CONSTITUTIONAL LAW OF THE REPUBLIC OF AZERBAIJAN

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

Chapter One

**FOUNDATIONS OF THE ACTIVITIES AND APPOINTMENT *OF HUMAN RIGHTS COMMISSIONER (OMBUDSMAN) OF THE REPUBLIC OF AZERBAIJAN***[**[1]**](https://e-qanun.az/framework/1407#_edn1)

Article 1. **Foundations of the Activities of the Human Rights Commissioner (Ombudsman)** [**[2]**](https://e-qanun.az/framework/1407#_edn2)

1.1. *The office of the Human Rights Commissioner (Ombudsman) of the Republic of Azerbaijan (hereinafter − Commissioner)* is established to restore human rights and freedoms enshrined in the Constitution of the Republic of Azerbaijan and international treaties to which the Republic of Azerbaijan is a party, when they are violated by the *state bodies, municipalities, as well as legal entities that are in state or municipal ownership or whose controlling stake belongs to the state or municipality (including public legal entities) and budget organizations (hereinafter – state bodies, municipalities, and other institutions) of the Republic of Azerbaijan and their officials*, and to prevent human rights violations in the cases specified by this Constitutional Law. **[[3]](https://e-qanun.az/framework/1407" \l "_edn1)**

1.2. The Commissioner shall implement the functions of national preventive mechanism stipulated by the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment. To prevent torture and other cruel, inhuman, or degrading treatment or punishment, the Commissioner shall regularly visit places where detainees cannot leave at their own will, or whenever he or she deems necessary. **[[4]](https://e-qanun.az/framework/1407" \l "_edn2)**

1.3. The Commissioner shall monitor the fulfilment of duties arising from the requirements of the Law of the Republic of Azerbaijan "On Access to Information" *by state bodies, municipalities, public legal entities, and their officials (hereinafter − information holders).* [**[5]**](https://e-qanun.az/framework/1407#_edn5)

*1.3-1. The Commissioner shall implement the functions of the independent monitoring mechanism to monitor and promote the implementation of the Convention on the Rights of Persons with Disabilities and the Convention on the Rights of the Child, the ensuring of the right to equality, and the prevention of discrimination.* [**[6]**](https://e-qanun.az/framework/1407#_edn6)

1.4. The Commissioner may cooperate, in line with its areas of activity, with local, regional, and international organizations, *as well as human rights institutions of foreign countries, enter into agreements for this purpose, and be represented in international organizations*. [**[7]**](https://e-qanun.az/framework/1407#_edn7)

1.5. The activities of the Commissioner shall not limit or substitute the mandates of other state bodies responsible for ensuring the protection of human rights and the restoration of violated human rights and freedoms.

1.6. Examining the activities of the President of the Republic of Azerbaijan, deputies of the Milli Majlis of the Republic of Azerbaijan, and judges of the Republic of Azerbaijan shall not fall within the Commissioner’s mandate.

1.7. The Commissioner may make proposals to the President of the Republic of Azerbaijan addressing issues of pardoning, citizenship, and political asylum.

1.8. The Commissioner may make proposals to the Milli Majlis of the Republic of Azerbaijan concerning the adoption, *repeal, or amendment of laws* for the purpose of ensuring human rights and freedoms. The Commissioner may make a proposal to the Milli Majlis of the Republic of Azerbaijan to declare amnesty. [**[8]**](https://e-qanun.az/framework/1407#_edn3)

1.9. The Commissioner shall have the right to review complaints about human rights violations related to judicial procrastination, loss of documents or failure to provide documents in a timely manner, and delays in the execution of court judgments.

1.10. The Commissioner's activities are guided by the principles of publicity, transparency, legality, justice, and impartiality.

*1.11. The Commissioner may conduct an analysis of the implementation process of state programs, strategies, national action plans, and concepts in the field of human rights and may provide feedback and suggestions to the relevant body responsible for monitoring and evaluation in the respective field.* [**[9]**](https://e-qanun.az/framework/1407#_edn9)

Article 2. **Election of the Commissioner**

2.1. The Commissioner shall be elected by the Milli Majlis of the Republic of Azerbaijan by a majority of 83 votes, from among the three candidates nominated by the President of the Republic of Azerbaijan.

2.2. If the Milli Majlis of the Republic of Azerbaijan does not pass a decision to elect the Commissioner, the President of the Republic of Azerbaijan shall, within 15 days, nominate three new candidates for consideration by the Milli Majlis of the Republic of Azerbaijan.

Article 3. **Requirements for Candidature as Commissioner**

3.1. A citizen of the Republic of Azerbaijan, who is at least 30 years old, holds a higher education degree, has experience in the field of human rights protection, and possesses high moral qualities shall be eligible for election to the position of Commissioner.

3.2. An individual with dual citizenship, obligations to other states, currently serving in the legislative, executive, or judicial branches of power, engaged in other paid activities (excluding scientific, pedagogical, and creative activities), declared incapacitated by a court, or convicted of serious or particularly serious crimes, shall be ineligible to serve as Commissioner.

3.3. The Commissioner may not engage in political activities or be a member of any political party. The Commissioner may not participate in the management of any non-governmental organization.

3.4. Within five *working days* from his or her election, the Commissioner shall cease all activities incompatible with his or her new status. [**[10]**](https://e-qanun.az/framework/1407#_edn10)

3.5. On the day of his or her election, the Commissioner shall take the following oath at the session of the Milli Majlis of the Republic of Azerbaijan: "I swear to fulfil my duties as the Human Rights Commissioner of the Republic of Azerbaijan with honour and dignity, to abide by the Constitution and laws of the Republic of Azerbaijan, and to act independently and impartially."

Article 4. **Term of Office of the Commissioner**

4.1. The Commissioner shall be elected for a term of seven years.

4.2. The same person cannot be elected to the position of Commissioner more than twice.

*4.3. The President of the Republic of Azerbaijan shall present the candidacy of three individuals to the Milli Majlis of the Republic of Azerbaijan for the election of a new Commissioner thirty days prior to the expiration of the Commissioner's term. The Milli Majlis of the Republic of Azerbaijan shall pass the relevant decision on the election of the Commissioner within 15 days.*[**[11]**](https://e-qanun.az/framework/1407#_edn11)

Article 5. **Safeguards of the Commissioner's Independence**

5.1. The Commissioner shall be independent and subject only to the Constitution and laws of the Republic of Azerbaijan.

5.2. The following safeguards shall be provided for the Commissioner’s independence:

5.2.1. irrevocability while in office;

5.2.2. immunity;

5.2.3. inadmissibility of interference in the Commissioner’s activities by *state bodies, municipalities or other institutions, or their officials*; [**[12]**](https://e-qanun.az/framework/1407#_edn12)

5.2.4. financial and social security.

5.3. The declaration of a state of emergency or martial law, *as well as an anti-epidemic regime, sanitary-hygiene, and quarantine regimes*, shall not stop or restrict the Commissioner’s activities. [[13]](https://e-qanun.az/framework/1407#_edn13)

Article 6. **Immunity of the Commissioner**

6.1. The Commissioner shall have immunity while in office.

6.2. During the term of office, except in cases of being caught in the act of committing a crime, the Commissioner cannot be held criminally liable, arrested, or detained; administrative sanctions cannot be imposed upon him or her; she or she cannot be subject to a search or personal examination. If the Commissioner is caught in the act of committing a crime, the arresting authority must inform the Prosecutor General of the Republic of Azerbaijan and the Milli Majlis of the Republic of Azerbaijan about this within 24 hours.

6.3. The immunity of the Commissioner may only be revoked by a decision of the Milli Majlis of the Republic of Azerbaijan, enacted with a majority of 83 votes based on the submission of the Prosecutor General of the Republic of Azerbaijan.

6.4. The immunity of the Commissioner shall also extend to his or her residence, workspace, means of transport and communication, postal and telegraphic *and* *electronic* correspondence, private property, and documents.**[[14]](https://e-qanun.az/framework/1407" \l "_edn14)**

6.5. A person who has served as a Commissioner shall have immunity after leaving the office for his or her actions taken, and opinions expressed during the period when he or she exercised the powers of the Commissioner. For the crimes committed during this period and the legal violations for which administrative disciplinary measures are prescribed through a court order, that person shall be held liable in the manner specified in Article 6.3 of this Law.

Article 7. **Premature termination of powers of the Commissioner**

7.1. The powers of the Commissioner shall be prematurely terminated, either by the initiative of the Milli Majlis of the Republic of Azerbaijan or through a decision of the Milli Majlis of the Republic of Azerbaijan, adopted by a majority of 83 votes, based on the submission of the President of the Republic of Azerbaijan, when:

7.1.1. The requirements concerning the Commissioner are violated;

7.1.2. The Commissioner becomes completely incapacitated to exercise his or her powers;

7.2. When the following cases are announced at the session of the Milli Majlis of the Republic of Azerbaijan, the Chairperson of the Milli Majlis of the Republic of Azerbaijan shall terminate the powers of the Commissioner prematurely by issuing an order:

7.2.1. Upon the death of the Commissioner;

7.2.2. If there is a legally binding verdict of guilt from the court against the Commissioner;

7.2.3. When the Commissioner voluntarily resigns in writing.

7.3. In the event of premature termination of the powers of the Commissioner, the President of the Republic of Azerbaijan shall nominate three persons for consideration by the Milli Majlis of the Republic of Azerbaijan for the election of a new Commissioner within 30 days. The Milli Majlis of the Republic of Azerbaijan shall, within 15 days, adopt a relevant decision on the election of the Commissioner.

