



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

2023 REPORT

**on the National Preventive Mechanism Activities
against Torture**

Baku – 2024

The report provides information on the activity, proposed recommendations and proposals made by the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan, carrying out national preventive mechanism, derived from the United Nations (UN) Convention against Torture, and Other Cruel, Inhuman, or Degrading Treatment or Punishment (hereinafter the Torture Convention) for the period of 2022 year.

While functioning the national preventive mechanism activities of the Commissioner the recommendations and proposals made by the Committee for the Prevention of Torture (CAT), the Subcommittee on Prevention of Torture (SPT), European Committee for the Prevention of Torture (CPT), the Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Committee on the Rights of the Child (CRC), the Committee on the Rights of Persons with Disabilities (CRPD), and recommendations to the periodic reports of the State of Azerbaijan made by the UN Human Rights Council Universal Periodic Review (UPR) Working Group have been considered.

The information, prepared on the basis of the analyses of the findings of the visits, statistical data, as well as the Optional Protocol to the Torture Convention were attached as Annex to the Report.

CONTENTS

Foreword	4
List of used definitions and acronyms	5
Chapter 1. Legal basis of the National Preventive Mechanism Mandate	6
1.1. The OPCAT requirements	6
1.2. National Legislative Framework	7
1.3. NPM activity directions.	7
Chapter 2. NPM Activity and Preventive Visits	9
2.1 Organization of Preventive visits.....	9
2.1.1. Scheduled visits.	9
2.1.2. Ad-hoc visits.....	9
2.2. Conducting visits.	10
2.2.1. Institutions of the Ministry of Internal Affairs.....	11
2.2.2. Institutions of the Ministry of Justice Penitentiary Service	21
2.2.3. Institutions of the Ministry of Health.	27
2.2.4. Institutions of the Ministry of Science and Education.....	32
2.2.5. Institutions of the Ministry of Labor and Social Protection of Population	37
2.2.6. Children’s Homes	39
2.2.7. Institutions of the State Security Service.....	40
2.2.8. An institution under the State Migration Service.....	41
Chapter 3. Legal Analysis	42
Chapter 4. Legal Education	47
Chapter 5. Public Affairs and International Cooperation	49
Chapter 6. Recommendations and Suggestions	52
Annex 1.....	56
Annex 2.....	58

Foreword

The ratification of the Optional Protocol of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) and the establishment of a national preventive mechanism (NPM) in the Republic of Azerbaijan as stipulated in this Protocol have arisen from the state's commitment to upholding international standards that serve to ensure a higher level of human rights protection.

As an integral part of our activities in protecting, promoting, and ensuring human rights, cooperation with relevant state institutions, civil society organizations, media outlets, international organizations, national human rights institutions of other countries, and local and international experts has also enabled us to develop the Ombudsman's activities as a National Preventive Mechanism (NPM), prevention of violations of rights, establishment of successful and constructive collaboration, fruitful discussions, trainings, and exchange of experiences.

As part of our NPM activities, we remain committed to combating torture and other cruel, inhuman, or degrading treatment or punishment by adopting both a practical approach and offering legislative proposals and recommendations while also contributing to the improvement of our activities from an institutional perspective. Subsequently, the execution of these functions has become one of the main directions of the Ombudsman's activities.

It is noteworthy that the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan, with amendments to the Constitutional Law of 2023 of 9 June 2023, has been authorized to make photo, audio, and video recordings using technical means during monitoring visits as an NPM and to take measures by inviting representatives of state authorities, municipalities, and other institutions (including the representative of the prosecutor's office) in order to address the detected violations. These changes have broadened the Ombudsman's mandate as an NPM and provided opportunities for effective protection of the rights of individuals held in places, which they cannot leave at their own free will by contributing to the effectiveness of measures to prevent torture and ill-treatment.

The report covers the activities of the Azerbaijani NPM for 2023, including the work carried out, the preventive measures and their outcomes, the suggestions and recommendations made, and the status of their implementation, as well as the legal awareness and other activities.

I hope that the issues we raise in the report, the suggestions, and the recommendations we make will be reviewed by relevant agencies and individuals and will contribute to the further improvement of the relevant activities in accordance with the requirements of the Optional Protocol.

Sabina Aliyeva

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

LIST OF USED DEFINITIONS AND ACRONYMS

- AR** – The Azerbaijan Republic
- BPF** – Baku Pre-trial Detention Facility
- CAO** – Code of Administrative Offences of the Republic of Azerbaijan
- CAT** – United Nations Committee against Torture
- CC**- Criminal Code of the Republic of Azerbaijan
- CDPO**- City District Police Office
- Constitutional Law**- the Constitutional Law on the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan
- Convention against torture** – Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- CPT**- European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
- DCAAP**- Detention Center for Administratively Arrested Persons
- Detainee** –person deprived of his/her liberty
- Deprivation of liberty**– any form of detention or imprisonment or the placement of a person in a public or private custodial setting, which that person is not permitted to leave on his/her will by order of any judicial, administrative or other authority
- DPD**- District Police Department
- DPO**- District Police Office
- ECtHR** – European Court of Human Rights
- II**-Investigation Isolator
- MIA** – Ministry of Internal Affairs of the Republic of Azerbaijan
- MLSP** – Ministry of Labor and Social Protection of Population of the Republic of Azerbaijan
- MM**- Mass media
- NPG**- National Preventive Group of the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan
- NPM**- National Preventive Mechanism against Torture, specified under the OPCAT
- Office** – Office of the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan Ombudsman- the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan
- OPCAT/OP** – Optional Protocol to the Convention against torture, and other cruel or degrading treatment or punishment
- OSCE** – Organization for Security and Cooperation in Europe
- PI** – Penitentiary institution
- Place of deprivation of liberty** – any place where a person is not permitted to leave at own will or can be detained
- PS** – Penitentiary Service of the Ministry of Justice of the Republic of Azerbaijan
- SSS** – State Security Service of the Republic of Azerbaijan
- SPT** – United Nations Subcommittee on Prevention of Torture and Inhuman or Degrading Treatment and Punishment
- TDP**- Temporary detention place / Place of temporary detention
- Torture**- torture and other cruel, inhuman or degrading treatment or punishment UN – United Nations

CHAPTER 1.

LEGAL BASIS OF THE NATIONAL PREVENTIVE MECHANISM MANDATE

1.1. The OPCAT Requirements

In 2023, the Commissioner for Human Rights (Ombudsman) of the Azerbaijan Republic successfully continued its work as an institution implementing the functions of the NPM as specified in the OP.

As is well-known, the purpose of the OP is to develop an implementation mechanism for conducting visits to places of deprivation of liberty by independent international and national institutions to prevent torture. The OP underlines the significance of constructive dialogue and specifies a preventive-avoidance attitude rather than a reactive approach to regulated attitudes. The innovativeness of the OP is also evident in the fact that it does not reflect any new right or standard or the restoration of violated rights, but rather the prevention of violations of an existing standard, namely the right to freedom from torture.

The main idea of the noted document is to develop a system of independent and regular visits to monitor the treatment standards and detention conditions of all those who are held in places of deprivation of liberty as the most convenient method of preventing torture. According to the OP, international and national institutions, having a preventive mandate, which include the Sub-Committee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT) are set up. The SPT is a new treaty body in the UN system.

In compliance with Article 17 of the OP, the NPM, which shall be maintained, designated, or established by each State Party at the latest one year after the entry into force of the present Protocol or of its ratification or accession under the respective norm, conducts regular visits to places where persons are deprived of their liberty at the national level to monitor the treatment issues and detention conditions.

The NPM mandate covers, at a minimum, the following:

- to regularly examine the issues related to the detainees;
- to make recommendations to the relevant authorities in a view to improving the treatment and detention conditions of detainees and preventing torture, taking into account the relevant UN norms;
- to make recommendations and observations concerning existing or draft legislation;

The guarantee of the functional independence of the NPMs as well as the independence of their personnel is the main precondition to fulfill the mandate.

The OP grants the NPMs the following main powers:

- to access to all information concerning the number, treatment, and condition of persons deprived of their liberty in places of detention, as well as the number of places and their location;
- to access to all places of detention and their installations and facilities;
- to have private interviews with the people deprived of their liberty without witnesses, as well as with any other person who may supply relevant information;
- to choose the places they want to visit and the persons they want to interview without any hindrance;
- to have contacts with the SPT, to send it information, and to meet with it.

1.2. National Legislative Framework

The Republic of Azerbaijan signed the OP on September 15, 2005, and ratified it by Law dated December 2, 2008.

Since the relevant law has been officially published, that is, since January 15, 2009, the OP has entered into force in relation to Azerbaijan.

By the relevant Presidential Order of the Republic of Azerbaijan, the Commissioner for Human Rights (Ombudsman) was designated as an organization responsible for carrying out the national preventive mechanism functions as stated in the OP.

By making additions and amendments to the Constitutional Law, the scope of the power of the Ombudsman, as well as its independence were brought into conformity with NPM standards as stated in the OP; also, the transparent procedures for the establishment of the NPG, and the requirements for its candidates were also identified, along with matters on guarantees for their rights and impunity.

According to the Constitutional Law, the Ombudsman and NPG have the right to access to any state and municipal body, military units, police stations, temporary detention places, investigation isolators (pre-trial detention facilities), penitentiary institutions, military guardhouses, psychiatric institutions and other places, which detained persons cannot leave on their own will; to meet privately or when deemed necessary with participation of an expert or interpreter and interview in private detained persons, and any other persons who may provide relevant information; to get acquainted with and obtain copies of the documents confirming the lawfulness of detention and providing information on treatment and conditions of detention of persons mentioned above; to prepare acts and document the process and the results of the actions undertaken without hindrance and prior notification. The power of the Commissioner to provide relevant recommendations to the competent authorities and to receive responses to these recommendations within the identified time limits is also proclaimed by the abovementioned law.

In the last period, the legislative acts were improved, and the powers mentioned above, which were granted to the Commissioner and the NPG were also identified in the legal and normative acts in a timely manner with a view to effectively organizing their work.

Under the OP, the Commissioner has considered the recommendations made by the UN Human Rights Council UPR Working Group to Azerbaijan's periodic reports, as well as the recommendations and suggestions of the CAT, SPT, and CPT to organize the NPM work effectively.

1.3. NPM Activity Directions

The activity of the Azerbaijani NPM encapsulates the following four main directions:

- **Preventive visits** – refer to visits carried out in a regular, scheduled, and unscheduled manner and without prior notice to places where persons cannot leave on their own will;
- **Legal analysis** – refers to theoretical and practical analyses of the relevant work, information, recommendations, and suggestions, the existing and draft legislative acts; summing up the results and producing the relevant recommendations;
- **Legal education** – is the process of organizing legal education operations for the HRCA staff, NPG members, employees of the places, where persons cannot leave on their own will, persons held in those places and student-attendants of the relevant education institutions and academies as well as preparing and dispensing visual materials to promote activities for the prevention of torture;

• **Public affairs and international cooperation** – refer to the exchange of information with national, regional, and international organizations, as well as with NPMs of other countries, mutual participation at events, the organization of joint events, and the promotion of NPM activities in the media.

CHAPTER 2.

NPM ACTIVITY AND PREVENTIVE VISITS

2.1. Organization of Preventive Visits

According to Article 20 paragraph (a) of the OP, to enable the national preventive mechanisms to fulfill their mandate, the States Parties undertake to provide information on the number of persons deprived of their liberty in places of detention, as well as the number of places and their location, as stated in Article 4 of the OP.

Such information is obtained from the relevant public institutions based on the Ombudsman's request, and based on those requests, the annual work plan is drafted and the visits are conducted accordingly.

If it is deemed necessary at the end of the year, the information for the next year is updated by making clarifications with the relevant authorities.

The preventive visits, which may be divided into two groups: scheduled and ad-hoc visits, are carried out without prior notice.

2.1.1. Scheduled visits

The scheduled visits are conducted in line with the annual plan approved by the Commissioner. The draft of the annual plan for the upcoming year is discussed by the NPG members at the end of each year, the outcomes are recorded, and the approved plan is presented to the Commissioner for approval. The confidentiality of the annual work plan is critical for the effectiveness of the visits. Therefore, confidentiality is ensured by the NPG members.

The sequence of inclusion of this or another facility into the work plan and the repeated visits there are carried out on the basis of the specificity of the type of that particular facility, records of its general condition and treatment in previous years, its territorial compatibility, as well as the information taken from analyses of the complaints received by the Commissioner.

The length of visits depends on the size of the institution, the number of persons in the place of deprivation of liberty, the type of facility visited and other specificities, as well as the number of NPG members.

2.1.2. Ad-hoc visits

The ad-hoc visits are mainly conducted to follow-up on the implementation status of previously given recommendations, to prevent persecution of those who provide information to NPG members in one form or another, as well as analyses of the information given by the persons about the place of detention, where s/he was previously held, and complaints received by the Commissioner or hotline (Call Center), to investigate the information reported to the NPG members, to check on site the information spread through media and other issues interesting to the preventive group members, and also in other cases when the Commissioner is deemed necessary.

2.2. Conducting visits

The effectiveness of the visits mainly requires three phases. So that, taking account of that, the NPM of Azerbaijan conducts its visits at the three-stage mentioned below:

- **First phase**-preparation;
- **Second phase**-conducting a visit;
- **Third phase** - post visit (follow-up) phase

The preparation phase usually takes two working days, including collecting the necessary information, identifying the objectives of the visit, and the personnel of monitoring delegation members.

During this phase, in the process of collecting necessary data, the information received during previous visits or taken from other sources, the applications received by the Ombudsman, the sources spread through media and social networks, as well as the national legal and normative framework regulating the activity of the institution to be visited, and international standards are analyzed.

The objectives of a visit are determined on the basis of the general assessment of detention conditions and treatment standards, the study of specific cases related to detention conditions and treatment (e.g., the institution of disciplinary measures, the quality of health services etc.), follow-up activities, such as checking the status of removal or failure to remove the findings of previous visits and the implementation of the recommendations previously made, and the definition of the scope of the questions of special importance and other issues.

While preparing for the preventive visit, the composition of the monitoring delegation is determined based on factors such as the number of members, their specialization, sex, etc. and other factors, depending on the objective of the preventive visit, the list of facilities to be visited and questionnaires, templates for the interview records with prisoners, questionnaire templates, and others are prepared.

Conducting a visit encompasses a number of stages:

First, an initial talk is held with the administration of the facility, during such a conversation, group members introduce themselves, and explain the purpose of the visit. Afterwards, some general information about the facility is obtained.

After the initial talk with the administration of the facility, group members monitor the area of the facility. In the course of this, conditions of detention in the facility, including the condition, size, capacity (occupancy), actual location, lightening, ventilation, and furniture supply of its building, individual cells or rooms, personal hygienic and sanitary conditions, nutrition issues, the access to medical care, etc., are evaluated.

Later, the documentation is reviewed, and interviews with the persons deprived of their liberty are held in a collective, private, or confidential manner. Such interviews mainly depend on the objective of the visit. Taking account of the situation, the NPG members can determine the technique of the questioning or can make corrections to the preliminary agreement on the spot.

A talk with the facility staff is also an essential part of a visit. The NPG members organize interviews with the staff members in charge in order to evaluate their approach to treating persons deprived of their liberty. In some cases, the NPG also uses special questionnaires prepared for the facility personnel along with the interviews.

At the end of the visit, the NPG members held a final talk with the chief of the monitored facility to alert him of the findings. The administration is also informed about the issues that can be fixed locally, and relevant recommendations are given. Furthermore, the administration is informed that the findings will be reported to the higher instance authority.

According to the international experience, measures implemented after the visit are more important than the visit itself. The objective of the NPM is not only to conduct a visit to places of deprivation of liberty but also to take measures for improving the treatment and detention conditions of persons held there. That is the reason why the NPM of Azerbaijan takes the view that the post-visit phase is more critical than the visit itself.

Therefore, after the visit, a final report on the findings is prepared, and the relevant bodies are given recommendations on how to improve treatment standards and detention conditions.

Typically, when deemed necessary by the NPG members, a repeat visit is appointed and conducted to the facility shortly after the previous one to follow-up on the implementation of recommendations previously given.

2.2.1. Institutions of the Ministry of Internal Affairs

During 2023, within the Ombudsman's National Preventive Mechanism mandate, 51 scheduled and unscheduled monitoring visits were carried out to temporary detention places (TDPs), police stations, and departments under the Ministry of Internal Affairs.

In the course of the visits, treatment issues, detention conditions, and documentation were checked, and legal awareness talks were held with the management and staff of these facilities in order to ensure the rights of those detained in these facilities, including the rights not to be subjected to torture or ill-treatment, to appeal, to obtain legal aid, etc., and to prevent future ill-treatment.

The Ministry of Internal Affairs (MFA) was requested regarding some of the defects and shortcomings found during the visits and required to take appropriate measures, prevent instances of violations based on the evidence provided, as well as instruct police authorities and send information regarding the outcomes of the work. According to the letters of response received by the Ombudsman, some of the shortcomings identified were fully addressed, and additional tasks were given to heads of territorial police agencies to monitor the activity of TDPs.

According to the Order of the Commissioner for Human Rights of the Republic of Azerbaijan (Ombudsman) Sabina Aliyeva, the Ombudsman's National Preventive Group (NPG) Members carried out a visit to the ***Detention Center for Administratively Arrested Persons of the Internal Affairs (DCAAP)***.

The objective of the visit organized in line with the UN OPCAT and the Constitutional Law on the Commissioner of Human Rights (Ombudsman) of the Republic of Azerbaijan was to investigate the appeal received by the Ombudsman.

The individuals detained in the facility have been privately interviewed in order to investigate the treatment and detention conditions. One of the detainees reported that he declared a hunger strike for 30 days as a protest action against the court decision on his administrative detention. During the interview, where a qualified doctor member of the NPG was present, the detainee was informed of the harmfulness of hunger for the body, and his rights were explained.

During the conversation with the detainees, some of them expressed their dissatisfaction with their detention conditions. Thus, it was reported that the restrictions imposed on detainees' meetings with family members, as well as on acceptance of parcels, were unlawful; furthermore, the phone communication was limited, the quality, caloric value, and quantity of food provided were not adequate and insatiable; and, the detainees encountered difficulties in exercising their right to daily outdoor walks, as only those who smoked were permitted to access the walking area for five minutes every hour for smoking purposes.

At the end of the visit, the NPG members proposed recommendations to the management of the facility to maintain the health state of the detainee, who refuses to intake food under control, and to improve the detention conditions and treatment standards.

The objective of the following visit to DCAAP by the Ombudsman, Sabina Aliyeva, and the NPG members was to investigate the conditions of detention, treatment, and enforcement of the rights of administratively detained persons. In the course of the visit, where qualified doctor and psychologist members of NPG were present, three persons – Alen Sargsyan, Vahe Hovsepyan, and Levon Grigoryan who were arrested at the Lachin border crossing point and put into administrative custody for a period of 10 days.

During the confidential meeting with those detainees the Ombudsman learned the state of ensuring their rights under international and national law and heard their appeals. Furthermore, the cell where they were held and the walking area were inspected, and the detention conditions were found to be in compliance with the standards. Interviewed detainees expressed their satisfaction with detention conditions, treatment, nutrition, and medical and psychological care. Meanwhile, phone calls of those individuals with family members were also provided.

The rights of the administratively arrested persons, the competences of the Azerbaijani Ombudsman have been explained; informative publications on how to access to the Ombudsman's Call Center 916, as well as legislative acts and international documents on human rights have been provided to them in their language.

According to the instructions given by Sabina Aliyeva, the Ombudsman, the NPG carried out unannounced monitoring of the ***shelter for victims of human trafficking under the supervision of the Main Department on Combating Human Trafficking of the Ministry of Internal Affairs.***

During the visit, the dormitory, medical room, dining hall, and kitchen of the facility were inspected. Confidential discussions were held with shelter residents, where their requests were also heard. The interviewed detainees were provided with Ombudsman application forms and detailed information about the 916 Call Center, available 24/7.

