

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

**PROMOTION AND PROTECTION OF HUMAN RIGHTS AND LIBERTIES IN
AZERBAIJAN**

SUMMARY OF THE ANNUAL REPORT FOR 2007

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Foreword

The aim of the report is to evaluate the state of promotion and protection of human and civic rights and liberties in the country, to provide information on the analysis of the state in 2007 of the important problems linked to human rights, restoration of violated rights, human rights protection and prevention of violations, as well as on the measures and steps taken by the Commissioner for learning of the state of ensuring of human rights and liberties.

The report was prepared based on the generalised analysis of the proposals and complaints, visits of the Commissioner and the staff members of the Office to the penitentiaries, investigatory and temporary detention places (TDPs), military units, orphanages, boarding schools, camps and settlements of the refugees and internally displaced persons, healthcare and social care facilities, as well as on the cases discovered during meetings with the local population and investigations, official responses of the state bodies, officials and the information provided by mass media.

The report reflects the activities of the Commissioner in the area of human rights protection, educational and awareness raising events in this field, organisation of the scientific-analytical work, public relations, issues of international cooperation, as well as the conclusions and recommendations.

According to Article 14 of the Constitutional Law of the Republic of Azerbaijan “On the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan”, this annual report was prepared to be submitted to the President of the Republic of Azerbaijan, and presented before the Milli Majlis (Parliament) of the Republic of Azerbaijan, as well as to be addressed to the Cabinet of Ministers, Constitutional Court, Supreme Court and Office of the Prosecutor General of the Republic of Azerbaijan.

Elmira Suleymanova

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



Introduction

The standard of living of the country population is being brought into conformity with the demands of the modern society in accordance with the speed of economic growth. Salaries and pensions of different groups of people, including teachers, doctors, scientists, police officers, military personnel and employees of other categories, as well as the amount of the social allowances for people with low income have been successively raised. Thus, the year of 2007 was memorised as the year of great successes and stability for our people.

In the last four years our country stepped into an important phase of development and it has once again proven its leading role in the world.

As it is noted in the Constitution of the Republic of Azerbaijan, the development of our country creates vast opportunities for more efficient protection of human rights and liberties which is the highest priority goal of our state. However, some individuals and certain groups of population still face obstacles when trying to exercise their rights and freedoms provided for by laws.

The Commissioner, with the purpose of facilitating a new form of the tradition of mediation in society, has attracted attention to and assisted in such important issues as improvement of governance, timely response to the appeals made to state bodies, prevention of abuse of power by officials, regular reception and proper treatment of citizens by them, importance of resolving problems in a transparent and unbiased manner within the frames set by laws.

Last year was celebrated the 5th anniversary of the election of the first Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan and inception of the Ombudsman Institute.

During this period she concentrated her activity on fighting against delays in processing of documents and excessive bureaucracy, negligent and disrespectful attitude of some officials towards implementation of statutory requirements and supremacy of the rule of law, outdated methods of governance, indifference and self-will of officials and corruption that seriously hinder appropriate organisation of protection of human and civic rights..

During this period of time, although the means of influence the Commissioner, whose scope of authorities and functions have been set forth in the Constitutional Law, may use are limited, , she managed to achieve significant changes using existing resources.

Without limiting the functions of and without replacing other state bodies working for human rights protection and restoration of violated human rights and liberties and by supplementing existing mechanisms of human rights protection, the Commissioner, within this period, built her work on the principles of independence, transparency and accountability, rule of law, impartiality and fairness, and taking measures within her authorities, achieved restoration of violated rights in many cases.

In the reviewed period relevant measures were taken for restoration of violated human rights, motions were addressed to the respective state bodies, proposals and statements were made.

The Commissioner built her work in close collaboration with both the state bodies and civil society institutions, including non-governmental organisations, as well as mass media, international organisations and foreign colleagues, held regular meetings with people both in the capital city and the regions of the country, with her clarifications and advice, direct intervention in issues, as well as involving local executive bodies in the process of restoration of human rights, contributed to strengthening of human rights protection and, thus, facilitated strengthening of statehood.

One of the effective forms of the Commissioner's work with different groups of population was the arrangement of regular meetings with people and reception of complainants on the spot, as well as organisation of public hearings with the participation of state bodies, NGOs, mass media, representatives of private sector, different strata of population and local communities

with regard to the implementation of the National Action Plan (NAP) for Protection of Human Rights in the Republic of Azerbaijan approved by the 28 December 2006 Decree of the President of the Republic of Azerbaijan.

People addressed their complaints to the Commissioner by different means, including via post and e-mail, the Reception Room functioning at the Office, regional offices of the Commissioner, the hotline of the Rapid Investigation Group, as well as in person during Commissioner's and her officers visits to penitentiaries, investigatory and temporary detention centres, military units, orphanages, boarding schools, camps and settlements for refugees and internally displaced persons, healthcare and social care facilities.

During her term in office the Commissioner has received a total of 33 660 appeals, including 7 900 appeals in 2007, 95,6% of which were complaints and 4,4% were applications.

39,6% of these complaints were related to the alleged violation of civil rights, and 60,4 % - to the alleged violation of economic and social rights.

According to the provisions of the Constitutional Law the Commissioner rejected consideration of 52,4% of the complaints on the grounds that the complaints were beyond the Commissioner's competence, a period of more than one year had passed since the date of violation of the complainant's rights, the complaints were anonymous, legal proceedings were pending with respect to the complaint, , or the complaints was re-submitted without any new information, facts or evidence pertaining to the nature of it.

47,6% of the complaints were accepted for consideration.

40,6% of them were resolved.

The complainants were provided with legal advice with regard to their complaints.

It is noteworthy that the Commissioner's institute taking part in the implementation and monitoring of several state programmes, provided her opinions and recommendations, evaluated them from the human rights perspective and participating in development of several projects, made proposals.

The Commissioner, who is presenting her fifth report on the state of promotion and protection of human rights and liberties in the country, provided information on different cases of human rights violations to the President, Milli Majlis (Parliament), Cabinet of Ministers of the Republic of Azerbaijan, different ministries, committees, municipalities and other executive bodies, along with her recommendations and proposals for more efficient protection of human rights and liberties, including improvement of the existing legislation.

Chapter I

Activities of the Commissioner in the field of promotion and protection of human rights and liberties

1.1. Protection of civil and political rights

The right to free movement. Thanks to the work done in previous years, the number of cases of human rights violations, bureaucratic barriers and arbitrariness of the officials with respect to issuance of ID cards decreased, which was reflected in the analysis of the complaints received by the Commissioner.

The limitation of this right undoubtedly creates difficulties for exercise of other rights by citizens and that fact extremely worried the Commissioner. As a result of the Commissioner's activity in this field significant improvement was achieved in the process of issuance of ID cards.

Analysis of the complaints received by the Commissioner, as well as observations show that a certain number of citizens still experience difficulties in receiving ID cards. It should be noted that on the one hand some officers of the departments of the internal affairs bodies responsible for registration and issuance of ID cards do not comply with the rules of registration and issuance of ID cards for persons without a place of residence as outlined in Decree No. 55 of the Cabinet of Ministers of the Republic of Azerbaijan of 9 April 2003 and on the other hand a number of citizens do not have enough information about these rules, and all that result in unjustified delays and violation of rights.

The Commissioner achieved solution of many complaints received on this issue and restored violated rights of those citizens.

After the Commissioner's intervention a number of citizens were registered at the address of an administrative building of the relevant city or regional police stations, as per the relevant decree of the Cabinet of Ministers, and were provided with ID cards.

Taking into consideration the difficulties old, bedridden and disabled people have with submitting documents for issuance of ID cards in person, both in Baku and in other cities and regions of the Republic, the Commissioner believes that local representatives of the heads of city and district executive powers, housing offices and municipalities, especially local police inspectors should be involved in the development of a mechanism for simplification of this issue in favour of citizens and that should be immediately applied given that 2008 is a year of elections for the post of the President of the Republic of Azerbaijan.

Foreigners and stateless persons have experienced certain difficulties in receiving documents confirming their right to be present temporarily or reside either temporarily or permanently in the Republic of Azerbaijan, as well as national passports.

Lack of attention to the state of and taking no measures with regard to homeless people have a negative impact on the country's safety and causes increase in the number of cases of theft, fraud, human trafficking, as well as spread of tuberculosis, drug abuse, HIV/AIDS, etc.

Change of rules and adoption of the new requirement to obtain a court decision for admission to the Juvenile Detention Centre of the Baku City Head Police Office (BCHPO) complicates the situation further. At the same time the fact that individuals admitted to the Admission-allocation station of the BCHPO are released after three hours of detention results in loss of supervision over these persons.

Considering the situation mentioned above, the Commissioner has highlighted the negative impact the state of homeless people can have on development of the society, as well as the need to take measures for prevention of future damage to the society. As a way of solution of this problem she has proposed to build necessary shelters, as well as to adopt legal acts to regulate the legal status of these people.

The right to the security of person. Cases of violation of the provisions of the laws during planning and construction of high-rise buildings in cities and regions of the country, particularly in the capital city, as well as breaches of occupational safety regulations by the construction firms have caused severe consequences.

Although the Commissioner made motions to the relevant bodies for adoption of appropriate actions in relation to the cases mentioned above and the appeals received from people, the responses to the Commissioner's addresses indicated that the construction companies did not violate any laws, construction works were held in full conformity with the safety regulations, and, thus, no measures were taken on this issue.

Several accidents took place during the construction works because the respective bodies had not taken appropriate measures and monitored compliance with the existing construction norms and rules.

In the reported period several people died and were injured as a result of collapse of a new construction on the territory of the "Neapol" resort, as well as of the unfinished sixteen-storey residential building in Murtuza Mukhtarov Street in Yasamal District of Baku city.

It is noteworthy that the State Commission created by the Decree of the President of the Republic of Azerbaijan of 29 August 2007 "On establishment of the state commission for investigation of the reasons of the accident on the construction site of the multi-storey building in Yasamal District of Baku city and clearance of its consequences" investigated the reasons of the accident in a short period of time and took urgent measures for clearance of its results.

The Commissioner addressed a motion to the Cabinet of Ministers containing proposals on strengthening control over compliance with the relevant safety rules and regulations during construction works, as well as over the quality of building materials, and conformity with the labour legislation, providing new accommodation for people living in buildings that had been brought into emergency conditions as a result of long-standing maintenance, erosion and the earthquake that happened in the country, especially in Baku in 2000, as well as taking into consideration city development perspective during construction of new buildings, laying wide pavements for convenient movement of persons with disabilities, etc.

The right to protection of person's honour and dignity. Azerbaijan signed the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984) in 1996, the European Convention on Prevention of Torture and Inhuman or Degrading Treatment or Punishment (1987) in 2001, as well as the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on 15 September 2005.

The main aim of the protocol is establishment of the system of regular "visits" (monitoring) conducted by the international organisations and national bodies for prevention of torture and other cruel, inhuman or degrading treatment or punishment in places of imprisonment and detention. The Commissioner, who is using all available means within her mandate for realisation of the aims of the Optional Protocol, requested Milli Majlis (Parliament) and the Ministry of Foreign Affairs to speed up the ratification of this document by our country.

It should be noted that in many countries ombudsmen institutions are functioning as a national preventive mechanism. There is a realistic basis for the same in our country. Thus, the provisions of the Constitutional Law have laid foundation for that.

According to the recommendations of the UN Committee against Torture legal reforms were conducted and relevant measures were taken in Azerbaijan.

One of the issues of concern in 2007 was the question of torture. Thus, the complaints received by the Commissioner informed about cases of physical and psychological pressure, degrading treatment, battery, detention for the period exceeding the maximum term set by the Law and other abuses committed by the personnel of police bodies and penitentiaries. It was stated that during criminal investigation the same treatment was demonstrated towards the persons detained as suspects. But according to Article 293.1 of the Criminal Code actions of a

prosecutor, investigator or a person in charge of the inquest who incited or personally used threat, blackmail, degrading treatment or committed other illegal actions to force a suspect, victim or witness to testify at the interrogation can face punishment of up to three years of imprisonment.