Chapter Two

**REVIEWING HUMAN RIGHTS violation complaints AND exercising THE FUNCTIONS OF *NATIONAL PREVENTIVE MECHANISM*** ***AND INDEPENDENT MONITORING MECHANISM*[[15]](https://e-qanun.az/framework/1407" \l "_edn15)**

Article 8. **Procedure for Submitting Human Rights Violation Complaints**

8.1. The Commissioner shall review the complaints from citizens of the Republic of Azerbaijan, foreigners, stateless persons, and legal entities (hereinafter **–** *the Applicant*) regarding human rights violations.**[[16]](https://e-qanun.az/framework/1407" \l "_edn16)**

8.2. Complaints may be submitted by third parties, including non-governmental organizations *(public unions and funds), media entities, trade unions, initiative groups of citizens and community committees of municipalities (hereinafter – civil society institutions)* with the consent of the person whose human rights were violated. If obtaining consent from the person whose human rights have been violated (e.g., if the individual is deceased or incapacitated, etc.) is not possible, third parties or *civil society institutions* may submit a complaint without having obtained consent.**[[17]](https://e-qanun.az/framework/1407" \l "_edn17)**

8.3. State bodies may not submit a complaint to the Commissioner.

8.4. Complaints can be filed within one year from the date the applicant's rights were violated or the date the applicant became aware of the violation.

8.5. Complaints submitted by individuals detained in penal institutions, pretrial detention facilities, temporary *detention facilities, garrison guardhouses, detention centres for illegal migrants, as well as other places where the detainees cannot leave at their own will, including those detained at medical and educational institutions (hereinafter – places where the persons cannot leave at their own will )* must be forwarded to the Commissioner within 24 hours without being subject to censorship. [**[18]**](https://e-qanun.az/framework/1407#_edn18)

Article 9. **Contents of a Human Rights Violation Complaint**

9.1. A human rights violation complaint must include the applicant's first name, patronymic, surname, address, and the nature of the decision or action (or inaction) that violated the applicant's rights, as well as the location and date of the complaint, and the applicant's signature. Any other relevant materials or a court decision may be attached to the complaint if available.

9.2. Complaints that do not include the applicant's first name, patronymic, surname, address, *and signature (or, for legal entities, the name, legal address, and signature of its head)* shall be considered anonymous and will not be processed, except in cases specified in Article 9.3 of this Law. [**[19]**](https://e-qanun.az/framework/1407#_edn6)

9.3. Anonymous complaints supported by sufficient evidence and substantial facts shall be *accepted* for consideration by the Commissioner. [**[20]**](https://e-qanun.az/framework/1407#_edn7)

9.4. When a complaint is submitted orally, a staff member of the Commissioner's Office shall record the content of the complaint on a designated form, which is then signed by the applicant.

9.5. The Commissioner must maintain the confidentiality of the applicant's information upon request.

Article 10. **Decision-making on Human Rights Violation Complaints**

10.1. Upon receiving a complaint concerning a human rights violation from the applicant, the Commissioner shall *make* one of the following decisions: [**[21]**](https://e-qanun.az/framework/1407#_edn8)

10.1.1. Accept the complaint for review;

10.1.2. Decline to review the complaint.

10.2. If the Commissioner declines to review the complaint, he or she must provide a justified written response within ten *working days*. [**[22]**](https://e-qanun.az/framework/1407#_edn9)

Article 11. **Grounds for Declining to Review a Human Rights Violation Complaint**

11.1. The Commissioner shall not review the complaint if:

11.1.1. It violates the requirements of Article 8.4 of this Law;

11.1.2. The complaint does not fall within the Commissioner’s mandate;

11.1.3. The complaint is anonymous, except in the cases specified in Article 9.3 of this Law;

11.1.4. A court proceeding is underway relating to the complaint;

11.1.5. The resubmitted complaint does not contain added information, facts, or evidence.

Article 12. **Procedure for** **Reviewing Human Rights Violation Complaints and Exercising the Functions of National Preventive Mechanism** [**[23]**](https://e-qanun.az/framework/1407#_edn10)

12.1. While investigating the circumstances outlined in a human rights violation complaint, the Commissioner must learn the considerations of *the state body, municipality or other institution* or official against whom the complaint was filed. The opinions must be submitted to the Commissioner within ten *working days*.**[[24]](https://e-qanun.az/framework/1407" \l "_edn24)**

12.2. In the course of investigating the circumstances presented in a human rights violation complaint and exercising the functions of the national preventive mechanism, the Commissioner shall have the following rights: [**[25]**](https://e-qanun.az/framework/1407#_edn25)

12.2.1. To access, at any time, without hindrance and prior notification, *state bodies, municipalities and other institutions, military units, police agencies, and places where the detainees cannot leave at their own will*; to meet and converse with detainees *or* *former detainees*, as well as any other person who can provide relevant information, one-on-one or, if deemed necessary, with the presence of a specialist or an interpreter; to review and obtain copies of all documents confirming the legality of the detention of detainees, as well as those related to the treatment and the conditions of their detention; to draw up a report and document the progress and results of the actions undertaken; *to make photo, audio, and video recordings using technical means*; to make relevant recommendations to the competent state bodies and receive responses to those recommendations within the specified time; [**[26]**](https://e-qanun.az/framework/1407#_edn12)

12.2.2. To receive necessary information, documents, and materials from *state bodies, municipalities and other institutions, and their officials* within ten *working days*;**[[27]](https://e-qanun.az/framework/1407" \l "_edn27)**

12.2.3. To review legally binding decisions on criminal, civil, and administrative cases, as well as materials regarding the refusal to initiate criminal cases;**[[28]](https://e-qanun.az/framework/1407" \l "_edn28)**

12.2.4. To obtain written statements from officials during the investigation of the complaint;

12.2.5. To instruct relevant bodies to verify the circumstances outlined in the complaint (the verification cannot be assigned to *the state body, municipality and other institutions* or an official whose decision or action (or inaction) is the subject of the complaint);

12.2.6. To instruct relevant state bodies and institutions to prepare an expert opinion;

12.2.7. To be promptly received by the heads and other officials of *state bodies, municipalities and other institutions, commanders of military units, management of police stations, and of the places where detainees cannot leave at their own will*. [**[29]**](https://e-qanun.az/framework/1407#_edn13)

12.2.8. *To conduct an on-site investigation based on the complaint and document the findings*;

*12.2.9. To take measures by inviting representatives of state bodies, municipalities, and other institutions with a view to preventing legal violations and addressing any detected violations during the examination of complaints as determined in the second chapter of this Constitutional Law, and during the execution of the functions of the national preventive mechanism and independent monitoring mechanism.***[[30]](https://e-qanun.az/framework/1407" \l "_edn30" \o ")**

12.3. Exerting pressure on or persecuting a person or organization for providing information to the Commissioner shall be inadmissible. [**[31]**](https://e-qanun.az/framework/1407#_edn14)

12.4. With the consent of the person whose human rights have been violated, the Commissioner shall *conduct* an investigation on his or her own initiative in cases of special public importance or in cases where the interests of persons unable to defend their rights are affected. [**[32]**](https://e-qanun.az/framework/1407#_edn15)

12.5. If other circumstances not mentioned in the complaint are discovered during the investigation, and if the investigation falls within the Commissioner’s mandate, it will be conducted by the Commissioner; otherwise, the materials will be forwarded to other competent state bodies.