The NPG members found the victims of human trafficking in the facility being provided with adequate living conditions. The sheltered individuals were also provided with guarantees for their safety, as well as food and medication, and the necessary conditions for medical, psychological, social, and legal assistance were created.

At the end of the visit, a meeting was held with the management and staff of the institution, and a legal awareness talk was conducted.

During the monitoring visit to the ***Nizami District Police Office TDP***, documents confirming the legality of the detention of individuals held in the facility, as well as those related to their detention conditions, were examined. The cells were inspected, and documentation regarding nutrition, medical care, outdoor walks, meetings, phone calls, and removal from the cell was checked. Furthermore, existing needs were assessed.

The NPG members found natural light and heating in some cells of the facility weak and inadequate, as well as there were no written boards displaying rights and responsibilities.

During the monitoring visit, it was also found that, first-time offenders were held together with the former convicts in violation of the requirements of internal disciplinary rules. This situation constitutes a violation of Article 35 of the Law of the Republic of Azerbaijan "On Ensuring the Rights and Freedoms of Persons Held in Places of Detention."

It was determined that the walking area was not organized in accordance with standards and was completely covered. The full enclosure of the walking area in the facility highlights concerns about detainees' access to open air and appropriate outdoor exercises.

It was found that in the Nizami District Police Office, the registration books were not bound, and incomplete records were maintained in various registration books (such as those for medical services and examinations provided to detainees).

During the review of documents confirming the legality of the detention of individuals, it was found that on the arrest report - protocol for the arrest of a suspect (dated November 24, 2022, at 18:00), prepared by the chief investigator of the Nizami District Police Office, there was only the suspect's signature, but not of the defense attorney. This constitutes a violation of Article 147 of the Code of Criminal Procedure of the Republic of Azerbaijan.

It was observed that the conditions in the investigation cells of the Police Departments No. 24 and 25 of the Nizami District Police Office were unsatisfactory. Some cells had poor lighting, lacked heating, and were without seating or tables. Discussions were held with the management of the facility regarding these issues, and recommendations were provided to address the shortcomings.

During the monitoring visit to the **Garadagh District Police Office**, the NPG members reviewed the Registry Book for Persons under Custody in City, District, and Railroad Police Authorities" and "the registry book regarding the persons detained in the TDPs" and found shortcomings in the documentation process.

It was found that in the reports (protocols) for the arrest of suspects, there were no signatures of lawyers; one protocol lacked the required signature of the head of the TDP regarding admission of the suspect. Furthermore, violations of procedural time limits were identified, copies of personal files were not retained, and no registration was made regarding the detainee R.K. The incomplete records in the registration books made it difficult to determine the measures taken concerning the individuals.

It was revealed that entries in the "Records and Recommendations of Inspecting Officers" book at the TDP were filled out solely in a formal manner.

In the medical room of the facility, expired medications (e.g., Analgin ampoules) that had exceeded their shelf life.

During the visit, it was found that there was no detention room in the General Duties Police Section in the Office, and persons brought to the Office were held in various administrative rooms within the building.

During the visit to the **Police Station No.10 of the Garadagh District Police Office**, it was found that there was no seat in the detention camera area. There were also deficiencies in the documentation here. It was revealed that according to the entry, an individual in line 594 in the Registry Book for Persons under Custody in City, District and Railroad Police Authorities," was taken into custody on April 25, 2023, at 09:40; however, as of the visit on April 26, 2023, there was no record of release or any other action taken. The time was also missing in the records regarding line 572, and other entries were found to be incomplete.

The NPG members carried out a monitoring visit to the **Yasamal District Police Office**. It was found that there was no detention room in the General Duties Police Section.

During the visit, it was observed that handcuffs were left in an open area in the General Duties Police Section of the TDP, violating the requirements for storage of special equipment. Furthermore, NPG found the natural light and the overall detention conditions in the cell are inadequate and unsatisfactory. The head of the DPO stated that major renovation work would be carried out.

The NPG members also observed some medications, such as No-Spa, Sopral, etc., expired.

During a confidential interview with detainees at the TDP, suspect A.S. reported that he was not allowed to make a phone call. Upon reviewing the phone call records, no entry was found indicating that he had been allowed to make a call. Furthermore, the inspection found that he was being held together with detainees transferred from the Baku Pretrial Detention Facility.

During the review of personal files, the NPG found that there were no official stamps on some arrest protocols and the signatures of the respective lawyers.

It was observed prior records about the individual regarding his removal from the TDP while he was still in court. Furthermore, it was found that there were inconsistencies in the registry books, particularly regarding dates and times, with some entries showing alterations. The others lacked time records altogether.

During the review of documentation, deficiencies were also found in the medical registration books. Specifically, it was found that medical records were often included by police officers rather than by a medical doctor.

At Yasamal District Police Stations No. 28 and No. 29 of the DPO, the NPG members found conditions in the detention cell unsatisfactory and with inadequate natural and electric lighting. Additionally, deficiencies in documentation were noted, such as the absence of official seals on registration books and incomplete record entries.

During the monitoring visit, NPG members determined two detainees were being held in a dark cell at the Police Station No.29. Deficiencies in documentation were also identified; there were no official seals and books were not bound.

The NPG members conducted visits to the **TDPs of the Ministry of Internal Affairs**, as well as to the **Police Stations No. 8, 9, 39, and 41 of the Sabail District Police Office**.

The objective of the visit, organized on the basis of the requirements of the OPCAT and the Constitutional Law on the Ombudsman of the Republic of Azerbaijan, was to assess the conditions of detention and treatment standards in facilities, ensure the protection of the rights of detainees, and examine the state of proper documentation.

During the monitoring visit, several deficiencies were found. It was found that the natural and artificial lightings in the TDP cells were weak and ventilation inadequate. The TDP, located in the basement, needs to be replaced with a new building, and there is a need for the construction of a TDP building on the expansive premises of the DPO.

During the inspection of the cells, the NPG members found the first-time offender held together with a previously convicted person.

The NPG members found the size of the TDP medical room is very small and conditions there unsuitable for any medical examinations. It was also found that the roof of the facility's walking area was fully covered.

During private conversations, detainees stated that their bed linens had not been changed for a long time, and some mentioned that they had brought bed linens from home.

The NPG found that smokers and non-smokers were held together in the TDP cells, and this factor was not taken into account during placement.

The NPG members found certain shortcomings in the registration process. Specifically, in the Registry Book for Persons under Custody in City, District, and Railroad Police Authorities," entries were found to be incomplete in various sections. Although it was noted that the individuals had been handed over to the Investigation Department, the final outcome (what measures were taken regarding the individuals at the next stage) was not reflected in the book.

During the monitoring visit to the Police Station No. 8 of the Sabail District Police Office, the NPG members found the lights in the investigation room out of order. The responsible

officer attributed this to a systematic short circuit. Furthermore, the review found that the records regarding some detainees in the registry book were incomplete.

It was determined that there was no lighting (electric lamp) in the investigation room of the Sabail DPO Police Station No. 9.

At the end of the monitoring visits, the management of the respective facilities was provided relevant recommendations to improve detention conditions, treatment standards, and documentation.

During the monitoring visit conducted at the **Goychay District Police Department** by the Ombudsman's instruction, the NPM Members identified deficiencies in the organization of the area for outdoor exercises of detainees. Relevant recommendations were provided to the facility's management in this regard.

The NPG members found an expired medication (Captopril) here as well.

The NPG found that there were no informational boards displaying the rights and freedoms of detainees in the cells of the TDP of Goychay District Police Department, and the lighting in the cells was insufficient.

When the NPG members reviewed the documentation, they found deficiencies in the registry books, such as incomplete records in the registry book regarding detainees (e.g., the absence of times).

The Ministry of Internal Affairs has been requested with a letter detailing the results of the monitoring visits to Nizami, Garadagh, Sabail, and Yasamal DPOs, as well as their respective stations, and Goychay District Police Department, along with the Ombudsman's recommendations and suggestions for addressing the identified gaps.

The NPG members conducted a monitoring visit to the **Aghdash District Police Department** of the Ministry of Internal Affairs.

The objective of the monitoring visit, conducted in accordance with the OPCAT, the Constitutional Law on the Ombudsman of the Republic of Azerbaijan, as well as the requirements of the CPT and SPT, was to examine the conditions of detention, treatment of detainees, and documentation.

During the monitoring visit to the TDP, the NPG members determined five detainees there, four of whom were under administrative detention. It was found that sports equipment had been installed in the facility's area for outdoor exercises, which is considered a positive development as it enables detainees to spend their leisure time more effectively and engage in outdoor physical activities.

However, there were also several shortcomings in the facility. The NPG inspection found the natural lighting in cells weak and hygiene products entirely absent. A monitoring of the medical unit revealed the presence of expired medication. When the documentation was examined, incomplete relevant registry books were found.

At the end of the monitoring visit, the NPG members held a conversation with the facility's management on how to address the identified gaps and made relevant recommendations. In the course of the visit, the issue of supplying hygiene products was promptly resolved, and the expired medication was disposed of.

The NPG members carried out a scheduled visit to the **TDP of the Bilasuvar District Police Department**.

The objective of the monitoring visit was to assess the detention conditions and treatment in the TDP, as well as to examine the protection of the rights and freedoms of detained or arrested persons enshrined in the Constitution of the Republic of Azerbaijan, the Code of Criminal Procedure, and other relevant normative legal acts, as well as to assess the right to

a lawyer immediately after the arrest, the right to notify family members about detention, issues related to nutrition, medical supply, healthcare services, heating, and other relevant matters.

During the monitoring visit, the NPG members held individual conversations with each detainee, explaining their rights and responsibilities as well as the Ombudsman's mandate.

The NPG members found several shortcomings in the TDP. It was observed that first-time offenders shared the same cell with the former convicts.

Upon admission to and release from the TDP, detainees and arrested individuals undergo medical examinations in a formal manner. The doctors do not properly fill out the registry book for the medical examination and provision of medical assistance to detainees. It was observed that the lighting in cells is inadequate, and there were no informational boards outlining rights and responsibilities. The NPG members found in most cells that detainees did not have personal hygiene products.

In Cell No. 1, designated for administratively detained individuals, the fixed table and chairs do not meet any standards. The NPG members found that the door to the sanitary unit in this cell was only 35 centimeters wide, making it difficult to pass through comfortably.

The inspection revealed that certain sections in the Registry Book for Persons under Custody in City, District, and Railroad Police Authorities" were left incomplete, and some alterations had been made.

The identified shortcomings were brought to the attention of the TDP chief and staff, and necessary recommendations were provided to address them.

A scheduled visit was conducted to the ***TDP of the Jalilabad District Police Department.***

During the visit, the NPG members inspected the investigation room, facility cells, kitchen, bathroom, interrogation room, meeting room, medical and prayer rooms, as well as the walking area. Documentation was also reviewed.

In the course of the visit, private conversations were held with each of the 15 people detained there. The NPM members explained the detainees their rights and comprehensively informed them about the Ombudsman's mandate.

During the visit to the ***TDP of the Astara District Police Department,*** NPG members privately interviewed each of the eight detainees held here. During the conversation, the NPG members thoroughly explained the rights and Ombudsman's NPM mandate to the detainees. Also, it was observed that the four-person cells in the facility contained only two seats.

The medical examination of detainees upon admission was found to be conducted in a formal manner. The doctor performed medical examinations in the corridor of the facility instead of the medical room. In addition, records, including the notes made by the visiting doctor in the registration books for the medical examination and provision of medical assistance to detainees, were illegible.

The NPG members reviewed the documentation and found the registry books of the TDP filled out untidily.

A visit was conducted to the ***TDP of the Lankaran City District Police Department.***

During the visit, the NPG members monitored the investigation room, cells of the TDP, kitchen, bathroom, interrogation, meeting, medical, and prayer rooms, as well as the walking area, and reviewed the documentation.

The NPG members recommended the TDP to create the necessary facilities, allowing arrested and detained persons to access literature and writing materials.

The Ombudsman's NPG members conducted a visit to the ***TDP of the Lerik District Police Department.***

The NPG members found that there was no investigation room in the Lerik District Police Department. The detainees reported that persons brought under custody were held in one of the rooms on the second floor of the Lerik DPD. The NPG members found that none of the individuals held in the TDP had personal hygiene products.

The NPG members found the ventilation system in the TDP uninstalled, the absence of a prayer room in the facility, and the office room of the head of the facility used as a medical room.

During the documentation review, the review found the “Registry Book for Persons under Custody in City, District, and Railroad Police Authorities” incompatible with the required standards, and there were numerous alterations and corrections made.

The NPG members carried out a scheduled visit to the ***TDP of the Agstafa District Police Department.***

As part of the visit, documents confirming the legality of the detention of individuals held in the TDP, as well as documents related to their treatment and detention conditions, were examined. A review of the cells was conducted, and documentation regarding food, medical care, outdoor exercise, visitation, phone calls, and removal from cells was checked. Existing needs were assessed. It was observed that the detention conditions in the newly constructed TDP, which was put into use in December 2022, were satisfactory.

During the visit, the NPG members found the violation of the requirement of Clause 2.31.3 of the "Internal Regulations of Temporary Detention Facilities" approved by the Cabinet of Ministers of the Republic of Azerbaijan on February 26, 2014, as a first-time offender was held together with an individual who had previously served a sentence in a correctional facility.

The inspection also found that there were no hygienic personal items available for the detainees in the TDP of the Agstafa District Police Department.

The NPG members conducted a scheduled visit to the ***TDP of the Dashkasan District Police Department.***

Due to a lack of sufficient rooms in the facility, the same room was used for medical examination, investigation, worship, visitation, and investigation purposes. This prevents the effective exercise of the detainees' rights as provided by the law. Since no separate room is designated for medical care in the TDP, a medical cabinet is located in the facility head's office.

Despite the requirements of the relevant legislation, during the visit, the inspection found the absence of personal hygiene items to provide persons detained at the TDP.

According to information provided by the Dashkasan District Police Department, the acceptance of parcels at the TDP has been suspended since 2020 due to the COVID-19 pandemic based on an order from the Ministry of Internal Affairs, and it has not been restored so far. However, there are currently no restrictions on the acceptance of parcels at the TDPs of other districts and cities. This situation in the Dashkasan DPD TDP is considered an unjustified restriction on parcels brought to detainees here.

The NPG members also found the absence of records made regarding the dates and times of release for some individuals taken into custody and summons for interrogation in the “Registry Book for Persons under Custody in City, District, and Railroad Police Authorities”.

In 2023, the NPG members carried out two visits to the ***TDP of the Gadabay District Police Department.*** In the course of the visits, along with inspecting the premises, the NPG Members confidentially interviewed the detainees and listened to their requests. They accepted appeals of some detainees addressed to the Ombudsman.

The NPG members found that the first-time offender (the suspect) was held in the same cell with the previously convicted person, and with the intervention of the NPG members, the issue was resolved in accordance with the law.

The NPG members implemented a scheduled visit to the **TDP of the Goranboy District Police Department**. During the visit, it was observed that repair works in the cells were ongoing.

The NPG members found the lack of information in the "Registry Book for Food and Items in Packages, Parcels, and Banderoles" about food products brought to the administratively detained persons held in the TDP. Furthermore, the "Phone Call Registration Journal" did not contain records of phone calls between administratively detained persons and their relatives.

The NPG members informed the TDP management concerning the found shortcomings in the facility and gave instructions on how to address them.

During the inspection of the **Goygol District Police Department's Temporary Detention Facility**, it was observed that there were no beds for the detained individual, and they were sleeping on tables and chairs. Furthermore, despite the requirement in the "Internal Discipline Rules of Temporary Detention Facilities" approved by the Cabinet of Ministers of the Republic of Azerbaijan (Article 10.13), there was no shower facility available for detainees to take a bath at least once a week, as stipulated by law. These issues indicate non-compliance with legal and hygiene standards, which can violate the rights of detained individuals and require immediate corrective action.

During the inspection of the medical room of the Temporary Detention Facility (MSY), it was observed that there were adequate conditions for storing medication and conducting medical examinations. However, it was also noted that medication was being stored in cabinets designated for personal belongings and property storage, as well as in a metal safe in the MSY director's office. This practice violates the proper storage regulations for medications and raises concerns regarding the safety and integrity of medical supplies.

Although the detained individuals reported receiving parcels from their relatives, upon reviewing the documents, it was found that the food items brought to the detainees were not recorded in the "Journal of Registration of Food Products and Items Found in Parcels, Packages, and Banderoles."

In addition, it was found that in the "Register of Persons Brought to City, District, and Line Police Authorities" at the Goygol District Police Department, there were no records of the actions taken regarding the individuals brought to the department, nor were the dates and times of their release noted in certain entries. This oversight in documentation may hinder proper tracking and accountability of detainee processing.

The identified shortcomings in the temporary detention facility (TDF) have been brought to the attention of the head, and instructions have been given to address and eliminate these issues.

During the scheduled visits to the **TDPs of the Naftalan and Gazakh District Police Departments**, NPG members found no hygienic personal products available for the detainees in violation of national and international legislation.

The NPG members conducted a scheduled visit to the **TDP of the Shamkir District Police Department**. The review found that four persons shared one cell, and the total area per person was less than 4 square meters, which violates the standards for adequate space per detainee.

When the medical room in the TDP was inspected, the review found the conditions for storage of medications and conducting medical examinations satisfactory. However, in the

course of the monitoring of the corridor, the storage room there was repurposed for the storage of medications.

When the documentation was reviewed, the NPG members found the protocol for the detention of the accused Z.M. not stamped. Although the registry books for the medical examination and provision of medical assistance to detainees were filled, no new book has been opened. Also, the review found that no records have been made in the "Journal of Registration of Food Products and Items Found in Parcels, Packages, and Banderoles."

The management of the TDP was informed about found shortcomings, and recommendations were made to address these issues.

The NPG members conducted a scheduled visit to the **Tovuz District Police Department's TDP**. When the personal file of the accused E.A., it was discovered that there were no records of his transfers or medical examinations during these transfers in the medical booklet. Furthermore, although the detained persons claimed that they had received parcels during the meeting with them, it was found that the food and other items brought for the detainees were not registered in the "Registration Journal of Food Products and Items Found in Parcels, Packages, and Banderol."

It was also found that although the accused E.A. reported having met with his lawyer in the TDP, there were no records of this meeting in the facility's registry for visitations. During interrogations by investigators, there were no summonses issued. It was further determined that information about the rights and duties of the detainees was not displayed in the facility's cells.

The TDP's management was informed about shortcomings identified in the facility and provided with recommendations for addressing these issues.

A scheduled visit was conducted to the **TDP of the Yevlakh District Police Department**, during which it was observed that ongoing repairs were taking place in the facility's cells. However, the review determined that there were no hygienic personal cleaning items available for the detainees.

It was determined that in the prayer room of the TDP, medicines were stored in a cabinet intended for storing belongings and property, which constitutes a violation of the rules regarding the storage of medicines.

It was determined that no entries regarding medical examinations were made in the medical records of the detained individuals.

Furthermore, it was found that during interrogations at the TDP, summonses for the detained individuals were not issued.

A scheduled visit was conducted to the **Samukh District Police Department's TDP** by the Ombudsman's NPG. During the visit, it was determined that information regarding the rights and duties of detainees was not displayed in the cells.

During the familiarization with the TDP's medical room, it was observed that the necessary conditions for storing medication and conducting medical examinations were present.

It was discovered that medical test kits were stored in a cabinet designated for storing personal items, which is considered a violation of the proper storage regulations for medical supplies.

The members of the Ombudsman's NPG conducted a visit to the **Guba District Police Department's TDP**.

In general, the facility met required standards. However, some deficiencies were found in the documentation. Specifically, there were no proper records in the medical books regarding

the transfer of individuals from the pre-trial detention center to the TDP. The protocol for the arrest of the suspect H.G. did not include the name and signature of the defense attorney. It was also noted that some registration books were bound and sealed in a formal manner, and in some cases, the number of pages was not indicated.

