Broad awareness raising activities of the Commissioner in the field of human rights contribute to the development of legal culture and thinking and to increasing their legal knowledge. Subjects "Human rights" and "Introductory to Gender" are continued to be taught in Law Faculty of Baku State University on initiative of the Commissioner, and to make scientific approach to this field by preparing master students of human rights. It has been already started to teaching human rights in other faculties as well and it is necessary to spread this positive practice to other higher education institutions.

***Right to adequate housing.*** 328 applications were received about the right to adequate housing. Those applications were mainly about provision of adequate housing, failure to respond requests regarding building of private houses by local executive bodies, groundless refusal and bureaucracy in this regard, restoration of seizure of housing waiting list, provision with a new housing instead of housing in emergency condition, assisting to elimination of natural disasters damages, allocation of lands for construction of private house, helping to the building of a house and to overcoming the damages caused as a result of construction works in the neighboring area.

Some applications were about misappropriation of funds of citizens by construction companies, selling apartments of one building to several persons at the same time, fraud against citizens, ineffectiveness of the criminal prosecution of such offenders, and not returning the misappropriated funds.

As well as, both real situation and the investigation of the applications show that problems dealing with provision of people with adequate housing are still remained unsolved.

Mortgage loans must be accessible to all strata of the population as one of the effective methods. Nonetheless, interruption of such loans, insufficiency of funds allocated to National Mortgage Fund to meet the demands of citizens, failure of the minimum amount preferential mortgage loans given to citizens, to meet the real demands of housing market, high cost of initial fees, and failure of the rate of interests reflect the reality create impediments not only for low-income families, but also for those who are able to pay to meet enough their right to have adequate housing, also do not sufficiently meet the increasing demand of young and low-income families to housing. Thus, it is necessary to simplify the process of obtaining such credits, to improve the mortgage loan system and to speed up taking measures in this regard. Wide application of lending such credits in the

regions may further strengthen the sustainability of the population in rural areas and accelerate the process of rural-settings.

Creating Social Housing Fund and regulation of prices in the labor market may help to gradual solution of housing problems of low-income families and vulnerable groups.

One of the problems indicated in the previous annual reports and requests sent to the competent bodies by the Commissioner, which is still remained unresolved either in previous or present years, is illegal buildings constructed with unofficial permission of heads of housing offices in charge of relevant areas within their competences, police bodies, local executive bodies, municipalities.

Article 1100 of the Civil Code states that “The damage caused to a legal entity or a private person in result of unlawful actions (inaction) of the state authorities, local authorities or the officers of such authorities, including issuance of an act of the state authority or the local authority, which is contrary to the law or other legal acts, shall be subject to compensation by the Azerbaijan Republic or the relevant municipality.” As can be seen this norm impose obligation of payment of compensation for damages caused to a legal entity or a private person on state authority or municipalities, which opens the way for abuse by some state officials. Thus, it is necessary to amend this norm of the Code in wording as such “by relevant state authorities, local self-governing bodies or officials of these bodies” instead of “by the Azerbaijan Republic or the relevant municipality”

Since the very beginning of establishment of municipalities, it becomes necessary to inventory houses built on lands allocated for construction of private housing. The resolution of this issue will not only end concerns of thousands citizens in this regard, but also pave the way to efficiently ensure several rights of them.

Based on Urban Planning and Construction Code, on the basis of general plans of cities, which are still underway, city (town) executive bodies firstly must inventory illegal buildings or constructions and then prepare detailed plans of separate places of cities or settlements. Cities’ general and detailed plans are prepared by the State Committee on Property Issues and local executive bodies based on their information.

According to some complaints, citizens were not acknowledged at all and in most cases were refused or neglected by the local executive bodies regarding construction of private buildings on their lands, instead of reviewing the relevant documents sent to them based on information proceedings and according to the noted Code and acknowledge those persons about any remarks.

Regarding the requests of the Commissioner to the local executive bodies to monitor these cases, as a rule, it was responded that because the detailed plan of the relevant area was not yet prepared, the citizens’ applications were failed to be resolved. As can be seen, citizens who wish to improve their lives by building private housing, faced with impediments due to failure to adopt some legal and normative acts regulating the issued specified by the noted Code.

Taking into consideration, the abovementioned, the Commissioner considers that lack of relevant detailed plans and restriction of the right of citizens’ to adequate housing since of failure of preparation of them by competent state authorities in time are inadmissible and therefore, she thinks necessary to make amendments to the relevant legislation.

Incidentally, in the first sentence of 75.6 Article of the Urban Planning and Construction Code given in new edition, it was stated that “Considering the references to the applications about construction, the relevant executive body reviews the case within a

month if detailed plan of the relevant area exists, or within three months if such a plan does not exist or validity has expired, and makes decision to grant or not to grant permission to building.” Also, the Cabinet of Ministers by its decisions, approved the “Rules on preparation, agreement and approval of detailed plans, and list of the bodies which agreed with those plans”, “Rules on Determination of Eligibility Criteria of Construction Projects to the Planning Documents (Main or General Plans) of the Areas of Construction for granting permission in case of absence of a detailed plan or its expiring or for information proceedings, also during preparing the detailed plan” and etc.

In the previous annual reports and requests to the corresponding state authorities, the Commissioner indicated that ten thousands citizens residing in Hovsan, Bina and Ramana, including Alatava, Zig, Vorovsky, Khutor, NZS, UPD, Keshla, Yasamal and Yeni Yasamal and other settlements of Baku, but not registered in those addresses, are restricted to fully enjoy of many rights that they are entitled to. She also considers necessary to creating legal mechanism of solution of property registration of technical inventory of those houses and preventing the construction of such buildings.

It is also important to prepare and implement State program on Provision of Citizens’ living in old and emergency condition houses with new housing in order to resolve this problem.

The Government continued taking measures for elimination of damages caused as a result of natural disasters happened in different times in separate regions of the country. As a consequence of requests accordingly made by the Commissioner, some houses damaged by natural disasters are monitored by the local commission on emergency situations and submitted to the Working group at the Ministry of Emergency Situations for their consideration, also an opinion on restoration of some unsuitable houses were issued or included to the list of houses in need of reconstruction and renovation.

As a result of a fire in multi-floored building located in Binagadi - district of Baku on 19 May, 2015 several persons died or injured. The country President visited the place of accident in person, and gave his instructions to the State Commission members in relation to the investigation of causes of the fire and taking urgent measures for elimination of the atrocities, helping to the victims and families of the deceased victims and etc. Consequently, the damaged building was renovated and its residents were moved back in there.

The Commissioner kept this issue at the center of her attention and visited the victims in the places of their temporary residence and the injured in hospitals where they were treated, learned their health state and needs and sent her relevant recommendations and requests to the competent authorities.

***Right to property.*** 1.996 applications were received about the violation of the right to property. These applications were mainly about demolition of owned property (house, building) by the local executive body without a relevant judicial decision; withdrawal of privately owned land for public purposes and failure to pay compensation or any other relevant compensation instead; giving way to red tape by the territorial, district (city) departments of State Registry Service under the State Committee on Property Issues during the documentation of a house, an apartment or land owned by citizen.

As one of the serious challenges in the field of concern of thousands people, the Commissioner recommends to inventory and register the private houses built on lands allocated for this purpose by the citizens in different times and until the time when municipalities started functioning. For this purpose, it is important to approve the List of the

Documents Confirming the Acquisition of Rights for Real Estate Obtained or Built until the Law of the Republic of Azerbaijan on State Registry of Real Estate came into force by the Presidential Order dated 13 January, 2015.

As a result of devaluation of a national currency “Azeri New Manat” during months of February and December of 2015, complaints of citizens borrowed credits in United States Dollars (USD) from banks and unable to pay the rate of interests, were a matter of particular concern.

Some complaints were about helping to citizens to get cash credits in Azeri New Manats despite that bank credits were in USD according to their bank agreements and in calculation of the credit payments in USD at the old rate when the contract was issued.

In general, this should be noted that since of some banks’ policy to achieve high profits and lending not only small, but also huge amounts to citizens in a simple way and in some cases not requiring collateral give the way to impediments to persons desiring to lend loans and not understanding the responsibility of its consequences, but also their families. Subsequently, some families deprived of their only place of residence and property; sometimes those families were destroyed or faced with different stresses.

***Business and human rights.*** Some of business structures (entities) more or less affected by the ongoing global economic crisis, which consequently forced to stop production capacity, reduce the staff, prolong or shorten the working time, reduce social packages and salaries, take responsibility for implementation of mandatory measures referred above, whereas other part of such entities negligently approach the future of their employees.

The Commissioner continued her close cooperation with the state authorities competent for public scrutiny over the activities of such entities. She also worked with the Azerbaijan Confederation of Trade Unions towards the elimination and prevention of the revealed defects and shortcomings and violations made by the business structures.

As a consequence of this cooperation, non-state enterprises took urgent measures for the restoration of the violated rights to property, right to live in safety, right to personal security, right to housing immunity, right to labor, right to leisure time, right to health, and others and some problems have been resolved.

In respect to the above, it is necessary to develop the socially oriented market economy, provision of real guaranties to the development of free entrepreneurship, the application of customs and tax concessions for medium and small business enterprises, as well as entrepreneurs with disabilities in order to create the favorable business environment, really strengthening the fight against monopoly and unfair competition, and aggravating administrative and criminal responsibility of persons violated these requirements. Equally, paying more attention to the corporate responsibility, and taking motivation measures in relation to the entrepreneurs efficiently participating in protection of the rights of vulnerable groups are of great importance.

In the last year, the Commissioner recommended the effective realization of entrepreneurs’ rights. From this point of view, encouraging the development of entrepreneurship; creating the favorable business environment; simplifying the process of granting special permission (license) and provision of transparency; delegation of ASAN Service centers with powers to grant license by minimizing the number of types of activities; implementation of the Presidential instructions about establishment of Online License

Portal providing all necessary documents required for entrepreneurship; and adopting the Law on Stopping Monitoring in the Field of Entrepreneurship.

Broad discussions were held by the Business and Human Rights Working Group established at the initiative of the Commissioner, in different times and with participation of the corresponding state authorities, about the rights of PWDs, the role of trade unions within business structures, corporate social responsibility, and protection of interests of entrepreneurs and the recommendations have been submitted to the competent bodies.