12.6. The complaint shall be reviewed within 30 days. If it is necessary to conduct an additional inspection or request materials to review the complaint, the review period shall be extended by *up to 30 days*. *In cases where an additional inspection is required at the written request of the complainant, the review period is extended up to 30 days*. [**[33]**](https://e-qanun.az/framework/1407#_edn16)

Article 13. **Results of Reviewing a Human Rights Violation Complaint**

13.1. The Commissioner shall inform the applicant in writing about the actions taken related to the review of the complaint and the results thereof *within ten working days*.**[[34]](https://e-qanun.az/framework/1407" \l "_edn34" \o ")**

13.2. In the event that the Commissioner identifies human rights violations during the investigation of the complaint, he or she shall *undertake* the following measures: [**[35]**](https://e-qanun.az/framework/1407#_edn17)

13.2.1. Demand that *state bodies, municipalities and other institutions, their officials* who have violated human rights as a result of their decision or action (inaction) restore the violated rights (relevant *state bodies, municipalities and other institutions* and officials must inform the Commissioner in writing about the measures taken *within ten working days*. If information is not provided or the Commissioner’s demands remain unfulfilled, the Commissioner shall *apply* to the higher instance of that organization or to other state bodies); [**[36]**](https://e-qanun.az/framework/1407#_edn18)

13.2.2. If signs of a crime are detected, refer the matter to the appropriate authorities to initiate a criminal case;

13.2.3. Appeal to entities eligible to file a complaint through the cassation process;

13.2.4. Make suggestions to the relevant *state bodies, municipalities and other institutions* to bring to disciplinary responsibility the officials who violated human rights as a result of their decision or action (inaction) ;**[[37]](https://e-qanun.az/framework/1407" \l "_edn37" \o ")**

13.2.5. Share with the mass media the results of the inspections carried out in connection with the human rights violations;

13.2.6. In cases where the human rights violation is of special public importance and the Commissioner’s means of influence within its mandate are insufficient to restore these rights, apply to the President of the Republic of Azerbaijan and speak with a report before the Milli Majlis of the Republic of Azerbaijan;

13.2.7. Apply to the court for the restoration of rights violated as a result of the decision or action (inaction) of the *state bodies, municipalities and other institutions*, or an official;

13.2.8. Submit an inquiry to the Constitutional Court of the Republic of Azerbaijan when an individual’s rights are violated by the normative acts in force.**[[38]](https://e-qanun.az/framework/1407" \l "_edn38" \o ")**

Article 13-1. **Specifics of Reviewing a Complaint about Violation of the Right to Access Information**[**[39]**](https://e-qanun.az/framework/1407#_edn19)

13-1.1. The Commissioner shall investigate the circumstances described in the complaint regarding the violation of the right to access information within ten working days. If the complaint requires clarification or it is necessary to collect additional statements and documents to investigate the complaint, the Commissioner shall extend the review period by an additional ten working days, notifying the complainant in writing.

13-1.2. The Commissioner shall not review the complaint if:

13-1.2.1. The complaint does not concern the activity of the specific information *holder*; [**[40]**](https://e-qanun.az/framework/1407#_edn40)

13-1.2.2. There is a legally binding court decision on that case;

13-1.2.3. The applicant has not effectively utilized the access options provided by the information *holder*.

13-1.3. During the investigation of the circumstances described in the complaint regarding the violation of the right to access information, the Commissioner shall clarify whether the following requirements of the Law of the Republic of Azerbaijan "On Access to Information" have been observed by the ~~governmental and local self-governing body or official in possession of the~~ information *holder*: **[[41]](https://e-qanun.az/framework/1407" \l "_edn41" \o ")**

13-1.3.1. Register the application for obtaining information (hereinafter **–** information request);

13-1.3.2. Fulfil the information request in the manner, within the time frame, and through the method prescribed by law;

13-1.3.3. Ensure that the refusal to fulfil an information request complies with the requirements of the law;

13-1.3.4. Ensure that the duty of disclosure of public information is implemented accurately and fully;

13-1.3.5. Ensure that the creation of an online information resource meets the requirements of the law;

13-1.3.6. Establish the restriction on obtaining information in accordance with the law.

13-1.4. The Commissioner shall require the information holder related to the complaint about the violation of the right to access information to remedy the violations. [**[42]**](https://e-qanun.az/framework/1407#_edn42)

13-1.5. After receiving the Commissioner's instruction, ~~the governmental and local self-governing body, or official in possession of~~  the information *holder* must inform the Commissioner in writing about the actions taken within ten *working days*. In cases where information is not provided or the demands of the Commissioner are not fulfilled, the Commissioner shall apply to the relevant higher authority.

*13-1.6. When reviewing a complaint related to the violation of the right to access information, the Commissioner may request essential information (documents, materials) or their copies from the information holders. Such information (documents, materials) must be provided to the Commissioner within 5 working days.* [**[43]**](https://e-qanun.az/framework/1407#_edn43)

*Article 13-2.* ***National Preventive Group***

*13-2.1. For the purpose of implementing the functions of a national preventive mechanism as envisaged in Article 1.2 of this Constitutional Law, a National Preventive Group shall be established within the Commissioner's Office. An individual who is at least 25 years old, holds a higher education degree, has experience in the field of human rights protection, and possesses high moral qualities shall be eligible to be appointed as members of the National Preventive Group. Members of the National Preventive Group shall be appointed by the Commissioner for a term of 3 years through transparent procedures.*

*13-2.2. An individual with dual citizenship, obligations to other states, declared incapacitated by the court, or convicted of serious or particularly serious crimes shall be ineligible to be appointed as a member of the National Preventive Group.*

*13-2.3. The National Preventive Group shall have the following rights:*

*13-2.3.1. To enter, at any time, without hindrance and prior notification, police agencies, places where the detainees cannot leave at their own will; to meet and converse with detainees, as well as any other person who can provide relevant information, one-on-one or with the participation of a specialist or an interpreter; to review and obtain copies of all documents confirming the legality of the detention of current or former detainees, as well as those related to the treatment and the conditions of their detention; to draw up a report and document the progress and results of the actions undertaken; to make photo, audio, and video recordings using technical means;*

*13-2.3.2. To be received without delay by the management of police agencies and places where the detainees cannot leave at their own will;*

*13-2.3.3. To take measures by inviting representatives of state bodies, municipalities, and other institutions with a view to preventing legal violations and addressing any detected violations during the fulfilment of the functions of the national preventive mechanism.*

*13-2.4. A member of the National Preventive Group cannot be compelled to testify or disclose by any other means, facts that have come to their knowledge while performing their functions. This safeguard shall remain in effect even after the member has left the group.*

*13-2.5. A member of the National Preventive Group cannot be arrested or detained or subjected to search or personal examination while executing his or her functions in places where detainees cannot leave at their own will. It shall be inadmissible to impose an injunction, inspect or seize the postal, telegraphic and other submissions, as well as electronic correspondence of a member of the National Preventive Group.*

***Article 13-3. Specifics of Implementing the Functions of Independent Monitoring Mechanism***

*13-3.1. The Commissioner shall implement the functions of the independent monitoring mechanism in accordance with Article 1.3-1 of this Constitutional Law, to monitor the situation in terms of promotion, protection and ensuring of human rights and freedoms, and to prevent violations.*

*13-3.2. Monitoring groups shall be established within the Commissioner's Office for the purpose of implementing the functions of the independent monitoring mechanism. The members of the monitoring groups shall be appointed in accordance with Article 13-2.1 of this Constitutional Law.*

*13-3.3. The Commissioner and the monitoring group shall have the following rights when implementing the functions of the independent monitoring mechanism:*

*13-3.3.1. To conduct monitoring in state bodies, municipalities, and other institutions, to review necessary information (documents, materials) on-site and receive their copies;*

*13-3.3.2. To demand necessary information (documents, materials), or their copies from state bodies, municipalities, and other institutions, and their officials, and to receive them within 5 working days;*

*13-3.3.3. To document the results of the implemented monitoring;*

*13-3.3.4. To provide recommendations related to the results of the monitoring to state bodies, municipalities, and other institutions, and their officials;*

*13-3.3.5. To involve civil society institutions, independent experts, and specialists in the activities of the monitoring groups.*

*13-3.4. Facts of human rights violations revealed during the implementation of the functions of the independent monitoring mechanism shall be examined in accordance with Articles 12, 13, 13-1, and 15 of this Constitutional Law.*[**[44]**](https://e-qanun.az/framework/1407#_edn44)

Article 14. **Commissioner's Annual Report**

14.1. No later than two months after the end of each year, the Commissioner shall submit an annual report to the President of the Republic of Azerbaijan on the protection of human rights in the country and speak with that report before the Milli Majlis of the Republic of Azerbaijan.

14.2. The annual report shall include the names of *state bodies, municipalities and other institutions*, and officials who have violated human rights and failed to comply with the Commissioner's demands, along with information on actions taken in this regard. [**[45]**](https://e-qanun.az/framework/1407#_edn45)

14.3. The Commissioner's annual report must encompass the general views, opinions, and recommendations related to ensuring human rights.

14.4. The annual report shall be submitted to the Cabinet of Ministers of the Republic of Azerbaijan, the Constitutional Court of the Republic of Azerbaijan, the Supreme Court of the Republic of Azerbaijan, and the Prosecutor General of the Republic of Azerbaijan.

14.5. The report shall be published in the “Azərbaycan” newspaper and the "Legislative Collection of the Republic of Azerbaijan".

*Article 15.* ***Ensuring Confidentiality in the Commissioner’s Activities*****[[46]](https://e-qanun.az/framework/1407" \l "_edn46" \o ")**

*15.1. Information that constitutes state secrets, investigative, judicial, tax, banking, and commercial secrets, as well as other information to which access is restricted by law and that becomes known, in the course of the Commissioner’s activities, to the Commissioner, the members of the National Preventive Group and the Independent Monitoring Group, the staff of the Commissioner's Office and regional centres, shall be protected in accordance with the laws of the Republic of Azerbaijan governing relations in this area.*[**[47]**](https://e-qanun.az/framework/1407#_edn47)

15.2. Disclosure of information concerning the private and family life of applicants, learned during the Commissioner's investigation of the circumstances reflected in the complaint, shall be inadmissible without their consent.