A visit was conducted to the **Gusar District Police Department's TDP**.

During the inspection of the cells, it was observed that there were no bed-sheets available, and a board displaying the rights and freedoms of individuals was not placed. During the inspection of the medical room, expired medication (Analgin) was found.

Although there is an entry in the medical record of the suspect R.A. regarding his transfer to the Gusar District Police Department, the date of his transfer has not been recorded.

Although the director verbally stated that in 2023, five foreign nationals were brought to the facility, regarding this, no entries were made in the relevant registry book.

A scheduled visit was carried out by the members of the Ombudsman's NPG to the **TDP of the Siyazan District Police Department**.

Here, there were no boards displaying the rights and duties of the detainees, and the facility did not have a library. When the documentation was checked, it was determined that one of the arrest protocols had not been sealed. In the medical room of the TDP, expired syringes were discovered, and it was recommended that they be removed.

Consequently, a legal awareness talk was held with the facility's management and responsible staff, and relevant recommendations were provided.

The NPG members of the Ombudsman also conducted a visit to the **TDP of the Khachmaz District Police Department**.

It was determined that for a thorough search, detainees' underwear is removed while bringing them into custody, which violates the requirements of Article 2.15 of the Internal Regulations of Temporary Detention Facilities approved by Decision No. 63 of the Cabinet of Ministers of the Republic of Azerbaijan on February 26, 2014.

It was also found that there were no bed-sheets in the cells. Furthermore, it was observed that there was a shortage of medications in the medical room. When the facility's management was asked about this, he stated that the number of medications would be increased shortly.

It was found that the relevant entry regarding the placement of individuals transferred from the pre-trial detention center to the TDP was not made in their medical records. In the phone call registry book of the facility, some fields were left incomplete, and dates and times were not indicated in certain instances.

In the course of confidential meetings with individuals, the NPG members were informed by one of the interviewed detainees that they had not been provided with a lawyer and that the cells were cold. It was generally observed that the cells were cold. The head of the TDP mentioned that heating would be provided according to the seasonal schedule.

A visit was carried out to the **TDP of the Khizi District Police Department** by the members of the Ombudsman's NPG.

It was observed that registration issues were approached in a formal manner. Specifically, it was determined that the last entry regarding the transfers of detainees in their medical records was made four months prior to the most recent visit. Also, it was discovered that despite the absence of scheduled lunch and dinner times, the distribution schedule for food provisions had been signed in advance.

Furthermore, it was determined that in violation of the requirements of Article 2.15 of the Internal Regulations of Temporary Detention Places, approved by Cabinet of Ministers Decree

No. 63 on February 26, 2014, detainees, including administratively arrested persons' underwear was removed during a full body search when brought to the facility.

During the visit to the **TDP of the Shabran District Police Department**, it was observed that the signature of the person in charge of the reception of parcels was missing in the relevant registry book, some medical records were incomplete, and there was a shortage of pharmaceutical supplies in the facility.

As part of the visit by the Ombudsman's NPG members, an inspection was carried out in the cells, medical room, kitchen, walking area, and shower room of the **TDP of the Gakh District Police Department**.

It was determined that the TDP does not have a property storage room, a prayer room, or a meeting room. Instead, the medical room is used for detention and prayer purposes, and the interrogation room is used for meetings. In the phone call log, the date, time, and duration of the conversations were not recorded.

It was observed that in several other registry books within the facility, records were not kept in accordance with the requirements. During a review of the registry book for individuals brought to the city, district, and line police departments, it was noted that in some cases, the reason for the individual's arrival, who brought them, the measures taken, or their destination, as well as the date and time of their release (or transfer), were not recorded.

As part of the visit to the **TDPs of the Zagatala and Balakan** district police departments by the Ombudsman's NPG members, inspections were conducted in the cells of both facilities, as well as in the investigation, medical, prayer, and meeting rooms, the kitchen, and the exercise yard. Instances of incomplete entries were found in various registration books.

During the visit to the **Oghuz District Police Department's TDP**, it was found that the lighting in the cells was weak, and the registration work was not well organized.

In 2023, Ombudsman's NPG members conducted visits to the **TDPs of Masalli, Neftchala, and Salyan District Police Departments**.

2.2.2. The Institutions of the Penitentiary Service of the Ministry of Justice

In 2023, within the NPM mandate of the Ombudsman, preventive visits and events to ensure the rights of persons detained in the institutions of the Penitentiary Service of the Ministry of Justice.

Throughout the year, 169 scheduled and unscheduled visits were conducted to such institutions and all these visits were unannounced and the necessary conditions were created for the NPG.

In the course of the visits, confidential meetings were held with the accused and prisoners on a basis of random selection either upon their own or their family members' requests to the Ombudsman; their detention conditions, the situation of ensuring and protecting their rights and the prevention of any torture and ill-treatment were in focus.

In 2023, the Ombudsman and the NPG members conducted visits to the **Baku Pretrial Detention Facility of the Penitentiary (BPF)** many times. The purpose of the visits conducted in conformity with the requirements of the Constitutional Law on the Ombudsman and the OPCAT was to monitor the conditions of detention and treatment, medical care and appeals received by the Ombudsman, the reception of the detainees, and to follow-up on the elimination of the previously given recommendations.

During the visits, the quarantine unit, disciplinary cell, prisoners' cells, rooms for short- and long-term visits, the canteen, and other areas were inspected, and conversations were held with individuals detained in the cells and quarantine unit.

One of the main concerns in the BPF is overcrowding. During visits to the facility throughout 2023, it was observed that the number of detainees exceeded the official capacity. Monitoring results show that although the official capacity of the facility is 2,500, at various times nearly 4,000 individuals were being held there. It is undeniable that overcrowding has a negative impact on the internal conditions and the quality of all services provided.

Based on some complaints submitted to the Ombudsman by the interviewed detainees, inquiries were sent to various institutions, including the Prosecutor General's Office, the Penitentiary Service of the Ministry of Justice, and the Main Medical Department. Issues that could be resolved on-site were addressed positively during the visit.

Detainees in the BTF mostly complained about the investigations and court proceedings related to them. Each person was provided legal advice and an explanation of the Ombudsman's powers; some of their written complaints were accepted and sent to the relevant authorities with appropriate instructions or inquiries.

Among other appeals were about the provision of medical examination and treatment, phone calls with lawyers, access to books and a professional psychologist, and participation in activities during leisure time. The concerns were also raised about poor food quality.

One of the conducted visits was thematic and focused on the treatment of juvenile offenders and the compliance of their detention with national and international standards. During the visit, the cells where minors were held were inspected; a survey was conducted among the interviewed detainees related to the issues of their detention conditions, treatment, health, nutrition, phone access, visitation rights, etc. During individual and confidential interviews, their rights, the Ombudsman's powers, and relevant legal norms were explained.

At the end of the visits, educational legal discussions were held with facility management, and recommendations were made regarding detention conditions and treatment in accordance with national and international standards, including the European Prison Rules.

During the visit to **Pretrial Detention Facility No. 2**, it was discovered that out of 7 juvenile detainees, 5 were held together with adults. This was considered a violation of both national and international norms, which require separation of juvenile and adult offenders. When this issue was brought to the attention of the facility director, it was explained that in order to ensure safety and prevent potential conflicts, such an arrangement was made.

During the visit, all cells where juveniles were held were inspected. One 10-person cell was found to be holding 18 people. This excludes the consideration of placing the minor together with others, in light of the best interests of the child. Following recommendations from NPM members, the affected juvenile was moved to a less crowded cell.

More attention is needed to ensure that the detention regime for juveniles and internal disciplinary rules are followed properly in facilities of the Penitentiary Service.

A scheduled visit was conducted to the **Penitentiary Institution No. 2** of the Penitentiary Service under the Ministry of Justice.

In accordance with the OPCAT, and the Constitutional Law on the Ombudsman of Azerbaijan, the purpose of the visit was to investigate the treatment of convicts, detention conditions, medical care, and related documentation.

During the visit, overcrowding was observed: although the facility had a limit of 1,200, on the day of the visit, 1,411 prisoners were held there.

A visit to the Disciplinary Cell revealed a need for major repairs. The sanitary and hygienic conditions in the cells were unsatisfactory. Many lacked sinks and toilet doors; some cells were unfit for use, and in many cells, beds were old and broken.

Expired medicines, non-sterile bandages, and medical equipment kept in unsanitary conditions were discovered in the facility's guard office.

To investigate treatment-related issues, confidential meetings were held with prisoners, including those detained in the disciplinary cell. They complained about poor detention conditions and mistreatment. Some reported being placed in an unheated, windowless room that is located near the entrance for violating internal rules. The NPM members inspected the room and confirmed the harsh conditions.

At the end of the visit, discussions were held with facility management to present the findings and recommendations. Regarding the room in question, where inmates are kept for the violation of the regime rules, the facility director's explanations were heard. He admitted that inmates who committed minor disciplinary violations were placed there for short-time instead of being formally sent to the disciplinary cell.

A visit was conducted by Ombudsman's NPG members to the ***Prison Facility of the Penitentiary Service***.

The purpose of the visit was to assess the conditions of detention and issues related to treatment, to evaluate whether the rights of detainees are being ensured in accordance with internal disciplinary rules and international standards, and to investigate complaints received by the Ombudsman.

During the visit, various parts of the facility were inspected, including the disciplinary cell, the canteen, the kitchen, and the medical-sanitary unit. More than 20 prisoners were interviewed.

The facility director stated that 474 prisoners were held at the institution, 250 of whom were serving life sentences.

The review found that there were not tables and chairs and heating in some cells of the disciplinary cell, and that bedding was in poor condition. It was also found that three prisoners were being held alone in separate cells.

Subsequently, the medical-sanitary unit was scrutinized, and several deficiencies were identified. It was determined that the unit was in an unsanitary condition and that many of the medications had expired.

A number of prisoners were received by the NPG members, their complaints were heard, legal explanations were provided to each regarding their rights and the Ombudsman's authority, and legal advice was given concerning the issues they raised. Some complaints were resolved on the spot.

At the end, a final debriefing was held with the facility director to convey the concerns of the prisoners that they raised during the interviews with the confidentiality being maintained, and relevant recommendations were provided to improve the detention conditions and treatment, as well as to ensure proper monitoring of prisoners' health and psychological well-being.

The NPG members visited the ***Penitentiary institution No. 4***.

The visit, which was organized in line with the OPCAT, Constitutional Law on the Ombudsman, CPT and SPT, aimed at reception of some female convicts held in the facility.

During the initial meeting with the director of the facility, it was reported that the facility had a capacity of 550 people and that on the day of the visit, there were 513 female detainees being held there.

In the course of the visit, convicts were interviewed in a confidential manner, their written appeals to the Ombudsman have been received. The inmates were surveyed regarding their detention conditions, treatment, health, nutrition, accessibility to phone calls, visitation, and protection of their other rights. Their rights, the Ombudsman's powers, and requirements of the relevant legislation had been explained.

Upon the instruction of the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan, Sabina Aliyeva, members of the National Preventive Group (NPM) conducted a visit to **the Penitentiary Institution No. 1** of the Penitentiary Service.

The purpose of the visit was to monitor the conditions of detention and issues related to the treatment of prisoners, as well as to meet with some of the inmates serving their sentences there.

At the meeting with the facility's management at the beginning of the visit initial information was obtained. According to the information provided, the facility, which is designed to hold 1,200 inmates, had 1,073 prisoners on the day of the visit.

The review found 23 prisoners were being held in the disciplinary cell of the facility, and confidential interviews were conducted with each of them.

In the room of the disciplinary cell's guard, handcuffs and medications were found in an unlocked safe. The facility's doctor was instructed by the NPG members on how to properly store medications. When the cells in the disciplinary cell were monitored, the review found the condition of the bedding unsatisfactory and that the old blankets and mattresses had not been replaced for a long time. Some prisoners were dissatisfied with the meals provided and the quality of the food. One inmate reported that, for this reason, he had been consuming only water for some time. Furthermore, prisoners reported that the quality of medical services was poor and that the activities of the doctors were mostly formal in nature. Another inmate stated that there were insects in the disciplinary cell.

At the end of the visit, a final debriefing meeting was held with the head of the penitentiary facility where the importance of addressing the identified shortcomings was brought to his attention.

The Ombudsman's NPG members conducted a visit to **Penitentiary Institution No. 7** of the Penitentiary Service.

The purpose of the visit was to assess the detention conditions and treatment in this facility, to evaluate whether the rights of prisoners are ensured in accordance with international standards, and to investigate the applications submitted to the Ombudsman.

The inspection revealed the need for a comprehensive renovation in the disciplinary cell. It was observed that the sanitary facilities lacked doors, and that a room, which was previously used as a medical room, was currently in an unusable condition, with no seal placed on the door and no sign indicating that the room was under repair or out of use.

More than 20 inmates were interviewed confidentially during the visit, and the status of their rights being ensured was investigated. The Ombudsman's powers were explained to those interviewed, legal advice was provided concerning the issues they raised, and some of their submitted complaints were accepted.

At the end of the visit, an awareness legal talk was held with the facility management and responsible staff. Recommendations were provided to address the shortcomings in detention conditions, treatment, medical care, and documentation, in accordance with national and international legislation, including the European Prison Rules.

The NPG members implemented a monitoring visit to ***the Penitentiary Institution No. 8*** under the Penitentiary Service. The review found the need for complex repair work and that there were no doors in the restrooms.

Deficiencies were found in the canteen, including failure to properly follow anti-sanitary rules, uncleanliness, failure to document changes to the menu, although they were made to the menu and failure to take food samples.

The NPG found expired medications in the medical-sanitary unit, where it was found the need for the improvement in documentation.

The NPG members interviewed some prisoners in order to assess detention conditions and treatment. During face-to-face conversations, some inmates complained that the facility staff forbade them to wear beards.

At the end of the visit, a legal awareness talk with the management of the facility and responsible persons was held, where appropriate recommendations were made to bring the detention condition into compliance with national and international legislation and solve the deficiencies in healthcare services and documentation.

The NPG members conducted three visits to the ***Treatment Facility of the Penitentiary Service*** in 2023. The visits aimed to investigate the material conditions and treatment of the convicts and accused in this facility, as well as to assess the situation of ensuring the rights and the organization of medical care and psychological work.

The treatment facility was found to be overcrowded, with 619 people being held in a facility designed for 600 people during one of the visits.

During the visits, individual meetings were held with some of the individuals receiving treatment here, including 4 individuals who were transferred from the correctional institution to the Treatment Facility. Some of the minors stated that they were transferred to the Treatment Facility without any health any reason. Furthermore, they also reported that they not receive treatment during this period and not provided with clothing, bedding, including hygiene products; they had no access to hot water and phone calls, and that there were no conditions for worship.

In the course of the conversation, personal files were investigated and the places where those people were treated were scrutinized. Although the relevant documents state that two people were placed in the facility due to psychological stress, inspection revealed that the facility's psychologist was on leave and no examination and treatment measures were carried out regarding the individuals.

During an inspection of the area where they were being held, it was discovered that sanitary and hygienic norms and rules were violated, there was no hot water, and there was a lack of clothing, bedding, and hygiene products.

During the inspection of the isolation ward where a minor was held, members of the NPG observed that the individual was being held together with three adults, which violates both national and international legal standards.

During a follow-up visit to the facility to monitor the implementation of the proposals and whether the deficiencies were eliminated, it was determined that the individuals were provided with clothing sets, and bedding, including hygiene products, were taken for walks, and were allowed to meet with family members and make phone calls.

The review found that the women's unit, quarantine, and short- and long-term visitation rooms in the ***Specialized Treatment Facility*** were being repaired, and renovation work in the disciplinary cell had commenced.

As part of the visit, three individuals held in the facility were interviewed confidentially by the NPG members, and the state of the protection of their rights was examined. One of them

requested assistance in obtaining early conditional release. Another detainee asked for support to ensure an objective trial in a criminal case currently under the jurisdiction of the Baku Court on Grave Crimes.

The next detainee interviewed complained of stomach pain and stated that the doctors in the facility recommended a gastroduodenoscopy, but the procedure had been delayed because the relevant specialist was on leave. The Medical Department of the Ministry of Justice was formally inquired regarding the complaint of his father of similar content, who reached the Ombudsman's Call Center in this regard. In addition, the management of the institution also advised that the patient will have the gastroduodenoscopy two days after the doctor's return, as the doctor's leave was coming to an end.

At the end of the visit, a legal awareness talk was held with the institution's management and responsible employees, and recommendations were made on how to improve detention conditions and treatment in accordance with national and international legislation, including the European Prison Rules.

The members of the NPG implemented a scheduled visit to the ***Penitentiary Institution No. 13*** without prior notice.

The purpose of the visit conducted in line with the requirements of the OPCAT and the Constitutional Law on the Ombudsman was to assess the detention conditions of the inmates, and their treatment, to investigate received complaints and to evaluate the state of ensuring the rights of inmates. Throughout the visit, the facilities of the establishment area, including the disciplinary cell, medical-sanitary part, canteen, and kitchen, as well as over 20 inmates, were received.

In the framework of the scheduled visit to Penitentiary Institution No. 13, a meeting was held with the deputy head of the institution and general information about the institution was obtained. According to him, there are 20 inmates undergoing treatment in the medical and sanitary units, 6 inmates in the disciplinary cell, and 1053 inmates are held in the institution, which has a capacity of 1050. It was also noted that repair and restoration work has been started in the institution and is still ongoing. Therefore, it was added that the canteen, mosque and self-service area have all undergone complete renovations.

Following that, when the NPG members inspected the penitentiary facility and found that there were nine cells in all, and six inmates were currently held in those cells. During the inspection, it was discovered that the doctor did not perform daily examinations, the temperature was low, the taps were broken, the mattresses were in poor condition, the clothing was worn out, the food was abnormal so that the food provided according to the daily norm was not consumed, and toothbrushes and soap were not consumed, and the medications had passed their expiration date.

Considering the suggestions made to facility's staff by the NPG members about replacing the water taps and raising the temperature, the problem was immediately fixed in the course of the visit, new water taps were placed, and the temperature was raised.

Some of the inmates accommodated at the facility later had a private meeting. Every inmate who was questioned was provided legal consultation on the matters they brought up, as well as an explanation of the legislation's requirements, including the Ombudsman's authority.

Following the inspection, a final debriefing with the institution's head was held, during which pertinent suggestions were given to address shortcomings and improve treatment and detention standards.

The Penitentiary Institution No. 14 of the Penitentiary Service of the Ministry of Justice was inspected by members of the NPG on the direction of Sabina Aliyeva, the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan.

The visit's objective was to address the issues found during earlier inspections, to follow-up on the state of the Ombudsman's recommendations' implementation, monitor the treatment and detention, and receive some of the inmates held in the facility.

The review found that a new water line had been installed and that the institution's long-standing water issue had been resolved. Here, the hot water issue had been resolved along with the installation of a new heating system. Furthermore, it was seen that the medical and sanitary unit had undergone cosmetic repairs, and the locations of the sanitary facilities on the institution's grounds had been renovated. It was also observed that the kitchen and the inmate self-service area had started to be repaired. Furthermore, a modest cafe had also opened within the area of the institution.

On the day of the visit, it was discovered that 11 inmates were being detained in the 10-cell disciplinary cell of the facility. Numerous cells' water taps were found to be in bad condition, and one cell required significant repairs.

To investigate behavioral concerns, the detained people were interviewed one-on-one. It was found that the cells are only given mattresses and bedding (sheets) in the evening, and that they are taken out at 9:00 the following day. Inmates in the disciplinary cell are considered to be unable to slumber during other times of the day because of this circumstance.

The search room at the entrance of the disciplinary cell was found to be unhygienic. This space is considered to have served as a disciplinary cell as well.