### **1.3. Protection of various groups of the population**

***Protection of refugees, internally displaced persons and migrants.*** As a result of occupant and terror policy of Armenia against the Republic of Azerbaijan, violation of many rights and freedoms over one million people recognized under international law are being continued. As a consequence of preconceived position of international organizations and international community to the events the Republic of Armenia has not still fulfilled four UN Resolutions recognizing the territorial integrity of our country and continues its occupant and terror policy against Azerbaijan, which is also an equal member of the international community.

Up to 2015, housing conditions of 49 000 families or 243 000 internally displaced persons (IDPs) were improved, by setting up 5 new dwelling settlements, construction of 5 secondary schools, 3 kindergartens and 3 health centers. Also, more than 120 000 IDPs are still living in unsuitable public housings, dormitories, health camps and in other places of temporary residence in very poor conditions and facing many social problems.

The Commissioner always learns the situation and needs of IDPs and visited them on the spot. 829 applications were received about the violation of the right to property, labor, social security, education and other rights of the refugees and IDPs, and there have been made relevant requests on investigation to the competent state authorities, including State Committee for Refugees and IDPs, State Migration Service, and measures were taken for elimination of problems in relation to housing conditions, labor and unemployment.

With reference to the above, it is necessary to resettle the IDPs' families out of houses, apartments and other buildings occupied by them, into the new buildings in a view to restore the violated rights of owners of the occupied dwellings.

The Commissioner actively cooperates with country representatives of UNHCR and International Migration Organization, along with the Ministry of Interior, State Migration Service, State Border service and other state authorities. Furthermore, broad awareness activities were held for civil servants specialized in this field, and regional trainings for border-guards, health professionals and local law-enforcement bodies working in Bilasuvar, Jalilabad, Astara, Lankaran Guba, Gusar and Khachmaz regions.

In joint collaboration of the Ombudsman with the State Migration Service and United Nations High Commissioner for Refugees (UNHCR) country Office organized conference in Baku about "Elimination and prevention of Statelessness.

The purpose of the conference was to discuss the issues of identification and prevention of the cases of statelessness, problems in relation to their legal status and future cooperation for efficient protection of such persons.

The Commissioner delivered statements about genocide and acts of violence committed by Armenian armed forces against Azerbaijanis in Khojaly city, Nagorno

Karabakh and adjacent districts of Azerbaijan, and addressed to the UN Secretary-General, High Commissioner for Human Rights (OHCHR), UNHCR, CoE, OSCE, International and European Ombudsman Institutes, Asian Ombudsmen Association and to foreign ombudsmen members to these institutions, foreign embassies to Azerbaijan and embassies of Azerbaijan in foreign countries, also to Azeri Diaspora organizations abroad.

The Commissioner and her staff dispensed the statements, literature about those tragedies and disks to the participants of international events during their business trips abroad.

In 2015, the issues of protection of migrants' rights were in the center of the Commissioner several recommendations and suggestions about protection of migrants' rights were prepared and submitted to the competent authorities. In addition, relevant recommendations were submitted to the draft Law on the Status of refugees and IDPs and Migration Code in relation to the execution of National Action Plan on Fight against Human Trafficking for 2014-2018, and many of them were taken into consideration.

Taking into account the Commissioner's recommendations, boards with information about internal disciplinary rules, rights and freedoms of migrants and stateless persons and lists of things and food allowed, were hanged on the walls of the rooms of centers for irregular migrants.

During the examining the applications concerned, unjustified restriction of freedom of movement were prevented, in some cases, the process of issuing of return certificates for citizens of Azerbaijan living without invalid documents or lost their identification in documents the receiving country were speeded up, in some cases the decisions about leaving the country on an administrative manner were abolished, and a foreigner was granted with entry permission to Azerbaijan; and aliens and stateless persons residing in the country in different times without documents were returned back to their countries of origin by provision with the necessary document in a short period of time.

***Protection of persons kept in detention places and prisoners.*** In order to successfully re-integrate of such category of persons into society it is necessary not only to ensure their rights harmonize the specified restrictions with the legislation and international norms along with.

In 2015, the measures were continued for improving the penitentiary system, temporary detention places of ministry of interior and detention places, protection of rights and bringing the custody conditions of prisoners and detained persons into compliance with international standards, modernization of penitentiary infrastructure and strengthening material and technical base there.

Also, according to the final outcomes of the activities of the Penitentiary Service of Ministry of Justice in 2015, as a result of specific measures for elimination of causes and conditions for abuse of power and corruption, the 322 employees were brought into disciplinary responsibility, 18 were dismissed from their job, whereas 18 were dismissed from the justice system.

It is very important to pay more attention to the construction of new penitentiary buildings in the regions in order to bring the custody conditions in penitentiary facilities into compliance with international standards and to avoid overcrowding. Furthermore, new medical facility is also intended to be built within the penitentiary facilities complex in Baku the construction of which should be accelerated.

The Commissioner also paid attention to the issues of public participation, legality, impartiality, transparency, objectivity, and fostering the principles of obeying the law into prisoners and strengthening the impact of correctional activities along with institutional reforms in order to carry out the public control over the activities of penitentiary facilities and correction of prisoners.

In the frame of the activities of the Commissioner, national preventive group ad-hoc visits to temporary detention places, investigation isolators, penitentiary institutions, guardhouses on a regular, planned basis, also according to the applications addressed to the Commissioner, or received incoming hotline calls; and legal awareness was held for those persons and staff of those facilities. As a result of monitoring, recommendations and suggestions have been forwarded to the relevant bodies covering detention places, implementation of recommendations have been checked during the next monitoring and necessary suggestions were given.

For investigation of custody conditions and treatment of prisoners, the Commissioner regularly monitored penitentiary facilities, dormitories of those facilities, medical-sanitary parts, canteens, library and club, met with detained persons and prisoners and the issues of their concern were resolved on the spot.

In the course of the monitoring, it was paid special attention to custody and ill-treatment of prisoners. Equally, the state of provision of the right to vote, freedom of conscience, belief and religion and protection of their health were scrutinized.

Prisoners mainly filed applications to the Commissioner about issues in relation to protection of social security, family issues, right to health, extradition, treatment, custody condition and etc., which were reviewed and were resolved as prescribed by the law with the reference of the Commissioner.

Taking into account the applications made by prisoners and their families, in different times, the Commissioner submitted motions to the Commission on Pardon Issues under the President of Azerbaijan and made many solicitations of pardoning.

It is a consequence of the state policy, which based on humanism and justice and was founded by the national leader Heydar Aliyev and successfully progressing by the current country president Ilham Aliyev, as well as the respect for human and civil rights and freedoms, and in a short period of time in general, 10 amnesty acts were adopted and 60 decrees and orders of pardoning were signed; so, thousands of people returned to their families by being released. In reference to the above, the Presidential Decrees on Pardoning of Some Imprisoned Persons dated 18 March and 28 December, 2015 are of vital importance.

From the very beginning, in total, 493 prisoners, 38 of which were pardoned in 2015 at the solicitation of the Commissioner.

With purpose of better ensuring and efficiently provision of the rights of detained persons and prisoners in the places of detention, the Commissioner made recommendations on establishment of juvenile justice system and speeding up the adoption of the relevant law; increasing the budget for keeping of detained persons and prisoners in the places of detention, (including nutrition, medical care service and medicines); creating new fields of production in order to involve the prisoners into the work of public importance, considering the significance of correctional orientation for prisoners by involving them into healthy work; creating shelters and resource centers for those released from prison facilities but who has not a permanent residence; developing mechanisms of solution of employment issues; speeding up the construction of new buildings of health

institution of the penitentiary service, investigation isolator as well as prison No. 2; organization of trainings and seminars for court executors and legal awareness for prisoners.

Initiatives about social adaptation of children hardly trained and in conflict with the law, social inclusion of measures against persons violated the law, strengthening social and psychological services, also preventive measures for elimination of law violations in the society and impediments are future perspectives.

According to the amendments to the Criminal Code by the Law dated 20 October 2015, sentences for persons under legal age, convicted of crimes, have been reduced and this is evidence of humanist policy and attention and care of the country President to the children. In comply with the amendment made to Article 92 of the noted Code, excluding the conditional imprisonment, sentences for persons under legal age, convicted of crimes, shall be reduced based on Article 83 of the Criminal Code, and at the expiration of the following periods sentences shall be terminated: six months from the date of serving relatively lighter punishment than the imprisonment; one year from the date of serving the punishment of imprisonment for crimes, not representing big public danger and less serious crimes; three years from the date of serving the punishment of imprisonment for serious or extremely serious crimes.

Preference of the restriction of the accused person and several times prolongation of this restriction leads to overcrowding in investigation isolators, impediments in custody conditions and inclination towards exhibiting criminal behavior among juveniles; and this makes important to apply alternative punishment measures.

***Protection of rights of military servants.*** Ensuring security and protection of our country, increasing combat capability of the armed forces and other armed groups in Azerbaijan, protection of military servants and their family members for raising prestige of military service, including measures for strengthening social protection and improving living conditions and medical and health services are of great importance.

Increasing security and combat capability of our country and provision of social protection of military servants remains the most important task on the agenda. For this purpose, when the allocation in compare with 2014, was 17.9 percent of state budget, in 2015 this allocation was 2.7 percent of state budget. In accordance with the Presidential Decision, military servants, who served 20 years without any professional defects in the Armed Forces, were provided with 744 apartments in total, in order to improve their living conditions.

Further improving the living conditions in military units, dismissal of military servants from chores by involving civilians instead, were welcomed by the parents and citizens, in general. These reforms are of vital importance in prevention of out-of-regulation relations among military servants, effectively usage of the time allotted for combat readiness and employment of civilians.

Analysis of applications by military servants and their family members in relation to the military service as well as outcomes of the meetings with personnel in military units allows us to say that positive fundamental developments and measures were made for high combat readiness are being continued at a rapid pace in order to ensure necessary conditions in this regard.

Based on the analysis it can be noted that most of the applications were in relation to military servants' compensation for unused vacations and renting temporary housing;

overdue demobilization of a military servant despite the contract has expired; sometimes failure of provision of privileges for war veterans, and persons with disabilities, families of martyrs' by the local executive bodies as envisaged by the law; also negligent approach to the problems of the retired military servants, including housing, failure to pay monetary compensation for rent in time; impediments in health service and getting certificates from the archives of the Ministry of Defense.

It is also possible to face impediments in medical examination of some recruits and military servants, cases of deaths and injuries not related to military operations; and violations of regulations on mutual relationships among military servants. Consequently, it is important to continue educational work in for personnel in military units and strengthen demands for persons in charge of the incident for avoiding deaths and injuries not related to combat orders among soldiers.