Chapter Three

**ORGANIZATION AND GUARANTEES OF commissioner'S WORK**

Article 16. **Social, Financial and Other Provisions for the Commissioner**

16.1. The Commissioner shall receive a monthly wage of 3060 manats. [**[48]**](https://e-qanun.az/framework/1407#_edn20)

*16.1-1. The Commissioner shall be paid a supplement equal to 1.65 times the monthly wage.*[***[49]***](https://e-qanun.az/framework/1407#_edn21)

16.2. The Commissioner shall be exempt from military conscription and reservist training.

16.3. A diplomatic passport shall be issued to the Commissioner for the duration of his or her term of office.

16.4. The Commissioner shall be granted leave as prescribed by the legislation of the Republic of Azerbaijan.

16.5. The Commissioner's term of office shall be counted towards his or her general, special, and continuous record of service.

~~16.6. When the Commissioner takes leave, he or she shall receive financial provision equal to two months' salary for his or her treatment and rest.~~[**[50]**](https://e-qanun.az/framework/1407#_edn22)

*16.6-1. The Commissioner is provided with mandatory insurance in an amount equivalent to his/her 5-year salary.*[***[51]***](https://e-qanun.az/framework/1407#_edn51)

*16.7. The pension provision for the Commissioner, former Commissioner and his or her family members shall be realized in accordance with the Law of the Republic of Azerbaijan "On Labour Pensions".****[[52]](https://e-qanun.az/framework/1407" \l "_edn23)***

Article 17. **Commissioner's Office and Regional** **Centres** [**[53]**](https://e-qanun.az/framework/1407#_edn24)

17.1. The Commissioner’s Office shall be established to facilitate the legal, organizational, scientific-analytical, informational, material-technical, financial, and economic provisions for the Commissioner's activities. Regional centres of the Commissioner may be established in places.

17.2. The Commissioner's Office shall have a seal and letterheads with the State Coat of Arms of the Republic of Azerbaijan imprinted on them.

17.3. *The* *Commissioner’s Office* and regional centres shall operate in accordance with the Regulations "On the Office and Regional Centres of the Human Rights Commissioner of the Republic of Azerbaijan" approved by the Commissioner.**[[54]](https://e-qanun.az/framework/1407" \l "_edn54" \o ")**

17.4. The Commissioner shall determine the structure, staffing, and cost estimates of the Commissioner’s Office and regional centres.

Article 18.**Rights and Responsibilities of the Staff of the Commissioner's Office and Regional Centres** [**[55]**](https://e-qanun.az/framework/1407#_edn25)

18.1. The staff members of the Commissioner's Office and regional centres shall be hired and dismissed by the Commissioner.

18.2. The rights, responsibilities, and obligations of the staff members of the Commissioner's Office and regional centres shall be determined in accordance with the Labour Code of the Republic of Azerbaijan, the Law of the Republic of Azerbaijan "On Civil Service," and other legislative acts of the Republic of Azerbaijan.

~~Article 18-1.~~ **~~National Preventive Group~~**[**~~[26]~~**](https://e-qanun.az/framework/1407#_edn26)

~~18-1.1. To implement the functions of national preventive mechanism specified in Article 1.2 of this Constitutional Law, a National Preventive Group shall be established within the Commissioner’s Office. Members of the National Preventive Group shall be at least 25 years old, have a higher education, experience in the field of human rights protection, and demonstrate high moral qualities. Members of the National Preventive Group shall be appointed by the Commissioner for a three-year term, following transparent procedures.~~

~~18-1.2. The National Preventive Group shall have the following rights:~~

~~18-1.2.1. To access, at any time, without hindrance and prior notification, police stations, temporary detention facilities, pretrial detention centres, penal institutions, garrison guardhouses, psychiatric institutions,~~ ~~detention centres for illegal migrants, and other places where the detainees cannot leave at their own will; to meet and converse with detainees, as well as any other person who can provide relevant information, one-on-one or, if deemed necessary, with the presence of a specialist or an interpreter; to review and obtain copies of all documents confirming the legality of the detention of detainees, as well as those related to the treatment and the conditions of their detention; to draw up a report and document the progress and results of the actions undertaken;~~

~~18-1.2.2. To be promptly received by the management of police stations, temporary detention facilities, pretrial detention centres, penal institutions, garrison guardhouses, psychiatric institutions, detention centres for illegal migrants and other places where detained persons cannot leave at their own free will.~~

~~18-1.3. A member of the National Preventive Group may not be compelled to testify about facts learned in connection with the performance of their functions or to disclose these facts in any other manner. This provision shall remain valid even after the member leaves the National Preventive Group.~~

~~18-1.4. A member of the National Preventive Group may not be arrested or detained, searched, or subject to personal examination while performing their duties in places where the detained persons cannot leave at their own free will. Detaining, checking, or seizing mail, telegraph, or other submissions of a member of the National Preventive Group shall be inadmissible.~~[**[56]**](https://e-qanun.az/framework/1407#_edn56)

Article 19. **Financing of the Commissioner's activities**

19.1. The activities of the Commissioner,**[[57]](https://e-qanun.az/framework/1407" \l "_edn27)** its Office and regional centres shall be financed from the state budget of the Republic of Azerbaijan.

19.2. The amount of current expenses as part of the annual funds allocated for the financing of the Commissioner’s activities may not be less than the amount provided for this purpose in the previous financial year. [[58]](https://e-qanun.az/framework/1407#_edn28)

*Article 20.* ***Liability for Obstructing the Legal Activities of the Commissioner, the National Preventive Group, and the Independent Monitoring Groups***

*Restricting or interfering with the legal activities of the Commissioner, the national preventive group, and the independent monitoring groups results in liability as defined by law.* [**[59]**](https://e-qanun.az/framework/1407#_edn59)

**Heydar Aliyev, President of the Republic of Azerbaijan**

Baku city, December 28, 2001

              No. 246-IIKQ

**REFERENCES**

**1.** Constitutional Law of the Republic of Azerbaijan No. **722-IIKQD** dated September 1, 2004(**Legislative Collection of the Republic of Azerbaijan, 2004, No. 9, Article 665**)

**2.** Constitutional Lawof theRepublic of AzerbaijanNo. **71-IIIKQD** dated March 3, 2006(**Legislative Collection of the Republic of Azerbaijan, 2006, No. 3, Article 207)**

**3.** Constitutional Lawof theRepublic of AzerbaijanNo. **431-IIIKQD** dated October 19, 2007(**Legislative Collection of the Republic of Azerbaijan, 2007, No. 10, Article 928)**

**4.** Constitutional Lawof theRepublic of AzerbaijanNo. **832-IIIKQD** datedJune 19, 2009 **(“Azərbaycan” newspaper, November 5, 2009, No. 247, Legislative Collection of the Republic of Azerbaijan, 2009, No. 10, Article 761)**

**5.** Constitutional Lawof theRepublic of AzerbaijanNo. **912-IIIKQD** datedNovember 26, 2009 **(“Azərbaycan” newspaper, December 24, 2009, No. 286)**

**6.** Constitutional Lawof theRepublic of AzerbaijanNo. **102-IVKQD** datedMay 6, 2011 **(“Azərbaycan” newspaper, June 9, 2011, No. 123)**

**7.** Constitutional Lawof theRepublic of AzerbaijanNo. **163-IVKQD** datedJune 24, 2011 **(“Azərbaycan” newspaper, August 10, 2011, No. 174)**

**8.** Constitutional Lawof theRepublic of Azerbaijan[**No. 1011-IVKQD** datedJune 27, 2014](http://e-qanun.az/framework/28046) **("Respublika" newspaper, July 13, 2014, No. 148; Legislative Collection of the Republic of Azerbaijan, 2014, No. 07, Article 757)**

**9.** Constitutional Lawof theRepublic of Azerbaijan[**No. 201-VKQD** datedApril 15, 2016](http://e-qanun.az/framework/32658) **("Respublika " newspaper, April 29, 2016, No. 91, Legislative Collection of the Republic of Azerbaijan, 2016, No. 4, Article 655)**

**10.** Constitutional Law of the Republic of Azerbaijan[**No. 1233-VKQD** datedOctober 1, 2018](http://e-qanun.az/framework/40687) **(“Azərbaycan” newspaper, November 15, 2018, No. 257, Legislative Collection of the Republic of Azerbaijan, 2018, No. 11, Article 2184)**

**11.** Constitutional Law of the Republic of Azerbaijan[**No. 1335-VKQD** datedNovember 27, 2018](http://e-qanun.az/framework/40980) **(“Azərbaycan” newspaper, December 20, 2018, No. 287, Legislative Collection of the Republic of Azerbaijan, 2018, No. 12, Book I, Article 2480)**

**12.** Constitutional Law of the Republic of Azerbaijan[No. **9-VIKQD** dated March 13, 2020](http://e-qanun.az/framework/44888) **(“Azərbaycan” newspaper, April 15, 2020, No. 70, Legislative Collection of the Republic of Azerbaijan, 2020, No. 4, Article 384)**