The kitchen was inspected, and it was found to be generally unsanitary and that clothing, towels, jackets, and other items were kept in the same room as the bread. When the warehouse was inspected in order to check the supplement of high-quality food, it was found that the shelf life of some of the commodities kept in could not be ascertained.

To learn more about treatment concerns and hear any potential grievances, 20 inmates were interviewed privately during the visit.

2.2.3. The Institutions of the Ministry of Health

Throughout 2023, the Ombudsman's NPG members implemented 25 monitoring visits to the institutions of the Ministry of Health within the NPM mandate.

The purpose of the visits, which were organized in compliance with the Constitutional Law on the Ombudsman of the Republic of Azerbaijan and the requirements of the OPCAT, was to assess the treatment of patients, the material conditions, and the organization of the state of medical care services and to follow up on the recommendations made during earlier visits.

The Ombudsman's NPG members conducted a visit to the **Republican Psychiatric Hospital of the Ministry of Health** based on the instructions given by the Ombudsman, Sabina Aliyeva.

The purpose of the visit was to investigate the information published in mass media and social platforms regarding M.H., a resident of the children's house No.3, who was placed in this facility.

First of all, a meeting was held with the deputy head of the facility to collect general information about M.H. It was reported that that person (b. 26.11.2006) was admitted to the facility on 29th March; as a result of medical examination, he was diagnosed with F92 (mixed disorders of conduct and emotions) according to ICD-10 (International Classification of Diseases). Afterwards, a private meeting was held with that person in department No. 15,

where he was treated. In the course of the conversation, the patient did not complain about the hospital and medical services, whereas he complained about the head of the children's house No. 3.

During a meeting with Sevinj Huseynova, the head of the 15th department of the Republican Psychiatric Hospital, she stated that the person suffers from a mixed disorder of conduct and emotions, but does not need to stay in the hospital, and that the child remains there due to the lack of other places to accommodate the minor, and she noted that M.H. is expected to be removed from the institution by his brother.

The NPG members implemented a monitoring visit to the ***Clinical Psychiatry Hospital No. 2*** under the Ministry of Health.

The objective of the visit was to investigate the treatment of patients, conditions of detention, organization of medical services, the lawfulness of detention, and follow up on the execution of recommendations made during previous monitoring visits.

During the monitoring, the review found that the facility needed overhaul; due to the high humidity, the swelling occurs on the walls; as well as there was a overcrowding in women and men departments, leading to placement of beds very close to each-other. It was observed that the total area designated for free movement of patients was used by the facility staff for ironing. The staff of the facility attributed this to the overcrowding and lack of free space. It is necessary to take the necessary measures to overhaul the facility, to strengthen safety, and to address the overcrowding.

In some instances, it was discovered that although there were records about the time of physical restraint of a patient in the "Journal for Patient Physical Restraint and Seclusion" in the women's, men and mixed-sex departments (wards), it lacked the information about the time of opening, and there were no doctors' signatures.

During the monitoring of daylight inpatient departments, the review found that there was no specific section for admitting children in the daytime inpatient department and that they were provided services under the same conditions as adults, without any distinction. In light of the above and the increased number of minor applicants, it is recommended to create the necessary conditions for admission of children to the facility.

A scheduled visit was implemented to the ***Ganja Psychiatric Hospital*** of the Ministry of Health of the Republic of Azerbaijan.

Vacancies of doctors create significant hurdles for a hospital, which accommodates many patients. The inspection of the hospital departments found that there were no family visiting areas and the water taps in the wards with iron doors that acted as care rooms - particularly for patients who suffer from severe form of mental disorder - were not functioning.

Psychotropic substances were found to be kept in medical rooms alongside other pharmaceuticals rather than in a separate iron safe during the hospital inspection.

Some problems were successfully fixed after consideration of the recommendations given to address the shortfalls found during earlier visits to the institution. Subsequently, it was found that the official registration forms for medications were prepared in compliance with the law; the facility was supplied with a refrigerator for medications to be kept between 2 and 8°C; and that suitable conditions were established in the hospital pharmacy to keep the quality of medications that need special storage conditions. Simultaneously, it was seen that shortcomings related to medical waste had been fixed and the medical rooms were equipped with specially marked trash cans for medical waste.

Considering the aforementioned developments, it was found that patients were barred from using phones and going for daily walks within the facility in violation of Articles 23.2.3 and 23.2.4 of the Law on Psychiatric Assistance of the Republic of Azerbaijan.

In the male department No.3 of the hospital, despite the presence of a dental office, the inspection found a lack of essential dental instruments and equipment. Although the hospital is supplied with various soft furnishings, detergents, and cleaning materials, there were no toothbrushes or toothpaste available for patients.

Article 23 of the Law on Psychiatric Assistance recognizes the rights of a patients in a psychiatric hospital, including the right to correspond without supervision, to receive and send parcels, packages and money orders, to use the phone and other means of communication, and to meet with relatives. Although the keeping records on the implementation of these rights is necessary for benefits of patients and prevention of abuse and neglect of patients, appropriate records are not kept. There was a lack of information boards about the patients' rights and obligations.

The NPG members conducted a scheduled visit to the **Gazakh Psychiatric Hospital** of the Ministry of Health of the Republic of Azerbaijan.

Although the hospital has a staff of 16 doctors, it was reported that 10 out of them were vacant.

During the inspection of the storage of medicines, it was found that the previous shortcomings had been eliminated, including the covering the door and window of that room were with iron bars, that the medication stock did not include any expired items, drawing up official registration sheets for medicines, equipping the room with a refrigerator suitable for special storage needs contributed to preserving the quality of the medicines over time, and with an iron safe for storing psychotropic substances.

However, the inspection of the medical rooms located in the first and second floors found that psychotropic drugs were still openly stored along with other medications.

When the NPG members monitored the general area and medical rooms of the facility, it was found that some condition-related problems that were observed during the previous visit had not been eliminated; that the building required overhaul, particularly the sanitary facilities and bathrooms were dirty and unsanitary, and that some of the patients were infested with harmful insects (lice, fleas, etc.).

In several wards, it was observed that drinking water was being used by taking it from open-mouthed iron buckets with plastic water cups, and that plastic water containers and cups were being stored under the beds in unsanitary conditions.

During the visit, it was noted that the food storage in the facility required significant repairs, that several food products, including egg products, were not being stored according to the proper procedures and were instead kept outdoors rather than in a refrigerator, and that there were no fruits accessible for the patients to eat daily to boost their immunity.

The monitor of the hospital's kitchen revealed that the pots and plastic cooking utensils were outdated, that anti-sanitary and hygiene regulations were not being followed, and that knives and cooking utensils were kept in the closet meant for the clothing of the kitchen staff.

Despite the fact that the nutritional menu is made every day, it was found that the patients were served the same meals for the previous three days, and that the daily food variety was not present in the menu.

Although the medical restrictions imposed on patients were recorded in the "Journal for Patient Physical Restraint and Seclusion", it was determined that no acts were drawn up regarding the start and end dates of those restrictions, and no detailed records were kept in individual medical records.

According to Article 23 of the Law on "Psychiatric Assistance" of the Republic of Azerbaijan, recognizes the rights of a patients in a psychiatric hospital, including the right to correspond without supervision, to receive and send parcels, packages and money orders, to use the phone and other means of communication, and to meet with relatives. Although the

keeping records on the implementation of these rights is necessary for benefits of patients and prevention of abuse and neglect of patients, appropriate records are not kept. There was a lack of information boards about the patients' rights and obligations.

The living space in the treatment and rehabilitation facilities for both men and women were found to fall short of the current detention standards (little or no space between beds).

The NPG members conducted visit to the **Lankaran City Psychiatric Hospital**. During the inspection of the organization of medical assistance in the facility, it was found that at the Psychiatric Hospital, out of 16 doctors, there are only three psychiatrists, which resulted in provision of ineffective medical care.

In the course of the monitoring, it was found that the Ministry inadequately supplied the quantity of medications, and therefore, the medications were bought by family members at the facility. The bed mattresses in the wards were found to be in poor shape and in need of being replaced. It was also found that none of patients were provided with personal hygiene items or hand and face towels. The ongoing delivery of these services must be guaranteed by the Ministry of Health. The provision of hot and drinkable water to patients has also proven problematic.

It was found that sanitary and hygienic regulations were not followed in the kitchen and warehouse, no daily menu was created, there was very little food, no food samples were obtained, no food quality was tracked, no relevant registration record was kept.

The NPG members conducted visits to the **Guba Interregional Psychoneurological Center**.

The Group members inspected the wards, a kitchen, and other administrative rooms in the facility, as well as the situation of the provision of nutrition, hot and drinkable water, and the documentation.

During the visits, it was found that the institution's paramedical staff had 11 employees rather than 22 staff units, and that the six psychiatrists on duty were augmented by three doctors. This invariably results in challenges when delivering specific services. Since most of the psychiatric drugs supplied to the institution are produced in the Republic of Ukraine, it was found that there have been interruptions in the delivery of the aforementioned drugs in recent years.

A scheduled visit was implemented at the **Sheki District Psychiatric Hospital**. It was found that there is a lack of medical staff in the hospital, which covers the Sheki, Oghuz, Gabala, Ismayilli, Gakh, Zagatala, and Balaken districts and an absence of dental equipment.

The main problems related to the conditions of detention are the swellings that occur in the lower parts of the walls in several parts of the establishment and the unsanitary condition of some parts of the ceilings of the sanitary facilities and corridors.

It was found that there is a lack of a library in the hospital, and while there are devices available for ultrasound examination (USM), electrocardiogram (ECG), electroencephalogram (EEG), and X-ray examinations, these remain unused because of a shortage of specialists.

A scheduled monitoring visit was conducted to the **Ganja City Substance Use Dispensary** of the Ministry of Health of the Republic of Azerbaijan.

Throughout the general inspection of the facility, it was found that the hospital building was generally old and dirty, that the inpatient wards, along with the beds and other items, were old, messy, and in poor condition, that there was no heating system, that the wards were heated by electric heaters, and that there were no amenities for planning patients' free time (TV, sports equipment, etc.).

It was found that the facility did not comply with proper drug storage regulations, and that essential medications were lacking. According to the nurse responsible for the pharmacy room, due to the rapid depletion of medications, patients are required to purchase the necessary drugs at their own expense.

During the inspection of the facility's medical examination room, it was found that there is a shortage of tests required for conducting narcological screenings aimed at detecting various narcotic substances. According to the information provided, specific tests are needed to detect substances such as MET (methamphetamine), AMP (amphetamine), THC (marijuana), OPI (heroin), TML (tramadol), and MTD (methadone). However, due to the insufficient supply of these tests in most cases, a shortage remains a persistent issue.

During the inspection of the kitchen, it was observed that the kitchen building was old and subject to long-term wear and tear, making it impossible to comply with the necessary sanitary rules for preparing food and washing dishes.

A visit was made to the **Lankaran Interregional Substance Use Hospital**. The purpose of the visit was to assess the material conditions and treatment, the provision of nutrition and medicaments, medical care, and to identify other issues that need attention.

On the day of the visit, 4 people were being treated at the facility, which is intended for drug, alcohol and toxic substance addicts from 7 districts in the southern region - Lankaran, Masalli, Astara, Jalilabad, Lerik, Yardimli and Bilasuvar.

During the inspection of the Lankaran Interregional Substance Use Hospital, it was observed that the ceilings of all rooms on the second floor were broken, rainwater was flowing into the ward and other service rooms, and the roof of the hospital was in a dilapidated condition. The current situation complicates the work of hospital employees and violates the rights of those being treated, and this situation also creates a risk of infection of other diseases among those receiving treatment at the hospital.

It has been determined that the position of psychologist is vacant at the Lankaran Interregional Substance Use Hospital.

During an inspection of the drug store, a shortage of drugs and the absence of a refrigeration system or air conditioning to keep the drugs at the required temperature were observed.

During a scheduled visit to the **No. 1 Nursery Home of the Ministry of Health** as part of its activities as an NPM, the material conditions, treatment issues, nutritional status, relevant documentation, organization of medical care and psychological work, and the provision of the rights of children deprived of parental care held in the institution were studied; Recommendations were made to the institution management regarding problems that could be identified and eliminated on the spot, as well as legal educational conversations were held with the institution management and employees in order to protect the rights of children and prevent any future mistreatment of them.

It should be noted that a number of shortcomings identified during previous visits have been resolved by taking into account our suggestions and recommendations. Thus, the variety of fruits in the menu of the Nursery has been increased, dairy products (cheese, cottage cheese) have been added, and psychological work has been carried out with children by psychologists temporarily involved in the activities of the institution. It was observed that current repair work is underway in the institution.

Furthermore, the visit revealed a number of flaws and defects.

When investigating nutrition issues, it was found that only powdered milk was given to infants in the institution, that there was no provision for natural milk, that there was expired food (mayonnaise) in the refrigerator in the warehouse, and that there were no records on the

shelf life of some food products (meat, flour, and legumes). In general, there is a need to improve the institution's food (nutrition) menu in accordance with modern standards, taking into account the energy needs of minors.

During the visit, it was determined that the staff/child ratio in the institution was not at the recommended level, that the staff did not have the physical capacity to care for the babies, that there were no permanent specialists involved in the psychological development of children, that the children were hardly provided with age-appropriate and developmental toys, and that group activities were not conducted effectively and were not planned appropriately. The head of the institution cited the lack of staff as the reason for this, stating that 2 out of 5 doctors had resigned on their own initiative, and 1 doctor was on leave. We consider it important to take measures to attract appropriately qualified staff to the nursery for the protection and development of children's rights. In addition, it was observed that the babies had rashes on their bodies as a result of insect bites, as well as bruises, including the fact that their clothes were dirty.

During the visit, it was determined that the sanitary and hygienic standards were partially observed in the institution, that the personal belongings of the employees (clothes, cosmetics, food, etc.) were placed in the area where the babies lived, as well as that there were no rules regarding the entry of outsiders into the institution (for example, no one was allowed to enter), that there was general untidiness in the laundry room, that one of the two washing machines was not working, that the garbage cans located in the yard were leaning against the gate of the laundry room of the institution, and as a result, pests (rats, insects) entered the institution. Proper observance of sanitary and hygienic standards in the institution, allocation of space for storing the personal belongings of the employees, and storage of food in accordance with the expiration date and rules are important requirements.

2.2.4. Institutions of the Ministry of Science and Education

In 2023, within the Ombudsman's national preventive mechanism activities, the NPG implemented 45 unannounced monitoring visits to the institutions of the Ministry of Science and Education.

The objective of these visits was to check the compliance of living and material conditions in the educational establishments, provision of the rights of minor residents, the quality of nutrition, the maintenance of documentation with international standards and to follow up on the implementation of the previous recommendations.

As a part of the NPM mandate, the following monitoring visits were conducted to the Republic Special Boarding School No. 3 for children with limited health capacities (disabilities), General Boarding School No.1, Guba Special Vocational School, Guba City Full-Sycle Boarding School for Children of Deprived Parental Care, Khinalig Village Full-Sycle Secondary School named after R. Kalbiyev, Siyazan City Integrated Boarding School Gymnasium, Zagatala City Integrated Boarding School Gymnasium, Balakan District Integrated Boarding School Gymnasium, Mingachevir City Integrated Boarding School Gymnasium, Lankaran City Integrated Boarding School Gymnasium, Integrated Training Boarding Gymnasium named after R. Agakishiyev, and Agdash District Boarding Gymnasium for Technical, Natural Sciences and Humanities named after M.Sheikhzade.

The purpose of these visits was to investigate the general situation of ensuring the rights of children trained in these facilities, including living conditions, education and treatment standards, organization of medical care and psychological services, the maintenance of proper documentation, and to follow up on the implementation of addressing the shortcomings found in previous visits.

It was found that considering previously given suggestions and recommendations to institutions under the Ministry of Science and Education to eliminate shortcomings identified, a number of issues were resolved.

In addition, a number of shortcomings and deficiencies were discovered during the visits. For instance, it was found that minors enrolled in special education in boarding schools for children with disabilities are not provided with suitable textbooks and educational materials, except for those in primary grades. Article 5 of the Law of the Republic of Azerbaijan "On Education of Persons with Limited Health Capacities (Disabilities) (Special Education)" establishes the rights of persons with disabilities to receive preschool and general education based on special education programs and individual curriculum. Furthermore, paragraph 1.4 of the "Action Plan on the Implementation of the State Strategy for the Development of Education in the Republic of Azerbaijan", approved by the Presidential Order No. 995 dated January 19, 2015, considers the preparation, approval and implementation of a state program for the development and inclusive education of people with limited health capacities (disabilities) is envisaged for 2015-2023.

Considering the abovementioned, we recommend to provide children with limited health capacities (disabilities) with suitable textbooks and to develop state standards and educational programs (curriculum) in the relevant area within a short amount of time in order to ensure the rights of children to comprehensive development, including the right to obtain quality education.

During the visits, the toilets were found to be without cubicle doors, which the staff explained was done for child safety reasons. However, it must be noted that this does not in conformity with requirements. Thus, according to the relevant norms, boys and girls are considered to have toilet cabins with unlocked doors.

When the issues of ensuring the rights to health and development are examined, the review found the failure of guidelines of the psychological service, that has been set forth in the Law on "Psychological Assistance" of Azerbaijan, and the "Regulations on the organization of psychological services", approved by the Decision dated 30 April, 2020, and that children's individual development plans are largely not drawn up or are of a formal nature; The inspection was found the failure of the implementation of comprehensive measures addressed for minors that should be carried out in cooperation with other pedagogical workers, as well as the lack of didactic materials for psychological and logopedic services. In the course of meeting, school psychologists were informed that children come from various vulnerable categories and that it is important to approach each child individually and prepare basic documents and protocols for conducting psychological work.

We emphasize the importance of enhancing attention to the mental health of minors and addressing the identified shortcomings to safeguard their rights to health and development. Therefore, we recommend the creation of standardized documentation and individual work plan templates for psychological support, assessment of staff training needs within institutions, provision of support mechanisms for employees, establishment of supervision systems and a dedicated resource center, engagement of institutional leaders and staff in professional development programs and trainings, as well as equipping psychological offices with visual materials to facilitate diverse types of sessions with children.

The review found a need for effective organization of children's leisure time, study of their interests and abilities, including professional interests. Furthermore, it was observed that most schools lack the material and technical base for conducting labor training and vocational training, including workshops. According to paragraph 30 of the "Regulation on Special Educational Institutions" approved by the Cabinet of Ministers Decision No. 78 dated May 10, 2002, the organization of labor training, vocational orientation and vocational training in special

educational institutions is considered the most important issue and is considered the main condition for preparing students for independent life and social adaptation. Taking into account the above, we propose ensuring the continuity of vocational work in schools, adding relevant training hours to the curriculum, opening workshops, and taking comprehensive measures to effectively organize the leisure time of minors.

During conversations with children and staff in boarding-type schools, it was revealed that young children drink water from the tap in the bathroom and are not provided with additional drinking water, leading to situations where some boarding students are left without water. Ensuring access to water — one of the most basic needs — in accordance with appropriate quality standards is an urgent and essential matter.

During the visits, a number of shortcomings related to documentation were also discovered. Thus, in most schools, children who stayed overnight were registered only by number (for example, 17 children stayed overnight on 21.09.23) in various types of notebooks or journals without compiling a list of names, and it was observed that there was no unified rule in this regard, and numerous amendments were made to these documents. In terms of ensuring the safety of children and transparent accountability, it is appropriate to apply a standard rule on this issue.

Another problem related to documentation is the lack or non-renewal of the Charters of facilities, which we consider appropriate to address as soon as possible.

Along with these problems, a number of shortcomings and deficiencies identified for specific establishments were identified during the visits.

During the visit to the **Republic Special Boarding School No. 3 for children with limited health capacities (disabilities)**, it was found that 136 refugee and IDPs were living in 2/3 of the school, which resulted in overcrowding in the children's bedrooms, a large part of the school area being uncontrolled, and entry and exit to the institution not being regulated. The CRC and the Law on the Rights of the Child of Azerbaijan establish every child's right to physical, mental and moral development in a safe environment, and to have their life and health protected.