Cases of overdue demobilization, despite the service contract has expired were also indicated in the applications.

According to Article 17 about the right to change the duty station of the Law on Status of Military Servants, despite military servant has the right to change his duty station if that is not suitable for himself or his family members due to health reasons, or ending his service determined by the Ministry of Defense, in the place with special conditions, or since of his marital status, sometimes they cannot fully enjoy these rights.

Impediments in payment of compensations for unused vacations as prescribed by the law and even failure to execute relevant judicial decisions caused to just discontents of military servants and filing applications to the Commissioner and other state bodies.

Issues of getting monetary compensation for unused vacations by some military reservists from their previous places of military service remained unresolved as well, since the name of the body later abolished, and from where they could get such compensation or its procedure were not indicated in the Decision No. 399 of the Cabinet of Ministers dated 26 December, 2014.

As a result of examinations of the applications, it was found that failure to respond or delay of requests of military servants, particularly the reservists and the retired ones, by Central Archive of the Ministry of Defense and red tape created impediments in the realization or fully enjoyment of some rights of citizens. The majority of similar problems were also shown in previous annual reports of the Commissioner. Investigations concerned were conducted and the violated rights were restored and the applicants were provided with archive certificates.

Based on the agreed plan, staff of the Ombudsman Office in collaboration with the representatives of the Ministry of Defense, Internal Troops of the Ministry of Interior and Civil Defense Groups of Ministry of Emergency Situations held monitoring in military units and facilities of those bodies, as well as meetings and awareness events totally in 28 military units, including disciplinary military units for strengthening the legal awareness of personnel in 2015. This must be noted that from the perspective of protection of rights and freedoms of servicemen and strengthening ideology, legal awareness and educational work, determination to combat, psychological state and patriotism in the army, similar events were profitable. During the meetings the complaints were investigated on the spot, and questions of servicemen were responded. The command of the military unit and administration of military facility were given suggestions on elimination of shortcomings revealed and its causes and relevant bodies were submitted motions.

The contents and number of measures towards elimination of out-of-regulatory relationships, and raising legal awareness of personnel must be advanced. It would be appropriate to involve military lawyers, well-known figures, and relevant non-governmental organizations into the implementation of such events.

***Protection of women rights and ensuring gender equality.*** Measures were continued for protection and promotion of women rights, ensuring gender equality, restoration of the violated women rights, state of ensuring of these rights, also recommendations on solution of the existed problems and improvement of legislative acts.

For increasing of full participation of women and their initiatives in all areas of the public life, especially in the decision and policy making processes on the basis of equal opportunities, the Commissioner cooperates with local and central executive bodies, non-governmental organizations, mass media and communities; and takes measures for solution of the existed problems.

The measures indicated in the National Action Program and “Azerbaijan 2020: Vision to Future” Development Concept are being implemented.

The Commissioner and her staff in coordination with civil society institutions held awareness seminars and trainings on gender equality and specific measures for its achieving, participation of women in decision making and adoption processes at different state and public administration levels, the activity of women in electoral processes, women entrepreneurship, also on domestic violence, reproductive health, human trafficking and early marriages for women living in remote areas and villages. As a result of an intensive awareness activities, hundreds of women gained knowledge about their rights and they were provided with legal aid at free of charge.

This should be noted that provision of women entrepreneurs with financial and institutional support, along with the organization of trainings in the regions for increasing activity of women and preparing of leader women, is of vital importance.

The Commissioner continues her activities towards the implementation of 12 priorities of Beijing Platform of Action+20 as one of the main international documents embracing women rights. lectures and speeches prepared in accordance with the Platform for Action, extensive manual “Introduction to Gender Theory”, including teaching of the same subject in Law and other faculties of Baku State University serve for promoting gender understanding, building new approaches to gender theory and improvement of gender relations and their future development.

Persons in charge of gender policy and trade unions’ activists were given lectures about modern aspects of human rights and gender issues in the Academy of Public Administration under the President of Azerbaijan, Ministry of Justice, Academy of Labor and Social Relations.

It must be highlighted that early marriages continue remaining as a great concern. This fact restricts individual development and future opportunities along with having physical, mental and emotional affect and depriving the girls from being educated. Such marriages leading to early pregnancy and births, in most of the times cause risk to health of a mother and baby.

The Commissioner paid more attention to the protection of female prisoners in her activities; substantially, female prison facilities were monitored on a regular basis, detained persons were interviewed, over 150 women prisoners were listened in private, 52 women

were interviewed tête-à-tête at their requests and their applications were taken into consideration.

Issues of elimination of cases of violence and its prevention were always at the center of the attention; various events were organized; staff members gave comprehensive information about the Commissioner's activities in the field of fight against violation of women rights, including domestic violence participating in numerous different local and international events; also made recommendations about improvement of legislation and mechanism of institutionalization.

Placing victims of violence and those affected by stresses, in the resource centers for supporting them and provision with psychological assistance; it is therefore, necessary to prepare social workers and psychologists to care of such persons.

The fifth points of the Sustainable Development Goals (SDGs) for 2016-2030 years, adopted by the UN Summit in September of 2015 and embracing 17 goals, proposed achieving gender equality and empowering all women and girls. From this point of view, the Commissioner recommended considering the noted provisions driven from national and international documents, while drafting the National Strategy and Action Plan on Analysis of Gender-Based Violence Conflicts and Assistance to Victims of Violence.

Some recommendations of the Commissioner were included into the draft of National Strategy and Action Plan on Analysis of Gender-Based Conflicts and Assistance to Victims of Violence being drafted in the frame of the Project "Progressive Justice System and Modern Judiciary" run by the Ministry of Justice and with support of the Government of Azerbaijan and World Bank. Speeding up the ratification process of Council of Europe Convention on preventing and combating violence against women and domestic violence and Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, signed by our country on 17 November, 2008 and creating Alimony Fund and etc. are of such examples.

Strengthening the maternal and infant health, protection of reproductive health of the people, conceiving by women healthy babies at any time and in a number wished, reduction of maternal and infant mortalities and ensuring healthy motherhood were among issues in focus during the conference "11 July- World Population Day" which was held in Jalilabad city at initiative of the Commissioner and in coordination with the UNFPA.

Legal awareness events, literary, artistic and musical events were organized for older, without a next of kin and female prisoners in the Resource Center for the Elderly of the Ombudsman, which was founded at the initiative of the Ombudsman within the premises of the first unity of elderly women - at the Azerbaijan Women and Development Center; also was focused on their rehabilitation.

The Commissioner and her staff participated in international events in a view to learn international experience in the field of protection of women's rights and sharing their own practice concerned; also delivered statements.

In the frame of her mutual cooperation with UN Treaty Bodies, the Commissioner submitted her complementary report in relation to the State Report to the UN Committee on the Elimination of Discrimination against Women (CEDAW). In the noted report the Commissioner made recommendations on improving the activities towards the elimination of violence and discrimination against women, along with the work already done.

In coordination with UNFPA, the Commissioner conducted study on "Sexual and Reproductive Health and Rights" related to the analysis of implementation status of recommendations made by Treaty Bodies. The prepared report exclusively reflects the first

evaluation of outcomes in Azerbaijan with regard to analysis of implementation status of recommendations made by Treaty Bodies.

In the 29th regular session of the UN Human Rights Council (HRC), in her written statement, the Commissioner forwarded recommendations for elimination and prevention of violence against women.

**Protection of child rights.** Activities towards investigation of complaints about violations of child rights and restoration of the violated rights; learning the situation of children, preparing proposals on improving the relevant legislation and social situation of children, as well as awareness and promotion campaigns in the field of child rights were continued.

550 applications were received about child rights violations. Along with those applications, urgent measures were taken with regard the 122 incoming calls to the 24-hour hotline “916” on child rights created for provision of application without any delay and access to the Commissioner and conducted investigations on the spot if so was deemed necessary.

Legal advice was given in relation to violation of the right to education, medical treatment, provision with housing, failure to pay targeted social aid and to execute the court decisions on alimony payment and other topics received via hotline; monitoring was conducted and measures were taken jointly with the state authorities.

The Commissioner held range of trainings about topics on Universal Declaration of Human Rights, Child Rights Convention (CRC) and protection of child rights in Azerbaijan in various regions of the country with participation of local executive bodies, Commission on Minors and Protection of their Rights (Commissions on Minors), judiciary, prosecutor’s offices, police, education and health facilities, municipalities, civil society institutions, educators working in child care facilities and the children.

On the occasion of the 20th anniversary of the CRC between 20 October-20 November and with purpose of more efficient protection of child rights and paying more attention to the children, she declared “Child Rights Month-long campaign” throughout the country and central and local executive bodies, civil society institutions were made motions regarding carrying out relevant events in the frame of this campaign.

Analysis of information about the activities done, given by the central and local executive bodies to the Commissioner within the frame of this month showed that measures were mainly taken for solution of child problems through the investigation, monitoring their state of health, organization of awareness events, and holding numerous competitions. Those measures lead to extension of worldwide of those children, increasing their knowledge and skills, development of legal thinking and culture, getting complete information about child rights, and growing up as real patriots.

Child Rights Hierarchic Education as a peer-to-peer education project on child rights have been held since 2009-2010 academic year was successfully implemented at the initiative of the Commissioner and in coordination with Ministry of Education. The project covering secondary schools of each district of Baku and regions of the country, including Zagatala, Balaken, Samukh, Shemkir, Masally, Astara, Khachmaz and Guba were continued this year as well. In total, 6350 pupils from more than 110 schools, involved into this project, were awarded with certificates by the Commissioner and over 500 teachers and directors were got a letter of appreciations.

This practice run in secondary schools of urban and rural areas and at the initiative of the Commissioner was highly evaluated; child rights education centers were established in those schools; and it was created an Azerbaijan model by developing legal education for children based on the relevant educational tools.

The Commissioner welcomed developing of pre-school education facilities; and made recommendations on creating favorable conditions for development of child skills and creativity and organization efficiently of their leisure time.

Like every year, for developing legal knowledge of children and revealing their creativity skills, in 2015, the Commissioner initiated holding child drawing competition “Me and My rights” on the occasion of “10 December – Human Rights Day” and the winners were awarded with certificates.

The Commissioner recommended to the Ministry of Education to include child rights modules into the teachers’ vocational training programs and specific trainings, which was welcomed.

Applications about the right of a child to health were also examined; after motions of the Commissioner, children were medically examined and treated at free of charge and provided with medicines.

Maternal and infant mortality and carrying out sectarian surgical operations without a proper instruction are of serious concern and it is necessary to take relevant urgent measures.