Cases of battery at police stations are usually explained by resistance of the detained person and his refusal to obey officers' orders, whereas in penitentiaries they are justified with violation of the rules of discipline by inmates and their disobedience to lawful demands of the personnel of penitentiaries.

Although the number of such cases decreases every year, elimination of violence which is a result of old behavioural habits will undoubtedly take time.

At the same time in the reviewed period, in collaboration with the Ministry of Internal Affairs, a series of regular seminars, discussions and trainings for prevention of violence were held for the personnel of district police departments.

The Commissioner has made motions to the Ministries of Internal Affairs and Justice, as well as the Office of the Prosecutor General for investigation of the situation, as well as for punishment of the officials responsible for torture and battery when such cases were discovered.

Although usually it was reported that no cases of torture took place, sometimes such persons were punished in an administrative order, demoted in rank or dismissed from their positions.

Incidentally, a number of officials of the internal affairs bodies were either dismissed or convicted of having committed human rights violations or even criminal offence during discharge of their duties or when dealing with citizens. Thus as a result of 144 cases of rough treatment, unjustified arrest, detention, battery and violation of drivers' rights, 199 officers were subjected to serious administrative reproach or other measures envisaged by the procedure law. Thus 8 officers were charged with criminal offences, 56 were discharged from the organs of internal affairs, 18 were dismissed from their posts, and 153 were subjected to other disciplinary actions. 4 officers were punished for battery. Generally in the reviewed period heads of police offices of Sabunchu and Nasimi districts, station No. 3 of Azizbayov District Police Office, stations No. 26 and No. 28 of Yasamal District Police Office, as well as Shamakhi Regional Police Department were dismissed from their posts for the reason of increased number of complaints received in relation to these persons.

The Commissioner considers that when a case of torture is proven, the perpetrator of the act should be punished, all local organisations should be informed about the fact, and the person in charge of the perpetrator should be held accountable.

According to the Law of the Republic of Azerbaijan "On the Police", in attempt to prevent crime, to arrest a person suspected in having committed an administrative or criminal offence or in situations accompanied by use of force by the perpetrator, police officers, taking into account the gravity of the perpetration, as well as the character of the person who committed it, can use physical force against the persons disobeying their lawful orders only as a last resort or method of necessary defence, when other available means of influence are exhausted. On the other hand, according to Article 78 of the Code on Execution of Punishments, personnel of the penitentiaries can take security measures, including use of physical force and special means, against inmates who disobey their lawful orders, show resistance, as well as in other situations defined by law.

After receiving information about mass battery of inmates, and that they are not provided with medical assistance and medicine in Gobustan prison, the Commissioner made an urgent visit there, conducted an on-the-spot investigation, and the reported facts did not prove true. Thus, at the meeting some of the inmates placed in a punishment cell complained that they had been beaten up with rubber bats. The Administration of the penitentiary responded to this by highlighting that, in accordance with Article 78 of the Code on Execution of Punishments, handcuffs and rubber bats were used against the disobedient inmates who were moved to the punishment cell, and relevant reports indicating the lawfulness of use of rubber bats were prepared and included in the inmates' files.

In general, according to Article 1 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, definition of “torture” does not extend to pain and suffering inflicted as a part of a lawful sanction or as an accidental consequence of application of such sanction.

Thus, the Commissioner considers that degrading treatment of persons by the police or any other officials entitled to use of physical force is not acceptable and to preserve law and order they should act only within the frames of law, avoid using violence and use only lawful means for bringing persons to responsibility.

On many occasions the Commissioner addressing the representatives of mass media and public, including human rights defenders, invited them to jointly investigate the known cases of torture.

One of the main aims of the regional discussion seminars held within the framework of the joint initiative of the Commissioner and Ministry of Internal Affairs for promotion and protection of human rights and liberties and restoration of violated human rights was to attract attention of police officers to protection of the rights of individuals suspected in or charged with criminal offences, compliance with the international conventions and national legislation, strengthening prosecutor control over the places of temporary detention, as well as to the rules of behaviour and treatment as defined by law and prevention of violence.

The Commissioner and the staff of her Office regularly visited regional and city offices, departments and stations of the police, Administrative Detention Station of the Baku City Head Police Office, as well as the Temporary Detention Centre of the Head Office for Fight against Organised Crime, as well as the investigatory detention centres of the Ministry of Justice Penitentiary Service and the Ministry of National Security.

They met with the detainees personally, investigated their detention conditions, explained them their rights, became familiar with the documents related to provision of those persons with lawyers, explanation of human rights to them at the moment of their detention as suspects, prosecutor control during the period of detention by the police, as well as the conformity of the detention with the law.

In many cases during these face-to-face meetings the detainees made no complaints of violence, degrading treatment, detention conditions or police officers’ behaviour.

It should be noted that in the reviewed period the centres of temporary detention underwent substantial reconstruction, the buildings that did not comply with the generally accepted norms and requirements were replaced with new ones, prayer rooms were opened in many centres and the detention conditions were brought into conformity with the European standards.

After receiving information about alleged torture and degrading treatment of Zakir Nasirov, former Chief of Head Criminal Investigation Department of the Ministry of Internal Affairs, in Investigatory Detention Centre No. 1 of the Ministry of Justice Penitentiary Service, where he was kept after being sentenced to life imprisonment by the Court for Grave Crimes, on the Commissioner’s instruction her officers met with Mr. Nasirov for investigation of this issue. During the meeting he stated that the information disseminated by mass media about him was false.

In the reviewed period the Commissioner made several visits to the Investigatory Detention Centre of the Ministry of National Security where she met with the former ministers F.Aliyev and A.Insanov, former President of “Azpetrol” company R.Aliyev, as well as with other persons. During the meetings these persons expressed no complaints about the detention conditions, illegal treatment or violence. However they expressed dissatisfaction with the delays in investigation of their cases and the criminal charges against themselves, as well as complained of their health state. This information was forwarded to the respective bodies along with the Commissioner’s recommendations, based on which the detainees passed several examinations and received treatment at the medical units of the Investigatory Detention Centre of the Ministry of National Security and Hospitals of the Ministry of Justice.

In the reviewed period during visits to penitentiaries No. 10, 12, 13, 14, 15 and Gobustan prison of the Ministry of Justice Penitentiary Service the Commissioner discovered several negative cases, which she reported to the Penitentiary Service along with her recommendations on taking measures for elimination of these cases. At the moment new buildings for detention centres and penitentiaries are being constructed and they will soon be ready for utilisation.

Incidentally, Alizada Huseynov, Ramiz Guliyev and Isa Karimov, chiefs of Gobustan prison and penitentiaries No. 1 and 2, were dismissed from their posts.

The Rapid Investigation Group founded on the Commissioner's initiative in 2004 successfully continues its work at the Office. Since its inception the Group regularly disseminated information on its activity in mass media, "Pass information on torture to the Ombudsman" posters containing also the number of the hotline of the Group were hung at every city and regional police office, department and station.

In the reviewed period the Rapid Investigation Group conducted on-the-spot investigations based on the information received from citizens via the 24-hour hotline and took immediate measures for ensuring citizens' rights and freedoms and restoring violated rights.

The Commissioner addressed her considerations, conclusions, remarks and proposals on different breaches of law and deficiencies to chiefs of police offices and departments, as well as to the Office of the Prosecutor General of the Republic of Azerbaijan and the Ministry of Internal Affairs. As a result, respective measures were taken to eliminate those deficiencies and punish the persons responsible for the violation of laws.

As a rule, during all visits the Commissioner recommended the administration of the penitentiaries to improve imprisonment conditions, as well as to keep the protection of prisoners' rights under continuous supervision.

The Commissioner, who constantly pays close attention to nutrition of persons in detention made proposals to improve food supply and nutrition for detainees.

The Commissioner, regularly highlighting that violence in different forms, particularly aimed against women and children, violates their human rights and liberties, aggravates economic problems, including poverty and turns mainly women and children into targets, stressed the importance of mutual cooperation between the state bodies and specialised NGOs for strengthening the fight against this problem.

At the round table organised by the Commissioner on the topic of "Fight against Human Trafficking and Violence: Problems and Perspectives", the prospects of implementation of the "Complex Programme on Fight Against Daily Violence in the Democratic Society" were discussed by the members of Parliament, representatives of state bodies, as well as the members of the Council of Independent Experts at the Commissioner.

On the initiative of the Commissioner, a round table discussion was organised with the participation of the representatives of the government delegation that attended the 37th session of the UN Committee on Elimination of All Forms of Discrimination Against Women (CEDAW committee), members of the Parliament, as well as the members of the Council of Independent Experts comprised of NGOs and functioning under the aegis of the Commissioner. The event was dedicated to discussion of the recommendations of the CEDAW committee regarding the second and third periodic reports of the Azerbaijan government on implementation of the UN Convention on Elimination of All Forms of Discrimination against Women in our country.

For various reasons the services provided for children in orphanages, boarding schools, educational institutions and temporary detention centres of police bodies do not always meet standards. Unfortunately, in some cases in these places children are subjected to different forms of violence by carers or other kids. For this reason in the reviewed period the Commissioner, in collaboration with the UNICEF and as a part of the UN global research "On investigation of cases of violence against children in all spheres", conducted an investigation to reveal cases of violence against children in places of residence or detention, .

Usually cases of violence against children take place in secondary and boarding schools. It should be noted that Hafiz Mukhtarov, Principal of Nizami District secondary school No.10,

after Commissioner's intervention, was dismissed from his position for having beaten up a 5th form student.

Cases of violence against women can be detected at workplaces and particularly in private life. From this point of view spread of domestic violence and rape against the under aged are issues of particular concern for the Commissioner.

The Commissioner considers that organised enlightenment of different groups of population and communities as well as promotion of intolerance towards violence is a significant factor for fighting the cases mentioned above.

Freedom of expression and speech. The Commissioner considers the development, adoption and implementation of a state programme aimed at developing the press in the country worthwhile.

The public hearings organised on the Commissioner's initiative in relation to the implementation of the "National Action Plan on Protection of Human Rights in the Republic of Azerbaijan" approved by the 28 December 2006 Decree of the President of the Republic of Azerbaijan were attended by the representatives of mass media, heads of journalist organisations as well. At these hearings the necessity for collaboration among the state bodies, NGOs and mass media was specifically highlighted, and it was stressed that such collaboration will stimulate dynamic and coordinated activity in the field of human rights.

Considering that dissemination of information depicting brutality via television, the press and the internet might subject people with weak psyche and children to mental sufferings, the Commissioner addressed the Press Council, as well as the National Television and Radio Council with her proposals to take necessary measures for preventing dissemination of such information in the press, limiting the number of programmes depicting brutality and their broadcast in evening hours, as well as placing warnings indicating unsuitability of such pictures and films for children. It is noteworthy that these proposals were accepted and implemented by the relevant state bodies.

At the same time the Commissioner, underscoring that dissemination of information about personality of under aged suspects without their consent or legal representatives' consent is unacceptable, requested the Ministry of Internal Affairs to take necessary measures to prevent the police from sharing information of such nature with mass media.

In the reviewed period the Commissioner received Lawrence Broersi, researcher of Amnesty International for Azerbaijan, Armenia and Central Asia, as well as more than twenty journalists from different countries who visited Azerbaijan within the frames of the European Neighbourhood Policy Project and provided visitors with information on measures taken for development of free media and protection of the rights of journalists in Azerbaijan.

The Commissioner notes that the duty of the representatives of media is to bring correct and unbiased information to the public attention under due respect to the journalist ethics. Dissemination of false information, misinterpretation of performed work are both considered defamation, and against the provisions of the Law of the Republic of Azerbaijan "On mass media".