It was revealed that the lighting in the school dormitory was poorer than normal, and in some cases the beds were located closed to each other.

It was found that children in special education facilities, with the exception of primary school students, are not provided with suitable textbooks and educational materials.

It was found that the cafeteria building was located outside the other buildings, that a new door was installed to prevent students from passing through the area used as a living space for IDPs, but that it was kept open, and that although the approved menu on the day of the visit included a vegetable salad, the children were only served chopped onions as a salad.

There is only one psychologist working in the institution, which is not enough for 538 children with disabilities. In addition, given the lack of visual aids and the unsatisfactory psychological services work being carried out, it is necessary to take appropriate measures in this area.

During a visit to the **General Boarding School No. 1**, the director of the institution stated that the majority of the students are difficult children to raise, that police officers are invited to the school when necessary, that numerous appeals to various institutions regarding 12 minors, who are students in grades 7-9, have been unsuccessful, and that the school is currently facing difficulties in regulating discipline.

During meetings with children the NPG members found the low attendance, the children did not follow the rules and procedures regulating discipline, even 9th-grade students had no thoughts about their future lives or career choices, and they expressed the need for individuals

who could answer their questions in this regard. It was also noted that some children viewed the lifestyle and mindset of representatives of the criminal world as role models.

Furthermore, the fact that these children have virtually no social activities and spend all their free time either inside the institution or in the immediate vicinity (such as the Mashtaga settlement) evidenced their isolation from society. The fact that children studying in such institutions often come from difficult family environments, face problematic family relationships, and generally belong to a vulnerable category necessitates increased attention to the work carried out with them and the implementation of appropriate measures.

Although the administration stated that individual and group meetings were held with the children, there is a significant need to improve the work being done — the corrective measures currently consist only of verbal conversations, with no specific programs or systems in place, and no use of incentive-based approaches. There is also a strong need to ensure the effective organization of children's free time (such as extracurricular and out-of-school activities, the establishment of various clubs, improvement of material and technical resources, including the setup of workshops, etc.), to provide support for psychologists and other staff, and to integrate vocational guidance into the overall work with children. Furthermore, we consider it necessary to implement appropriate measures aimed at improving the knowledge and skills of general education school staff working with children with challenging behavior.

It was found that the bathroom intended for children's use was located outside the dormitory area, causing discomfort for young children, especially during cold weather. The bathroom lacked shower cabins and partitions, and children were bathed in groups based only on gender (girls and boys at different times). Additionally, the toilet stalls had no doors. These findings do not comply with international standards.

Although fish was included in the menu on the day of the visit, it was observed that in all cases it had been replaced with chicken, suggesting that the menu may be of a formal nature only.

During the visits to the ***Guba Special Vocational School***, it was observed that the conditions of detention did not meet the required standards and were not suitable for children, and that the building was in a dilapidated state. Furthermore, the institution did not fulfill the objectives set out in the Model Charter “On Special Educational and Training Institutions of Open and Closed Type,” approved by Cabinet of Ministers Decision No. 65 of Azerbaijan dated May 13, 2003. These objectives include correcting children's behavior, facilitating their reintegration into society, and ensuring their medical, social, and psychological rehabilitation, as well as providing suitable conditions for their education. In addition, expired medications were found during the inspection of the medical room.

During the visit, it was recorded that 9 boys were being accommodated at the institution. However, according to the legislation, a minimum of 25 children is required for the establishment and operation of such an institution. Considering the abovementioned, it is essential to reorganize the institution in accordance with the standards, ensure the protection of children's rights to health and development, and eliminate the identified shortcomings.

During the visit to the ***Integrated Training Boarding Gymnasium named after R. Agakishiyev***, it was observed that the dormitory, library, storage area, and gymnasium were in a dilapidated condition. Broken sections of windows in the classrooms and corridors were covered with wooden boards and other materials. The toilet facilities did not comply with sanitary rules and standards and were used jointly by students and teaching staff. These conditions hinder the fulfillment of children's right to live and receive education in a safe and healthy environment. It is essential to carry out major repairs at the gymnasium and strengthen safety measures.

It was observed that the educational institution was not equipped with the necessary equipment and didactic materials intended for the organization of psychological services, and that the position of the medical doctor had remained vacant for a long period.

During the visit to the **Zagatala City Integration Training Boarding Gymnasium**, it was found that the facility was in an unfit condition for use and in need of major renovation. It was also noted that the **Sheki City Integration Training Boarding Gymnasium** in similarly required renovation. In the **Balaken City Integration Training Boarding Gymnasium**, it was reported that the director's repeated requests regarding the provision of personal hygiene items for children had remained unaddressed, and that the number of quilts provided did not correspond to the number of beds (80 beds – 35 blankets, with 87 students staying overnight on the day of the visit). Furthermore, the position of a medical doctor had remained vacant for over a year. The school building was also in need of repair, the sanitary facilities were unusable, and irregularities were identified in the registration of students staying overnight.

During the monitoring conducted at the **Mingachevir City Integration Training Boarding Gymnasium**, the school administration reported that the repair works of the academic building and dormitory had not been completed due to the settlement of 17 internally displaced families within the premises. It was also noted that the construction of the sports and assembly halls, as well as the technology workshop, could not be carried out. In addition, the installation of security cameras and an internet connection was not possible, and the absence of a guardroom at the entrance of the school was creating difficulties in ensuring security.

During the visit to the **Sumgayit City Boarding-Type Gymnasium**, it was observed that the dormitory was in need of major renovation, the lighting did not meet the required standards, window handles were missing, window screens had not been installed, and the curtains (blinds) were in an unusable condition. Although a bathroom area was designated, it was noted that this space, along with some of the sanitary facilities, remained unfit for use.

During the visit, it was found that the school's medical staff had not undergone certification, and the institution's Charter, approved in 1992, had not been updated.

During the inspection of the cafeteria, overcrowding was observed due to limited space. It was also noted that changes made to the menu had not been documented with explanations (for instance, the salad planned for lunch was entirely absent; although ayran was scheduled for lunch and compote and yogurt for dinner, the items were swapped. Moreover, during conversations with the children, they expressed that they liked drinking ayran).

During the visit to the **Sumgayit City Special School for Children with Limited Health Capacities (Disabilities)**, it was once again identified that no appropriate conditions had been created to ensure the unhindered movement of persons with physical disabilities (no ramp had been installed, and the accessibility of the infrastructure had not been ensured). It was also observed that the cafeteria lacked a ventilation system. However, the UN CRPD and its Optional Protocol, to which the Republic of Azerbaijan is a party, as well as the Law of the Republic of Azerbaijan on the Rights of Persons with Disabilities, emphasize the importance of creating the necessary conditions for PWDs to access education and vocational training.

At **Special Boarding School No. 12 for Children With Limited Health Capacities (Disabilities)**, it was found that there were no appropriate teaching materials for special education, and resources for providing psychological and speech therapy services were lacking. During the inspection of the cafeteria, it was noted that the menu had been changed but the changes were not properly documented. Furthermore, expired medications were found in the medical room. The institution also requires appropriate facilities to ensure barrier-free

movement for persons with physical disabilities, as ramps had not been installed at the entrances of the academic building.

During the visit to the **Lankaran City Special Boarding School for Children With Limited Health Capacities (Disabilities)**, it was observed that there was no registration log related to the provision of medical services, sanitary and hygiene rules were not monitored by the nurse, and the children's nails were not trimmed.

During the inspection of the institution's cafeteria, it was found that the daily menu was not being followed and had been changed at the head chef's request.

2.2.5. The Institutions of the Ministry of Labor and Social Protection of Population

In 2023, the Ombudsman and the Members of his NPG conducted 9 monitoring visits to the institutions of the Ministry of Labor and Social Protection of Population.

The monitoring visits were implemented in accordance with the Constitutional Law on the Ombudsman of Azerbaijan, international standards, CPT and SPT recommendations, the CRPD, the UN Principles for the protection of with mental illness and the improvement of mental health care, the UN Principles for Older Persons, and the UNGA Recommendations on the International Plan of Action on Ageing.

Upon the instructions of Sabina Aliyeva, the Ombudsman of Azerbaijan, the NPG Members carried out a monitoring visit to the ***Shelter and Social Rehabilitation Institution for Vulnerable Groups of People***.

The visit was started with a conversation with the head of the institution. According to the information of the head of the institution, on the day of the visit, in total, there are 64 people in the institution, six people out of them were children, and three persons out of them were with visual impairment.

In the course of the monitoring visit, confidential meetings with 20 shelter residents were held; their concerns were heard; one person's appeal addressed to the Ombudsman was received.

During the inspection of the rooms, the review found them clean and tidy.

The inspection of the canteen, the review found the non-compliance of food with menu, about what the management of the facility was informed.

The inspection of the doctor's medical care room found that the shelf life of "Smekta" medicament, two "Streptosid" ointments was expired; personal belongings are placed on shelves intended for storing medicines, and furthermore, it was found that there was medicine of unknown origin in the refrigerator in the kitchen.

During a conversation with the head of the facility, it was stated that the deregistration of previously registered persons in the administrative buildings of police stations and failures in their re-registration caused serious problems for residents, and it was determined that there were difficulties in providing them with certain social, medical, and psychological assistance, perhaps due to the deactivation of their ID cards.

As a part of the NPM mandate, the Group conducted a monitoring visit to the ***Social Service Agency's Facility No 2. for Children with Limited-Health Capacities (Disabilities) under the age of 18*** without a prior notice.

The objective of the visit was to investigate the living conditions of child residents, being involved into abilitation and rehabilitation processes and treatment by the staff of the facility, and the situation of ensuring the rights of minors.

During the visit, which was attended by a doctor and an social worker members of the NPG, all facilities of the institution were inspected, including bedrooms, rehabilitation rooms, a dining room and kitchen, recreation rooms, and the common area, in order to monitor general accommodation conditions. Furthermore, the current situation was studied based on approaches to children living in the institution, as well as individual and legal educational conversations with the management, employees and medical staff.

At the end of the visit, NPG Members held legal educational discussions with the management and employees of the social service institution based on national legislation and international standards, including the CRC, and made recommendations on increasing attention to the implementation and protection of children's rights and improving the activities of the social facility in this area.

The Ombudsman continued to focus on the issue of ensuring the rights of the elderly in 2023. For this purpose, regular monitoring was continued at the social service institutions of the Social Services Agency under the Ministry of Labor and Social Protection of Population, based on the Ombudsman's instructions.

In the course of the following monitoring visit conducted by the NPG Members to the **Social Service Agency's Facility for Elderly Persons**, all administrative rooms, including bedrooms and medical rooms were inspected. The review found that the some part of previously given recommendations for eliminating were eliminated.

In addition, it was found that there is a need to increase measures aimed at the socio-psychological rehabilitation and integration of the elderly, as well as to fill the vacant position of psychologist.

The review found the lack of up-to-date weekly menu in cafeteria and lack of service personnel.

At the end of the monitoring, the NPG made recommendations to the management on how to eliminate existing shortcomings.

The NPG Members carried out a scheduled visit to the **Social Services Agency's Goygol District Psychoneurological Social Service Institution No. 3 (public legal entity)**.

During meetings with detainees at the facility, no complaints were received regarding living and treatment conditions.

During the visit, some shortcomings and deficiencies were revealed. For instance, the vacancy of a psychologist in the institution creates difficulties in ensuring the right of the institution's residents to receive free psychological assistance in accordance with the Law on Psychological Assistance.

In addition, there are no qualified social workers to provide quality social services to residents in accordance with the institution's profile, and 2 social worker positions in the staffing table are vacant. Also, there is only one qualified neuropathologist working in the institution, which does not allow the institution to provide quality qualified social services and individual rehabilitation courses to residents.

It was also found that the institution did not have a separate space for performing religious rituals.

During the examination of the documentation, the inspection found that the necessary records were made in the relevant journals of the institution. In addition, although acts were drawn up on whether the patients had any injuries upon admission to the institution, it was observed that acts on the medical examination upon discharge were not drawn up.

In general, there is a need to increase the awareness of institution employees about legislative acts, especially the requirements of the laws "On Psychological Assistance" and "On Social Service".

The NPG Members carried out a scheduled visit to the Social Services Agency's **Ganja City Psychoneurological Social Service Institution No. 4 (public legal entity)**.

Here, too, the position of psychologist and one of the positions of social worker are vacant, which does not allow for the quality implementation of psychological assistance, social services, and individual rehabilitation courses for residents.

Although, according to Article 8.0.9 of the Law on Social Services, persons accommodated in social service institutions have the right to be provided with a separate space for the performance of religious rites, provided that they do not violate the internal disciplinary rules, it was found that no space was allocated for this purpose in the institution.

2.2.6. Children's Homes

In 2023, under the NPM mandate, visits were made to institutions, that individuals were unable to leave of their own free will including orphanages.

The Ombudsman's NPG Members visited **Children's Home No. 3**. During the visit, the status of ensuring the rights of children living in the institution, material conditions and treatment issues, organization of medical care and psychological services, quality of nutrition, maintenance of relevant documentation, as well as the implementation of proposals to eliminate shortcomings identified during previous visits were examined on site.

It was found that children were not placed in groups appropriate to their age, and that older children were aggressive and violent towards minors. During the interview, it was found that appropriate measures (psychotherapy, etc.) were not taken for children diagnosed with behavioral disorders.

The facts indicated above evidence a serious need for psychological work in the facility. In this regard, the head of the institution stated that the psychologist of the facility is on maternity leave, and no substitution was made since the visit last year. It should be noted that individual development (care) plans for children were drawn up taking into account the recommendations given during previous visits, but due to the lack of supervision opportunities for the institution's employees, as well as the lack of appropriate samples, it was determined that these documents did not meet the standards.

It is recommended that appropriate steps be taken to eradicate the institution's harmful psychological environment, violence, and discrimination. A specialist should be hired to replace the facility's psychologist employee who is on maternity leave. This person would conduct regular psychological work with the children, place them in age-appropriate groups, efficiently manage the free time of minors, and educate the staff.

Ombudsman's NPG Members visited the **Ganja Children's Home** to monitor the organization of medical care and psychological work, the quality of nutrition, the material conditions and treatment standards, the rights of the children living there, the nutrition, documentation, and the implementation of status of previous recommendations.

When the documentation was reviewed, it was discovered that the facility's charter does not adhere to the current laws. In this sense, it might be wise to revise the charter to reflect contemporary norms.

Considering that the institution accommodated children with speech problems, and 5 of whom are minors with mental disorders, and that the Cabinet of Ministers' Decision No. 172 dated July 13, 2006 "On exemplary staffing levels of management staff, pedagogical, administrative-economic, teaching-assistant and service staff of orphanages" establishes the staffing level of a speech therapist, it is important to take appropriate measures to provide the facility with a speech therapist.

The NPG Members visited the ***Lankaran City Mixed-Type Children's Home named after O. Mirzayev*** without prior notice.

During the visit, the institution's instructional building, dorm building, food storage, kitchen, gym, bathhouse, and other auxiliary rooms were inspected. It also looked at the documentation and present state of affairs pertaining to the provision, organization, and management of medical treatment and nutrition.

During the monitoring of the medical room, the review found the lack of provision of medical care services for children and that there was no registry journals of undertaken necessary measures in the facility.

The review of the kitchen found that there was no menu for that day, as well as a journal of the quality and release of daily cooked meals. It was also observed that the kitchen staff did not use sterile clothing and gloves in order to comply with sanitary and hygienic rules.

It was found that the floor in the sport gym was collapsed from several places, artificial lightening was not properly working, and that there were not any gym equipment.

It was also observed that the floors and walls of the bedrooms were worn out, the beds and doors were broken, and there were no hand and face towels or personal hygiene products.

During an inspection of the institution's computer lab, it was observed that none of the 7 existing computers were working and that the children were in serious need of computers.

The condition of the recreation rooms located on the first and second floors of the institution and the non-functioning televisions hinder the effective organization of children's leisure time.

2.2.7. The Institutions of the State Security Service

In 2023, the Ombudsman and members of her NPG conducted unannounced visits to the Temporary Detention Center and Pre-trial Detention Center of the State Security Service of the Republic of Azerbaijan.

The visits were aimed at investigating the conditions of detention and treatment in the facility, as well as the status of ensuring the rights of detainees.

During the visits, detention conditions, the provision of nutrition, medical care, travel and other rights, and treatment issues were investigated, and for this purpose, the accused were received individually.

In the course of the visit, the Ombudsman conducted a private interview with the accused of Armenian origin, investigated the conditions of his detention and treatment, and the status of ensuring his rights endorsed by the legislation. The Ombudsman responded to his questions on the spot. The accused was provided with glasses for personal use, access to the library, and access to information.

The accused did not complain about the conditions of detention and stated that he was subjected to medical check upon admission to the facility. It was determined that he was provided with a lawyer to protect his rights.

During the visit, which was also attended by medical and psychologist experts members of the NPG, he was provided with legislative acts in his own language and publications explaining the possibility of appealing to the Ombudsman.

During the following visit to the facility, the interviewed detainees did not complain about detention conditions and treatment and healthcare services. Legal advice was provided, explaining the powers of the Ombudsman.

2.2.8. The Institution under the State Migration Service

As part of the Ombudsman's NPM mandate, preventive visits are also carried out to the State Migration Service's detention centers for irregular migrants.

In 2023, NPG Members carried out a monitoring visit to the ***Baku City Immigration Detention Center for Irregular Migrants*** under the State Migration Service.

The objective of the visit conducted based on the OPCAT and the Constitution Law on the Ombudsman, national migration legislation, and CPT and SPT requirements was to investigate detention conditions, treatment standards, and the situation of ensuring the rights of detained migrants and maintenance of documentation.

During the visit, the administrative building of the Detention Center, the building for temporary detention of voluntary migrants, the kitchen, dining room, food store, meeting, medical and other service rooms, library, and gym were inspected.

According to the outcomes of the visit, although the general conditions in the Center are satisfactory, certain shortcomings were also revealed. Thus, it was found that the storage rules for medicines in the Center were not fully observed, the usually applied "not for sale" label was not marked on the medicines. Furthermore, it was found that the shelf life of the drugs such as "Papaverin" and "Ascorbic acid" was expired. In addition, it was determined that healthcare services to migrants should be provided not by a dentist, but by a qualified doctor.

It was found that the dining room was dirty, and that the personnel did not use gloves and aprons. The insects were also observed in the dining room area.

During the visit, up to 20 detainees were received confidentially, and some of their applications addressed to the Ombudsman were taken. During these conversations, many of the detainees stated that they were not medically examined upon entering the institution or that the medical checkup was of a formal nature.

The employees of the Ombudsman Office submitted materials to the Center regarding the Call Center and the NPG mandate.

At the end of the visit, the identified deficiencies were discussed with the management of the facility.

According to Article 87.1.6 of the Migration Code of Azerbaijan, persons detained in the Center have the right to contact the diplomatic representation and consulate of his/her state in the Republic of Azerbaijan, or with national or international organizations that took him/her under its guardianship. In this regard, it is proposed to provide the Center with a directory reflecting the telephone numbers of diplomatic missions and international organizations accredited in our country.

CHAPETR III

LEGAL ANALYSIS

One of the activities carried out by the Ombudsman within the NPM mandate is the preventive visits and legal analysis of the information obtained during legal awareness events.

The content of incoming calls received by the 24-hour 916 Call Center was also important for the analysis to written appeals addressed to the Ombudsman during visits to places where individuals cannot leave at their own free will.

The Ombudsman sends recommendations and proposals to the appropriate state entities that are derived from the legal examination of norms that have an impact on people's interests in one way or another. These recommendations and proposals are mainly accepted.

Under the Ombudsman's MPM's mandate, 347 monitoring visits were made in 2023 to various institutions nationwide where people were unable to leave on their own. These institutions included state children's institutions, police agencies, temporary detention facilities, pre-trial detention centers, penitentiary institutions, immigration detention centers, psychiatric facilities, and more. Of them, 104 were unannounced.