Lack of medical units and psychologists in some schools negatively affect children’s health and lead to different complications.

Action Plan on Immunoprophylaxis of Infectious Diseases among Children for 2016-2020 years, which was approved by the Decision No. 370 of the Cabinet of Ministers dated 1 December, 2015, and considered timely and complete vaccination of all children, ensuring security and increasing quality of immunization, conducting monitoring over and sustainable funding of these process; provision of qualified vaccination materials and better supplying with equipment and others, is of vital importance.

Sex selective abortions and consequently destruction of sex ratio of born babies are also serious concern. In order to solve this problem it is important to take urgent measures and strengthens awareness on family planning. The adoption of the Law on Reproductive Health discussed at the Parliament will help in solving the problems existed in this area.

For prevention of smoking and drug addiction among children and adolescents in secondary schools, as prescribed by the law, it deemed necessary to strengthen control of the relevant authorities and civil society over selling alcohol and tobacco products to children.

According to the bilateral working plan with UNICEF, in the frame of the program carried out, trainings about child rights protection mechanisms in Azerbaijan were launched: challenges and solutions with participation of Ganja, Sheki, Guba and Jalilabad local executive bodies, Commissions on Minors, law-enforcement bodies, education and health institutions, social protection centers, municipalities, civil society institutions and educators of child care facilities; topics on child rights and duties, responsibility, activities of the Commissioner in the relevant field, and child rights protection mechanisms were discussed with the participants.

For protection of minors from violence, it deemed necessary to ratify the CoE Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, signed by our country on 17 November, 2008 and to adopt the draft law on Protection of

Children from Corporal Punishment prepared by the Commissioner with support of UNICEF and submitted to the Parliament in 2009.

For protection of rights and defense legal interests of children in conflict with the law, adoption of the Law on Juvenile Justice, making relevant structural reforms, improving the regulations and activities of the Commissions on Minors and preparing social workers and psychologists became important.

Regrettably, like in the whole world, in our country as well, children are subjected to various types of violence due to different reasons. In many cases, failure to send by parents their girl children studying in the high grades, to schools, and forcing to marriage at early ages without her consent and without any marriage documentation are among serious concerns.

Azerbaijan Child and Youth Peace Network (ACYPN) as a child rights resource center of the Commissioner and School of Leadership operating under the motto "Azerbaijan is my Motherland" regularly organizes trainings on CRC for children, awareness events on patriotism, and study tours to museums and historical places in order to efficiently organize their leisure time.

On the occasion of 22 April- the Earth Day, 22 May- International Day for Biological Diversity, 5 June- World Environment Day, ACYPN launched awareness activities and exhibitions in the Eco-park of Gala settlement in Khazar district of the State Oil Company for bringing up the proper ecological behavior and approach to environmental law norms of young generation.

The Commissioner actively participated in the work of European Network of Ombudspersons for Children (ENOC) as its member. Thus, in the frame of the European Network of Young advisors (ENYA) Project "Let's Talk Young, Let's Talk about Violence!" run by ENOC" members of the groups of children aged 10-18 published articles about their rights. Only 10 Member States of ENOC were offered to make a relevant film. The film shot by Azerbaijan with participation of children themselves, was selected to be performed in many countries, consequently the summarized 50 minute-documentary film from 10 Member States were shot. As a participant of that international project, 30 members of ACYPN were presented certificates.

In the 2013 Report (A/HRC/24/13) of UN HRC Universal Periodic Review (UPR) on Azerbaijan, it was made several recommendations about child rights, including signing and ratification of the III Optional Protocol to CRC on the Rights of the Child on a communications procedure (OP3 CRC). The Commissioner motioned to the relevant authority in this regard.

Some recommendations and suggestions forwarded by the Commissioner on effectively ensuring child rights in previous years were taken into consideration either during adoption of legislative acts or current execution process. In this regard, it must be emphasized the establishment of State Committee of Family, Women and Children Affairs by the respective decision of the Parliament.

***Protection of the elderly.*** The competent state authorities were sent recommendations and suggestions about effectively ensuring the rights of the elderly, some of which were taken into consideration.

For improving the situation of the elderly without next of kin, the state authorities were made recommendations about gathering statistical information about such persons, preparing specialized social workers, coordination of non-governmental organizations

specialized in social issues, extending outreach work among the population, usage of knowledge and skills of the elderly, and learning international experience.

For fulfillment of paragraph 7.3 of the “Azerbaijan 2020: Look into Future” Development Concept the Commissioner jointly with the Ministry of Labor and Social Protection of the Population prepared the draft of “State Program on Strengthening Social Protection of Elderly Citizens for 2016-2020 years”.

In order to keep competitiveness of majority of earning capable persons in the labor market, it would be appropriate learning them new professions through Adult Literacy Program based on UNESCO Program Education for All. Therefore, it is necessary to continue discussions and adopt the draft law on Adult Literacy.

Members of the Ombudsman’s Resource Center for the Elderly jointly with Child and Youth Peace Network members and youth outreach work on advantages of healthy lifestyle and negative aspects of HIV/AIDS, drug-addiction and alcoholism.

Observations show that as the elderly taken into public care, being estranged from relatives, neighbors and friends, are obliged to live in a new environment within certain rules and regime, which lead to difficulties in adaptation. Thus, creating psychological service in these facilities is of vital importance.

The Commissioner and her staff conducted monitoring in boarding houses for elderly persons to check their living conditions, to learn their problems and the service quality, and to investigate the treatment of the elderly, relevant state bodies were made requests with regard to shortcomings revealed, also recommendations and suggestions were prepared.

Considering difficulties of the elderly and persons with disabilities suffered from ill-treatment in the family and earning capable relative caring those persons with disabilities, it is necessary to amend the existed rules in order to place such persons in the social care facilities.

For mediation of the families regarding the cross-cutting issues at the first stage, it is necessary to carry out project of spiritual support to families under the municipalities and for this purpose potential of the educated elderly people agreed to volunteer must be used.

Solution of the issues of medical service, accessibility of medicines and medical insurance of the elderly women and men should be accelerated.

Ombudsman’s Resource Center for the Elderly held final meeting of Elderly Month-long campaign which was run from 15 September to 15 October on the occasion of the International Day of Older Persons; the older persons visited various historical places, museums, and worships of Azerbaijan, and saw the theater spectacles. Within this month, members of the Resource Center were subjected to medical-diagnosis in the out-patient clinic “Saglamlig zonası” (The Health zone), were got physical therapy and other medical treatment, they also received sustainable mobile medical service.

During the term of office of the Commissioner, considering the importance of not accepting older persons as dependent category, admitting the significant contributions of older persons to families, communities, and society, encouraging and support to this category of people, brochures and leaflets encouraging their participation in political, economic, social, cultural and lifelong education, were published. Also, the book “Guidelines on the Rights of Older Persons” that is underway prepared provides information about healthy ageing, lifelong education and legal status of older persons.

***Protection of rights of persons with disabilities.*** Issues of protection of rights of these persons were always in the center of the attention, measures were taken for

improving national legislative framework on ensuring the rights of persons with disabilities and towards solution of their problems as possible.

In reference to the applications, Ministry of Labor and Social Protection of the Population were sent requests accordingly regarding assistance in determining health disability in children under the age 18 by Medical Social Expert Commissions (MSEC) and disability for persons over the age of 18; were given tasks of monitoring and in many cases the violated rights were restored. In addition, necessary measures were taken for sanatorium spa treatment, provision with prosthetic and orthopedic products and rehabilitation tools of several persons.

Recommendations were prepared on fulfillment of international obligations driven from the UN Convention on Rights of Persons with Disabilities (CRPD) (2006), which was ratified by Azerbaijan by the Law dated 2 October, 2008 and on harmonization of national legislation with international treaties to which Azerbaijan is a party.

As it was indicated in previous annual reports, according to Article 33.2 of CRPD, in 2011 the Commissioner was designated as a national human rights institution (NHRI) functioning in the capacity of independent monitoring mechanism.

The Commissioner was empowered taking necessary measures for carrying out all relevant functions by the correspondence (2/387) of the head of Presidential Administration of the Republic of Azerbaijan dated 14 May, 2011. Experience of international ombudspersons shows that the NPM function is mainly empowered to NHRI which is in comply with Paris Principles and for effective operation, the respective institution is given extra competences by improving the relevant legislation; new structural unit is created within the premises of the institution, financial and human resources are increased. Subsequently, the Commissioner recommended amending the relevant Constitutional Law.

Recommendations and opinions with regard the draft Laws on Rights of the Persons with Disabilities, National Action Program on Protection of the Rights of Persons with Disabilities, and State Program on Population Occupancy and Demographic Development in the Republic of Azerbaijan were prepared and submitted to the Ministry of Labor and Social Protection of the Population.

In her previous annual reports, the Commissioner recommended improving criteria of disability and health incapacities of children and legal and normative framework on medical-social expertise and rehabilitation; re-organization of service quality complying it with international standards; making serious changes in the activities of the Commissions on medical consultations in general health maintenance facilities under the Ministry of Health, and MSEC under the Ministry of Labor and Social Protection of the Population; ensuring transparency and bringing this field into compliance with international standards. It would be appropriate to entrust determination of disability and health incapacity to ASAN Service Centers in the next future.

Some relevant recommendations of the Commissioner were implemented in 2015.

For improving the issuance of health certificates by the Ministry of Health, online registry of "Notice to MSEC" was created and since 1 January, 2015 the citizens are provided with printed Electronic Health Card System (EHCS) to get the relevant notice. According to the respective Order of the country President, State health and social Expertise and rehabilitation Service was established at the Ministry of Labor and social Protection of the Population and its Regulations were approved.

In line with the presidential Order No. 595 on Improving the System of Evaluation Disability and Health Incapacity dated 14 September, 2015, Medical and Social Expertise and

Rehabilitation Sub-System was created in the centralized information system of the Ministry of Labor and Social Protection of the Population in order to increase transparency in evaluation of disability and health incapacity of citizens, extension of application of modern information technologies, and increasing service quality of medical and social expertise and rehabilitation to people.

By Decision No. 413 of the Cabinet of Ministers dated 30 December, 2015, Regulation on Criteria for Determination of Disability and Health Incapacity as well as by Decision No. 36 dated 5 February, 2016 Regulation on MSECs were approved.