Issues that are of interest to public and mass media have always been at the centre of the Commissioner's attention.

The Commissioner and her officers met with the imprisoned journalists many times. They paid constant attention to imprisonment conditions, health state and treatment of these journalists.

In the reviewed period for investigation of the complaints on the spot, the staff of the Ombudsman's Office met with journalist Uzeir Jafarov receiving treatment at clinical centre No.1, as well as with the journalists Rovshan Kabirli, Yashar Aghazada, Rafiq Taghi and Samir Sadatoghlu detained at Investigatory Detention Centre No.1 of the Ministry of Justice Penitentiary Service, Ganimat Zahidov, Chief Editor of "Azadlig" newspaper, as well as with S.Zahidov (Mirza Sakit), and Faramaz Novruzoghlu (Allahverdiyev) - correspondent of "Nota

Bene” newspaper kept at penitentiary No.14, Eynulla Fatullayev, founder and chief editor of “Gundalik Azarbayjan” and “Realniy Azerbayjan” newspapers, as well as with some other persons detained at the Ministry of National Security, got acquainted with the state, health and treatment of these persons, as well as met with the family members of some of the journalists and made motions to the respective bodies when deemed necessary.

Punishment for the freedom of speech is absolutely unacceptable. However, there have been cases when some journalists were arrested for the actions committed outside their professional activity.

The Commissioner and her staff regularly meet with imprisoned journalists, and keep the imprisonments conditions and treatment of these persons under supervision.

The Commissioner considers that trainings should be conducted for raising professionalism of journalists, ensuring their compliance with law and for media representatives.

Freedom of conscience. Equal conditions have been created for all religions in Azerbaijan. Representatives of different confessions can freely conduct their devotions and participate in the cultural life of the country.

As it is informed, 336 Islamic, 31 non-Islamic religious communities have been registered in Azerbaijan. Twenty of the latter are of Christian faith and seven represent Judaism and the rest other religions which is a realistic indicator of the religious tolerance in the country.

It should be noted that in the reviewed period Advisory Council comprised of high officials of main religious confessions in the country was established at the Chairman of the State Committee for Work with Religious Organisations (SCWRO). The work the Advisory Council undertook for the development of a religious map of the country was of significant value.

From her first days in office the Commissioner has been paying special attention to provision of human rights, as well as the freedom of conscience and religion, taken a number of measures for this purpose and made several constructive proposals for promotion of religious tolerance and moral education.

On the Commissioner’s initiative, in collaboration with the SCWRO and with the participation of representatives of the governmental bodies, various religious communities, as well as of mass media, a round table was held on the topic of “Religion and Human Rights.

Bearing in mind that national and religious tolerance is specific for the society of Azerbaijan and is one of its significant achievements, the Commissioner proposed to establish “Peace Culture through Religion” Inter religious Council where main religious confessions and organisations of the country would be represented.

Leaders and representatives of religious communities were engaged in the activities of the Azerbaijan Peace and Development Alliance which functions constantly with Commissioner’s support. The Alliance, which covers tens of NGOs joined in a network striving for just peace and sustainable development, became a member of the International Peace Bureau in 1997 and is currently the only organisation representing Azerbaijan in the Bureau.

The Commissioner underscored the important role mass media plays in strengthening of intercultural dialogue and cooperation between religions and urged journalists to be responsible when writing on the topic of freedom of religion and conscience, as well as to facilitate building of bridges between religions. She also proposed to organise seminars for the journalists who write on religious topics.

Teaching of basics of traditional religions in schools is already posed as a problem. Thus, there is an idea of establishing a special Institute by the Council of Europe where specialists would be trained to teach religion in schools. The Commissioner considers that Azerbaijan, being a Council of Europe member state, should be ready for this process as well.

Freedom of assembly. The Commissioners suggested holding discussions over the proposals on improvement of the Law of the Republic of Azerbaijan “On freedom of assembly”

aimed at clearing misunderstandings related to the provision of the freedom of assembly, as well as reconsidering its implementation mechanisms. At the same time the Commissioner stressed the necessity for improving activities of the police in order to avoid resort to violence during assemblies, meetings, street marches and pickets and recommended to take necessary steps for conducting relevant trainings for the police.

It is noteworthy that on 14-15 December 2007, the draft law for improvement of the Law of the Republic of Azerbaijan “On freedom of assembly” was discussed at the 73rd plenary session of the Venice Commission. Members of the Commission commended the Azerbaijani government’s determination to improve the Law. According to the Commission’s concluding observations, the substantial additions and changes, if adopted by Milli Majlis, would bring the Law into conformity with the European standards.

Experience shows that there is a need to improve the police practice of obeying law and order during assemblies, meetings, street marches and pickets. Therefore relevant trainings and exercises should be organised for the police. In this regard the two week programme developed by the OSCE Office in Baku which aimed at training the police on rules of conduct and correct methods of control during mass assemblies, as well as at teaching practical skills for management of different situations within the frames of the law, should be commended.

Bearing in mind that the primary duty of the police is protection of human rights and legitimate interests of citizens from breaches of the law, the Commissioner decided to provide the police with the manual on “Police and human rights” prepared by the Raoul Wallenberg Institute for Human Rights and Humanitarian Law of Sweden for general use by trainers, experts and participants of human rights programmes and containing useful guidance for activities of the police. On the Commissioner’s instruction this manual was translated into the Azerbaijani language and was published with the financial support of the Swedish International Development Agency (SIDA). The Commissioner presented the book to the Ministry of Internal Affairs for its staff and the police to use and implement. The Commissioner proposed to develop educational modules based on this manual and adapted to the local conditions, as well as to hold joint training seminars for the staff members of the organs of internal affairs in collaboration with the Police Academy. At the moment relevant work is being undertaken in this direction.

The Commissioner has prepared a plan with regard to the preparatory work to be performed on the eve of the elections of the President of the Republic of Azerbaijan to be held in 2008. This plan provides for taking measures for provision of citizens’ voting rights, improving the Electoral Code and the practice of presidential elections in the country, monitoring compliance with the decrees of 11 May 2005 and 25 October 2005 on preparing and holding elections, conducting awareness campaign for candidates, observers and members of the election commissions, providing them with information on their rights and duties, as well as for ensuring active participation of citizens in the elections.

Thus, in order to raise awareness, detect and eliminate deficiencies in preparations for the elections, as well as to discuss other related matters, a number of regional seminar - meetings and other events are planned to be held in collaboration with the Central Elections Commission and the Ministry of Internal Affairs. It is expected that these events will be attended by members of district and local election commissions of different regions of the country, representatives of the local executive power bodies and municipalities, as well as judges, and chiefs of prosecutor offices and police bodies.

The right to appeal. In the reviewed period necessary steps were taken and positive results were obtained for bringing the state of provision of the right to appeal into conformity with the requirements of the law.

The President of the Republic of Azerbaijan in Article 7 of the Decree “On measures for speeding up socio-economic development in the Republic of Azerbaijan” issued on 24 November 2003, as well as in many of his statements instructed the heads of central and local executive power bodies to allocate regular hours for reception of citizens, as well as to organise

timely consideration of their requests, appeals and complaints and to fulfil their justified requirements. Since the issuance of this Decree the situation on provision of the right to appeal has significantly improved. The Commissioner regularly brings the importance of unhindered provision of the right of appeal to the attention of the officials, as well as highlights unacceptability of shortcomings in this sphere.

In 2007 1148 (15,2%) of the complaints received by the Commissioner were related to the work of the judicial bodies, 318 (4,2%) – regarding the execution of the court decisions, 430 (5,7%) – related to the actions of local executive powers, 233 (3%) – the municipalities, 356 (4,7%) – the prosecutor offices, 725 (9,6%) – the police and other state bodies.

According to the analysis of the complaints, the right of appeal is mainly violated by courts and police, and less by prosecutor offices, local executive bodies and municipalities.

During the investigation of complaints, some of the responses to the inquiries of the Commissioner received from the relevant state bodies contained false, insincere or formal answers. There were also recorded cases of persecution of the complainants or forcing them to withdraw their complaints on various pretexts, e.g. stating that they were in the state of “anger” or “agitation” while writing the complaint. However, the analysis shows that some of local officials, by threatening, punishing or resolving problems afterwards, manage to obtain necessary explanations from complainants.

Citizens facing bureaucratic barriers and indifference as a result of negligence and self-will of local officials have to appeal to central bodies, which causes both physical and financial difficulties for them. The analysis of the complaints allows saying that some of the main bureaucratic obstacles in free realisation of the right of appeal still remain in place, and that some officials still hold their personal interests higher than the legitimate interests and needs of the citizens.

In this regard, it should be noted that in the reviewed period heads of executive power bodies of Lerik, Khizi and Tovuz Districts were dismissed from their posts by the country President.

However, we can see that a number of heads of local executive bodies give preference to meetings with people and are in direct contact with rural population. It is noteworthy that the number of the complaints received by Commissioner on the actions of the local executive power bodies in the reviewed period is approximately twice as few as recorded in previous years.

With the Commissioner’s assistance in many cases the complainants were received by the respective state bodies and achieved positive results in restoration of their violated rights.

Additionally, the reforms for ensuring objectivity, efficiency and transparency during reception and consideration of complaints of the citizens are giving positive results.

The Commissioner’s meetings with local population with the participation of the members of Parliament, heads of central executive power bodies and their local representatives, heads of municipalities, as well as the investigation of complaints on the spot were continued to be held regularly in the reviewed period.

The organisation of hotlines in a number of state bodies (the Ministry of Internal Affairs, Ministry of Education, Ministry of Healthcare and Ministry of Emergency Situations, prosecutor offices and taxation authorities, etc.), as well as the use of three-digit operational phone numbers facilitated prompt consideration of appeals.

Enforcement of rights and liberties. Important steps have been taken for improvement of the judiciary system and activity of courts, establishment of new courts, election of the candidates who had not been judges before to the vacant judge positions, evaluation of the activity of judges, their promotion, as well as subjection to disciplinary action.

In the reviewed period the Commissioner took a number of measures for strengthening cooperation with respect to the enforcement of citizens’ rights and freedoms.

At the trainings organised for the candidates for the position of judge the Commissioner made presentations on the topic of “The Commissioner’s role in protection of human rights and

liberties and in restoration of violated rights, scope of her work, including gained experience and undertaken activities”.

According to Article 1.3 of the Constitutional Law, inspection of the activity of judges of the Republic of Azerbaijan is not within the Commissioner’s jurisdiction. According to Article 1.6 thereof, the Commissioner has the powers to investigate complaints on human rights violations related to bureaucratic barriers, loss or delayed processing of documents, as well as to delays in the execution of court decisions.

Considering the outcome of the analysis of numerous complaints submitted to the Commissioner with respect to the violation of the right to enforcement, it can be stated that some problems still remain unsolved in this field.

Generalised analysis shows that the bulk of these complaints was related to bureaucracy in courts, that copies of court decisions were not provided on time, notifications about the time and place of court hearings were not sent to the participants of court proceedings or their sending was delayed, a party was not notified about the denial of the appeal, counter-claims, petitions of appeal were not accepted under different pretexts, the grounds for rejection of claims were not specified in court decrees, inquiries addressed to courts were not responded to, execution of court decisions was delayed.

By not providing parties with information on the details of the process, according to the provisions of the law, courts violate citizens’ human rights and hinder realisation of their right to fair trial.

That courts did not notify parties of the course of proceedings resulted in bureaucracy.

The analysis of the complaints received by the Commissioner indicates that in many cases court decisions are not sent to the parties of the proceeding. Many complaints referred to cases when the court decision was either not provided to the plaintiff or was provided too late, thus, did not allow him/her to appeal against the decision to higher instances.

However, it should be noted that since the second half of 2007 the number of complaints about violation of the right to enforcement had decreased as a result of the establishment of courts of appeal in Baku, Sumgayit, Ali Bayramli, Ganja and Shaki cities in the reviewed period, as well as the appointment of new judges to the courts of first instance and appeal by the decree of the country President.