**13.** Constitutional Law of the Republic of Azerbaijan[No. **778-VIKQD** dated December 30, 2022](https://e-qanun.az/framework/53180) **(official website of Azerbaijan State News Agency (AZERTAC), January 12, 2023, “Azərbaycan” newspaper, January 13, 2023, No. 7, Legislative Collection of the Republic of Azerbaijan, 2020, No. 1, Article 35)**

**14.** Constitutional Law of the Republic of Azerbaijan[No. **900-VIKQD** dated June 9, 2023](https://e-qanun.az/framework/53180) **(official website of Azerbaijan State News Agency (AZERTAC), July 25, 2023, “Azərbaycan” newspaper, July 26, 2023, No. 155)**

**LIST OF AMENDMENTS AND ADDITIONS MADE TO THE LAW**

**[[1]](https://e-qanun.az/framework/1407" \l "_ednref1)** Pursuant tothe Constitutional Law of the Republic of Azerbaijan No. 900-VIKQD dated June 9, 2023 **(official website of Azerbaijan State News Agency (AZERTAC), July 25, 2023, “Azərbaycan” newspaper, July 26, 2023, No. 155),** in the title of Chapter 1, the words “**OF HUMAN RIGHTS COMMISSIONER (OMBUDSMAN)”** were replaced with **“HUMAN RIGHTS COMMISSIONER (OMBUDSMAN) OF THE REPUBLIC OF AZERBAIJAN”.**

[**[2]**](https://e-qanun.az/framework/1407#_ednref1)Pursuant tothe Constitutional Law of the Republic of Azerbaijan No. 900-VIKQD dated June 9, 2023 (**official website of Azerbaijan State News Agency (AZERTAC), July 25, 2023, “Azərbaycan” newspaper, July 26, 2023, No. 155)**, in the title of Article 1, the word “**Ombudsman**” was added after the word “**Commissioner**”.

[**[3]**](https://e-qanun.az/framework/1407#_ednref2) Pursuant to the Constitutional Law of the Republic of Azerbaijan No. **163-IVKQD** dated June 24, 2011 **(“Azərbaycan” newspaper, August 10, 2011, No. 174),** in Article 1.1, the words “and to prevent human rights violations in the cases specified by this Constitutional Law” were added, following the phrase “**to restore**”.

Pursuant tothe Constitutional Law of the Republic of Azerbaijan No. 900-VIKQD dated June 9, 2023 **(official website of Azerbaijan State News Agency (AZERTAC), July 25, 2023, “Azərbaycan” newspaper, July 26, 2023, No. 155),** in Article 1.1, the words **“The office of the Human Rights Commissioner of the Republic of Azerbaijan (hereinafter referred to as the "Commissioner")”** were replaced with “**The office of the Human Rights Commissioner (Ombudsman) of the Republic of Azerbaijan (hereinafter − Commissioner)**”; the words **“governmental and local self-governing bodies”** were replaced with **“the state bodies, municipalities, as well as legal entities that are in state or municipal ownership or whose controlling stake belongs to the state or municipality (including public legal entities) and budget organizations (hereinafter – state bodies, municipalities, and other institutions) of the Republic of Azerbaijan and their officials”**

[**[4]**](https://e-qanun.az/framework/1407#_ednref2) Pursuant to the Constitutional Law of the Republic of Azerbaijan No. **163-IVKQD** dated June 24, 2011 **(“Azərbaycan” newspaper, August 10, 2011, No. 174),** Articles 1.2-1.7 were respectively reclassified as Articles 1.5-1.10, and Articles 1.2, 1.3, and 1.4 were added with new content.

[**[5]**](https://e-qanun.az/framework/1407#_ednref1)Pursuant tothe Constitutional Law of the Republic of Azerbaijan No. 900-VIKQD dated June 9, 2023 **(official website of Azerbaijan State News Agency (AZERTAC), July 25, 2023, “Azərbaycan” newspaper, July 26, 2023, No. 155),** in Article 1.3, the words **“governmental and local self-governing bodies, and officials in possession of information”** were replaced with **“state bodies, municipalities, public legal entities, and their officials (hereinafter - information holders).**”

[**[6]**](https://e-qanun.az/framework/1407#_ednref1)Pursuant tothe Constitutional Law of the Republic of Azerbaijan No. 900-VIKQD dated June 9, 2023 **(official website of Azerbaijan State News Agency (AZERTAC), July 25, 2023, “Azərbaycan” newspaper, July 26, 2023, No. 155),** Article 1.3-1 with new content was added.

[**[7]**](https://e-qanun.az/framework/1407#_ednref1)Pursuant tothe Constitutional Law of the Republic of Azerbaijan No. 900-VIKQD dated June 9, 2023 **(official website of Azerbaijan State News Agency (AZERTAC), July 25, 2023, “Azərbaycan” newspaper, July 26, 2023, No. 155),** in Article 1.4, the words **“shall cooperate”** were replaced with **“may cooperate … with local, regional, and international organizations, as well as human rights institutions of foreign countries, enter into agreements for this purpose, and be represented in international organizations.”**

**[[8]](https://e-qanun.az/framework/1407" \l "_ednref3)** Pursuant tothe Constitutional Law of the Republic of Azerbaijan No. 9-VIKQD dated March 13, 2020 ("**Azərbaycan" newspaper, April 15, 2020, No. 70, Legislative Collection of the Republic of Azerbaijan, 2020, No. 4, Article 384**), in the first sentence of Article 1.8, the words "**or reconsideration**" were replaced by the words "**repeal, or amendment of laws**”.

[**[9]**](https://e-qanun.az/framework/1407#_ednref1)Pursuant tothe Constitutional Law of the Republic of Azerbaijan No. 900-VIKQD dated June 9, 2023 **(official website of Azerbaijan State News Agency (AZERTAC), July 25, 2023, “Azərbaycan” newspaper, July 26, 2023, No. 155),** Article 1.11 with a new content was added.

[**[10]**](https://e-qanun.az/framework/1407#_ednref1)Pursuant tothe Constitutional Law of the Republic of Azerbaijan No. 900-VIKQD dated June 9, 2023 **(official website of Azerbaijan State News Agency (AZERTAC), July 25, 2023, “Azərbaycan” newspaper, July 26, 2023, No. 155),** in Article 3.4, the word ‘**days’** was replaced with ‘**working days’**.

**[[11]](https://e-qanun.az/framework/1407" \l "_ednref4)** Pursuant to the Constitutional Law of the Republic of Azerbaijan No. **912-IIIKQD** dated November 26, 2009 **(“Azərbaycan” newspaper, December 24, 2009, No. 286)** Articles 4.2 and 4.3 were revised.

 The previous text said:

~~4.2. The same person can be elected to the position of Commissioner only once.~~

~~4.3. 30 days before the end of the mandate of the Commissioner, the President of the Republic of Azerbaijan shall nominate three persons to the Milli Majlis of the Republic of Azerbaijan for the election of a new Commissioner. The Milli Majlis of the Republic of Azerbaijan shall adopt a relevant decision on the election of the Commissioner within 15 days.~~

Pursuant tothe Constitutional Law of the Republic of Azerbaijan No. 900-VIKQD dated June 9, 2023 **(official website of Azerbaijan State News Agency (AZERTAC), July 25, 2023, “Azərbaycan” newspaper, July 26, 2023, No. 155),** Article 4.3 was revised.

The previous text said:

~~4.3. If a new Commissioner is not elected on the day the Commissioner's term of office expires, the incumbent Commissioner shall continue to exercise his or her powers. In this case, his or her term of office shall be considered to have expired on the day the new Commissioner is elected.~~

[**[12]**](https://e-qanun.az/framework/1407#_ednref1)Pursuant tothe Constitutional Law of the Republic of Azerbaijan No. 900-VIKQD dated June 9, 2023 **(official website of Azerbaijan State News Agency (AZERTAC), July 25, 2023, “Azərbaycan” newspaper, July 26, 2023, No. 155),** in Article 5.2.3, the words **‘any governmental and local self-governing bodies, or officials’** were replaced with ‘**by state bodies, municipalities or other institutions, or their officials’**.

[**[13]**](https://e-qanun.az/framework/1407#_ednref1)Pursuant tothe Constitutional Law of the Republic of Azerbaijan No. 900-VIKQD dated June 9, 2023 **(official website of Azerbaijan State News Agency (AZERTAC), July 25, 2023, “Azərbaycan” newspaper, July 26, 2023, No. 155),** in Article 5.3, after the words **‘martial law’,** the words ‘**, as well as an anti-epidemic regime, sanitary-hygiene, and quarantine regimes,’** were added.

[**[14]**](https://e-qanun.az/framework/1407#_ednref1)Pursuant tothe Constitutional Law of the Republic of Azerbaijan No. 900-VIKQD dated June 9, 2023 **(official website of Azerbaijan State News Agency (AZERTAC), July 25, 2023, “Azərbaycan” newspaper, July 26, 2023, No. 155),** in Article 6.4, after the words **‘postal and telegraphic’,** the words **‘and** **electronic’** were added.