## Chapter II

### **Legal Education, scientific-analytical work, Activities in the field of international relations, Cooperation with public society and mass media**

#### **2.1. Human rights education**

Legal education of population, is not only of vital importance for effective ensuring the human rights and freedoms, but also it is one of the important factors for developing of legal thinking and culture of people, and building democratic, legal state and civil society. Legal awareness activities are considered to be an integral part of effective activity of the State towards promotion and protection of human rights and freedoms.

The Commissioner paying special attention to legal awareness activities aimed at developing legal thinking of the people, along with restoration of the violated rights, continuously progress these activities on the basis of international and gained experience.

The activities of the Commissioner in the field of legal awareness, aiming at legal education of various groups of the population and raising awareness on human rights, are developed within multilateral cooperation with state authorities, international organizations, non-governmental organizations and communities.

From the perspective of increasing efficiency of protection of rights of various groups of the population, the National Action Program (NAP) determining duties in relation to reliable provision of human rights, fully compliance of legal and normative framework on human rights with international standards, developing and carrying out new cooperation strategy with international organizations, fully developing the activities of the state authorities in terms of human rights, simulation of scientific-analytical work, extension of legal awareness activities and developing mutual state-citizen relationships, is of vital importance.

In 2015, range of public hearings in Sheki, Ganja, Barda, Jalilabad and Guba, which covered 54 cities and regions of the country were held jointly with CEC, in order to monitor the state of implementation, campaign and application of the NAP and legally aware of the people on the right to vote. The member of the CEC, city and regional executive bodies, municipalities, constituency and precinct election commissions, mass media, local non-governmental organizations and community members participated in those events.

Executive bodies, including 12 districts of the capital city, also executives of Sumgait and Absheron cities, municipalities, relevant constituency election commissions, and media representatives took part at the final meeting in Baku. Public hearings run since monitoring of the state of campaign and application of the NAP, serve for legal education of the people, increasing activity of citizens, ensuring the right of everyone to participate, democratization and better improving the administration.

On the eve of parliamentary elections, legal awareness activities, covering all groups of the population were continued based on the prepared action plans.

Traditionally holding in the country, Human Rights Month-long campaign on the occasion of 18 June- National Human Rights Day; Month of Peace, on 21 September – International day of Peace; Child Rights Month-long Campaign on anniversary of the adoption of the UN CRC, at the initiative of the Commissioner and with active participation

of state authorities, city and regional executive bodies, municipalities, and civil society also contribute to effectively ensuring human rights and freedoms. Furthermore, the activities carried out in each month are analyzed and reflected in the article written by the Commissioner, published in the newspaper “Respublika” (Republic) and are being placed on the official webpage of the Ombudsman Office.

One of the chief duties of the national education system, stated in the State Strategy on Development of Education in the Republic of Azerbaijan, is to educate citizen and personality who understand own responsibility, respect the democratic principles and national values, human rights and freedoms, committed to the national priorities, independently and creative thinking.

Human rights education as one of the directions of the Commissioner’s multiply activities in the field of legal awareness is being developed in higher and secondary education facilities.

In the field of human rights education, the Commissioner initiated teaching “Human rights” and “Introductory to Gender” as separate subjects at the university level; and under her editorship, textbook “Compilation of Human Rights Issues” with regard human rights subject taught in Baku State University, was prepared and published. Currently, at the initiative of the Commissioner, UNESCO Department on human rights and right to information was established at Baku State University and scientific approach in this field is displayed by preparing of human resources specialized in human rights at undergraduate and graduate levels.

Child Rights Hierarchic Education Project in secondary schools running jointly with the Ministry of Education was continued in schools of Baku and rural areas of the country.

The Commissioner pays more attention to the preparation of human rights specialists as well. From this point of view, Special Short-term Human Rights Education Network created in the premises of the Office is being continued its work. Students of various academic years and of master level, of Baku State University, Academy of Public Administration under the President of the Republic of Azerbaijan, Baku Slavic University, Azerbaijan University of Languages, Caucasus University have continuously internship with the Ombudsman Office.

Also, according to the education program of Academy of Public Administration under the President of the Republic of Azerbaijan, Azerbaijan Academy of Labor and Social Relations, Police Academy, which prepares law-enforcement officers, Academy of Justice, Training Center of Office of Prosecutor-General, military education institutions, and other as well as action plan of the Commissioner, young listeners, persons involved in specialization courses, judges, lawyers, civil servants were organized seminars that also serve to promote human rights culture.

Ombudsman’s Regional Offices launch broad legal awareness activities in the regions for various groups of the population.

In accordance with the action plan, during a year, awareness events were organized for refugees, IDPs, migrants, prisoners and military servants, women, children, youths, the older persons and persons with disabilities.

Towards the fight against national concerns about drug addiction, HIV/AIDS and other infectious diseases, Commissioner holds series of trainings and seminars by involving her Regional Offices located in Ganja, Sheki, Guba and Jalilabad; and range of events are organized by preparing TV and radio programs in order to ensure the participation of the

people suffering from these diseases in the community life and to prevent them to be discriminated against.

The Commissioner and her staff visited several military units of the Armed Forces and other armed groups and awareness events were conducted along with learning the situation of military servicemen.

Azerbaijan Child and Youth Peace Network (ACYPN) as a child rights resource center of the Commissioner and School of Leadership operating under the motto "Azerbaijan is my Motherland" regularly organizes trainings on CRC for children, awareness events on patriotism, and study tours to museums and historical places in order to efficiently organize their leisure time.

During the terms of office of the Commissioner, 165, including 15 publications in 2015 were prepared; over 23 foreign literature on human rights and good governance were translated into Azerbaijani language, including 49 educational tools were translated from Azerbaijani into English language; whereas 37 were translated into Russian and published; also those publications were dispensed among wide audience and libraries. In 2015, Printed materials of the Ombudsman Office, such as books, posters, booklets and leaflets, were demonstrated at IV Baku International Book Exhibition-Fair run by the Ministry of Culture and Tourism. Consequently, the Office was awarded with certification of participation at this book fair.

## **2.2. Commissioner's activities in the field of scientific-analytical work**

The state of fulfillment of measures stated in the NAP is analyzed on a regular basis and summarized and published every year as a book. In addition, its online version is placed on the official webpage of the Office.

Priorities of the "Azerbaijan 2020: Look into Future" Development Concept is in compliance with the UN SDGs for 2016-2030 adopted by the Member States in September of 2015 at the UN Summit. Considering this fact, in order to achieve complex approach to efficient execution of challenges ahead it would be appropriate to monitor the state of implementation of relevant public documents and the achieved results.

The Commissioner prepared her recommendations and opinions with regard to the drafts of the Action Plan on State Program on Population Occupancy and Demographic Development in the Republic of Azerbaijan for 2015-2025 years, as well as United Nations Development Program (UNDP) revised country program for Azerbaijan for 2016-2020 years and submitted to the competent bodies.

The Commissioner once more recommends ratifying the International Convention for the Protection of All Persons from Enforced Disappearance (CED) adopted during the UN General Assembly 61 Session, CoE Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (ICESCR), CoE Convention on Preventing and Combating Violence against Women and Domestic Violence, and Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms.

Criminal Code, Code of Criminal Procedure, Civil Code, Code of Civil Procedure, Code of Administrative Offences, Code of Labor, Code of Family, Code of Housing, Code of Taxes and etc. including legislative acts on disability, pensions, social allowances, social service, penitentiary and etc. fields were monitored and relevant recommendations were prepared.

Relevant opinions and recommendations were commented on the draft laws and resolutions submitted by the Parliament, Cabinet of Ministers, central executive body.

Under the editorship of the Commissioner, "Compilation of Acts adopted by the Constitutional Court of the Republic of Azerbaijan based on Ombudsman's Requests" was published as a book.

The participation of the Commissioner and staff at significant international, regional and local events and different activities in the field of effective ensuring human and citizens' rights and freedoms were brought to the wide audience in those events through publications, TV, radio, newspaper and journals

### **2.3. Cooperation with society and mass media**

***Cooperation with society and non-governmental organizations.*** Relations of the non-governmental organizations, persons specialized in human rights and communities with the Commissioner. Consistent events were held either by attraction of those organizations or in joint cooperation with them.

Provisions stated in the NAP and their implementation status, were discussed with non-governmental organizations, recommendations and suggestions were taken into consideration.

At the initiative of the Commissioner and with participation of the non-governmental organizations, events about various human rights topics, including "Heydar Aliyev and human rights", discussion of the suggestions made by the Committee on Rights of Persons with Disabilities with regard to the first State Report on CRPD implementation, business and women rights, cooperation of NHRIs with the parliament, state authorities and civil society, and rights to vote, as well as events devoted to World Intellectual Property Day, the 23th anniversary of Khojaly genocide, 31 March –Day of genocide of Azerbaijanis, and suggestions and recommendations were summarized and sent to the corresponding state authorities.

National Forum of Non-Governmental Organizations, "Shehid Analary" (Martyrs' Mothers) Center, Citizens' Labor Rights Protection League, Azerbaijan Psychologists Association, Organization of Integration of Azerbaijani Youth into Europe (AGAT), Azerbaijan Parent-Teacher Association, Azerbaijan Women and Development Center and other organizations participated at the conference "Promotion of Human Rights in Azerbaijan from the Sustainable Development Perspective" dedicated to the 10th December –Human Rights Day, the 20th anniversary of the adoption of the national Constitution, the 70th anniversary of the UN and UNESCO. The participants also took part during the traditional awarding ceremony of the winners of "Me and my rights" child drawing as well as Journalist writings competitions "Rights- for all!"

***Cooperation with mass media.*** The Commissioner pays great attention to the cooperation with mass media and these multidirectional relations are an integral part of her activities. The purpose and principles of the Ombudsman Office, new ideas and initiatives, main areas of the activity, also press releases, and information about the events organized, are delivered to various newspapers, journals, Tele-radio channels, information agencies, online newspapers and news portals.

The Commissioner organizes her activity through building the close mutual relations with print and the developing internet media, National TV and Radio Council, State Fund for

Support of Mass Media Development under the Azerbaijani President, Press Council aiming at press self-cleaning process, television and radio, and new journalist unions.

Close cooperation with the leading newspapers, central and local Tele-radio channels, correspondents of local mass media in the capital city and regions were continued. Effective cooperation with journalists was given preference; and attention of media representatives was attracted to the activities of the Office in the field of restoration and promotion of the violated rights of persons.

The Office mainly focused on the issues of development of internet and print media, digital and online-journalism, advancing professionalism of journalists and media representatives specialized in human rights and law issues, extension of usage of modern information technologies; measures were taken for advancing legal knowledge of journalists and those specializing in human rights issues were involved into the competitions traditionally organized by the Commissioner.