Individuals who were arrested, detained, or held in institutions they were unable to leave of their own free will were received in the institutions where they were detained, their rights were explained, their treatment, medical care, and conditions of detention were examined, and, if required, their appeals were forwarded to the appropriate state agencies.

The accused individuals of Armenian origin who were identified and detained following the end of military operations and local anti-terrorist measures implemented in September 2023 and who were remanded in custody based on a court decision were also received in the institutions where they were detained in accordance with the tripartite Statement dated November 10, 2020, for criminal acts committed at various times in the liberated territories of Azerbaijan. Their rights to phone calls with family members were also guaranteed, information about the Ombudsman's authority was given, materials reflecting their rights in their native language were presented, and their conditions of detention, treatment, medical care provision, and appeals were examined.

It should be mentioned that overcrowding was one of the primary issues found in penitentiary facilities. In pre-trial detention facilities and certain penitentiary institutions, it was noted that more inmates were being held than the existing capacity. Therefore, it was found that more detainees were being held than the 2,500 capacities of the Baku Pre-trial Detention Facility during visits. 800 inmates were accommodated in Pre-trial Detention Facility No. 2, which can accommodate 700 inmates; 1,400 inmates were accommodated in Pre-trial Detention Facility No. 3, which can house 1,050 inmates; and 1,411 inmates were concurrently serving their sentences in Pre-trial Detention Facility No. 2, which can accommodate 1,200 inmates.

Comprehensive steps are required to alleviate the congestion in penitentiary facilities. As a result, pre-trial detention facilities are typically overcrowded due to the high volume of submissions filed by investigative bodies for the selection of a restraint measure as well as for the extension of the detention term, and the courts' provision of these submissions.

Statistics indicate that over 100 individuals who were remanded in custody during the year were ultimately found not guilty by a court ruling (122, 187, and 187 in 2020, 2021, and 2022, respectively). Even if up to 200 accused individuals were found not guilty in some years, they were nevertheless subject to remand in custody during the criminal processes and, in certain situations, for an extended period of time.

Considering the aforementioned, the examination of applications submitted to the Ombudsman, and the outcomes of visits to pre-trial detention facilities, the significance of alternatives to detention is once again highlighted. Accordingly, it is essential to broaden the use of non-arrest restrain measures and prioritize alternate forms of discipline above restriction of liberty when deciding on a punishment.

The number of "persons who have committed crimes and have previously been held criminally liable" is rising, according to statistical data. Accordingly, this number was 2,859 in 2020, 4,374 in 2021, and 5,127 in 2022. The factors and situations that lead to criminal recurrence should thus be eliminated, and analyses should be carried out by the appropriate governmental agencies.

It is necessary to analyze and evaluate the efficiency of the actions taken by the criminal enforcement authorities to guarantee that the responsibilities assigned for the punishment imposed by the courts are completed.

Education is crucial for both promoting inmates' personal growth and assisting them in reintegrating into society.

It is crucial to protect the right to education for those who can benefit from it, particularly juveniles and young inmates, and to use various strategies for them. Experts have provided strong evidence that these categories' personality development is ongoing, that they are susceptible to outside influences, and that their demands are diverse and intricate.

According to the provisions of the "Basic Principles for the Treatment of Prisoners", adopted by the UN General Assembly Resolution 45/111, all prisoners shall have the right to take part in cultural activities and education aimed at the full development of the human personality. In this regard, it is recommended to amend the penal legislation and other legislative acts that allow juveniles and young prisoners who do not pose a particular public danger and have committed less serious crimes to serve their sentences under a different regime, and to establish a special pilot institution for such prisoners to serve their sentences.

The analyses of the incoming calls received by the Ombudsman's 916 Call Center, the NPG monitoring visits to penitentiary facilities, and information from the media and social media showed that the Penitentiary Service implemented several new strategies in 2023 that led to successful outcomes in the reformation of inmates. For instance, the growing trend of inmates leaving the boundaries of facilities where they are serving their sentences is clear evidence of this. Prior to this practice, minor inmates were the primary users of this privilege. Since 2023, individuals who have been convicted of less serious offenses and do not represent a significant public risk have been permitted to visit their families for a maximum of seven days.

The Ombudsman positively assesses the launch of the Penitentiary Service Call Center, the activity of social network accounts, innovations related to detention conditions, especially nutrition and food issues. the Call Center will also help applicants obtain operational information about relatives of persons detained in penitentiary institutions or serving sentences, along with making a significant contribution to ensuring a more flexible consideration of citizen applications.

Family members should be notified whenever the detainee's holding facility changes. Therefore, along with the provision of the right to phone calls, the legislation should endorse the right to provide information about a detainee's transfer to a treatment facility, change of facility, and payment of long-distance calls at the state's expense.

In order to provide detainees also with video calls, along with phone calls, it is recommended to make necessary amendments to the Law of the Republic of Azerbaijan "On Ensuring the Rights and Freedoms of Persons Detained in Places of Detention" and the "Internal Disciplinary Regulations of Pre-Trial Detention Facilities" approved by the Cabinet of Ministers' Decision No. 63 dated February 26, 2014.

One of the key protections against mistreatment for detainees is their right to legal aid and access to a lawyer. Experience shows that the instant freedom is curtailed, the probability of maltreatment rises. Therefore, one of the primary strategies for preventing mistreatment is to guarantee that anyone arrested by the police during this time has access to legal counsel.

In 2023, like in other years, the Ombudsman's 916 Call Center served as a successful tool to avert potential obstacles to attorneys exercising their right to meet with their clients. Even if these meetings were made available following the Ombudsman's intervention, the problem still remains.

The police offices in Baku, particularly its Khatai, Nasimi, Nizami, and Binagadi District Police Offices, as well as the Main Department for Combating Organized Crime of the Ministry of Internal Affairs of the Republic of Azerbaijan and the Absheron Regional Police Office, were the primary sources of the appeals regarding the obstruction of their meetings, even though the police authorities had submitted pertinent warrants with the attorneys of the detained and arrested individuals.

In many instances, police agencies' documentation flaws and deficiencies prevent the detection of such violations and make it difficult to assess whether registration is properly organized and whether procedural deadlines for detaining individuals have been met.

Each person who is detained should have a thorough and comprehensive registration made for them, taking into consideration the requirements of the law. This registration should include all relevant information, including the person's name, the reason for their detention, the time they were detained, any interrogation or transfer to another location, and any procedural actions that were taken against them.

One of the primary safeguards against mistreatment is the medical examination of inmates. Furthermore, the statute stipulates that, detainees must undergo a medical examination by the facility's medical personnel within 24 hours of their admission to the facility. Specialists from other medical facilities selected by the individual himself may also perform the medical examination upon request from the person who has been detained or arrested or from his defense attorney, subject to the ruling of the body handling the criminal proceedings. In this instance, the law stipulates that the individual who was arrested or imprisoned must pay for the medical examination.

The provision of medical care to individuals is one of the matters when visits to institutions where people cannot leave at their own free will.

Some police stations visited had medical rooms with expired medications, including the Goychay District Police Department's TDPs and the Garadagh and Yasamal District Police Departments. It was found that police officers, not physicians, occasionally kept medical records.

The law establishes the right of a detained person to be informed of his or her rights and the duty to provide such information. Therefore, persons detained by the police should be informed of their rights without delay and in a language they understand. To ensure this, persons detained by the police should be given written forms at the beginning of their detention that clearly state their rights in each case, and they should be asked to sign a statement acknowledging that they have been informed of their rights.

The police must, in accordance with the law, inform persons deprived of their liberty, to the extent possible, of the reasons for their deprivation of liberty and any charges brought against them, and must inform detainees without delay of the procedure applied to them in a particular case. In this regard, the main subject of investigation during the monitoring conducted by the Ombudsman within the framework of the MPM activity was to verify the case of notification of detained persons about their rights and their criminal cases.

It is necessary to post written signs in all institutions that reflect the rights and responsibilities of detainees in a place where they can easily read them.

One of the shortcomings identified in the TDPs was the placement of detainees or arrested persons in cells without taking into account their previous convictions and health. Thus, during the visit to Nizami RPI, it was observed that, contrary to internal disciplinary rules, first-time detainees were kept in the same cell with persons with previous convictions. The NPG members also encountered the same situation in the TDPs of Khatai RPO, Sabail RPO, Shamkir RPD and Agstafa RPD. As can be seen, some shortcomings related to the conditions of detention in TDPs still remain.

Attention should be increased to the issues of lighting and heating in cells, the availability of seats for the number of detainees, the organization of walking areas in accordance with international standards, and the creation of necessary conditions for performing physical exercises outdoors.

In 2023, the NPG Members visited drug treatment facilities and mental health facilities run by the Ministry of Health to look into treatment concerns, detention circumstances, and patient rights.

It has been noted that psychiatric institutions in Baku and surrounding areas suffer from overcrowding, that patient living quarters fall short of modern standards, and that beds are positioned near to one another, occasionally next to one another. The majority of the country's mental facilities need to be renovated, taking into consideration contemporary norms.

Despite the fact that there are vacancies for doctors and paramedical staff in the institutions visited, the lack of personnel does not allow for the provision of quality and effective medical care. Thus, during the visit to the Republican Substance Use Center, it was determined that there are enough people waiting for treatment. For this reason, there is a need to increase the number of narcology institutions across the republic.

Considering the problems identified in drug treatment facilities, the overcrowding in these facilities and the large number of people waiting for treatment, it is important to apply modern methods for the treatment and rehabilitation of drug addicts, increase the number of narcologists and clinical psychologists, drug treatment facilities, and establish rehabilitation centers in order to achieve the goals set in this area. It is also advisable to establish separate departments in specialized medical facilities for the treatment of minors suffering from drug addiction.

During the visits to the Nursery and Children's Psychoneurological Center under the Ministry of Health located in Baku, persistent deficiencies in children's nutrition were identified. Thus, it was found that the menus do not meet modern standards, food products do not meet the needs of minors, there is no variety of fruits, and children are not provided with natural dairy products. Based on the right of every child to be healthy and develop healthily, it is also necessary to change the "Nutrition norms for children in nursery schools, kindergartens and children's homes" and bring them into line with modern standards.

The absence of a psychologist on staff and the lack of psychological treatment with kindergarten-aged children remain pertinent. The Ombudsman believes it is critical to amend the Cabinet of Ministers' Decision No. 61, dated May 29, 1996, "On the exemplary staff of budget-financed preschool educational institutions," to clarify the roles of "early development specialist" and "child psychologist."

It should be noted that the Ganja Nursery, which is under the jurisdiction of the Ministry of Health and regularly visited as part of the NPM activities, has been closed since 2021 due to the renovation, and its minor residents have been temporarily transferred to Baku Nursery No. 1.

Considering that no repair and restoration work has been carried out at the Ganja Nursery, which has been closed for more than two years for repairs, and this situation creates

difficulties in providing social services to children under the age of 3 who have lost their parents or are deprived of parental care from the city of Ganja and surrounding regions, it is important to accelerate the construction of a new, modern building for the institution.

There are still certain issues, even if inspections to organizations under the Ministry of Science and Education revealed that the suggestions and recommendations made during earlier monitoring were implemented. Improving the conditions of confinement in Ministry-run facilities that require significant repairs is crucial, particularly in boarding-style gymnasiums with integrated training.

The availability of suitable textbooks and instructional resources for middle and high school students enrolled in special education programs has been found to be lacking in boarding schools where children with limited health capacities (disabilities) attend classes. The mental health of minors in these schools must also receive more attention, suitable standardized forms of individual work plans and documents must be created for psychological work with children, and classrooms must be equipped with visual aids to facilitate instruction in this area.

During the visits, it was determined that there is a need for effective organization of children's leisure time, study of their interests and abilities, including professional interests. It was observed that most schools lack the material and technical base and workshops for conducting labor training and vocational training.

The vacancies of social workers in individual institutions under the Ministry of Labor and Social Protection of the Population and the shortage of qualified doctors do not allow the residents of these institutions to receive qualified social services and individual rehabilitation courses with high quality. Therefore, it is proposed to attract professional specialists to fill the vacant positions.

The amendments to the Constitutional Law on the Ombudsman dated June 9, 2023, empower the national preventive mechanism to take measures by using technical means to conduct photo, audio and video recordings during visits and to invite representatives of state bodies, municipalities and other institutions (including a representative of the prosecutor's office) to eliminate the violations found. These amendments expand the mandate of the Ombudsman as a NPM by contributing to the effectiveness of preventive measures to prevent torture and ill-treatment and create opportunities for the effective protection of the rights of persons in places they cannot leave voluntarily.

CHAPTER IV

LEGAL EDUCATION

Organizing legal awareness-raising initiatives for people confined in institutions where they are unable to leave voluntarily, as well as for the service personnel who assist them, is one of the Ombudsman's primary focuses as the NPM.

The Ombudsman arranged legal awareness events on a variety of subjects that raise public awareness of human rights to foster legal thinking and legal culture in society. Furthermore, the staff members took part in similar events hosted by other organizations as trainers and speakers.

The Ombudsman traditionally announced May 18 - June 18 as "Human Rights Month" in connection with June 18 - Human Rights Day in the Republic of Azerbaijan, and October 20 - November 20 as "Children's Rights Month" in connection with the anniversary of the adoption of the CRC and subsequently held legal awareness events on various topical topics on human rights in Baku and the other parts of the country. Relevant state bodies, departments, enterprises and organizations, civil society institutions, including NGOs and media outlets, also actively participated in that process.

Throughout the year, various awareness-raising events held with the participation of teachers and students in educational institutions in Baku and other areas of the country covered institutions that individuals cannot leave of their own free will, including orphanages and boarding schools.

In fruitful cooperation between the Ombudsman Office and the Police Academy in human rights education, the next lecture, delivered to the leadership of a number of district (city) police offices and departments with the joint participation of a subject teacher, was devoted to the fight against corruption, the protection of human rights in police activities, and the requirements of national and international normative legal acts in this field. Participants in the roundtable discussion organized at the Police Academy on the topic of "Current Problems of Ensuring Human Rights in the Modern Era" where participants were informed about the Ombudsman's NPM activities, its monitoring visits, legal analysis and relevant reports issued. The lectures delivered in the Academy of Justice were focused on national and international human rights protection mechanisms, implementation of applicable international legislative acts, the Ombudsman's NPM activities, its regular monitoring visits to institutions where people cannot leave at their own free will, current situation of ensuring the rights of detainees in these institutions, including their detention conditions and treatment standards, as well as the implementation status of previous recommendations.

In cooperation between the Ombudsman Office and higher education institutions, in 2023, 69 master and undergraduate students, from the Public Administration Academy, Baku State University, Azerbaijan University of Languages, Western Caspian University, Baku Eurasian University, Khazar University, and law students of the BSU majored in "Human Rights" and "Health Law", had research and internship in the Office. During the internship, the students familiarized with the general work and the Ombudsman's activities as a national preventive mechanism.

In 2023, the NPG Members organized legal awareness events at the Correctional Institution of the Penitentiary Service of the Ministry of Justice and at Penitentiary Institution No. 4.

Presentations were made to minors detained in the correctional institution based on the provisions of the UN OPCAT, as well as national legislation on the rights of detainees. The NPG members made a presentation to support to address the difficulties and social needs of

the released individuals and their adaptation to society. During the presentation, the children were introduced to the provisions of the Law "On Social Adaptation of Persons Released from Prisons". During the interactive presentation, their questions were answered in detail and the Ombudsman's recommendations were delivered.

At the event held at penitentiary institution No. 4 for female prisoners were informed about the guarantees provided to persons released from relevant institutions, assistance provided by the state, and mechanisms for supporting social adaptation as stipulated in the Law "On Social Adaptation of Persons Released from Serving Sentences in Penitentiary Institutions." Extensive reports were presented on the employment of these persons, the organization of education and vocational training, and the provision of medical, social, psychological, and legal assistance.

The NPG Members answered questions regarding the rights of prisoners, their treatment and detention conditions, the condition of cells, and the organization of personal hygiene, sanitation, medical and psychological services.

The Ombudsman prepared various educational publications, considering the importance of legal education. In 2023, educational material was generated on rights of PWDs. Taking into account of PWDs that are held in institutions which they cannot leave voluntarily , the Ombudsman initiated to produce a booklet entitled "Ensuring the Rights of Persons with Disabilities" that was distributed among detainees, as well as staff of those institutions, during monitoring visits conducted under the NPM mandate of the Ombudsman.

An educational material titled "Protection of Children's Rights by the Ombudsman" prepared as a part of the "Child Rights Month" announced by the Ombudsman, was distributed in state children's institutions during the visits.

Another educational publication was prepared within the framework of the NPM activities in 2023. The purpose of the material titled "Know Your Rights" was to make children in children's institutions aware of some of their rights for their well-being, development, and better living conditions. The child-friendly booklet also covers personal hygiene, healthy nutrition, and its importance, also reflecting the rights of children to be ensured in accordance with international and national legal frameworks, based on the shortcomings identified by the NPG.

In accordance with paragraph 4.1 of the NAP to Increase the Effectiveness of the Protection of Human Rights and Freedoms in the Republic of Azerbaijan, lectures were organized for law enforcement authorities, employees of other relevant agencies, lawyers and NGOs specializing in human rights about the requirements of the OPCAT; also, extensive relevant discussions were held at the Police and Justice Academies.

During these lectures held at the Academy of Justice for deputy chiefs of in police authorities and staff of the Police Academy, and for judges, court experts, and judicial officers newly admitted to the service, comprehensive information on the Ombudsman's NPM activities, including its monitoring visits conducted, was provided.

The Ombudsman also continued its legal awareness activities in the penitentiary institutions. During these interactive events, information was provided on the assistance and social adaptation support mechanisms established by the state, prisoners' questions were answered in detail. The Ombudsman's recommendations were also delivered, and prisoners' appeals were accepted.

CHAPTER V

PUBLIC AFFAIRS AND INTERNATIONAL COOPERATION

In 2023, the Ombudsman continued to maintain effective cooperative relations with the public, local, regional and international organizations within the framework of the NPM activities.

Activities in this direction have developed through the exchange of information and experience with state bodies, CSOs, including NGOs, the media, regional and international organizations, and foreign NPMs, as well as through mutual participation in and organizing joint events.

Both the national and international community were regularly informed about the activities of the Azerbaijani NPM. Throughout the year, a total of 63 press releases were published in the media, including 39 related to visits and 24 related to awareness-raising and other events.

Press releases, as well as NPM Reports, information on the composition of the NPG, as well as relevant regulatory acts are placed in Azerbaijani and English in a special section created on the official website of the Ombudsman. In addition, the reports are also sent to relevant state bodies and international organizations.

Within the framework of the events organized on the occasion of the 100th birth anniversary of the National Leader, Heydar Aliyev, at the Ombudsman's initiative, on the eve of the Solidarity Day of World Azerbaijanis and the New Year, a one-day visit was organized for two juveniles held in the correctional facility of the Penitentiary Service of the Ministry of Justice to historical and cultural monuments, recreation, and public catering facilities located in Baku.

During this on-day city tour, firstly, the Ombudsman, together with the juvenile offenders, visited the grave of the Great Leader Heydar Aliyev, to commemorate his memory. Later, they also visited the Alley of Martyrs. Following this, juveniles were taken to the Heydar Aliyev Center and the Baku Book House, where they were gifted books of various genres.

Later, the Ombudsman had lunch with the children, informed them about the glorious life path of the National Leader Heydar Aliyev, and his role in the development of our statehood, and gave them advice on how to develop their personal integration, protect own rights, acquire education and professional skills, and benefit from the rehabilitation process. At the end of the cultural program was organized for the children, where they were presented with gifts.

International cooperation. The expansion of international cooperation, the exchange of experience and ideas during 2023 have opened up wide opportunities for the effective implementation of the NPM activities.