**[[15]](https://e-qanun.az/framework/1407" \l "_ednref5)** Pursuant to the Constitutional Law of the Republic of Azerbaijan No. **163-IVKQD** dated June 24, 2011 **(“Azərbaycan” newspaper, August 10, 2011, No. 174),** the title of Chapter Two was revised.

 The previous text said:

~~Consideration of complaints about human rights violations~~

 Pursuant tothe Constitutional Law of the Republic of Azerbaijan No. 900-VIKQD dated June 9, 2023 **(official website of Azerbaijan State News Agency (AZERTAC), July 25, 2023, “Azərbaycan” newspaper, July 26, 2023, No. 155),** in the title of Chapter Two, the words **‘NATIONAL PREVENTIVE MECHANISM**’ were replaced with the words ‘**OF NATIONAL PREVENTIVE MECHANISM AND INDEPENDENT MONITORING MECHANISM**’.

[**[16]**](https://e-qanun.az/framework/1407#_ednref1)Pursuant tothe Constitutional Law of the Republic of Azerbaijan No. 900-VIKQD dated June 9, 2023 **(official website of Azerbaijan State News Agency (AZERTAC), July 25, 2023, “Azərbaycan” newspaper, July 26, 2023, No. 155),** in Article 8.1, the words ‘**referred to as** "**Applicant**"’ were replaced with the words **‘– the Applicant’.**

[**[17]**](https://e-qanun.az/framework/1407#_ednref1)Pursuant tothe Constitutional Law of the Republic of Azerbaijan No. 900-VIKQD dated June 9, 2023 **(official website of Azerbaijan State News Agency (AZERTAC), July 25, 2023, “Azərbaycan” newspaper, July 26, 2023, No. 155),** in Article 8.2, in the first sentence, after the words ‘**non-governmental organizations**’, the words ‘**(public unions and funds), media entities, trade unions, initiative groups of citizens and community committees of municipalities (hereinafter – civil society institutions)**’; in the second sentence, the words ‘**non-governmental organizations’** were replaced with ‘**civil society institutions’**

[**[18]**](https://e-qanun.az/framework/1407#_ednref1)Pursuant tothe Constitutional Law of the Republic of Azerbaijan No. 900-VIKQD dated June 9, 2023 **(official website of Azerbaijan State News Agency (AZERTAC), July 25, 2023, “Azərbaycan” newspaper, July 26, 2023, No. 155),** in Article 8.5, the words ‘**detention facilities’** were replaced with ‘**detention facilities, garrison guardhouses, detention centres for illegal migrants, as well as other places where the detainees cannot leave at their own will, including those detained at medical and educational institutions (hereinafter – places where the persons cannot leave at their own will)**’.

**[[19]](https://e-qanun.az/framework/1407" \l "_ednref6)** Pursuant to the Constitutional Law of the Republic of Azerbaijan[**No. 9-VIKQD** datedMarch 13, 2020](http://e-qanun.az/framework/44888) **(“Azərbaycan” newspaper, April 15, 2020, No. 70, Legislative Collection of the Republic of Azerbaijan, 2020, No. 4, Article 384),** in Article 9.2,the words "**if not specified**"were replaced by the words "**and signature (or, for legal entities, the name, legal address, and signature of its head)**".

**[[20]](https://e-qanun.az/framework/1407" \l "_ednref7)** Pursuant to the Constitutional Law of the Republic of Azerbaijan[**No. 9-VIKQD** datedMarch 13, 2020](http://e-qanun.az/framework/44888) **(“Azərbaycan” newspaper, April 15, 2020, No. 70, Legislative Collection of the Republic of Azerbaijan, 2020, No. 4, Article 384), i**n Article 9.3,the words "**can be**"were replaced by the words "**shall be**".

**[[21]](https://e-qanun.az/framework/1407" \l "_ednref8)** Pursuant to the Constitutional Law of the Republic of Azerbaijan[**No. 9-VIKQD** datedMarch 13, 2020](http://e-qanun.az/framework/44888) **(“Azərbaycan” newspaper, April 15, 2020, No. 70, Legislative Collection of the Republic of Azerbaijan, 2020, No. 4, Article 384),** in the first paragraph of Article 10.1,the words "**may make**"were replaced by the words "**shall make**".

**[[22]](https://e-qanun.az/framework/1407" \l "_ednref9)** Pursuant to theConstitutional Law of the Republic of Azerbaijan [No. **9-VIKQD** dated March 13, 2020](http://e-qanun.az/framework/44888) **(“Azərbaycan” newspaper, April 15, 2020, No. 70**, **Legislative Collection of the Republic of Azerbaijan, 2020, No. 4, Article 384**), in the second sentence of Article 12.1, in Articles 12.2.2, 13.1, in the first sentences of Articles 13.2.1 and 13-1.5, the word "**days”** was replaced by the words "**working days**".

**[[23]](https://e-qanun.az/framework/1407" \l "_ednref10)** Pursuant to the Constitutional Law of the Republic of Azerbaijan No. **163-IVKQD** dated June 24, 2011 **(“Azərbaycan” newspaper, August 10, 2011, No. 174),** the title of the article was revised.

The previous text said:

~~The procedure for reviewing a complaint about violation of human rights~~

[**[24]**](https://e-qanun.az/framework/1407#_ednref1)Pursuant tothe Constitutional Law of the Republic of Azerbaijan No. **900-VIKQD** dated June 9, 2023 **(official website of Azerbaijan State News Agency (AZERTAC), July 25, 2023, “Azərbaycan” newspaper, July 26, 2023, No. 155),** in Article 12.1, in the first sentence, the word ‘**body’** was replaced with the words ‘**state body, municipality or other institution’.**

**[[25]](https://e-qanun.az/framework/1407" \l "_ednref11)** Pursuant to the Constitutional Lawof the Republic of AzerbaijanNo. **163-IVKQD dated** June 24, 2011 **(“Azərbaycan” newspaper, August 10, 2011, No. 174),** in Article 12.2,the words "**and implementing functions of national preventive mechanism**" were added after the word "**investigating”**.

**[[26]](https://e-qanun.az/framework/1407" \l "_ednref12)** Pursuant to the Constitutional Law of the Republic of Azerbaijan No. **163-IVKQD** dated June 24, 2011 **(“Azərbaycan” newspaper, August 10, 2011, No. 174),** Article 12.2.1 has been revised.

The previous text said:

~~12.2.1. to access governmental and local self-governing bodies, military units, penal institutions, pretrial detention centres, and temporary detention facilities without hindrance and without prior notification; to meet and converse one-on-one with persons detained in penal institutions, pretrial detention centres, and temporary detention facilities, to review the documents confirming the legality of their detention in those places;~~

Pursuant to the Constitutional Law of the Republic of Azerbaijan [No. **201-VKQD** dated April 15, 2016](http://e-qanun.az/framework/32658) **("Respublika" newspaper, April 29, 2016, No. 91, Legislative Collection of the Republic of Azerbaijan, 2016, No. 4, Article 655),** in Articles 12.2.1 and 18-1.2.1, the words "**detention centres for illegal migrants**" were added after the words "**psychiatric institutions**”.

Pursuant tothe Constitutional Law of the Republic of Azerbaijan No. 900-VIKQD dated June 9, 2023 **(official website of Azerbaijan State News Agency (AZERTAC), July 25, 2023, “Azərbaycan” newspaper, July 26, 2023, No. 155),** in Article 12.2.1, the words **‘governmental and local self-governing bodies, military units, as well as police stations, temporary detention facilities, pretrial detention centres, penal institutions, garrison guardhouses, psychiatric institutions, detention centres for illegal migrants, and other places where the detainees cannot leave at their own will’** were replaced with ‘**state bodies, municipalities and other institutions, military units, police agencies, and places where the detainees cannot leave at their own will’;** in the same article, the after the 2nd use of ‘detainees’, the words ‘or former detainees’ were added; after the word ‘**to document’**, the words ‘**to make photo, audio, and video recordings using technical means’** were added.

[**[27]**](https://e-qanun.az/framework/1407#_ednref1)Pursuant tothe Constitutional Law of the Republic of Azerbaijan No. 900-VIKQD dated June 9, 2023 **(official website of Azerbaijan State News Agency (AZERTAC), July 25, 2023, “Azərbaycan” newspaper, July 26, 2023, No. 155),** in Article 12.2.2, the words ‘**governmental and local self-governing bodies, and officials’** were replaced with the words ‘**state bodies, municipalities and other institutions, and their officials.**

[**[28]**](https://e-qanun.az/framework/1407#_ednref1)Pursuant tothe Constitutional Law of the Republic of Azerbaijan No. 900-VIKQD dated June 9, 2023 **(official website of Azerbaijan State News Agency (AZERTAC), July 25, 2023, “Azərbaycan” newspaper, July 26, 2023, No. 155),** in Article 12.2.5, the word ‘**body’** was replaced with the words ‘**state body, municipality and other institutions’.**

**[[29]](https://e-qanun.az/framework/1407" \l "_ednref13)** Pursuant to the Constitutional Law of the Republic of Azerbaijan No. **163-IVKQD** dated June 24, 2011 **(“Azərbaycan” newspaper, August 10, 2011, No. 174),** Article 12.2.7 was revised.