Some judges, including Isa Asadov - Chairman of Barda Regional Court, Rafiq Miriyev - Chairman of Surakhani District Court, Liliya Mavrina - Judge of Narimanov District Court, generally a total of 30 judges, whose names were mentioned in the letters addressed to the Ministry of Justice and the Judicial Legal Council with respect to the complaints received by the Commissioner, were not re-appointed to their posts, and some of the judges were subjected to disciplinary penalties. In the Commissioner’s view, such measures should be continued.

The cases that require more attention are related to citizens’ right of appeal.

In some cases courts do not respond to the citizens’ appeals on time which leads to dissatisfaction, repeated appeals, excessive correspondence and, thus, undermines the reputation of courts. For instance, in the complaint made by citizen A. to the Commissioner it was stated that with regard to that complaint 33 inquiries were addressed to relevant bodies, including 5 to the Supreme Court, 11 to the Court of Appeal, 5 to the Yasamal District Court, and 12 to other courts and they were not executed in time and were accompanied with bureaucracy. Those inquiries were responded after the Commissioner’s intervention. The Commissioner notes that if inquiries were responded on time it would be possible to avoid many complaints of such nature and excessive bureaucratic correspondence.

In general, courts’ keeping up to the time limits set by the law for responding to the citizens’ appeals would spare both them and Commissioner’s institution from excessive correspondence.

Perception by court officials of the inquiries made by the Commissioner within her jurisdiction, as set by the Constitutional Law, in relation to the cases of misplacement or delayed

processing of documents and delays in the execution of court decisions, as intervention into the judges' activity is not acceptable.

Despite the problems mentioned above, as a result of the consistent work regarding the court-related complaints addressed to the Commissioner, in a number of cases citizens' violated rights were rehabilitated.

Having addressed the Minister of Justice, the Commissioner made several proposals, including the proposal to establish and develop a system of juvenile justice in the country.

The Commissioner hopes that in future the inquiries addressed to the courts will be responded to within the time frames set by the law and on merits, that collaboration between the Commissioner and the courts will be strengthened for better protection of right to judicial remedy, as well as that measures will be taken for more efficient development of such collaboration.

The analysis of the complaints received by the Commissioner in relation to ***non-execution of court decisions*** indicates that some of the decisions are not executed as a result of irresponsible and negligent attitude of the court enforcers to the citizens' rights and liberties, whereas in some cases there are objective reasons for non-execution of court decisions. However in most of the cases the execution of court decisions is either delayed for a long period of time or does not take place at all.

The majority of the court decisions delayed at the stage of execution are related to evictions, property, evictions from illegally occupied apartments, recognition of titles to land, as well as to alimonies.

It cannot be denied that when necessary or when interested, court enforcers are capable to ensure the execution of any court decisions irrespective of their difficultness. For example, court decisions related to removal of tenants in connection with the construction of high-rise residential buildings or related to vacation of land have always been executed immediately and without any objections.

The court enforcers, who are responsible for execution of the court decisions announced on behalf of the Republic of Azerbaijan and deemed mandatory for fulfilment, in a number of cases had forgotten the requirements of the Law of the Republic of Azerbaijan "On execution of court decisions", causing delays and demonstrating negligent attitude towards their work, which resulted in violation of citizens' right to fair trial.

The right to receive legal assistance. In order to guarantee the right of citizens to receive legal assistance, the government, taking into consideration financial difficulties of indigent citizens, should create conditions allowing providing such people with legal assistance of professional lawyers entitled to participate in court proceedings. Thus, conditions should be created for training of specialists qualified to provide legal assistance to citizens, professional and other requirements should be defined for lawyers, legal advice offices should be opened in regions of the country with financial support from the state budget.

According to the information obtained, there are only six bar advocates per 100 000 persons in the country, which seriously hinders provision of the right to receive legal assistance, as well as the right to enforcement.

According to a number of complaints received by the Commissioner, some lawyers practised deception or abused trust of the citizens who they had to defend and demanded a great amount of money from them, which constituted a violation of the right to receive legal assistance, as well as the right to enforcement. Thus, the Bar Association, in collaboration with other relevant bodies, should design necessary mechanisms for prevention of such cases and create conditions for citizens to receive professional legal advice.

Additionally, it should be noted that in a number of complaints received by the Commissioner citizens expressed their dissatisfaction with the actions of the notaries. Therefore, the Commissioner considers that control over the activities of the notary offices should be strengthened.

Collaboration of the Commissioner with the law enforcement bodies in the field of human rights protection

Collaboration of the Commissioner with the law enforcement bodies is significantly important from the perspective of effective human rights protection.

Collaboration with the persecutor offices. According to the agreement between the Commissioner and the Office of the Prosecutor General on improvement of collaboration in the field of human rights promotion and protection, successive events were conducted within the frame of the joint action plan.

On the basis of the analysis of the complaints received by the Commissioner in relation to actions of the prosecutor offices it can be stated that there is a need to continue and strengthen the measures taken for enhancement of the quality of control over the investigation and inquest processes, as well as for improvement of the procedures of reception of citizens and consideration of their appeals.

It is noteworthy that the majority of complainants express dissatisfaction with the deficiencies in provision of their right of appeal by some officers of the prosecutor offices.

In accordance with the requests made by the Commissioner to the prosecutor offices for investigation of the information indicated in the complaints, a number of decisions on refusal to instigate criminal proceedings, on termination of the case, on suspension of investigation for the reason of impossibility of finding the perpetrator were annulled and the cases were returned for additional inquest or investigation as provided for in the criminal procedure legislation.

Some of the complaints contained opinions that the prosecutor offices conducted criminal investigation superficially, the circumstances of the case indicated by the victims were not given full and thorough consideration and that controversial issues were not investigated.

The complaints mentioned above were mainly related to the local prosecutor offices. After Commissioner's addresses to the Prosecutor General for investigation of each case indicated in these complaints, the necessary measures were taken.

There were also cases of abuse of power by the officers of the prosecutor offices.

Thus, in the reviewed period fifteen staff members of the prosecutor offices were subjected to disciplinary penalties following an examination of cases of human rights violations by the Office of the Prosecutor General.

Collaboration with the internal affairs bodies. Police agencies have an undeniable role in ensuring public security, human rights and liberties, as well as in preventing crimes against individuals.

As a result of the legal reforms conducted in the country, salaries of police officers were raised, financial and technical support to the internal affairs bodies was enhanced.

In the reviewed period after the Commissioner's intervention a number of decisions on refusal to instigate criminal proceedings or on termination of a case by the police agencies were annulled in accordance with the law.

Significant results were achieved in restoration of violated rights of citizens whose appeals to the police were not responded to, as well as in obtaining necessary information about cases.

After the Commissioner's intervention the deficiencies in activities of inquest and investigation bodies that in some cases fail to fulfil their duties to provide complainants with the information on their cases and to provide them with copies of the decisions made; or their inactivity were revealed, and human rights violations were eliminated.

The analysis of the complaints received by the Commissioner draws special attention to the question of competence of the State Traffic Police officers, as well as their treatment of drivers.

The Commissioner proposed to dismiss the officers who commit offences and stain the reputation of the police, and even to take strict measures such as bringing them to criminal responsibility.

Combat against corruption. The Commissioner considers that the fight against corruption should be organised by the state bodies in broad collaboration with the public, including NGOs and mass media.

The establishment of “Coalition for fighting against corruption” and of the “Information and cooperation network of NGOs fighting against corruption” under the aegis of the Commission on Fighting against Corruption at the Civil Service Administration Council is one of the important steps taken in this field.

In her previous annual reports the Commissioner proposed to prepare and adopt the Code of Conduct of Civil servants, which would be based on the general principles of conduct of civil servants and commonly accepted ethical norms, and would establish moral values of fair, just, considerate and attentive treatment of citizens and respect for the rule of law, would define the rules of conduct against corruption, as well as would reflect the principles of regulation of relations between the officials and entrepreneurs in order to increase the sense of responsibility for disrespect towards the rule of law and legal provisions, as well as to ensure efficient protection of free enterprise in the country.

It should be noted that the Law of the Republic of Azerbaijan “On the Rules of ethical conduct of civil servants” was adopted to establish the rules and principles of ethical behaviour, as well as mechanisms of ensuring compliance with these rules and principles applicable to all persons with the status of a civil servant.

According to the 25 October 2007 Decree of the President of the Republic of Azerbaijan “On Ensuring the Organisation of the Activity of Entrepreneurs according to the “One Window” Principle”, the Ministry of Taxes was designated as the single state body responsible for registration of entrepreneurs. Consequently, the number of entrepreneurs registered only in January of 2008 was equal to the total number of entrepreneurs registered within previous five years .

In her previous annual reports the Commissioner proposed measures on improvement of the mechanisms and methods of fighting against corruption, as well as noted that fight against corruption would bring positive results only if conducted with due respect to the principle of the rule of law.

Incidentally, in order to continue the ongoing measures of combat against corruption, improve legal framework and institutional mechanisms, increase transparency in the work of state bodies and municipalities and to implement the state policy in this field, the “National Strategy on Increasing Transparency and Combating Corruption and Action Plan on its Implementation from 2007 to 2011” was approved by the Decree of the President of the Republic of Azerbaijan issued on 28 July 2007. .

Although the complaints received by the Commissioner referred to the alleged facts of different state bodies exacting bribes from citizens, not all of these cases were confirmed in the course of investigation conducted by the relevant bodies.

At the same time, using the powers bestowed upon her by the Constitutional Law, the Commissioner addressed the law enforcement bodies for investigation of the information on exaction of bribes from citizens and punishment of the perpetrators in accordance with the law if the information was proved true. The Commissioner paid constant attention to this problem.

It should be noted that payment of salaries, pensions and allowances by means of plastic cards helps to prevent bribery.

From this point of view, it would be useful to abolish housing bureaus that do not justify their existence and to transfer their functions to municipalities, to re-organise the work of Medico-Social Expert Commissions (MSECs), as well as to improve the mechanisms of allocation of social aid. The Commissioner proposed to the Ministry of Labour and Social

Protection of the Population to discuss the MSECs-related problems. Her proposal was accepted, and it is planned to take relevant measures, as well as to conduct joint monitoring.

Combat against human trafficking. Human trafficking as a form of violence is a global problem which results in gross human rights violations and degradation of people, putting their lives in serious danger.

One of the important measures taken in the reviewed period was the organisation of a hotline for provision of information and consultation at the Department of Combat Against Human Trafficking of the Ministry of Internal Affairs.

The Commissioner, who pays close attention to this problem, made proposals on including a respective article on human trafficking in the Criminal Code, preparing legislative acts on women's rights, gender equality and prevention of domestic violence, as well as taking different other measures in this field.

On the Commissioner's initiative a round table on the topic of "Fighting against human trafficking and violence: problems and prospects" was held in collaboration with the Ministry of Internal Affairs and was attended by the members of the Parliament, representatives of state bodies, as well as members of the Council of Independent Experts at the Commissioner which comprises NGOs.

The Commissioner considers that for efficient fighting against human trafficking the state bodies should improve their work in this field and organise it in a coordinated manner.

1.2. Protection of economic, social and cultural rights

New opportunities and the development achieved in the country in the past four years have created conditions for improvement of the social well-being of people.

A certain number of proposals addressed by the Commissioner to the relevant state bodies for efficient provision of human rights and liberties, as well as for solution of social problems of different groups of population, were realised.

In the reviewed period monthly salaries of the staff of the internal affairs bodies, people working in the field of science, education, healthcare and culture, as well as the allowances for age, disability, disabled children under sixteen years old, families who lost their breadwinners, indigent families with children under one year, birth of a child, and for war veterans were increased, as well as additions to the monthly salaries of people working in entities, agencies and organizations located higher than 1200 metres over the sea level were defined. A total of 38 400 000 manats funds was allocated for treatment of persons suffering from haemophilia, diabetes, chronic renal insufficiency, tumours and infectious diseases. Additionally, it was planned to launch help centres for the victims of trafficking, create centres for the elderly, build rehabilitation and sport complexes, fund children and family support centres from the state budget, as well as to prepare a mechanism for payment of interest on deposit balances.