Under the NPM mandate, the Ombudsman closely cooperates with the UN and its Treaty Bodies, as well as the CPT, the APT, CPT, CoE, EU, OSCE, the ICRC and other international organizations, as well as with npms of various countries, including ombuds associations.

Ombudsman MPM qismində BMT və onun müqavilə qurumları, habelə İQK, İQA, İQAK, Avropa Şurası, Avropa İttifaqı, ATƏT, BQXK və digər beynəlxalq təşkilatlarla, müxtəlif ölkələrin MPM-ləri, o cümlədən Ombudsman birlikləri ilə sıx əməkdaşlıq edir, təcrübə mübadiləsi aparır. As an NPM, the Ombudsman's international cooperation activities include holding meetings focused on preventing torture, organizing joint initiatives, taking part in international events, and engaging in mutual exchange of experiences.

Cooperation continued within the framework of the "Support to the Implementation of the Partnership on Relocation in Azerbaijan (MOBILAZE-2)" 2021-2024 Project. As a part of the project, the Ombudsman visited Austria to participate in the 8th Vienna Migration Conference

organized by the International Center for Migration Policy Development (ICMPD). At a bilateral meeting with the ICMPD Director General, information was provided on the activities carried out to protect the rights of migrants, including visits to places where irregular migrants are detained, and discussions were held on further developing cooperation.

The Ombudsman, at her speech at the international conference of the Association of Ombudsmen and National Human Rights Institutions of Turkic States (TURKOMB) organized by the Hungarian Ombudsman Institution in Budapest, spoke about her NPM mandate and activities under that mandate, noting that the NPM reports provided more than 200 suggestions and proposals.

In the course of the visit, the Ombudsman had a meeting with the Director General of the Hungarian Prison Service, along with other officials, and visited a regional detention center with colleagues from other countries.

The Ombudsman received Alex Heikens, the outgoing UNICEF representative in our country. During the meeting, they exchanged views on the importance of cooperation between the two institutions and the work carried out in accordance with the signed Action Plan, the Ombudsman's visits to children's institutions under the NPM mandate, and the protection of the rights of migrant children.

The Ombudsman received the co-rapporteurs of the PACE Monitoring Committee and provided extensive information on the Ombudsman's areas of activity and unannounced visits to places where individuals are unable to leave on their own will.

During a meeting with a delegation led by the Directorate General of Human Rights and Rule of Law of the Council of Europe at the Ombudsman Office, it was reported that applicants are accepted at the Ombudsman Office and regional centers, and that applications are also accepted through the 24-hour Call Center, electronic application form, and social media networks. It was also noted that the Ombudsman carries out regular visits under NPM mandate, monitors the implementation of the recommendations, promptly investigates appeals, and cooperates with lawyers in this area.

The Ombudsman participated in the next GANHRI Annual Meeting held in Geneva, which was attended also by heads and representatives of about 200 NHRIs, as well as experts and UN officials, as well as in a conference dedicated to the 75th anniversary of the UDHR and the 30th anniversary of the Paris Principles. During the event, the Azerbaijani Ombudsman and her NPG provided information about monitoring visits carried out under the NPM mandate, innovative applications implemented, and the initiatives made towards the integration of convicted persons into society, and discussions were held in the group representing various countries in this regard.

The Ombudsman took part in the 14th International Conference of National Human Rights Institutions in Copenhagen, co-hosted by the GANHRI, OHCHR, the Ukrainian Parliamentary Commissioner for Human Rights and the Danish Institute for Human Rights. During the conference on the topic "Torture and other ill-treatment: Role of NHRIs," the Ombudsman spoke about her NPM mandate, and monitoring visits carried out under that mandate. It was noted that amendments were made to the Constitutional Law on Ombudsman to expand the Ombudsman's powers, as well as the granting of the authority to carry out the functions of an independent monitoring mechanism. At her speech, the Ombudsman also brought to the attention of conference participants Armenia's severe violations of the international law norms and principles, demining and restoration work in the liberated areas, including mass graves belonging to Azerbaijanis that were discovered during excavations in those areas, adding that the reports were prepared and submitted to the corresponding international organizations, along with wide broadcasting through media.

In 2023, the NPG Members participated in a number of events, delivered presentations on topics, and exchanged experiences in various fields.

CHAPTER VI

RECOMMENDATIONS AND SUGGESTIONS

Analysis of the results of the Ombudsman's NPM activities during the last year gives us a reason to say that it was effective. This can be confirmed primarily by the logical results of legal reforms carried out in the country and the effectiveness of the work done by the NPM, including preventive visits and legal awareness-raising activities.

During the implemented activities, as a result of the proposing numerous suggestions and recommendations, there has been a positive shift in the attitude of law enforcement, judicial bodies, and other state institutions towards the nature and protection of human rights. Legal thinking has evolved into a new paradigm, and steps have been taken towards improving governance.

The Ombudsman also aligns its activities in this direction with the "Paris Principles" as follows:

- Promoting the alignment and implementation of national legislative acts and practices with legally binding international treaties on human rights to which the state is a party;
- The Ombudsman also promotes the state's adherence to international documents and encourages the implementation of international standards in national legislation, as well as the execution of relevant measures;
- Assisting the state in preparing submissions to UN bodies and regional institutions regarding activities carried out under international conventions, expressing its opinion independently in accordance with the principle of independence, and submitting additional reports.

Taking into account the results of the Ombudsman's NPM activities in 2023, the following proposals are suggested for the effective protection of detainees' rights.

(1). To amend Article 228.2 of the Criminal Procedure Code of the Republic of Azerbaijan in order to ensure reliable protection of children's rights - a new version of the Article shall be revised as follows: "*Interrogation of a minor witness shall be conducted with the participation of a psychologist, and where necessary, a teacher, another appropriately qualified specialist and the minor's legal representative.*";

(2). To remove wording "*under 16 years of age and with signs of mental disability*" from Article 432.5 of the Criminal Procedure Code of the Republic of Azerbaijan in order to reliably protect children's rights;

(3). To remove wording "*under 16 years of age and with signs of mental disability*" from Article 432.5 of the Criminal Procedure Code of the Republic of Azerbaijan (when conducting investigative actions involving a minor under 16 years of age and showing signs of mental disability, the investigator shall ensure the participation of a teacher or psychologist) in order to reliably protect children's rights;

(4). To include positions of "social worker" to the table of "Standard Staffing of Management, Pedagogical, Administrative-Economic, Teaching Assistant and Service Staff of Orphanages," approved by Decision No. 172 of the Cabinet of Ministers dated July 13, 2006;

(5). To amend to Decision No. 61 of the Cabinet of Ministers dated May 29, 1996 “On the Model Staff of Budget-Financed Preschool Educational Institutions,” in order to establish positions of “child psychologist” and “early development specialist” in nurseries and kindergartens;

(6). To allocate funds to ensure that institutions where people cannot leave at their own free will accessible to persons with disabilities;

(7). To amend the penal legislation and other relevant laws to allow prisoners aged 18-24, who do not pose a particular risk to public safety and have committed less serious crimes, to serve their sentences under a different regime, and establish a special penitentiary institution for such prisoners;

(8). To develop an appropriate mechanism, including online platforms, to ensure that convicted persons can exercise their right to education, continue their secondary or higher education, and enhance their knowledge and skills;

(9). To amend and make additions to Article 15-2 of the Law of the Republic of Azerbaijan “On Medical Insurance” to ensure the provision of medical services, including treatment and medical examination for persons under arrest, and those serving fixed-term and life sentences in the institutions of the Penitentiary Service of the Ministry of Justice, when such services cannot be provided in other medical institutions, at the expense of compulsory medical insurance, in order to effectively ensure their right to health;

(10). To increase the number of “nurses”, "night nanny" and "psychologist" positions in the "Standard Staffing Structure of Management, Administrative, Teaching Assistant and Service Staff of Boarding-Type Special General Education Schools for Children with Mental and Physical Development Disorders," approved by Decision No. 6 of the Cabinet of Ministers dated January 9, 1992, to improve the quality of services provided to children in these institutions;

(11). To bring the “Nutrition Norms for Children in Nurseries, Kindergartens and Orphanages” (Appendix No. 3), approved by Decision No. 103 of the Cabinet of Ministers dated March 9, 1994, “On the application of nutritional norms for citizens in educational institutions, hospitals and other public institutions of the social sphere,” into conformity with modern standards in order to increase the efficiency in ensuring the right to health protection of children in nurseries, kindergartens and orphanages;

(12). To ensure that long-distance telephone calls of prisoners and accused persons held in pre-trial detention centers are funded by the state budget in cases where their accounts do not have sufficient funds;

(13). To establish telephone booths in all temporary detention places, repair non-functioning telephones, and strengthen oversight of the comprehensive registration of phone calls, to guarantee the right to telephone communication, which is one of the primary guarantees of detainees;

(14). To align the requirements for organizing outdoor exercise areas in institutions where individuals cannot leave at their own free will with international standard, in the legislation on the execution of sentences and in the internal disciplinary rules of places of deprivation of liberty;

(15). To ensure the proper implementation of national legislation and international norms regarding the separate detention of different categories of persons in temporary detention places;

(16). To enhance the provision of material and hygienic supplies, at the state's expense, to persons detained in temporary detention places, in accordance with national legislation;

(17). To improve the maintenance of relevant registry journals and documentation in police stations, departments, units and temporary detention places, address existing deficiencies, and strengthen oversight of documentation and the initial arrest process;

(18). To strengthen measures to prevent the storage and use of expired medications in temporary detention places and to carry out regular monitoring;

(19). To strengthen measures to address the current overcrowding in pre-trial detention facilities and penitentiary institutions of the Penitentiary Service, and to accelerate the relocation of pre-trial detention centers No. 2 and 3 to new premises;

(20). To accelerate the construction of penitentiary institutions currently under development, and to take appropriate measures in facilities that requiring repair;

(21). To improve the rehabilitation (correctional) process by implementing comprehensive measures to reduce the occurrence of regime violations by prisoners and to ensure the successful reintegration of these individuals into society in the future;

(22). To adopt a program on "Rehabilitation and Adaptation of Prisoners Serving Sentences in Penitentiary Institutions" aimed at promoting personal development, reform, and to reintegrate into society after release;

(23). To apply alternative, more lenient administrative disciplinary measures (such as warnings, reprimands) proportionate to the severity of the offense, instead of transferring prisoners to a penal detention center for regime violations, in accordance with the legislation and international best practices within the framework of correctional work;

(24). To ensure the widespread establishment of social adaptation and rehabilitation institutions for persons released from penitentiary institutions across the country;

(25). To implement comprehensive rehabilitation and social adaptation programs for persons released from penitentiary institutions, and to strengthen the development of social services;

(26). To ensure the provision of adequate and high-quality psychological assistance to persons detained in penitentiary institutions and whose mental health may be at risk, in accordance with the Law of the Republic of Azerbaijan "On Psychological Assistance";

(27). To address staff shortages in order to ensure that individuals receiving treatment in psychiatric institutions can participate in therapy in a timely manner;

(28). To ensure that treatment in psychiatric institutions is not limited to pharmacotherapy, to align psychosocial rehabilitation measures with modern standards, to support patient participation in developing treatment plans, and to develop an individual treatment plan for each patient, reflecting treatment goals, therapy methods, and the names of the staff responsible for care;

(29). To ensure the application of modern methods for the treatment and rehabilitation for persons with drug dependence, increase the number of narcologists and clinical psychologists, expand the capacity of drug treatment facilities, and establish specialized rehabilitation centers;

(30). To establish separate departments within specialized medical institutions for the treatment of minors with drug dependence;

(31). To carry out the necessary repair and restoration works and expedite the completion of the construction of the Ganja Nursery, which has been closed for renovation since 2021;

(32). To develop a state education program, as well as appropriate textbooks and teaching materials for persons with disabilities, and to expedite their provision, taking into account that, with the exception of primary school students, other students in private boarding schools are not supplied with adequate teaching materials;

(33). To update and approve the regulations governing the activities of general education boarding schools in accordance with national legislation, including the requirements arising from international treaties to which the country is a party, as well as in line with contemporary challenges;

(34). To ensure the reorganization of the conditions of detention at the Guba Special Vocational School, which is currently in an emergency state, in order to bring it into compliance with the requirements established by the legislation of the Republic of Azerbaijan, including the "Model Regulations on Open and Closed Special Educational Institutions" approved by Decision No. 65 of the Cabinet of Ministers dated May 13, 2003;

(35). To introduce specialized training programs for "penitentiary psychologists" within higher education institutions that provide psychology education, in order to enhance the provision of psychological assistance in penitentiary institutions and address the need for qualified psychologists capable of working with persons deprived of liberty;

(36). To ensure the regular participation of psychologists working in institutions under the Ministry of Science and Education in continuous training and professional development programs;

(37). To ensure that heating in institutions under the Ministry of Science and Education, particularly in boarding schools where children stay overnight, is provided in according to the prevailing weather conditions rather than predetermined calendar dates;

(38). To develop a mechanism for transferring patients who have completed their treatment in psychiatric hospitals and drug treatment dispensaries (centers), but do not have a place to live, to social service institutions, as well as to increase the quota (number of places) in social service institutions.

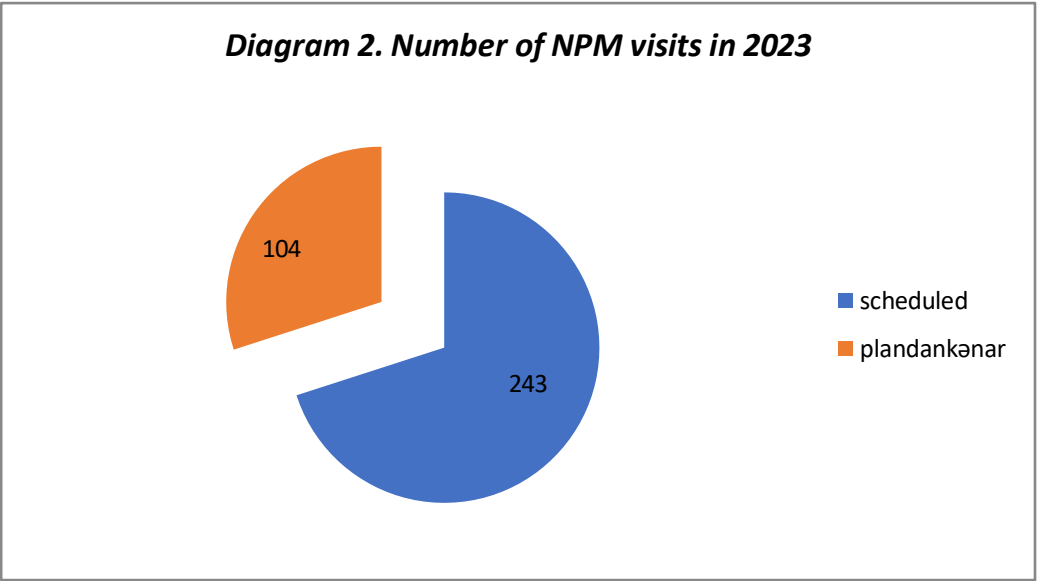
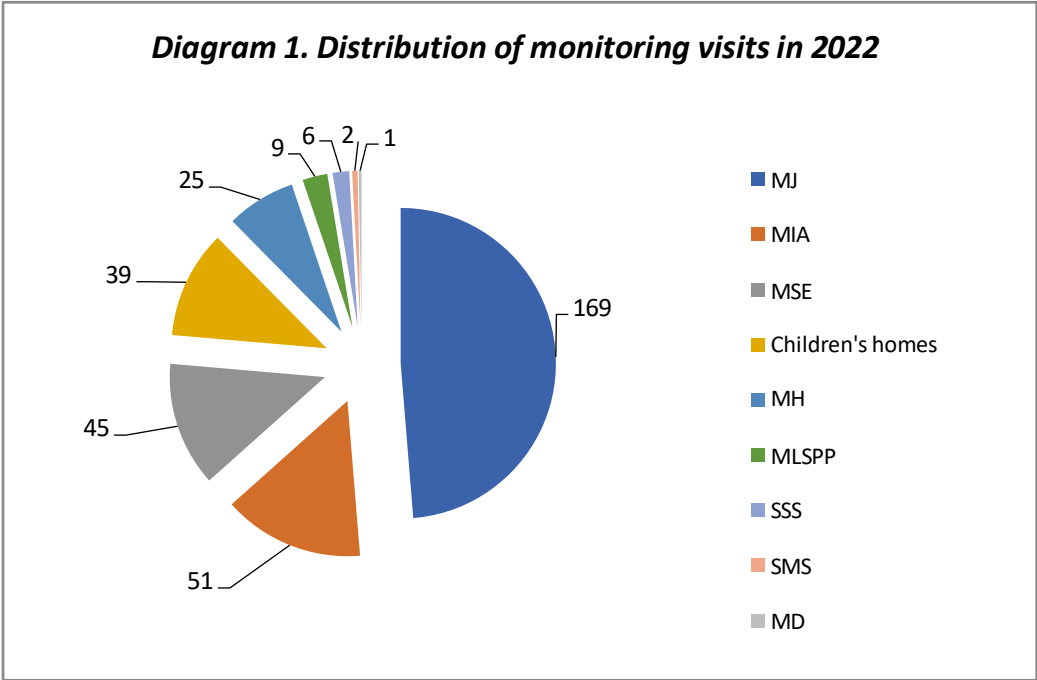


Diagram 3. Number of NPM visits by years

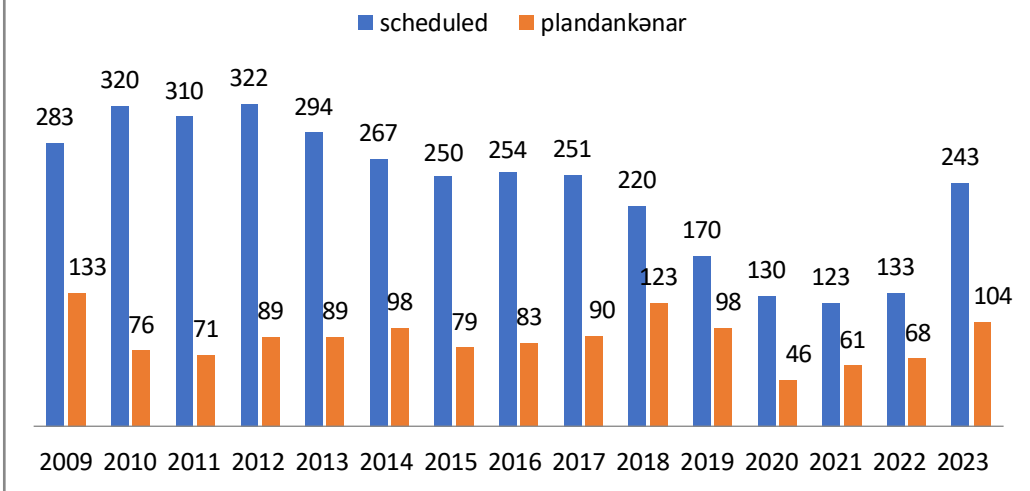
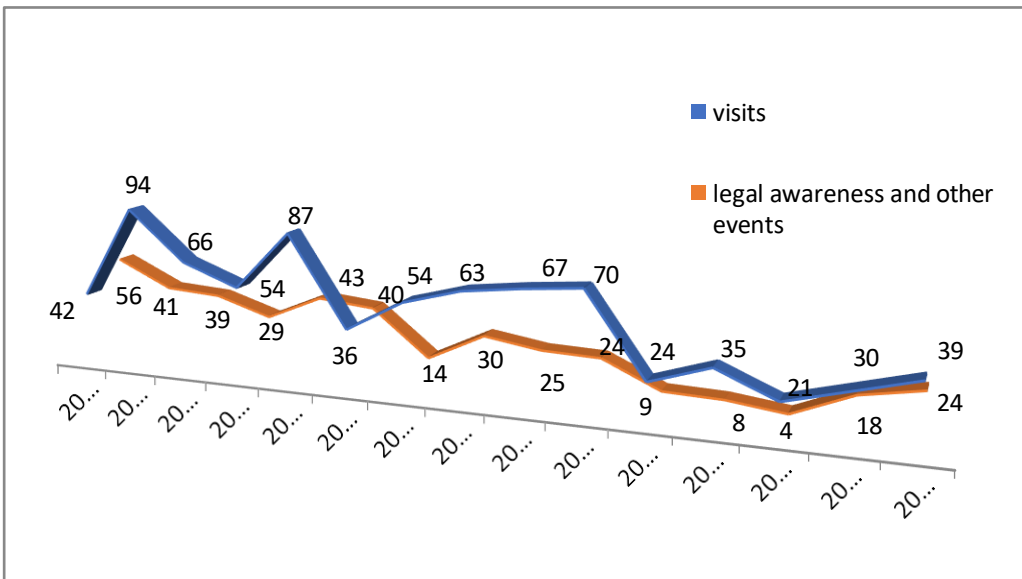


Diagram 4. Number of NPM press releases (by years)



Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment

Preamble

The States Parties to the present Protocol,

Reaffirming that torture and other cruel, inhuman or degrading treatment or punishment are prohibited and constitute serious violations of human rights,

Convinced that further measures are necessary to achieve the purposes of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (hereinafter referred to as the Convention) and to strengthen the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment,

Recalling that articles 2 and 16 of the Convention oblige each State Party to take effective measures to prevent acts of torture and other cruel, inhuman or degrading treatment or punishment in any territory under its jurisdiction,

Recognizing that States have the primary responsibility for implementing those articles, that strengthening the protection of people deprived of their liberty and the full respect for their human rights is a common responsibility shared by all and that international implementing bodies complement and strengthen national measures,

Recalling that the effective prevention of torture and other cruel, inhuman or degrading treatment or punishment requires education and a combination of various legislative, administrative, judicial and other measures,

Recalling also that the 1993 World Conference on Human Rights firmly declared that efforts to eradicate torture should first and foremost be concentrated on prevention and called for the adoption of an optional protocol to the Convention, intended to establish a preventive system of regular visits to places of detention,

Convinced that the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment can be strengthened by non-judicial means of a preventive nature, based on regular visits to places of detention,

Have agreed as follows:

Part I

General Principles

Article 1

The objective of the present Protocol is to establish a system of regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment.