The Commissioner and staff participated in events and discussions of various media organizations.

From the very beginning of the Office activities, in total, 10102, articles and information, of which 342 are published in newspapers and journals. During the period of its activity, press service of the Commissioner prepared 3578 press releases, of which 280 belong to 2015. The press releases were translated into English and sent to the CoE.

61 press releases about human rights activities of the Ombudsman's Regional Offices in Ganja, Sheki, Guba and Jalilabad as well as legal awareness events for the population and monitoring were prepared and published.

From the very beginning, the Commissioner issued over 100 statements. In 2015, Commissioner's statements regarding 25th anniversary of January tragedy, 23th anniversary of Khojaly genocide, 31 march- day of genocide of Azerbaijanis were addressed to the well-known international organizations, UN Secretary-General, UN Security Council, UN Office of the High Commissioner for Human Rights, European Commission, Council of Europe, Organization for Security and Cooperation in Europe (OSCE), International Ombudsman (IOI) and European Ombudsman Institutions (EOI), Asian Ombudsmen Association (AOA), International Peace Bureau (IPB), Universal Peace Federation (UPF), foreign ombudsmen, foreign embassies in Azerbaijan and embassies of Azerbaijan in foreign countries and Azerbaijani Diaspora organizations.

132 Monthly Information Bulletins, of which 12 bulletins were prepared in 2015 and compiled in four Volumes.

At the events organized by the Office, numerous mass media representatives participated; articles about the activity of the Commissioner were published and interviews were given in Tele-radio channels.

Commissioner's and Office activities were several times highly appreciated and awarded with rewards and honorary diplomas in various categories.

## **2.4. International relations**

The Commissioner continued the cooperation with well-known international institutions and organizations for better strengthening her activity in the field of effective protection of human rights.

The Commissioner participated at the annual interactive debate on the rights of persons with disabilities during the 28th session of UN HRC held in March of 2015; and in

her statement, she stated that Ombudsman Office cooperated jointly with the competent state authorities, non-governmental organizations and civil society in terms of protection of the rights of persons with disabilities as an integral part of human rights and kept their problems at the center of her attention. Video clips of that oral statement was placed on the official webpage of the UN. Furthermore, written statement regarding National Strategy of Human Rights was submitted to the same session.

The Commissioner submitted her complementary report to the CEDAW with regard to the next state report, and along with the information about measures for elimination of violence against women and discrimination at country level she made recommendations for further improving of this field.

The Commissioner submitted information to the Ministry of Foreign Affairs regarding suggestions for preparing interim measures to the second periodic report of Azerbaijan.

During the 56th session of the UN Committee against Torture (CAT), the complementary report regarding the Convention against Torture, reports of non-governmental organizations and the fourth periodic report of the State were reviewed.

The Commissioner, while participating in the meetings of European Commission against Racism and Intolerance (ECRI) operating as a human rights body of the CoE, gave broad information about her activities towards the fight against discrimination.

On European Union's (EU) invitation, as an international expert Commissioner reported with speech about "Raising awareness about Commissioner's competences and her relations with state authorities and society" in the conference titled "Establishment of NHRI (Ombudsman) in Turkmenistan" organized in Ashgabat at the EU initiative on rule of law in Central Asia and publications of the Office were exhibited.

Commissioner's representative reported in the side-meeting "NHRIs, civil society institutions and National Strategy" of the Working group, within sessions held in Brussels, Belgium on the occasion of the European Development Days and with support of UN International Coordinating Committee for human rights institutions (ICC).

Staff member of the Commissioner took part in the Supplementary Human Dimension Meeting in Vienna on Freedom of Peaceful Assembly and Association, with Emphasis on Freedom of Association with chairmanship of Serbia and support of OSCE Office for Democratic Institutions and Human Rights (ODIHR); in the OSCE Annual Human Rights Meeting as well as OSCE Human Dimension Seminar in Warsaw on the Role of NHRIs in Promoting and Protecting Human Rights in the OSCE Area; OSCE Reinforced Human Dimension Committee meeting in Vienna on the hate crimes. He sounded the Commissioner's recommendations in those meetings.

Commissioner's representative also attended the OSCE Regional Conference on United Nations Security Council Resolution 1325 implementation in the OSCE region in Vilnius organized by OSCE, UN Women, Lithuanian Government; in the academy of the European Network of National Human Rights Institutions (ENNHRI) held in Warsaw and in the meeting of the General Assembly of ENNHRI in Utrecht, the Netherlands for discussion the final outcomes of activity of this network.

Staff members of the Office in various periods of time, participate in the ENYA Forum in Athens organized by ENOC as well as in the ENOC 19th Annual Conference took part in Amsterdam, the Netherlands. During discussions several recommendations were also forwarded by them.

The Commissioner's staff members also participated in the international training-seminar in Bangkok and Pattaya cities of Thailand Kingdom on "the Importance of

Continuous Improvement in Complaint Handling and Customer Service”, organized jointly by IOI, AOA and Ombudsman of New South Wales, Australia, along with well-known international experts in human rights, ombudsmen, NHRIs from Europe and Asia, Canada, Australia and media representatives.

At the invitation of the AOA, the Commissioner participated and reported with speech “Strategic Approach to Protection and Promotion of Human Rights” in the 14th Conference and meeting of Board of Directors in Islamabad, Pakistan on “Problems of Ombudsman’s activity”. Equally, the Commissioner was elected vice-president of AOA in elections to the Board of Directors for the next two years.

The Commissioner’s representative participated in the annual international conference organized by the Russian International Law Association on the occasion of the 70th UN Charter.

The Commissioner’s representative participating in the international event “Circle of Inspiring Women for a Sustainable Future-Building Bridges of Cooperation”, organized by The International Centre for Black Sea Studies (ICBSS), sounded Ombudsman’s recommendations during discussions.

During international business trips the Commissioner and her staff, gave comprehensive information in the international events about peace initiatives of the country President, realities of Azerbaijan, especially genocide committed in Khojaly city by Armenian Armed Forces, violence against Azerbaijanis in Nagorno-Karabakh and the surrounding areas; the international community was called to support just position of Azerbaijan; literature, statements and disk about these tragedies.

The Commissioner launched XIII Baku International Conference of Ombudsmen “The Role of Intra-state and Inter-state Organizations in Ensuring Constitutional Rights and Freedoms” dedicated to the 20th anniversary of the Constitution of the Republic of Azerbaijan and the 70th anniversary of UN and UNESCO, held with support of Azerbaijan National Commission for UNESCO.

This international event traditionally organized during the activities of the Commissioner, was attended by the Office of the High Commissioner for Human Rights (OHCHR) Senior Human Rights for the South Caucasus, Mr. Vladimir Shkolnikov, President of IOI and the Namibia's Ombudsman, Mr. John Walters, and Secretary-General and Austrian Ombudsman, Mr. Gunther Krauter, ombudsmen from Europe, Asia and Africa such as Austria, Slovenia, Croatia, Romania, Turkey, Egypt, Pakistan, Namibia, Russian Federation’s subject – Saratov, Moldova, Uzbekistan, Kazakhstan, and their staff members, international experts of human rights and famous lawyers.

The Commissioner received officials like President of Human Rights Institution of Turkey, Mr. Hikmet Tülen, the Human Rights Board Member of that Institution, Ms. Mehtap Karaburchak Tuzcu, Ombudsman of Turkey, Mr. Mehmet Elkatmiş, Namibia’s Ombudsman and President of IOI, Mr. John Robert Walters, Austrian Ombudsman and Secretary General of IOI, Mr. Günter Krauter and director of that institution, Ms. Ulrike Grishofer, Croatian People’s Ombudsman, Ms. Lora Vidovich, the president of the Egyptian National Council for Human Rights, Mr. Mohamed Fayek, Ombudsman of Ali Majlis of Uzbekistan, Mr. Ulugbey Muhammediyev, Human Rights Ombudsman of Slovenia, Ms. Vlasta Nusdorfer and her deputy, Mr. Jernej Rovšek, Federal Ombudsman of Pakistan, H.E. Mr. M. Salman Faruqui, Romanian Ombudsman Deputy, Mr. Ionel Oprea, Ombudsman of Saratov Oblast of Russia, Ms. Tatyana Jurik, head of National Human Rights Centre of Kazakhstan, Mr. Vyacheslav Kalyujni, President of Public Chamber of Moldova, Ms. Aurelia Grigoriu, and executive

Director of the noted Chamber, Mr. Dumitru Xaritonov, Ambassador of Pakistan to Azerbaijan, Mr. Khalid Usman Qaiser, US Ambassador in Azerbaijan, Mr. Robert Sekuta, Norwegian Ambassador, Mr. Børge Inge Svendsen and the First Secretary, Mr. Marko Soldic, UN Resident-Coordinator, Mr. Antonius Broek, UNICEF Representative in Azerbaijan, Mr. Andro Shilakadze, and his deputy Ms. Nafisa Binte Shafiqi, head of UN the Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT) Ms. Aisha Shujune Muhammad and members of that organization accompanied her, UNFPA in Turkey Representative, and Country Director for Armenia, Azerbaijan, and Georgia, Mr. Karl Kulesa, delegation headed by the European Union's Special Representative for Human Rights, Mr. Stavros Lambrinidis, head of the Committee of Ministers Rapporteur Group on Democracy (GR-DEM) of the Council of Europe, Mr. Alexander Gessel Avropa and members of the delegation, the members of the CoE Fact-finding Mission Ms. Tanja Rakusic and Mr. John McAllen, the Director of the OSCE Office for Democratic Institutions and Human Rights (ODIHR), Mr. Michael Georg Link and his special adviser, Mr. Jan O. Haukaas, Chairperson National Human Rights Commission, Mr. Nur Kholis, and responsible staff of this institution, Mr. Elfansuri Chairah, and the representative of "Jakarta Post" Newspaper, Mr. Veeramalla Anjaiah, judges of Georgian Constitution Court, Mr. Lali Papiashvili and Otar Sijinava, Executive Director of Austrian Social Workers and Permanent Resident Twinning Adviser on Development of social service provision in Azerbaijan at the Ministry of Labor and Social Protection of Population of the Republic of Azerbaijan, expert on the elderly persons, Mr. Herbert Paulischin, French researcher and author Mr. Jean Louis Gouraud, discussed their opinions on human rights issues and future perspectives of the cooperation.

The Commissioner also met with lawyer-scientists visiting Azerbaijan to participate in III International Scientific Conference in Baku on "Legal and Democratic State: actual problems of theory and experience" and the observer mission from Australia, visiting the country to observe parliamentary elections in Azerbaijan, Mr. Luke Simpkins.