Labour rights. 650 000 new work places, 480 000 out of which are permanent, were created since October 2003. In 2007 145 000 new workplaces were created including 105 000 permanent positions. The majority of these work places are in non-oil sector and 82% of them cover the regions of the country.

In recent years there have been significant changes in the labour market as well. Thus, whereas previously it was difficult to find work in all cities and regions of the country, now these areas experience shortage of workers.

Consistent measures are being taken by the government to increase the minimum wage.

At the same time, steps should be continuously taken for ensuring health and safety at the work places. Although employers are legally bound to provide compensations for injuries suffered by employees at work places, there are still cases of non-compliance with the provisions of law.

The results and official explanations obtained in the course of investigation of the complaints received by the Commissioner show that not all construction firms comply with health and safety regulations, sign contracts with employees, conduct trainings on rules of technical safety or provide them with protective equipment, and that result in violation of constitutional rights of citizens.

In the course of investigation of complaints concrete steps were taken for restoration of violated rights of citizens, relevant organisations and state bodies were requested to resolve issues related to payment of wages. As a result of these addresses, concrete measures were taken and in a number of cases outstanding wages were paid.

Citizens' right to fair and favourable labour conditions is violated in a number of cases. It is of great concern that some of the enterprises in private sector still do not pay salaries fully and on time.

Although important steps had been taken for solution of the problems mentioned above, the analysis of the complaints received by the Commissioner shows that it is not enough. Considering that a new labour pensions system is being created, this problem deserves special attention and intervention of the relevant state bodies.

Currently, in private sector, particularly in medium and small enterprises labour-related conflicts still occur.

It should be noted that the situation with payments of salaries is quite ambiguous. Thus, there are almost no serious problems in state owned enterprises and organisations where salaries are paid on time. At the same time these problems rarely occur among industrial subjects of private sector. However, these problems are quite common for the enterprises that passed to private ownership after privatisation.

Taking into consideration the above-mentioned facts, the Commissioner considers that for solution of the problem and payment of salaries on time a relevant provisional system should be created and necessary mechanisms should be developed.

As a consequence of the Commissioner's intervention, the complaints requesting assistance in payment of outstanding wages were satisfied, and violated rights of the citizens were restored.

The right to social security. By improving social security system and conducting necessary reforms in this field, a new social security system that meet the citizens' expectations was established and the results can be observed in provision of the citizens with pension and more harmonized rules of payment of social allowances.

It is noteworthy that the basic part of pensions has been increased.

It is commendable that the allowances for the indigent groups of population are being consistently increased.

In the reviewed period the Commissioner received 277 complaints related to the deficiencies of the social security system, in relation to which 199 inquiries were addressed to the Ministry of Labour and Social Protection of the Population. Consequently, 33 complaints were satisfied.

Such approaches do not comply with the principle of addressed social aid payment given that most of the families that have applied for addressed social aid face unemployment problems and in rural areas it is not easy or sometimes impossible to use land and grow crops. Therefore, the recipients of social aid should be determined pursuant to the principle of social fairness and with consideration of well-being and realistic sources of income in families.

The Commissioner considers that it is expedient to perform public awareness work with respect to the state policy on addressed social aid and its allotment with involvement of the staff of local authorities dealing with calculation and payment of addressed social aid, as well as local people and the Commissioner's institution.

Taking into consideration the facts mentioned above, the Commissioner considers that in order to normalise the situation in this field and to give the indigent people the opportunity to benefit from the addressed social aid, necessary measures should be taken, as well as the

legislation should be reconsidered (the lists of the documents required for determination of beneficiaries as well), this mechanism should be realistically simplified, trainings should be provided for social workers, executors should undergo advanced training courses, their work should be constantly monitored for prevention of bribery, and perpetrators should be punished.

The analysis of the complaints received by the Commissioner in the reviewed period indicates this as well. The complaints received from rural areas in relation to assignment of addressed social aid deserve special attention. It should be noted that in case of each complaint thorough investigation was conducted, corresponding conclusions were drawn and necessary steps were taken.

On the Commissioner's initiative in order to analyse the criteria used for determination of social aid, an independent survey was conducted among different groups of population, the results of this study were analysed and respective proposals were made for more efficient provision of human rights in this field.

The Commissioner considers it expedient to simplify the rules of determination of addressed social aid and to replace the six month term fixed in legislation with one year. She also believes that the two year penalty for not informing the authorities about changes of circumstances that may result in reduction of the amount or in termination of payments should be reduced to one year.

The complaints received by the Commissioner in relation to assignment of the disability degree refer to bureaucratic barriers and arbitrariness of the medico-social expert commissions, their unjustified refusals to admit documents for consideration, as well as exaction of bribes for assignment of the disability degree.

It should be noted that in her previous annual reports the Commissioner drew attention to serious deficiencies in this area, as well as addressed the Ministry of Labour and Social Protection of the Population in order to eliminate flaws in the activity of the medico-social expert commissions, as well as to discuss other problems existing in this field.

The Commissioner expressed her concern with the fact that pensions of persons who had retired before 1 January 2006 and who are currently working will not be recalculated and stressed that such a biased approach should be reconsidered.

The right to live in healthy environment. At the moment a number of measures are being taken for improvement of the ecological situation in the country. However, ecological state of the Caspian Sea, as well as of many territories in the overpopulated Baku city, particularly, the sanitary conditions of the residential areas on the outskirts of the city are not satisfactory. Absence of special areas for collection of industrial and sanitary waste, as well as lack of control over processing of waste causes additional problems.

In spite of the unsatisfactory ecological state of the Absheron peninsula and the Caspian Sea, the actions taken by the government give hope for improvement of the situation in the future.

Important steps are being taken by the government for provision of population with safe drinking water.

Moving of oil refinery factories outside the city line will play a positive role in the improvement of the ecological state of Baku, including purification of the air.

The Commissioner made proposals for strengthening of supervision over the activity of the enterprises extracting a lot of waste, establishing legal mechanisms to regulate organisation of sanitary zones in enterprises and protecting the right of the citizens to live in a healthy environment, as well as taking actions for protection of the environment and health of the population and submitted them to the relevant authorities.

The Commissioner proposed to develop a plan for protection of forests and prevention of deforestation, development and proper use of forests, cleaning of the landscape of the country, protection of fields and meadows, to hold educational events and conduct monitoring for promotion of the culture of respect for environment, to invite scientists and professionals to

conduct scientific analysis of the ecology-related issues, to train environmentalist social workers and professionals, to broadcast regular television and radio programmes on environmental issues, to strengthen public control in this field, to prepare legal publications, as well as to conduct trainings, organise exhibitions and competitions.

The Commissioner made proposals for protecting green belts, recovering the oil-polluted Absheron soil, developing state programmes for prevention of industrial pollution of the water basin, sea and rivers, as well as strengthening control for prevention of destruction of recreation zones and green plantations during the construction of high-rise buildings.

Being concerned about the cut of olive trees, that form the unique image of Baku city, the Commissioner considers that such acts committed for the purpose of illegal occupation of the territory should be prevented.

Sumgayit city is another zone of ecological distress. Here a great amount of pollutants is being dumped into the Caspian Sea without prior neutralisation. According to the research conducted by the U.S. "Black Smith" Institute, Sumgayit is the second in the top ten of the world's most polluted cities.

Although the complaints addressed to the Commissioner in relation to the right to live in healthy environment constitute a small part of all complaints received, the scope of the raised problems requires taking immediate actions.

The right to health. In recent years the government has been paying special attention to the problems of healthcare and has been taking noteworthy steps in this direction.

The results of the reforms in the healthcare system can be observed in the nature and the structure of the complaints received by the Commissioner.

The number of healthcare facilities (including those in rural areas) is growing, buildings of healthcare objects are being renovated and provided with modern equipment, and attention is paid to the social well-being of healthcare professionals.

On the special instruction of the country president new diagnostic centres were opened in the regions of the country, including Nakhchivan Autonomous Republic, Lankaran, Siyazan and Ali Bayramli, as well as new healthcare facilities, including hospitals and ambulatories, were built, renovated and equipped in a number of regions.

In her previous annual reports the Commissioner stressed the necessity of funding medical treatment of indigent families, people provided with weak social protection and persons suffering from chronic diseases from the state budget, as well as of introducing the system of mandatory medical insurance in the country.

It should be specifically noted that since 1 February 2008 paid services were abolished in the state funded healthcare facilities subordinated to the Ministry of Healthcare, as well as a relevant state authority for medical insurance was established. Additionally, the "Concept of reformation of the healthcare financing system and implementation of mandatory medical insurance in the Republic of Azerbaijan" was approved by the Decree of the President of the Republic of Azerbaijan issued on 10 January 2008, which received wide public approval.

The Commissioner has highlighted the importance of protecting citizens' health and providing them with medical assistance, taking necessary measures for social protection of the population and for fostering healthy life style in the country. She has also stressed the fact that rapidly spreading HIV/AIDS and drug abuse are becoming one of the most difficult problems facing humanity today, and that fighting against such problems in the country requires joint efforts of the relevant state authorities.

The Commissioner proposed to develop a concept of fighting against HIV/AIDS and drug abuse, to improve legislation and conduct monitoring in this sphere, to adapt the methods of fight adopted from international practice to the local realities, to apply methods of identifying persons infected with HIV/AIDS, to conduct surveys among the population, to provide drug abusers with psychological support aimed at their social rehabilitation, to attract donors, to organise events promoting healthy life style, as well as sport competitions, to organise educational campaigns

against HIV/AIDS and drug abuse in schools, to hold training seminars for teenagers and adolescents, to publish leaflets and posters, to organise promotions in mass media, to implement educational programmes, as well as to protect the rights of persons suffering from HIV/AIDS and drug abuse and to raise public awareness in this field.

While modern medicaments are becoming less accessible for citizens, people prefer buying cheap drugs, which might be false or have weaker medical effect. The Commissioner has stressed that this leads to spreading of pharmaceutical smuggling and illegal circulation of drugs and proposed that the government should take immediate measures to resolve this problem in accordance with law.

Since 2007 each year the 14th of November is commemorated as the Global Diabetes Day. It is linked to the fact that this social disease is now spreading wider among children and teenagers. A group of concerned parents addressed the Commissioner stressing that they could not use free drugs provided by state for treatment of children suffering from diabetes because they were inefficient, and that instead they had to buy a more efficient drug “Lantus” (“Insulin glargin”). Taking into consideration their financial situation, the parents requested the Commissioner to assist them in receiving this drug instead of the insulin bought for them with the funds from the state budget. Considering that diabetics should be provided with drugs of better quality and the necessity to prevent this illness from causing greater harm, as well as relying on the expert conclusion highlighting that single dose of “Lantus” per day allows patients to maintain glycemic control, as well as bearing in mind the importance of this drug for physiological and mental development of children suffering from diabetes, the Commissioner addressed the Ministry of Healthcare for solution of this problem.

Numerous complaints received by the Commissioner from persons suffering from diabetes demonstrate that the healthcare institutions responsible to comply with the provisions of the law and provide such persons with necessary assistance do not fulfil their responsibilities to the fullest extent, subject patients to bureaucracy, as well as demonstrate indifferent attitude which causes suffering for the patients.

The case of massive poisoning among students by beverages distributed by unknown persons under the pretext of a promotional campaign, which took place at School No. 9 of Khirdalan city last year, has once again demonstrated the need to strengthen quality control over the food produced by foreign companies or imported into the country.

Over the reviewed period the Commissioner focused on strengthening cooperation with the authorities responsible for protecting human rights of the indigent families and the vulnerable groups of population, improving their social conditions and health.