Article 2

1. A Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of the Committee against Torture (hereinafter referred to as the Subcommittee on Prevention) shall be established and shall carry out the functions laid down in the present Protocol.

2. The Subcommittee on Prevention shall carry out its work within the framework of the Charter of the United Nations and shall be guided by the purposes and principles thereof, as well as the norms of the United Nations concerning the treatment of people deprived of their liberty.

3. Equally, the Subcommittee on Prevention shall be guided by the principles of confidentiality, impartiality, non-selectivity, universality and objectivity.

4. The Subcommittee on Prevention and the States Parties shall cooperate in the implementation of the present Protocol.

Article 3

Each State Party shall set up, designate or maintain at the domestic level one or several visiting bodies for the prevention of torture and other cruel, inhuman or degrading treatment or punishment (hereinafter referred to as the national preventive mechanism).

Article 4

1. Each State Party shall allow visits, in accordance with the present Protocol, by the mechanisms referred to in articles 2 and 3 to any place under its jurisdiction and control where persons are or may be deprived of their liberty, either by virtue of an order given by a public authority or at its instigation or with its consent or acquiescence (hereinafter referred to as places of detention). These visits shall be undertaken with a view to strengthening, if necessary, the protection of these persons against torture and other cruel, inhuman or degrading treatment or punishment.

2. For the purposes of the present Protocol, deprivation of liberty means any form of detention or imprisonment or the placement of a person in a public or private custodial setting which that person is not permitted to leave at will by order of any judicial, administrative or other authority.

Part II

Subcommittee on Prevention

Article 5

1. The Subcommittee on Prevention shall consist of ten members. After the fiftieth ratification of or accession to the present Protocol, the number of the members of the Subcommittee on Prevention shall increase to twenty-five.
2. The members of the Subcommittee on Prevention shall be chosen from among persons of high moral character, having proven professional experience in the field of the administration of justice, in particular criminal law, prison or police administration, or in the various fields relevant to the treatment of persons deprived of their liberty.
3. In the composition of the Subcommittee on Prevention due consideration shall be given to equitable geographic distribution and to the representation of different forms of civilization and legal systems of the States Parties.
4. In this composition consideration shall also be given to balanced gender representation on the basis of the principles of equality and non-discrimination.
5. No two members of the Subcommittee on Prevention may be nationals of the same State.
6. The members of the Subcommittee on Prevention shall serve in their individual capacity, shall be independent and impartial and shall be available to serve the Subcommittee on Prevention efficiently.

Article 6

1. Each State Party may nominate, in accordance with paragraph 2 of the present article, up to two candidates possessing the qualifications and meeting the requirements set out in article 5, and in doing so shall provide detailed information on the qualifications of the nominees.
2.
 - (a) The nominees shall have the nationality of a State Party to the present Protocol;
 - (b) At least one of the two candidates shall have the nationality of the nominating State Party;
 - (c) No more than two nationals of a State Party shall be nominated;
 - (d) Before a State Party nominates a national of another State Party, it shall seek and obtain the consent of that State Party.
3. At least five months before the date of the meeting of the States Parties during which the elections will be held, the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within three months. The Secretary-General shall submit a list, in alphabetical order, of all persons thus nominated, indicating the States Parties that have nominated them.

Article 7

1. The members of the Subcommittee on Prevention shall be elected in the following manner:

(a) Primary consideration shall be given to the fulfilment of the requirements and criteria of article 5 of the present Protocol;

(b) The initial election shall be held no later than six months after the entry into force of the present Protocol;

(c) The States Parties shall elect the members of the Subcommittee on Prevention by secret ballot;

(d) Elections of the members of the Subcommittee on Prevention shall be held at biennial meetings of the States Parties convened by the Secretary-General of the United Nations. At those meetings, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Subcommittee on Prevention shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of the States Parties present and voting.

2. If during the election process two nationals of a State Party have become eligible to serve as members of the Subcommittee on Prevention, the candidate receiving the higher number of votes shall serve as the member of the Subcommittee on Prevention. Where nationals have received the same number of votes, the following procedure applies:

(a) Where only one has been nominated by the State Party of which he or she is a national, that national shall serve as the member of the Subcommittee on Prevention;

(b) Where both candidates have been nominated by the State Party of which they are nationals, a separate vote by secret ballot shall be held to determine which national shall become the member;

(c) Where neither candidate has been nominated by the State Party of which he or she is a national, a separate vote by secret ballot shall be held to determine which candidate shall be the member.

Article 8

If a member of the Subcommittee on Prevention dies or resigns, or for any cause can no longer perform his or her duties, the State Party that nominated the member shall nominate another eligible person possessing the qualifications and meeting the requirements set out in article 5, taking into account the need for a proper balance among the various fields of competence, to serve until the next meeting of the States Parties, subject to the approval of the majority of the States Parties. The approval shall be considered given unless half or more of the States Parties respond negatively within six weeks after having been informed by the Secretary-General of the United Nations of the proposed appointment.

Article 9

The members of the Subcommittee on Prevention shall be elected for a term of four years. They shall be eligible for re-election once if renominated. The term of half the members elected" at the first election shall expire at the end of two years; immediately after the first election the names of those members shall be chosen by lot by the Chairman of the meeting referred to in article 7, paragraph 1 (d).

Article 10

1. The Subcommittee on Prevention shall elect its officers for a term of two years. They may be re-elected.

2. The Subcommittee on Prevention shall establish its own rules of procedure. These rules shall provide, inter alia, that:

(a) Half the members plus one shall constitute a quorum;

(b) Decisions of the Subcommittee on Prevention shall be made by a majority vote of the members present;

(c) The Subcommittee on Prevention shall meet in camera.

3. The Secretary-General of the United Nations shall convene the initial meeting of the Subcommittee on Prevention. After its initial meeting, the Subcommittee on Prevention shall meet at such times as shall be provided by its rules of procedure. The Subcommittee on Prevention and the Committee against Torture shall hold their sessions simultaneously at least once a year.

Part III

Mandate of the Subcommittee on Prevention

Article 11

1. The Subcommittee on Prevention shall:

(a) Visit the places referred to in article 4 and make recommendations to States Parties concerning the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment;

(b) In regard to the national preventive mechanisms:

(i) Advise and assist States Parties, when necessary, in their establishment;

(ii) Maintain direct, and if necessary confidential, contact with the national preventive mechanisms and offer them training and technical assistance with a view to strengthening their capacities;

(iii) Advise and assist them in the evaluation of the needs and the means necessary to strengthen the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment;

(iv) Make recommendations and observations to the States Parties with a view to strengthening the capacity and the mandate of the national preventive mechanisms for the prevention of torture and other cruel, inhuman or degrading treatment or punishment;

(c) Cooperate, for the prevention of torture in general, with the relevant United Nations organs and mechanisms as well as with the international, regional and national institutions or organizations working towards the strengthening of the protection of all persons against torture and other cruel, inhuman or degrading treatment or punishment.

Article 12

In order to enable the Subcommittee on Prevention to comply with its mandate as laid down in article 11, the States Parties undertake:

(a) To receive the Subcommittee on Prevention in their territory and grant it access to the places of detention as defined in article 4 of the present Protocol;

(b) To provide all relevant information the Subcommittee on Prevention may request to evaluate the needs and measures that should be adopted to strengthen the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment;

(c) To encourage and facilitate contacts between the Subcommittee on Prevention and the national preventive mechanisms;

(d) To examine the recommendations of the Subcommittee on Prevention and enter into dialogue with it on possible implementation measures.

Article 13

1. The Subcommittee on Prevention shall establish, at first by lot, a programme of regular visits to the States Parties in order to fulfil its mandate as established in article 11.

2. After consultations, the Subcommittee on Prevention shall notify the States Parties of its programme in order that they may, without delay, make the necessary practical arrangements for the visits to be conducted.

3. The visits shall be conducted by at least two members of the Subcommittee on Prevention. These members may be accompanied, if needed, by experts of demonstrated professional experience and knowledge in the fields covered by the present Protocol who shall be selected from a roster of experts prepared on the basis of proposals made by the States Parties, the Office of the United Nations High Commissioner for Human Rights and the United Nations Centre for International Crime Prevention. In preparing the roster, the States Parties concerned shall propose no more than five national experts. The State Party concerned may oppose the inclusion of a specific expert in the visit, whereupon the Subcommittee on Prevention shall propose another expert.

4. If the Subcommittee on Prevention considers it appropriate, it may propose a short follow-up visit after a regular visit.

Article 14

1. In order to enable the Subcommittee on Prevention to fulfil its mandate, the States Parties to the present Protocol undertake to grant it:

(a) Unrestricted access to all information concerning the number of persons deprived of their liberty in places of detention as defined in article 4, as well as the number of places and their location;

(b) Unrestricted access to all information referring to the treatment of those persons as well as their conditions of detention;

(c) Subject to paragraph 2 below, unrestricted access to all places of detention and their installations and facilities;

(d) The opportunity to have private interviews with the persons deprived of their liberty without witnesses, either personally or with a translator if deemed necessary, as well as with any other person who the Subcommittee on Prevention believes may supply relevant information;

(e) The liberty to choose the places it wants to visit and the persons it wants to interview.

2. Objection to a visit to a particular place of detention may be made only on urgent and compelling grounds of national defence, public safety, natural disaster or serious disorder in the place to be visited that temporarily prevent the carrying out of such a visit. The existence of a declared state of emergency as such shall not be invoked by a State Party as a reason to object to a visit.

Article 15

No authority or official shall order, apply, permit or tolerate any sanction against any person or organization for having communicated to the Subcommittee on Prevention or to its delegates any information, whether true or false, and no such person or organization shall be otherwise prejudiced in any way.

Article 16

1. The Subcommittee on Prevention shall communicate its recommendations and observations confidentially to the State Party and, if relevant, to the national preventive mechanism.

2. The Subcommittee on Prevention shall publish its report, together with any comments of the State Party concerned, whenever requested to do so by that State Party. If the State Party makes part of the report public, the Subcommittee on Prevention may publish the report in whole or in part. However, no personal data shall be published without the express consent of the person concerned.

3. The Subcommittee on Prevention shall present a public annual report on its activities to the Committee against Torture.

4. If the State Party refuses to cooperate with the Subcommittee on Prevention according to articles 12 and 14, or to take steps to improve the situation in the light of the recommendations of the Subcommittee on Prevention, the Committee against Torture may, at the request of the Subcommittee on Prevention, decide, by a majority of its members, after the State Party has had an opportunity to make its views known, to make a public statement on the matter or to publish the report of the Subcommittee on Prevention.

Part IV

NATIONAL PREVENTIVE MECHANISMS

Article 17

Each State Party shall maintain, designate or establish, at the latest one year after the entry into force of the present Protocol or of its ratification or accession, one or several independent national preventive mechanisms for the prevention of torture at the domestic level. Mechanisms established by decentralized units may be designated as national preventive mechanisms for the purposes of the present Protocol if they are in conformity with its provisions.

Article 18

1. The States Parties shall guarantee the functional independence of the national preventive mechanisms as well as the independence of their personnel.
2. The States Parties shall take the necessary measures to ensure that the experts of the national preventive mechanism have the required capabilities and professional knowledge. They shall strive for a gender balance and the adequate representation of ethnic and minority groups in the country.
3. The States Parties undertake to make available the necessary resources for the functioning of the national preventive mechanisms.
4. When establishing national preventive mechanisms, States Parties shall give due consideration to the Principles relating to the status of national institutions for the promotion and protection of human rights.

Article 19

The national preventive mechanisms shall be granted at a minimum the power:

- (a) To regularly examine the treatment of the persons deprived of their liberty in places of detention as defined in article 4, with a view to strengthening, if necessary, their protection against torture and other cruel, inhuman or degrading treatment or punishment;
- (b) To make recommendations to the relevant authorities with the aim of improving the treatment and the conditions of the persons deprived of their liberty and to prevent torture and other cruel, inhuman or degrading treatment or punishment, taking into consideration the relevant norms of the United Nations;

(c) To submit proposals and observations concerning existing or draft legislation.

Article 20

In order to enable the national preventive mechanisms to fulfil their mandate, the States Parties to the present Protocol undertake to grant them:

(a) Access to all information concerning the number of persons deprived of their liberty in places of detention as defined in article 4, as well as the number of places and their location;

(b) Access to all information referring to the treatment of those persons as well as their conditions of detention;

(c) Access to all places of detention and their installations and facilities;

(d) The opportunity to have private interviews with the persons deprived of their liberty without witnesses, either personally or with a translator if deemed necessary, as well as with any other person who the national preventive mechanism believes may supply relevant information;

(e) The liberty to choose the places they want to visit and the persons they want to interview;

(f) The right to have contacts with the Subcommittee on Prevention, to send it information and to meet with it.

Article 21

1. No authority or official shall order, apply, permit or tolerate any sanction against any person or organization for having communicated to the national preventive mechanism any information, whether true or false, and no such person or organization shall be otherwise prejudiced in any way.

2. Confidential information collected by the national preventive mechanism shall be privileged. No personal data shall be published without the express consent of the person concerned.

Article 22

The competent authorities of the State Party concerned shall examine the recommendations of the national preventive mechanism and enter into a dialogue with it on possible implementation measures.

Article 23

The States Parties to the present Protocol undertake to publish and disseminate the annual reports of the national preventive mechanisms.

Part V

DECLARATION

Article 24

1. Upon ratification, States Parties may make a declaration postponing the implementation of their obligations under either part III or part IV of the present Protocol.
2. This postponement shall be valid for a maximum of three years. After due representations made by the State Party and after consultation with the Subcommittee on Prevention, the Committee against Torture may extend that period for an additional two years.

PART VI

FINANCIAL PROVISIONS

Article 25

1. The expenditure incurred by the Subcommittee on Prevention in the implementation of the present Protocol shall be borne by the United Nations.
2. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Subcommittee on Prevention under the present Protocol.

Article 26

1. A Special Fund shall be set up in accordance with the relevant procedures of the General Assembly, to be administered in accordance with the financial regulations and rules of the United Nations, to help finance the implementation of the recommendations made by the Subcommittee on Prevention after a visit to a State Party, as well as education programmes of the national preventive mechanisms.
2. The Special Fund may be financed through voluntary contributions made by Governments, intergovernmental and non-governmental organizations and other private or public entities.

PART VII

FINAL PROVISIONS

Article 27

1. The present Protocol is open for signature by any State that has signed the Convention.
2. The present Protocol is subject to ratification by any State that has ratified or acceded to the Convention. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

3. The present Protocol shall be open to accession by any State that has ratified or acceded to the Convention.

4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

5. The Secretary-General of the United Nations shall inform all States that have signed the present Protocol or acceded to it of the deposit of each instrument of ratification or accession.

Article 28

1. The present Protocol shall enter into force on the thirtieth day after the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.

2. For each State ratifying the present Protocol or acceding to it after the deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession, the present Protocol shall enter into force on the thirtieth day after the date of deposit of its own instrument of ratification or accession.

Article 29

The provisions of the present Protocol shall extend to all parts of federal States without any limitations or exceptions.

Article 30

No reservations shall be made to the present Protocol.

Article 31

The provisions of the present Protocol shall not affect the obligations of States Parties under any regional convention instituting a system of visits to places of detention. The Subcommittee on Prevention and the bodies established under such regional conventions are encouraged to consult and cooperate with a view to avoiding duplication and promoting effectively the objectives of the present Protocol.

Article 32

The provisions of the present Protocol shall not affect the obligations of States Parties to the four Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 8 June 1977, nor the opportunity available to any State Party to authorize the International Committee of the Red Cross to visit places of detention in situations not covered by international humanitarian law.

Article 33

1. Any State Party may denounce the present Protocol at any time by written notification addressed to the Secretary-General of the United Nations, who shall thereafter inform the other States Parties to the present Protocol and the Convention. Denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General.

2. Such a denunciation shall not have the effect of releasing the State Party from its obligations under the present Protocol in regard to any act or situation that may occur prior to the date on which the denunciation becomes effective, or to the actions that the Subcommittee on Prevention has decided or may decide to take with respect to the State Party concerned, nor shall denunciation prejudice in any way the continued consideration of any matter already under consideration by the Subcommittee on Prevention prior to the date on which the denunciation becomes effective.

3. Following the date on which the denunciation of the State Party becomes effective, the Subcommittee on Prevention shall not commence consideration of any new matter regarding that State.

Article 34

1. Any State Party to the present Protocol may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to the States Parties to the present Protocol with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposal. In the event that within four months from the date of such communication at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of two thirds of the States Parties present and voting at the conference shall be submitted by the Secretary-General of the United Nations to all States Parties for acceptance.

2. An amendment adopted in accordance with paragraph 1 of the present article shall come into force when it has been accepted by a two-thirds majority of the States Parties to the present Protocol in accordance with their respective constitutional processes.

3. When amendments come into force, they shall be binding on those States Parties that have accepted them, other States Parties still being bound by the provisions of the present Protocol and any earlier amendment that they have accepted.

Article 35

Members of the Subcommittee on Prevention and of the national preventive mechanisms shall be accorded such privileges and immunities as are necessary for the independent exercise of their functions. Members of the Subcommittee on Prevention shall be accorded the privileges and immunities specified in section 22 of the Convention on the Privileges and Immunities of the United Nations of 13 February 1946, subject to the provisions of section 23 of that Convention.

Article 36

When visiting a State Party, the members of the Subcommittee on Prevention shall, without prejudice to the provisions and purposes of the present Protocol and such privileges and immunities as they may enjoy:

(a) Respect the laws and regulations of the visited State;

(b) Refrain from any action or activity incompatible with the impartial and international nature of their duties.

Article 37

1. The present Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.
2. The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States.