Furthermore, the delegation of the International Federation for Human Rights (FIDH), World Organization against Torture (OMCT), European Association of Jehovah's Christian Witnesses Religious Adviser, Mr. Mark Hansen, Chairman of the Administrative Center of that association, Mr. Vasiliy Kalin and the local members of this religious belief, headed by OSCE Special Representative and Co-coordinator to Combat Trafficking in Human Beings, Ms. Madina Jarbussynova and OSCE country officer for official trips, Mr. Muriel Etvino, International Organization for Migration experts Ms. Hikka Becker, United Nations High Commissioner for Human Rights (UNHCHR) Representative for South Caucasus, Ms. Simone Wolken and organization's Baku representative, Mr. Dag Sigurdson, EU experts on justice, and an expert Mr. Walid Madhoun, who was involved into the project "Progressive justice service and modern judiciary" run by the Ministry of Justice and financially supported jointly with Government of Azerbaijan and the World Bank were received in the Ombudsman Office as well.

The book titled "Human Rights in International Relations", which was published in 2015, provides the information on activities and achievements of the Commissioner in international relations, multi-branched effective mutual cooperation with international institutions, exchange of international experience on human rights, and awareness activities of the international community on human rights reforms taken at country level, from the very beginning of her activities.

## Outcomes and suggestions

The crisis of the world economy, which got deepened at the end of 2015, almost did not affect the effective and reliable protection and promotion of human and citizens' rights and freedoms, implementation of social programs aimed at maintaining social welfare of the people in our country; the social measures were continued to be implemented and many problems have been solved. However, surely, some most important issues are still remained unresolved.

Wide assortment of works done for solution of concerns of the people residing in urban and rural areas of the country; establishment of education, health, cultural, and other social facilities, including schools, hospitals, health institutions, cultural centers; creation of new production and processing enterprises; construction of housings for military servicemen, internally displaced persons, persons with disabilities and martyrs' families; building of modular power stations; exploitation of water-treatment facilities; road and bridges' constructions; large-scale reconstruction; construction and renovation works; and increasing salaries, pensions and allowances once more showed that the country social and economic policy focused mainly on human factor and his welfare.

Despite oil price have sharply fallen down and manat weakened, development tendency ongoing in both economic and social areas was continued in 2015 as well; and national indicators were positively appreciated by international economic institutions.

Country president Ilham Aliyev also stated in his opening speech in the meeting devoted to the outcomes of the second year of implementation of the State Program on Socio-Economic Development of Regions of the Republic of Azerbaijan for 2014-2018 that *"...All social programs were carried out in 2015. I would like once more declare that despite our financial situation is not as in previous years, but not a single social program will be cut. Other way round, as you know, this year salaries, pensions and social allowances were increased. And this is a principle of our social policy..."*

In that meeting, the country President stated that *"...International financial institutions highly appreciate our activities in the concerned field, and it is said in the World Bank "Doing Business" Report that Azerbaijan deserved to be in high places. According to Davos World Azerbaijan was placed in the 40th place due to global competitiveness of economy. We are in the 40th place at international level, whereas we are in the 1st place in the Commonwealth of Independent States (CIS) area..."*

Measures for development of sustainable, systematic and consistent human rights and democratic institutions and new mechanisms were being continued.

Despite that crisis caused to budget cuts in some areas, it did not negatively influence to financing programs and infrastructure projects aimed at supporting the people.

This should be especially highlighted that according to the instructions of the country President urgent measures were taken against crisis to stabilize economic situation. Subsequently, decisions adopted by the Government about improvement of the economy, maintenance the sustainability of social reforms, intensification of the measures, practical implementation of the tasks by government agencies, improvement of the legislation, and regulation of prices pave the way to prevention of social decline of the population.

State-citizen relationship, which was built in previous years and was continued, took great role in the process of ensuring social and political stability in the country. Such relationships are important factors in the sustainable development of the country.

Transparent and fair elections to the Parliament of Azerbaijan held in 2015, are clear evidence of not only democratic administration, but also public assessment of state human rights policy.

For developing socially oriented market economy and ensuring sustainability of social protection of the people, serious measures for creating favorable business conditions and applying customs and tax concessions for medium and small business enterprises, increasing transparency in this field, strengthening the struggle against monopoly and unfair competition, provision of free competitiveness, and punishment of those violated such requirements, are being continued.

In addition, increasing attention to the corporate responsibility and taking motivating measures in terms of entrepreneurs efficiently participating in the protection of rights of the marginalized groups are also of great importance.

There is no doubt that measures towards ensuring food security, strengthening control over consumer prices and prevention of artificial price rise will be endured in a view to ensure social welfare of the people.

For effective protection of the right to free entrepreneurship, the competent local executive bodies should strengthen their support to transparency and acceleration of business environment, the creation of opportunities for effective use of concessional loans and continuation of large-scale or local infrastructure projects on places; as well as the attitude towards the process of provision of employment of the population and creating the new workplaces.

In case of public privatization of enterprises, citizens' right to equality and right to access should be guaranteed.

With reference to the above noted, the "Azerbaijan 2020: Look into Future" Development Concept is of great importance for building diversified, efficient and innovative economy, which is a main goal of our country's new development period, ensuring a rapid trend of social development, improving well-being of the population, developing science and culture and in gaining new achievements.

The Commissioner in her annual reports seriously repeatedly criticized the negligence of high rank officials and civil servants to citizens, indifference to the problems of the population, failure to allocate necessary time or not giving the importance to the appeals of citizens, and demanded taking serious measures with regard to such officials and high rank officers.

Some high rank state officials did not respect the rule of law principle and not fully follow the instructions in relation to reception of citizens according to the determined time schedule, timely reviewing their appeals, applications and complaints and restoring their just demands as it was imposed on officials central and local executive bodies as obligations by the paragraph 7 of the Presidential Order on Measures for Acceleration of Social and Economic Development in the Republic of Azerbaijan dated 24 November, 2003.

As well as, it should be noted that several high rank officials, who abused their powers, caused to corruption, violated ethical behavior towards citizens were brought into disciplinary responsibility and dismissed from their jobs.

According to official information, 404 civil servants, of whom 321 were from central and 83 - from local executive bodies, violated the provisions of the Law on Rules of Ethics Conduct of Civil Servants were applied disciplinary measures. Those disciplinary measures included 357 were reprimand, 27 were reducing the wage, 13 were dismissals from civil

service, and meanwhile 7 of them were lowered in their occupation with lower wage of the same classification.

In the current circumstances when the people are in need of care, financial and moral support, it is of utmost importance to approach accurately to citizens applications to state authorities, to put an end to abuse of powers by officials, to make effort for solving the problems of people, and to follow the rule of ethics conducts in relation to citizens.

Every high rank official and civil servant should know that current period requires completely new approach to the processes and failing to respond to any appeals of citizens to the state authorities on any matter is unacceptable.

When there is a need for increased social responsibility, every high rank official must know that a citizen stands in the center of the state policy and all efforts should serve his well-being and to the implementation of social programs.

Thus, officials must organize regular reception of citizens as prescribed by the law, listen their problems and demands, make necessary explanation and advice among the population, extend measures for human rights ensuring, create necessary conditions for entrepreneurs in regions, support creating new modern manufacture and production spheres and workplaces, involve labor forces and areas into the social and economic development and well-being of the people. From this point of view, organization of meetings of heads of competent state authorities with citizens in cities and regions of the country on a regular basis, reception of the citizens, and taking specific measures for solution of their concerns according to the country President instructions, are commendable and welcomed by the people.

The activities of ASAN Service Centers performing over 200 online services and have received already 8 million applications, is very important in timely responding to citizens appeals and eliminating bureaucratic hindrances and corruption. According the appropriate instructions of the country President, gradually increasing the number of services assigned to these centers lead to solution of citizens' appeals and problems without hindrances and to satisfaction of the people.

These centers, which are in charge of ensuring transparency in provision of public services, applying modern technologies, creating new attitude towards the relationship between state official and citizen, launching citizens' satisfaction, should work on further development of government-citizen relationships based on mutual trust.

The Commissioner and staff members conducted regular visits to various places of the country, including places of deprivation of liberty, prison facilities, investigation isolators, temporary detention places, also to military units, child boarding houses, boarding schools, internally displaced persons settlements, health, education and social protection institutions of the population; organize receptions for various groups of the population in regions, carry on relevant explanatory work with citizens, conduct legal advice and awareness activities.

For fighting against criminality and prevention of criminal offences that may occur, it is extremely important to strengthen preventive work among the population, increasing attention to citizens' appeals by the state authorities, law-enforcement, tax and customs bodies, in particular, promptly investigation of complaints and work towards this should be intensified.

It is important to strengthen the regulation of certain streets and roads by the traffic police in order to ensure efficient use of public transportation by the people and elimination of traffic jams may occur during peak hours. From this point of view, improvement of

transport management system of Baku city, expansion of transport service in comply with international standards and strengthening the control over the rules of carriage of passengers, and establishment of Baku Transport Agency under the Cabinet of Ministers to regulate the public transportation by the country President are welcomed.

It is to be hoped that following appropriate measures and amendments, number of pressures, cruel treatment and confiscation of documents of the vehicles by use of force from the owners of vehicles who involved in entrepreneurial activity, withdrawal of number and keys of vehicles and cases of corruption will be decreased.

For increasing responsibility of some business structures, which were more or less affected by difficulties of economic crisis, and consequently were forced to stop production capacity, reduce the staff, prolong or shorten the working time, reduce social packages and wages, negligently approaching the future of their workers, towards citizens and employees, activity of the State Labor Inspection under the Ministry of Labor and Social Protection of Population should be made efficient and strengthened. The activity of employment agencies under subordination of the noted Ministry should be re-established, attitude towards ensuring employment of the population should be changed to reliable protection of labor rights of citizens.

It is necessary to create security system and relevant mechanisms of solution of problems dealing with payment of debts on wages, to employees when farm entities, especially private ones became insolvent or declared bankruptcy.

The Law of the Republic of Azerbaijan on Social Allowances, regulating the process of determination of social allowances for the groups of the population with special needs and legal bases of its allocation, should be advanced in terms of protection of the rights of the people.

It would be appropriate to draft and to implement the program on social support to low-income families, providing social support to such category of families, in-kind assistance for development of private economy in rural areas, one-time financial support to small businesses in regional centers (cities), discount on the use of utilities, allocation of lands for construction of private housing, and purchasing preferential loans for construction materials.