The vulnerable strata of population, including pregnant and breast-feeding women should be paid more attention.

It is noteworthy that, along with abolishing paid services, for nutrition of resident patients centralized kitchens have been created in the state funded healthcare facilities subordinated to the Ministry of Healthcare. This will also create opportunities for patients to receive nutrition in accordance with their diets. In addition to this, a network of special kitchens should be created for preparation of special nutrition supplementing breast milk for babies.

There are still serious problems in organisation of treatment for persons suffering from mental illnesses. It should be once again stressed that the quality of treatment at the mental institutions directly depends on financing. Absence of a wide selection of psychoactive drugs and modern medication, low quality of specialised psychiatric assistance and failure to provide patients with decent living conditions leave their families no choice but to purchase drugs and other necessary items themselves.

Extremely low salaries of the medical personnel of the mental institutions negatively affect the quality of service. High number of patients per each doctor significantly decreases the quality of medical assistance in this field. There is also a noticeable shortage of medical personnel and carers.

Taking into consideration the complaints received from the indigent strata of population, on many occasions the Commissioner addressed the Ministry of Healthcare and requested to provide these people with free treatment. With the Ministry's support many of these problems were solved over the reviewed period.

The situation with regard to human rights protection of patients also does not meet the expectations. Thus, the level of attention and treatment of patients in both private and state-funded hospitals is unsatisfactory. From this point of view it would be expedient to develop legislation reflecting the rights of patients, as well as regulating relations between patients and doctors in mental institutions.

Whereas the patients of private clinics complain about the course, results and prices of treatment, those who undergo treatment in state-funded hospitals note indifference of doctors, rudeness of the medical personnel, inaccessibility of medical assistance, as well as sufferings the indigent people are subjected to. However, all citizens stress that the medical personnel, including the doctors who do not fulfil their obligations properly, are never held accountable for the negative outcomes of treatment.

In the general, the Ministry of Healthcare should take actions against private clinics that are being opened for the sole purpose of generating income and do not provide the population with professional medical help, as well as take serious measures for increasing the responsibility of doctors in respect of their patients.

Among the positive developments in the field of healthcare are renovation and provision of the ambulatories and medical units in villages, particularly in the remote areas, with modern equipment, as well as opening of up to seventy new medical facilities. However, the Commissioner has received a number of complaints related to absence of healthcare facilities in certain remote settlements and villages.

Right to education. Being a priority direction of state policy, education is always at the centre of attention in the country.

The educational system at all stages should be directed towards forming independent thinking and democratic views in students.

School is responsible for ensuring that its alumni completely acquire the knowledge and skills specified in the curriculum.

Considering that special attention should be paid to the development of secondary education, and that it is important for students to know their rights and actively participate in social life, the Commissioner gave preference to collaboration with secondary schools over the reviewed period. The Commissioner and her staff held joint events directed towards education in the sphere of human rights. These events were focusing mainly on discussion of the provisions of the UN Convention on the Rights of the Child, as well as the Law of the Republic of Azerbaijan "On the rights of the child". Provisions of these standard-setting instruments were clarified to students, and matters of interest were discussed.

Considering it expedient to teach "Human rights" as a separate subject in secondary schools and institutes of higher education, the Commissioner proposed to include this subject in relevant curricula.

Additionally, the Commissioner considers it appropriate to introduce a hierarchic system of education in the sphere of human rights, as well as to prepare programmes for encouragement and promotion of human rights.

Given that both the state and the society are responsible for developing education, the Commissioner considers that entrepreneurs and private enterprises interested in the development of education should be involved into the process of providing financial and technical assistance to schools, and a system of trusteeship should be introduced in education for the maximum use of all available resources.

Failure of school buildings to meet the requirements of normal education process, as well as lack of financial and technical resources in schools affects the quality of education. As a

result, in many rural areas, because of safety concerns, parents do not allow their children to attend schools where buildings are in emergency conditions, or are located three or six kilometres away from the village, and that consequently causes spread of illiteracy. From this point of view, the fact that in a number of cases girls do not go to school is a step back, which results in such girls' getting married at a young age, increase in the number of early marriages and children born outside a legal marriage.

During her regular visit to the Shaki-Zakatala region the Commissioner met with the representatives of Shaki city Executive Power and municipality to investigate the complaints received from the residents of Bash Kaldak village of this region. The Commissioner made recommendations on organising public transport to provide children with the opportunity to attend the school located in the neighbouring village of Ashaghi Kungut, as well as on renovating the four-year village school in Kaldak.

Targeted reforms in the sphere of education are being conducted in the country and its material and technical basis is being strengthened. According to the state concept of education, new schools are being built and additional spaces are being added to the existing school buildings in all regions of the country. Provision of schools with modern technical equipment, as well as bringing their material and technical basis in conformity with the international standards have cardinally changed the conditions of education.

It is noteworthy that with the financial support of Heydar Aliyev Foundation more than 1200 new schools were built, provided with modern equipment and put into operation in the reviewed period.

During the Commissioner's visit to regions she took notice of the lack of teachers in regional and village schools, particularly in the refugee and IDP settlements, resulting in several subjects being taught by one teacher, which negatively affected the quality of education.

Taking into consideration the "Development Programme on Provision of Secondary Schools Network of the Republic of Azerbaijan with Pedagogical Professionals, 2005-2009", the Law of the Republic of Azerbaijan "On the rights of the child", as well as the provisions of the UN Convention on the Rights of the Child, the Commissioner highlighted problems mentioned above to the Minister of Education and recommended to assign university alumni qualified as teachers to the villages, regions and settlements of the refugees and IDPs. The Commissioner's recommendation was highly appreciated by the Ministry of Education and it was noted that her recommendations would be taken into consideration during next assignment of university alumni to schools.

For simple solution of this problem heads of local educational departments, as well as principals of schools should be involved in this process.

It is of great concern that the retraining courses organised in cases of shortage of teaching staff in schools do not take educational background of teachers into account. Thus, retraining of teachers with a background in arts and humanities for teaching of technical and natural sciences is not acceptable.

Additionally, the state of pre-school education can be considered satisfactory neither from the point of view of economic development, nor from the perspective of the goals set for improvement of social welfare in the country.

Practice shows that in many cases privatised enterprises, including social facilities, are used for different purposes than originally meant. At the moment the future fate of the pre-schools open for privatisation cannot be predicted. Therefore, at this stage of transition into market economy full privatisation of pre-schools contradicts today's realities and will not solve problems existing in this field. Whereas business opportunities in the field of education are growing, there is a risk that pre-schools will be considered as a source of income, which will reduce the number of children attending pre-schools. The main reason for this would be inability of many people to pay for the services of private pre-schools.

Teaching in secondary and professional schools should aim at providing students with an opportunity of choosing whether to continue their education or begin to work after school.

It is necessary to develop a principle of reaching agreement with entities in provision of graduates of secondary, professional, secondary trade and higher education schools with job.

Along with a number of problems in education at the state universities, it is of great concern that every year the number of students paying tuition fees is increasing in comparison to students receiving free education. Additionally, increase in tuition fees at the state-funded universities creates difficulties for realisation of the right to education of students from families with low income. Thus, *this problem should be solved at the state level and limitations on access to education (whether paid or free) should be prevented.*

The Commissioner considers that there is a serious problem of non-recognition of diplomas received by the citizens of the Republic of Azerbaijan from foreign universities, which creates difficulties in employment of young specialists, and that immediate measures should be adopted for solution of this problem.

The Commissioner considers that pursuant to the processes of development going on in the society, it would be expedient to reconsider the list of professions, to exclude a number of outdated and unnecessary professions and to include in this list a number of required professions, such as the profession of a “social worker”, as well as to organise education for such professions.

At the same time future prospects should be taken into account when reducing the list of professions.

Questions of retraining and general education of adults are as of much importance in Azerbaijan as it is in other countries. The Commissioner recalls recommendation made in her first annual report and highlights again *that education of adults is essential for establishment of connection between the labour market and the education market, and that it should be delivered not as an additional but as an independent form of education.*

Despite the fact that deliberations on the Draft Law “On Education” have been taking place for more than ten years now, the Commissioner hopes that the new Law will soon be adopted by Milli Majlis.

Right to home. There are relatively more difficulties and problems in realisation of this right in comparison to other areas.

Evictions without provision of substitute accommodation or compensation, deprivation of a bona fide purchaser of his property rights as result of annulment of property sale agreement by the court, eviction of a dormitory tenants as a result of the change of the owner, eviction from service flats belonging to the employing organisation upon termination of the labour contract, refusal to include citizens in the waiting list for housing as specified in laws, as well as other breaches constitute typical and widely spread violations of the right to housing.

Given that the state does not fund construction of public residential buildings in Baku and a lot of empty flats have been occupied by refugees and IDPs, many citizens on the waiting list have not received accommodation yet. On the other hand, many of the buildings constructed at the beginning of the twentieth century have become old and unsuitable for living.

It is also a violation of the housing rights that a certain number of citizens, irrespective of their will, are forced to live in old buildings that are in emergency state.

Results of the earthquakes that happened in the country, particularly in Baku in 2000 floods in the river Kur and other natural disasters seriously hinder ensuring citizens’ housing rights.

The Commissioner considers that preparation and implementation of a State Programme on moving of residents from old and wrecking buildings would prevent violation of citizen’s constitutional right to home, as well as protect them from future tragedies.

During her term in office the Commissioner visited Shaki, Salyan, Nefchala and other regions of the country that suffered from deluges and floods, met with local people and listened to their complaints, as well as visited several farms. As a result of these visits the Commissioner addressed her recommendations to the relevant authorities.

Another notable problem in the sphere of housing is related to illegal buildings. In the process of satisfying state needs, demolition of such constructions by some state bodies without respective court decisions or any compensation is unacceptable.

Grounding her opinion on Article 29 of the Constitution of the Republic of Azerbaijan and Article 246.1 of the Civil Code, the Commissioner considers that the cadastre prices set by Decision No. 158 of the Cabinet of Ministers of the Republic of Azerbaijan adopted on 23 July 1998, as well as the indicators approved by Decision No. 110 of 28 June 1999 should be reconsidered in the light of market prices of real estate.

Another serious problem reported on many occasions is that houses built in permanent residential areas have not been inventoried. Thus, thousands of people permanently reside in “Alatava”, “Khutor”, “Vorovski”, as well as in so called Hovsan and Ramani “milk farms”, territorial subordination of which is still argued between Absheron and Azizbayov districts. Absence of state registration of these houses prevents their inhabitants from using many of their rights enunciated by the Constitution of the Republic of Azerbaijan and other legislative acts. On the other hand, many citizens complain about self-will, bureaucracy and bribery in the state authorities responsible for technical inventory and state registration of property rights both in Baku and many other cities and regions of the country. This problem causes discontent of municipalities as well, given that it is impossible to collect local taxes from the houses that have not been registered as private property.

The Commissioner considers that measures should be taken for state registration of the houses built in the settlements that have existed for many years.

In her previous annual reports the Commissioner recommended introducing the system of mortgage (hypothec) and mortgage credits as the most effective method of providing the population with housing. The Commissioner, underscoring that introduction of such a system is a positive development in solution of the housing problem, considers that increase of mortgage credit terms and decrease of interest rates will contribute to further improvement of the system.

For provision of citizens’ housing rights, the Commissioner considers it necessary to prepare and implement a mechanism for building and sale of accommodations that would be cheap and affordable for people with low or medium income, as well as to strengthen the network of building societies.

The Commissioner recommends respective state authorities to raise awareness of people on the importance of insuring their property (particularly flats and houses).

It is of great concern that, whereas the scope of construction of high-rise buildings is growing larger in Baku city, more citizens are evicted from their private houses under different pretexts because the land they occupy is granted to private companies for construction purposes. However, by issuing orders with regard to the land used by the citizens the officials violate respective provisions of the law, and thus, infringe housing, property and other rights of the citizens.