The previous text said:

~~12.2.7. to be promptly received by the heads and other officials of governmental and local self-governing bodies, commanders of military units, management of penal institutions, detention centres and temporary detention facilities.~~

Pursuant to the Constitutional Law of the Republic of Azerbaijan [No. **201-VKQD** dated April 15, 2016](http://e-qanun.az/framework/32658) **("** **Respublika** **" newspaper, April 29, 2016, No. 91, Legislative Collection of the Republic of Azerbaijan, 2016, No. 4, Article 655),** Articles 12.2.7 and 18-1.2.2, the words "**detention centres for illegal migrants**" were added after the words "**psychiatric institutions**".

[**[30]**](https://e-qanun.az/framework/1407#_ednref1)Pursuant tothe Constitutional Law of the Republic of Azerbaijan No. 900-VIKQD dated June 9, 2023 **(official website of Azerbaijan State News Agency (AZERTAC), July 25, 2023, “Azərbaycan” newspaper, July 26, 2023, No. 155),** in Article 12.2.7, the words ‘**the heads and other officials of governmental and local self-governing bodies, commanders of military units, management of police stations, temporary detention facilities, pretrial detention centres, penal institutions, garrison guardhouses, psychiatric institutions, detention centres for illegal migrants, and other places where detained persons cannot leave at their own will’** were replaced with the words ‘**the heads and other officials of state bodies, municipalities and other institutions, commanders of military units, management of police stations, and of the places where detainees cannot leave at their own will’**; the period at the end of that article, shall be replaced with a semicolon, and the Articles 12.2.8 and 12.2.9 with new content were added.

**[[31]](https://e-qanun.az/framework/1407" \l "_ednref14)** Pursuant to the Constitutional Law of the Republic of Azerbaijan No. **163-IVKQD** dated June 24, 2011 **(“Azərbaycan” newspaper, August 10, 2011, No. 174),** Articles 12.3-12.5 were respectively reclassified as Articles 12.4-12.6, and Article 12.3 with new content was added.

**[[32]](https://e-qanun.az/framework/1407" \l "_ednref15)** Pursuant to the Constitutional Law of the Republic of Azerbaijan[**No. 9-VIKQD** datedMarch 13, 2020](http://e-qanun.az/framework/44888) **(“Azərbaycan” newspaper, April 15, 2020, No. 70, Legislative Collection of the Republic of Azerbaijan, 2020, No. 4, Article 384),** in Article 12.4,the words "**may conduct**"were replaced by the words "**shall conduct**".

**[[33]](https://e-qanun.az/framework/1407" \l "_ednref16)** Pursuant to the Constitutional Law of the Republic of Azerbaijan [No. **9-VIKQD** dated March 13, 2020](http://e-qanun.az/framework/44888) **(“Azərbaycan” newspaper, April 15, 2020, No. 70**, **Legislative Collection of the Republic of Azerbaijan, 2020, No. 4, Article 384**), in the second sentence of Article 12.6, the words "**can be extended** **by**" were replaced by the words "**shall be** **extended by**" and the third sentence was revised.

The previous text said:

~~With the written consent of the applicant, the application review period can be extended again if it is necessary to conduct an additional inspection.~~

[**[34]**](https://e-qanun.az/framework/1407#_ednref1)Pursuant tothe Constitutional Law of the Republic of Azerbaijan No. 900-VIKQD dated June 9, 2023 **(official website of Azerbaijan State News Agency (AZERTAC), July 25, 2023, “Azərbaycan” newspaper, July 26, 2023, No. 155),** in Article 13.1, the digit ‘**5**’ was replaced with ‘**10**’.

**[[35]](https://e-qanun.az/framework/1407" \l "_ednref17)** Pursuant to the Constitutional Law of the Republic of Azerbaijan[**No. 9-VIKQD** datedMarch 13, 2020](http://e-qanun.az/framework/44888) **(“Azərbaycan” newspaper, April 15, 2020, No. 70, Legislative Collection of the Republic of Azerbaijan, 2020, No. 4, Article 384),** in the first paragraph of Article 13.2,the words "**may undertake**"were replaced by the words "**shall undertake**".

**[[36]](https://e-qanun.az/framework/1407" \l "_ednref18)** Pursuant to the Constitutional Law of the Republic of Azerbaijan[**No. 9-VIKQD** datedMarch 13, 2020](http://e-qanun.az/framework/44888) **(“Azərbaycan” newspaper, April 15, 2020, No. 70, Legislative Collection of the Republic of Azerbaijan, 2020, No. 4, Article 384),** in the second sentence of Article 13.2.1,the words "**may apply**"werereplaced by the words "**shall apply**".

Pursuant tothe Constitutional Law of the Republic of Azerbaijan No. 900-VIKQD dated June 9, 2023 **(official website of Azerbaijan State News Agency (AZERTAC), July 25, 2023, “Azərbaycan” newspaper, July 26, 2023, No. 155),** in Article 13.2.1, the words ‘**governmental and local self-governing bodies or officials**’ were replaced with ‘**state bodies, municipalities and other institutions and their officials**’; ‘**bodies’** was replaced with ‘**state bodies, municipalities and other institutions’**.

[**[37]**](https://e-qanun.az/framework/1407#_ednref19)Pursuant tothe Constitutional Law of the Republic of Azerbaijan No. 900-VIKQD dated June 9, 2023 **(official website of Azerbaijan State News Agency (AZERTAC), July 25, 2023, “Azərbaycan” newspaper, July 26, 2023, No. 155),** in Article 13.2.4, the word ‘**bodies’** was replaced with ‘**state bodies, municipalities and other institutions**’.

[**[38]**](https://e-qanun.az/framework/1407#_ednref19)Pursuant tothe Constitutional Law of the Republic of Azerbaijan No. 900-VIKQD dated June 9, 2023 **(official website of Azerbaijan State News Agency (AZERTAC), July 25, 2023, “Azərbaycan” newspaper, July 26, 2023, No. 155),** in Article 13.2.7, the words ‘**governmental and local self-governing bodies’** were replaced with ‘**state bodies, municipalities and other institutions**’.

**[[39]](https://e-qanun.az/framework/1407" \l "_ednref19)** Pursuant to the Constitutional Law of the Republic of Azerbaijan No. **163-IVKQD** dated June 24, 2011 **(“Azərbaycan” newspaper, August 10, 2011, No. 174),** Article 13-1 was added.

[**[40]**](https://e-qanun.az/framework/1407#_ednref19)Pursuant tothe Constitutional Law of the Republic of Azerbaijan No. 900-VIKQD dated June 9, 2023 **(official website of Azerbaijan State News Agency (AZERTAC), July 25, 2023, “Azərbaycan” newspaper, July 26, 2023, No. 155),** in Articles 13-1.2.1 and 13-1.2.3, the words ‘**the governmental and local self-governing body, or official in possession of the specific information’** were replaced with ‘**information holder**’.

**[[41]](https://e-qanun.az/framework/1407" \l "_ednref19)** Pursuant tothe Constitutional Law of the Republic of Azerbaijan No. 900-VIKQD dated June 9, 2023 **(official website of Azerbaijan State News Agency (AZERTAC), July 25, 2023, “Azərbaycan” newspaper, July 26, 2023, No. 155),** in Articles 13-1.3 and 13-1.5, the words ‘**the governmental and local self-governing body, or official in possession of the specific’** were removed.

**[42]** Pursuant tothe Constitutional Law of the Republic of Azerbaijan No. 900-VIKQD dated June 9, 2023 **(official website of Azerbaijan State News Agency (AZERTAC), July 25, 2023, “Azərbaycan” newspaper, July 26, 2023, No. 155),** in Articles 13-1.4, the words ‘**the governmental and local self-governing body, or official in possession of the specific information’** were replaced with ‘**information holder**’.

**[43]** Pursuant tothe Constitutional Law of the Republic of Azerbaijan No. 900-VIKQD dated June 9, 2023 **(official website of Azerbaijan State News Agency (AZERTAC), July 25, 2023, “Azərbaycan” newspaper, July 26, 2023, No. 155),** Article 13-1.6 with new content was added.

**[44]** Pursuant tothe Constitutional Law of the Republic of Azerbaijan No. 900-VIKQD dated June 9, 2023 **(official website of Azerbaijan State News Agency (AZERTAC), July 25, 2023, “Azərbaycan” newspaper, July 26, 2023, No. 155),** Articles 13-2 and 13-3 with new content were added.

**[45]** Pursuant tothe Constitutional Law of the Republic of Azerbaijan No. 900-VIKQD dated June 9, 2023 **(official website of Azerbaijan State News Agency (AZERTAC), July 25, 2023, “Azərbaycan” newspaper, July 26, 2023, No. 155),** in Article 14.2, the words ‘**governmental and local self-governing bodies**’ were replaced with ‘**state bodies, municipalities and other institutions’**.