Process of appointment of the targeted social aid is being advanced considering the recommendations of the Commissioner. According to the Decision No. 37 of the Cabinet of Ministers dated 5 February, 2016, those Rules were cancelled, and the Rules on Application, Appointment, Allocation and Refusal of Targeted Social Aid was approved in a new edition with new progressive provisions. Tuition fees and loan commitment are removed from the list of criteria for refusing of this aid according to the new Rules. However, this development work must be further improved.

Also, continuation of measures for ensuring access to targeted social aid, and appointment of social aid, disability and health incapacity to ASAN service centers are deemed necessary by the Commissioner.

It is essential to develop the appropriate list of medicines to be provided for persons with diabetes, HIV/AIDS, drug addiction, and those infected with Hepatitis "B" and "C" as a dangerous infectious disease, at public expense.

It is also important to provide affordability to medicines and medical services as well as provision of health insurance for the older women and men.

Expanding the network of preschool institutions may lead to elimination of misbalance between number of pupils and scope of this education level.

The knowledge and skills gained during the education process, and ethical and moral norms and values should create favorable condition for every learner to a worthy member of society. Correct organization of the education process, fulfilling the obligations imposed on the administration of schools in the specified manner are important aspects in increasing the quality of education. Furthermore, the responsibility for cruel and degrading treatment, physical and spiritual violence against pupils, should be aggravated.

In general, the return of preschool education facilities under the authority of the Ministry of Education, and funding both, either pre-school or secondary schools from the budget of that Ministry would be relevant.

Provision of benefits to use tuition fee discounts for students from low-income families is of the utmost importance.

As one of the best methods, simplification of the mortgage loan purchase process, improvement of the mortgage loan system, establishment of Social Housing Fund would lead to affordability of the population, especially the youths and low-income families. Expansion of such a loan to the regions would further strengthen the sustainability and process of settlement of the population in rural areas.

Development of the List of the Documents Confirming the Acquisition of Rights for Real Estate Obtained or Built until the Law of the Republic of Azerbaijan on State Registry of Real Estate came into force will allow to solve problems in relation to register the private houses built by the citizens on lands allocated for this purpose in different times and which were given until municipalities started functioning.

For restoration of the violated rights of owners whose apartments, houses and other buildings, especially in Baku were occupied by the IDPs' families, it would be appropriate to resettle them into the new buildings constructed for them.

The abovementioned and current situation, necessitate application and expansion of public scrutiny of all areas of social and economic life and strengthening the control by the central state bodies over relevant local structures in order to more efficiently protect and promote human rights and freedoms.

In 2015, at the official reception on the occasion of the "Republic Day", the President Ilham Aliyev stated that *"...Without public scrutiny, our country cannot successfully develop. A single person, President, or persons in charge are not able to keep every field under their control. Therefore, sometimes, lawlessness, law violations, social injustice are occurred. This make us upset. We cannot allow this. To prevent this it is necessary to have a strong public scrutiny..."*

In previous years, many suggestions and recommendations of the Commissioner on effective protection and promotion of human rights and complex solution of problems of law-income families as a marginalized group of the population were taken into consideration in the relevant legislative acts and in social and economic measures taken at the country level.

Overall, as it was stated in the annual reports, submitted to the competent state authorities and taking into consideration the importance of increasing effectiveness of the protection of human rights and freedoms of the people, especially the low-income families as well as groups with special needs, the Commissioner recommends the followings:

- *Renew the expired paragraphs of the National Action Program on Raising Effectiveness of the Protection of Human Rights and Freedoms in the Republic of Azerbaijan,*

*approved by the Presidential Decree dated 27 December, 2011 through analyzing the document;*

*- Issue paragraphs to be executed regularly, in a new edition considering current priorities and implement them in cooperation with executive bodies;*

*- Declare 2016 as a year of UN International Covenant on Economic, Social and Cultural Rights (ICESCR) and International Covenant on Civil and Political Rights (ICCPR) as it was done so due to the occasion of declaration of their 50th anniversary by OHCHR;*

*- Organize public discussions and prepare complementary reports within a year on suggestions to the ICCPR and International Convention on the Elimination of All Forms of Racial Discrimination (CERD) by involving civil society institutions taking into account final discussions on State Report of Azerbaijan to be held by the respective Committees;*

*- Study UNESCO Concept on Inclusive, Equal, Qualified and Life-long Education For All and its targets as a “new approach” to the education due to reduction of poverty, provision of employment, realization of human rights potential by the competent state authorities, civil society institutions and communities, evaluating the education as a key tool in changing the life of people and Sustainable Development Goals (SDGs);*

*- Consider national priorities in access to education, equality, inclusiveness, quality and expected results and organize awareness activities;*

*- Hold awareness activities throughout the country by involving non-governmental organizations and communities to maintenance, further development and promoting multiculturalism traditions in a wide range, as 2016 was declared the Year of Multiculturalism in Azerbaijan in accordance with the Presidential Decree dated 11 January, 2016;*

*- Organize awareness seminars for mass media for provision of a wide range of publications in press about protection of human and civil rights, increasing national patriotism, and development of pluralism, tolerance and multiculturalism, also for gradually increasing professionalism and ethics;*

*- Speed up the process of ratification of the UN Convention on Enforced Disappearances (CED), signed by the country, on 6 February, 2007;*

*- Accelerate ratifying the CoE Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, signed by our country on 17 November, 2008;*

*- Sign and ratify Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure (OP3 CRC);*

*- Hasten the adoption of the Code of Competitiveness;*

*- Speed up passing the Law on Reproductive Health;*

*- Provide tax and customs privileges to small and medium entrepreneurs, strengthen fighting and public scrutiny of monopoly, unfair competition and corruption, take serious measures for punishment of those violated such requirements in order to provide real guarantees to the development of free entrepreneurship as an important aspect of socially oriented market economy and to create favorite business environment;*

*- Provide advice, information and awareness work among the people about the measures for execution of anti-crisis program, activities and outcomes;*

*- Aggravate disciplinary measures against officials failing to receive citizens on appointed time, to ensure timely review of their appeals, applications and complaints, to take measures for solution of just demands, and show neglect and indifference;*

*- Organize regular meetings with the population in regions by the officials of the executive bodies and expand the Open Mike experience;*

*- Organize public hearings and discussions on state strategies, plans and programs, which are ensuring strengthening social security of various groups with special needs, preparing state reports to UN Treaty Bodies and other international organizations with participation of civil society institutions;*

*- Establish legal advice centers in Baku and regions of the country, to be financially supported by the State budget and operated at free of charge in order to prevent law violations, arbitrariness and considering opportunities of low-income families;*

*- Expand the Regional Terminals of electronic Applications Network to more efficiently promotion of the right to appeal and hold joint trainings in regions in coordination with the Ministry of Communication and High Technologies about their usage;*

*- Conduct joint monitoring at workplaces by the Commissioner with the Azerbaijan Trade Unions Confederation and Ministry of Labor and Social Protection of Population to effectively protect the labor rights;*

*- Determine allowances for civilians (or their family members) killed, injured, traumatized or received a contusion as a result of the enemy-opened fire in the frontline, and compensation for the damages caused to housings and crops; and not to consider the lands which cannot be used, while appointing targeted social aid;*

*- Expand the patronage service for the pregnant women and have prenatal screening to prevent maternal and infant mortality as well as the birth of babies with various disorders;*

*- Establish Public Council under the Ministry of Education to monitor the education quality in secondary schools, violence against children and teacher-pupil relationships, conduct reforms and strengthen the activities of psychologists;*

*- Exempt students studying in state higher or secondary education facilities on self-financed basis, I and II group persons with disabilities, themselves and their I group disabled children not being able to make payment, from tuition fees;*

*- Make addition before the wording "higher education program" in the provision 1.2 of the Regulations on recognition and determination of equivalence of higher education specialties of foreign countries (Nostrification) approved by Executive order No. 64 of the Cabinet of Ministers dated 13 May, 2003, the wording "full-time, part-time and distance education";*

*- Organize trainings in the regions for increasing activity of the women and female staff members of municipalities and provide women entrepreneurs with financial and institutional support along with preparing leader women;*

*- Create shelters and resource centers in urban and rural areas of the country for women and children, who are victims of violence, including domestic violence, suffering from stresses and prepare social workers and psychologists specialized in care of such persons;*

*- Supply the Commissions on Minors under the local executive bodies with necessary human and technical resources and make necessary amendments to the Regulations and activities of those Commissions for fundamentally improving their work, structure and powers;*

*- Prepare guiding brochure on rules of safe use of phone mobiles by children as well as on proper usage of information and communication technologies jointly with the Ministry of Communication and High Technologies;*

*- Create new manufacturing fields in the prison facilities to involve prisoners into the social work considering the importance of correction of prisoners by directing their force to healthy labor and encourage the entrepreneurs to participate in this process if it is deemed necessary;*

*- Create shelters and resource centers for prisoners released from prison facilities but who has not a permanent residence and develop mechanisms for their employment;*

*- Expand legal, social and psychological and other support to internally displaced persons and for developing their private farm-housing;*

*- Approve the draft of the Internal Disciplinary Rules of Detention Centers of Irregular Migrants;*

*- Prepare psychology specialists for strengthening ideology and training in the army and for working with military personnel, including servants of military detachments;*

*- Harmonize monetary compensation given to military servicemen to pay for their temporary residence into real prices in the rental market;*

*- Determine the second vacation for active-duty-service military servants at frontlines;*

*- Determine legal basis for provisions of employers hiring persons with disabilities with favorable tax incentives and soft loans in order to motivate such persons;*

*- Install the relevant equipment in public squares, parks, recreation facilities, administrative buildings, museums, education facilities, libraries, trade and other cultural establishments for persons with visual impairment in order to ensure their security of movement;*

Regrettably, Commissioner's recommendations and suggestions, repeatedly shown in the annual reports as well as submitted to the competent state authorities, about effective and reliable ensuring human and citizens' rights and freedoms, including those about speeding up the ratification process of the CED, CoE Convention on preventing and combating violence against women and domestic violence (11 May, 2011) and Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, adoption of the draft Laws on Reproductive Health and on Protection of Rights of Patients, also on creating Alimony Fund and some other issues are still waiting for their solution.

The Commissioner strongly believes that the newly formed Parliament will support the ratification of the treaties and adoption of the draft laws, reflected in her proposals constantly putting forward and of country priority that will lead to effective and reliable ensuring human and citizens' rights and freedoms at the country level.