Bureaucracy and indifferent attitude of municipalities towards solution of the citizens’ problems, as well as deficiencies in their work for protection of housing rights are of great concern to the Commissioner.

By selling land outside their jurisdiction, municipalities put people into financial and moral stalemate. Thus, issuance of orders in relation to the land outside the area of municipalities’ jurisdiction causes negative consequences and discontent.

According to the information received, in the reviewed period the State Land and Mapping Committee detected 833 cases of violation of the land law out of which 569 cases were related to the municipal lands.

In general, in the course of investigations conducted in the manner of administrative supervision, breaches of law were detected in the activities of twenty five municipalities, including those in Absheron, Salyan, Bilasuvar and Sabirabad Districts, which were reported to the prosecutor offices.

It should be noted that there are plenty of cases when perpetrators of such breaches of the law avoid punishment.

A great number of complaints received by the Commissioner are related to the deficiencies in provision of gas and drinking water.

Many utility agencies cut general gas lines providing natural gas to houses to ensure the payment of gas bills, which constitutes violation of the rights of citizens who pay utility bills on time.

Due to the Commissioner's efforts the utility problems of a number of citizens were resolved and their violated rights were restored.

A number of citizens have complained that housing bureaus do not fulfil their functions and the bureaucracy they face when applying for references and other documents. Some of the citizens complained that for issuance of "Form 2" references chiefs of the housing bureaus demand that citizens pay their utility debts, and in case the citizens are incapable of paying the debt or producing the evidence of payment they are forced to pay a bribe to receive the reference. The analysis of complaints demonstrates that the housing bureaus no longer justify their existence as communal facilities. Abolishment of these bureaus and transfer of their functions to the municipalities are a demand of the time.

The impact of agricultural development on provision of economic and social rights.
Agricultural development plays an exceptional role in socio-economic progress of the country regions.

There is a great need to take targeted measures for development of agriculture and its different areas, including plant growing, tobacco, wine-growing, production of sugar-beets, weaving, silk production and stock breeding. Therefore provision of credits for local agricultural production will bring positive results in the future.

At the same time the solution of utility problems and provision of stability in rural areas increase pace of development.

It should be noted that in the complaints addressed to the Commissioner from rural areas citizens refer to bureaucratic difficulties and delays in receipt of compensations for fuel, motor oil and fertilisers used for agricultural production as provided for in laws.

Another issue of great concern to citizens in the sphere of agriculture is the absence of irrigation system in some areas. For this reason people lose their harvests to drought or experience decrease in productivity and, thus, see no results of their efforts and expenses.

Although long time has passed since the land reform, in the reviewed period the Commissioner still received complaints about the mistakes made in this area. The investigations show that the citizens are primarily concerned with violations committed by the local executive power bodies, as well as local and regional agricultural reform commissions.

The Commissioner received 422 land-related complaints, in respect to which she addressed the State Land and Mapping Committee, as well as the local executive power bodies and municipalities. As a result, necessary steps were taken for restoration of citizens' violated rights.

As a result of the investigation of the complaints in this field, in many cases violated rights of the citizens were restored.

The Commissioner's collaboration with the State Land and Mapping Committee in the reviewed period was particularly fruitful for solution of citizens' land problems. Thus, many problems indicated in the citizens' complaints, as well as the issues of concern were resolved in the course of joint monitoring and investigations on the spot. However, actions taken in this field should be more target-oriented and effective.

1.3. Protection of human rights of refugees and internally displaced persons (IDPs)

Great attention is always paid by the state to the solution of the problems of refugees and IDPs evicted from their native lands, as well as to improvement of their socio-economic conditions.

During his meeting with IDPs at a tent camp on the territory of Barda District on 11 September 2004 the President of the Republic of Azerbaijan stated: "Tent camps in the country will be soon closed down, and the IDPs will be moved to new settlements". Closing down of tent camps has been a question of priority for the government during last four years.

It should be noted that, according to the instruction of the country President, the last three tent camps were closed on 29 December 2007, and the IDPs living there were moved to new settlements. On this day on the Commissioner's initiative and in collaboration with the State Committee for Refugees and Internally Displaced Persons an event was held on the occasion of closing of the Galagayin tent camp in Sabirabad District. The Commissioner observed demolition of the remainders of the camp and planting of new trees. Last residents of the camp were moved to the new settlements in Fuzuli and Bilasuvar Districts.

In general, the Commissioner on several occasions visited new IDP settlements in Aghjabadi, Barda, Beylagan, Bilasuvar, Saatli, Sabirabad Districts, as well as "Gayidish" settlement of Fuzuli District. She got acquainted with the living conditions of IDPs and with difficulties they are facing, quality of education and healthcare services, as well as made proposals to the relevant state authorities and took measures with respect to the problems spotted during her visits.

The Commissioner regularly receives refugees and IDPs, as well as assists in solution of their problems.

As in previous periods, the Commissioner also was paying close attention to the collaboration with the UN High Commission for Refugees.

The Commissioner addressed Azerbaijan office of the International Committee of the Red Cross (ICRC) in order to achieve liberation and return of the Azerbaijani soldiers who were taken captive as a result of regular violation of cease fire from the Armenian side. As a result of the Commissioner's address and communication between the ICRC offices in Azerbaijan and Armenia and close collaboration of the Commissioner with the ICRC and the Ministry of National Security, necessary steps were taken for liberation and return of the Azerbaijani captives.

The Commissioner met with the ICRC Representative in Baku, as well as addressed motions to the President of the ICRC, Head of the ICRC office in Geneva Mr. Jacob Kellenberg in order to ensure prompt return of soldier Samir Mammadov to Azerbaijan, prevent violence against him in captivity, as well as facilitate return of other Azerbaijani captives and hostages. During a visit to Geneva in 2007 an officer of the Commissioner's Office delivered this motion personally to Ms. Isabel Barras, the Head of the ICRC Operation in Eastern Europe, and received a response that necessary measures were being taken for the solution of the problem.

The Commissioner made statements on the genocide committed in Khojali, as well as other acts of violence committed by the Armenian armed forces against Azerbaijanis in Nagorno Karabakh and surrounding regions, as well as addressed them to the UN Secretary General, UN High Commissioner for Human Rights, UN High Commissioner for Refugees, Council of Europe, OSCE, International Ombudsman Institute, European Ombudsman Institute, Asia Ombudsman Association, as well as to the Ombudspersons who are members of these organisations, foreign embassies in the Republic of Azerbaijan, embassies of the Republic of Azerbaijan in other countries and organisations of Azerbaijani Diaspora.

Publications, statements and disks containing information about the tragedies our people had faced were disseminated by the Commissioner and her staff at all attended international events.

1.4. Protection of the rights of inmates

There have been serious changes in the detention conditions in penitentiaries and investigatory detention centres, in correction of inmates, as well as in their provision with food meeting existing norms of quality.

The Commissioner and her staff visited penitentiaries, including Gobustan prison on many occasions. There they inspected the conditions in dormitories, medical units, cafeterias, libraries, clubs, as well as met with the inmates placed in prison cells, punishment cells and got acquainted with their problems. They also got acquainted with the labour conditions in the production units, made recommendations to the management of penitentiaries with respect to the deficiencies they revealed during the inspections, addressed the Ministry of Justice when deemed necessary, and, thus, removed a number of deficiencies in the work of penitentiaries.

It should be noted that as a result of these inspections, for the purposes of realising treatment-prophylactic, sanitary-prophylactic and sanitary-epidemiology work, settling persons suffering from tuberculosis, HIV/AIDS, other infectious diseases, as well as from mental illnesses, separately from healthy prisoners and providing them with high quality medical treatment, as well as for coordinating work on fighting against HIV/AIDS in penitentiaries the Centre for Fight Against AIDS was established at the Head Healthcare Department of the Ministry of Justice. The Commissioner considers this step as expedient.

In her annual reports the Commissioner made proposals for improvement of human rights protection of the prisoners. These proposals included taking measures for return of released prisoners to the normal pace of life, their social and psychological adaptation, as well as for establishment of a rehabilitation centre for the prisoners.

The Commissioner notes that, in general, for the purposes of enhancing the efficiency of human rights protection of prisoners it is expedient to liberalise legislation with respect to prisoners, humanise their imprisonment conditions, improve educational and psychological services, as well as strengthen the role of education in the correctional process.

The Commissioner pays special attention to conditions of the inmates of the Gobustan prison.

As a tradition, the Commissioner regularly meets with the prisoners belonging to particularly vulnerable groups (e.g. women and under-aged prisoners), gets acquainted with their state and problems.

During her visit to penitentiary No. 1, along with other inmates, the Commissioner met with Rasim Akbarov and Ruslan Bashirli. R.Akbarov expressed his concern with the fact that false information about his persona is frequently spread by the NGOs.

The Commissioner's staff met with Mirza Sakit, Faramaz Novruzoghlu and other persons receiving treatment at the medical facilities.

Considering requests of the prisoners and their family members, the Commissioner addressed the Pardoning Commission at the country President with a motion for pardoning of the journalists on the occasion of 22 June – World Press Day. She also addressed the President of the Republic of Azerbaijan with a request of pardoning on the occasions of 10 December – International Human Rights Day, 21 December – Holiday of Gurban bayrami, 31 December – World Azerbaijanis' Solidarity Day, as well as on the occasion of 1 January – New Year.

The Commissioner also pays special attention to the questions of pardoning of women, under-aged and elderly prisoners. It should be noted that, in accordance with the last pardoning act, also six women, two teenagers and six journalists were pardoned.

Based on the Commissioner's appeals a total of 210 prisoners (including thirty seven in the year of 2007) were pardoned.

The Amnesty Act dedicated to the memory of Heydar Aliyev, the national leader of the Azerbaijani people, that was proposed by Ms. Mehriban Aliyeva, the President of Heydar Aliyev Foundation, member of Milli Majlis (Parliament) of the Republic of Azerbaijan, Goodwill

Ambassador of UNESCO and ISESCO, and adopted by Milli Majlis on 8 May 2007 provided thousands of people with the opportunity to return to the society and reunite with their families.

Thus, it is an unprecedented situation that in a short period of time thousands of people were released by eight amnesties and forty three acts of pardoning. Currently the number of prisoners in Azerbaijan is 197 per 100 000 people, whereas the average indicator in other countries is 500-700 prisoners per 100 000 people.

It should be noted that this year we marked fifteen year anniversary of announcement of moratorium against death penalty, as well as ten year anniversary of abolition of the death penalty in Azerbaijan by the national leader, President Heydar Aliyev.

1.5. Protection of the rights of servicemen

In the past four years significant improvements have been achieved in this field, as well as in other areas of human rights protection. Necessary steps were taken for improvement of socio-economic, housing and medico-resort conditions of the Armed Forces personnel, as well as for introduction of mortgage credit concessions for them.

In the reviewed period relevant measures were taken for further strengthening of discipline in the Armed Forces, more efficient protection of the human rights of servicemen, strengthening of the rule of law in the activity of the military, as well as for prevention of situations that are likely to have a negative impact on the military service.

Complaints received by the Commissioner are related to problems with receiving concessions, provision of the housing rights, deficiencies and breaches of the law that take place during military service, failure of salaries to meet real needs of the servicemen, as well as illegal forms of punishment imposed for violation of the disciplinary norms.

In the reviewed period, with the aim of exchanging experience in the field of protection of the human rights of servicemen, the Commissioner received the Canadian Military Ombudsman Yves Côté and his military adviser C.S. McGregor.

In the reviewed period on the Commissioner's initiative a seminar for the personnel of the Ombudsman Office and the security sector was held with the participation of international experts and representatives of the Ministry of Defence, State Border Service, Interior Forces of the Ministry of Internal Affairs, Ministry of Justice Penitentiary Service.