**[46]** Pursuant tothe Constitutional Law of the Republic of Azerbaijan No. 900-VIKQD dated June 9, 2023 **(official website of Azerbaijan State News Agency (AZERTAC), July 25, 2023, “Azərbaycan” newspaper, July 26, 2023, No. 155),** the title of Article 15 was revised.

The previous text said:

**~~Maintaining of Confidentiality of Certain Information by the Commissioner~~**

**[47]** Pursuant tothe Constitutional Law of the Republic of Azerbaijan No. 900-VIKQD dated June 9, 2023 **(official website of Azerbaijan State News Agency (AZERTAC), July 25, 2023, “Azərbaycan” newspaper, July 26, 2023, No. 155),** Article 15.1 was revised.

The previous text said:

~~The information constituting a state secret, learned by the Commissioner in connection with his or her activities, shall be protected in accordance with the Law of the Republic of Azerbaijan "On State Secret."~~

**[[48]](https://e-qanun.az/framework/1407" \l "_ednref20)** Pursuant to the Constitutional Law of the Republic of Azerbaijan No. **722-IIKQD** dated September 1, 2004 (**Legislative Collection of the Republic of Azerbaijan, 2004, No. 9, Article 665**), Article 16.1 was revised.

The previous text said:

~~16.1. The Commissioner shall receive a monthly salary equal to the monthly salary of the first deputy speaker of the Milli Majlis of the Republic of Azerbaijan.~~

Pursuant to the Constitutional Lawof theRepublic of AzerbaijanNo. **832-IIIKQD** datedJune 19, 2009 **(“Azərbaycan” newspaper, November 5, 2009, No. 247, Legislative Collection of the Republic of Azerbaijan, 2009, No. 10, Article 761),** in Article 16.1, the words"**in the amount equal to 1,200 times the conventional financial unit**" were replaced by the words "**in the amount of 1,320 manats**".

Pursuant to the Constitutional Law of the Republic of Azerbaijan No. **102-IVKQD** dated May 6, 2011 **(“Azərbaycan” newspaper, June 9, 2011, No. 123),** in Article 16.1,the number "**1320**" was replaced by the number "**1800**".

Pursuant to the Constitutional Law **of the** Republic of Azerbaijan[**No. 1011-IVKQD** datedJune 27, 2014](http://e-qanun.az/framework/28046) **(" Respublika " newspaper, July 13, 2014, No. 148; Legislative Collection of the Republic of Azerbaijan, 2014, No. 07, Article 757),** in Article 16.1, the digits “**1800**" were replaced by the digits "**2025**".

Pursuant to the Constitutional Law of the Republic of Azerbaijan[**No. 1335-VKQD** datedNovember 27, 2018](http://e-qanun.az/framework/40980) **(“Azərbaycan” newspaper, December 20, 2018, No. 287, Legislative Collection of the Republic of Azerbaijan, 2018, No. 12, Book I, Article 2480),** inArticle 16.1,the digits **"2025**"werereplaced by the digits **"2230**".

Pursuant to the Constitutional Law of the Republic of Azerbaijan [No. **778-VIKQD** dated December 30, 2022](https://e-qanun.az/framework/53180) **(official website of the President of the Republic of Azerbaijan,** January **12, 2023, “Azərbaycan” newspaper, January 13, 2023, No. 7)** **2230**”, in Article 16.2, the digits “**2030**” were replaced with the digits “**3060**”, the word “**salary**” was replaced by the word “**wage**”.

**[[49]](https://e-qanun.az/framework/1407" \l "_ednref21)** Pursuant to the Constitutional Law of the Republic of Azerbaijan[No. **778-VIKQD** dated December 30, 2022](https://e-qanun.az/framework/53180) **(official website of the President of the Republic of Azerbaijan January 12, 2023, “Azərbaycan” newspaper, January 13, 2023, No. 7),** Article 16.1-1 with new contentwas added.

**[[50]](https://e-qanun.az/framework/1407" \l "_ednref22)** Pursuant to the Constitutional Law of the Republic of Azerbaijan[No. **778-VIKQD** dated December 30, 2022](https://e-qanun.az/framework/53180) **(official website of the President of the Republic of Azerbaijan, January 12, 2023, “Azərbaycan” newspaper, January 13, 2023, No. 7),** Article 16.6 was removed.

**[51]** Pursuant tothe Constitutional Law of the Republic of Azerbaijan No. **900-VIKQD** dated June 9, 2023 **(official website of Azerbaijan State News Agency (AZERTAC), July 25, 2023, “Azərbaycan” newspaper, July 26, 2023, No. 155),** Article 16.6-1 with new content was added.

**[[52]](https://e-qanun.az/framework/1407" \l "_ednref23)** Pursuant to the Constitutional Law of the Republic of Azerbaijan[**No. 1233-VKQD** datedOctober 1, 2018](http://e-qanun.az/framework/40687) **(“Azərbaycan” newspaper, November 15, 2018, No. 257, Legislative Collection of the Republic of Azerbaijan, 2018, No. 11, Article 2184),** Article 16.7 was revised.

The previous text said:

~~16.7. Regardless of the time, when a person who has served as a Commissioner reaches retirement age, he or she shall receive a pension in the amount of 80 percent of the current wage of the Commissioner.~~

**[[53]](https://e-qanun.az/framework/1407" \l "_ednref24)** Pursuant to the Constitutional Law of the Republic of Azerbaijan No. **71-IIIKQD** dated March 3, 2006 (**Legislative Collection of the Republic of Azerbaijan, 2006, No. 3, Article 207**), the following amendments were made in Article 17:

 1. In the name of Article 17, the words "**and regional centres**" were added after the word "**office**";

2. A second sentence with the following content was added to Article 17.1:  
 " **Regional centres of the Commissioner may be established in places.**";

3. In Article 17.3, the words **“and regional centres**” were added after the word "**office**";

4. In Article 17.4, the words **“and regional centres**” were added after the word "**office**";

**[54]** Pursuant tothe Constitutional Law of the Republic of Azerbaijan No. 900-VIKQD dated June 9, 2023 **(official website of Azerbaijan State News Agency (AZERTAC), July 25, 2023, “Azərbaycan” newspaper, July 26, 2023, No. 155),** inArticle 17.3, the word ‘Office’ was replaced with the word “**Commissioner’s Office**”.

**[55]** Pursuant to the Constitutional Law of the Republic of Azerbaijan No. **71-IIIKQD** dated March 3, 2006 (**Legislative Collection of the Republic of Azerbaijan, 2006, No. 3, Article 207**), in the title of Article 18, in Articles 18.1 and 18.2, the words "**and regional centres**" were added after the word "**office**".

**[[56]](https://e-qanun.az/framework/1407" \l "_ednref26)** Pursuant to the Constitutional Law of the Republic of Azerbaijan No. **163-IVKQD** dated June 24, 2011 **(“Azərbaycan” newspaper, August 10, 2011, No. 174),** Article 18-1 was added.

Pursuant tothe Constitutional Law of the Republic of Azerbaijan No. 900-VIKQD dated June 9, 2023 **(official website of Azerbaijan State News Agency (AZERTAC), July 25, 2023, “Azərbaycan” newspaper, July 26, 2023, No. 155),** Article 18-1 was removed.

**[[57]](https://e-qanun.az/framework/1407" \l "_ednref27)** Pursuant to the Constitutional Law of the Republic of Azerbaijan No. **71-IIIKQD** dated March 3, 2006 (**Legislative Collection of the Republic of Azerbaijan, 2006, No. 3, Article 207**), in Article 19.1, the words "**and its office**" were replaced by the words **“and its office and regional centres**”.

**[58]** Pursuant to the Constitutional Law of the Republic of Azerbaijan No. **431-IIIKQD** dated October 19, 2007 (**Legislative Collection of the Republic of Azerbaijan, 2007, No. 10, Article 928**), Article 19.2 was revised.

The previous text said:

~~19.2. The annual funds allocated for the financing of the Commissioner's activities cannot be reduced compared to the previous financial year.~~

**[[59]](https://e-qanun.az/framework/1407" \l "_ednref29)** Pursuant to the Constitutional Law of the Republic of Azerbaijan No. **163-IVKQD** dated June 24, 2011 **(“Azərbaycan” newspaper, August 10, 2011, No. 174)**, Article 20 was added.

Pursuant tothe Constitutional Law of the Republic of Azerbaijan No. 900-VIKQD dated June 9, 2023 **(official website of Azerbaijan State News Agency (AZERTAC), July 25, 2023, “Azərbaycan” newspaper, July 26, 2023, No. 155),** Article 20 was revised.

The previous text said:

~~Article 20. Liability for Obstructing the Commissioner's Activity [29]~~

~~Persons found guilty of obstructing the Commissioner’s activities shall be held liable in accordance with the legislation of the Republic of Azerbaijan.~~