The Commissioner held regular meetings at the military units, got acquainted with the state of protection of human rights of servicemen, as well as with their service and socio-economic conditions. The Commissioner addressed her recommendations for elimination of the deficiencies to the management of the military units and the Ministry of Defence.

The Commissioner and the staff of the Office visited the Military Lyceum named after J.Nakhchivanski, Azerbaijan Higher Military School, Azerbaijan Higher Navy School, Central Military Clinic Hospital of the Ministry of Defence, military units located in the country regions, as well as guardhouses of military police agencies. During these visits they got acquainted with housing conditions, health, nutrition of the military servicemen, ensigns and the servicemen who remain in military upon finishing mandatory service, as well as with the conditions of their demobilisation. They also inspected medical facilities of the military units, got acquainted with medical treatment, quality of food, conditions in the dormitories and rest areas, as well as talked to the visiting family members of the servicemen.

Failure of the Ministry of Defence to pay out compensations to the demobilised servicemen remains as a problem. Urgency of this problem and necessity of its solution was stressed by the Commissioner in her previous annual reports and is also reflected in the number complaints received in this regard. Although the Commissioner addressed several motions to the relevant authorities, this problem was not resolved and continues causing justified dissatisfaction and repeated complaints of the citizens.

The analysis of the complaints received by the Commissioner shows that relations outside the army regulations are still experienced in military units, which undermines the reputation of

the Armed Forces and discredits it in the eyes of the youth of military age who consider service to their Motherland as their sacred duty.

Measures should be taken for strengthening the efforts to prevent development of relationships that contradict to the army regulations, violence and violation of the discipline in the military. These violations seriously affecting military discipline have a negative impact on young men of military age.

Appellant A. (Application No. 1004-07) from Zagatala region addressed the Commissioner indicating that her son serving at the military unit No. N was beaten up by the officer of the unit Rashad Bakhishov and, as a result, his left eye was hurt. The complainant indicated that her son was delivered in grave condition to Shamkir Military Hospital and subsequently was transferred to the Central Military Clinic Hospital. In the course of the Commissioner's investigation it was found out that the soldier was regularly beaten by the platoon commander Rashad Bakhishov and Sergeant Munasib Aliyev, and that after the last beating his eye was injured and he was placed at the hospital. Criminal investigation instigated by the Ganja Military Prosecutor Office in relation to head lieutenant Rashad Bakhishov, in accordance with Article 331.3 of the Criminal Code (battery or torture committed by the chief towards the subordinate person in the course of or in relation to discharge of functions), is being continued.

The Commissioner is particularly concerned about cases of injuries and deaths that are not related to engagement of soldiers in combat. Deficiencies in organisation of legal and educational work, as well as failure of persons in charge to maintain necessary level of disciplinary control created conditions for behaviour beyond the army regulations.

Violations of the order of examination of the youth of military age become evident in the course of military service. Thus the young people unfit for military service cannot cope with difficulties occurring during the service. Unfounded conscriptions not only violate human rights of citizens, but also aggravate their health state and result in additional expenses on medical treatment. It also negatively impacts defence capacity of the state, as well as the security of military service.

The Commissioner considers it expedient to adopt a law for prevention of unjustified conscription of persons suffering from mental illnesses, drug abuse, tuberculosis or HIV/AIDS, as well as for timely identification of soldiers suffering from these diseases and their medical treatment.

There are also situations when commanders extort money from their subordinates and resort to illegal actions (including degrading treatment) if the soldiers object to it. Such actions not only stimulate spread of corruption, but also undermine reputation of the commanders and discredit them among the personnel.

The facts mentioned above allow to state that for detection, elimination and prevention of violations of human rights of servicemen, the collaboration between the Commissioner and the Ministry of Defence, as well as other military bodies, should be strengthened.

The Commissioner proposed to introduce a system of public watch in the army and addressed these proposals to the relevant authorities.

1.6. Protection of the rights of children

Establishment with the UNICEF's support of the Child Rights Centre at the Office of the Commissioner in 2007 provided additional stimulus for improvement of the efficiency of the Commissioner's work in this field. Thus, trainings on the topic of "Protection of child rights in Azerbaijan" were conducted for the heads and responsible persons of the local state bodies in Ali Bayramli, Sabirabad, Shamakhi and Tovuz Districts, and a number of proposals were made for solution of the existing problems.

During her visit to Fuzuli District the Commissioner addressed the relevant authorities indicating the lack of teachers of history and geography, manuals and test books in schools, as

well as problems of renovation of schools. The Commissioner's intervention brought positive results.

During their visit to Lankaran the Commissioner and her staff visited secondary schools in Shilavar, Sutamurdov and Khanbulan villages, got acquainted with teaching conditions, student attendance and existing problems. They also visited city orphanage named after O.Mirzayev and Lankaran boarding school for children with mental deficiencies, got acquainted with their living conditions and made recommendations for solution of existing problems. During her visit to the boarding school the Commissioner made a number of proposals for joining of this school into the project of inclusive education in the country.

On the occasion of the fifteen year anniversary of the adoption by Azerbaijan of the Convention on the Rights of the Child, on the Commissioner's initiative and in collaboration with the UNICEF a child rights week under the motto of "Care for every child" was held within the "World fit for children" project. During this week the Commissioner's staff held educational events in the capital city and regions of the country, inspected places where children were kept or resided, met with children personally, talked to them about their needs and problems.

On the Commissioner's initiative a monitoring was conducted for evaluation of the efficiency of implementation of the "State Programme on alternative care and return of children from state child institutions to families (de-institutionalisation) in the Republic of Azerbaijan". In the course of this monitoring ninety children (fifty three boys and thirty seven girls) out of 150 were interviewed in twenty five cities and regions of the country. It was impossible to meet the rest of the children because addresses of the places of their residence were either changed or were incorrect. It was found out that 65 children returned to their families studied in school, whereas the rest did not go to school because of financial and other problems or generally lived in difficult conditions. The Commissioner made a proposal to the relevant authorities for allocation of subsidies from the state budget for realisation of the process of de-institutionalisation in accordance with the relevant programme.

The Commissioner specially notes that in the course of the monitoring it was found out that one of the returned children was adopted by an alternative family and two of them left the boarding schools to live with alternative families (with no relation to children) after reaching the age of eighteen. Although the interviewed parents generally indicate that they put their children into these institutions because of financial difficulties, it was found out that only five families among them are in fact receiving addressed social aid. Additionally, during meetings most of the families indicated that although they had applied for the addressed social aid, they faced bureaucracy.

After finalising the results of the monitoring, a conference on the topic of "Programme of de-institutionalisation in Azerbaijan: first results and future prospects" was held at the Commissioner's Office where a number of questions related to increasing of the efficiency of the programme implementation were discussed.

The Commissioner pays constant attention to elimination of the factors that negatively affect children's psyche. Thus after the Commissioner's intervention big advertising posters depicting a child cleaning shoes of a middle-aged man were removed from the area of N.Narimanov metro station, as well as from other places in the city.

The Commissioner regrets to note that in many cases movies depicting brutality and violence are aired on television without warnings about the content. She also notes that disclosure, on the television or in newspapers, of the identity of the children who have suffered violence or committed an offence constitute a violation of such children's rights.

In the reviewed period, as a part of the UN Study on Violence against Children, the Commissioner's Office in collaboration with the UNICEF undertook research for identification of cases of violence against children in child institutions.

In a number of cases parents are opposed to their daughters' studying in high school and force them to enter into early marriages against their own will. Consequently when their husbands leave their families, these girls become young widows and are forced to carry the

responsibility for their babies. For prevention of such tragic situations divisional inspectors of the police should explain to the persons willing to marry under-aged girls and to their parents that such a marriage constitutes a criminal offence, as well as take other preventive measures and conduct educational work.

In some cases human rights and legitimate interests of children are not duly considered by courts when making decisions on division of property or determining alimonies, which causes financial difficulties to children. In her annual report for 2006 the Commissioner made recommendation on preparation and implementation of a mechanism according to which the alimonies determined by the court would be paid out by the State Fund of Social Protection (or "Alimony Fund" established by the respective state body and financed by the government) under the condition that the amount of the alimonies would be subsequently received from the debtor. However, no actions were taken as a follow-up to this recommendation. For this reason the Commissioner received some complaints about this problem in 2007 as well.

At the same time the Commissioner regrets to note that after the amendment to the Law of the Republic of Azerbaijan "On youth policy", the youth are defined as persons aged between 14 and 29, which contradicts to Article 1 of the Law of the Republic of Azerbaijan "On the rights of the child" that enunciates that persons under the age of 18 are deemed to be children. Such a conflict of laws causes confusion and is more clearly reflected in the statistical data. The Commissioner considers that this issue should be paid due attention during the next census of population that is planned to take place in 2009.

Considering the Commissioner's recommendation, words "including the disabled under the age of 16" were replaced with "persons with damaged health under the age of 18" in the Law of the Republic of Azerbaijan "On social allowances".

In collaboration with Azerbaijan Alliance of Child Rights NGOs, as well as with the support of the Office of the UN High Commissioner for Human Rights and UNICEF, the Commissioner held a number of events and addressed proposals to the respective authorities for improvement of the system of juvenile justice in the country.

1.7. Women's rights

Women's rights and gender equality are always reflected in the work of the Commissioner. There is a specialised adviser working at the Commissioner's Office for coordination of activities in this field.

In the reviewed period on the Commissioner's initiative round tables were held with respect to the second and third periodic reports of the Azerbaijan government about the implementation of the UN Convention on Elimination of All Forms of Discrimination Against Women, child rights and other matters of priority. The round tables were attended by the members of the Parliament, representatives of the State Committee on Problems of Family, Women and Children, NGOs, as well as by members of the Council of Independent Experts at the Commissioner's Office.

On the Commissioner's initiative and with her support the President of the Women Development Centre and one of the activists of the School of Leadership participated in the 51st session of the UN Commission on the Status of Women dedicated to elimination of all forms of discrimination and violence against girls.

In the reviewed period the Commissioner received the UNICEF representative on gender issues Ms. Janet Nelson and discussed a number of issues related to women's rights and gender equality with her.

1.8. Protection of the rights of the elderly

The elderly belong to one of the particularly vulnerable groups of population. Organisation of social protection of and care for the elderly is one of the main duties of the state. Like other

groups of population, the elderly should have the opportunity to participate in the process of development, their skills should be used for the sake of progress of national priorities, and their rights should be protected.

Benefits of life experience, knowledge and skills of the elderly persons are important for building bridges between generations and restoring inheritance links. To live in the society and then become isolated is not acceptable from the view point of human rights. Employment of the elderly, their involvement in the process of development contributes at the same time to the improvement of their socio-economic and humanitarian state.

The Commissioner visited the retirement homes, got acquainted with needs and problems of the lonely and disabled elderly persons, addressed the relevant authorities for solution of the existing problems and assisted the elderly.

In order to support the elderly emotionally, contribute to solution of their physical, psychological and legal problems, as well as to organise their leisure time, the Resource Centre for the Elderly was established on the Commissioner's initiative, where people mostly from refugee, IDP, war victim families and lonely elderly were involved. The Resource Centre provides free psychological and legal advice, medical consultations, organises leisure time of the elderly, as well as fulfils other functions.

The Resource Centre for the Elderly serves for a benevolent purpose, whereas the important activities and achievements of this organisation are a good practice for establishment and development of institutions in this field. Thus, *it is expedient to establish and improve an efficient system of social protection, raise the amounts of pensions to meet the real needs of the elderly people, as well as to provide the elderly with special forms of financial aid (e.g. house or life insurance, medical, psychological, legal or social aid).*

1.9. Protection of the rights of the disabled

Based on the analysis of the complaints received from the disabled, as well as on observations conducted in the reviewed period the Commissioner addressed relevant authorities with proposals and recommendations for solution of the existing problems.

The Commissioner put forward a proposal to sign and ratify the Convention on Human Rights of Persons with Disabilities and its Optional Protocol adopted by the UN General Assembly on 13 December 2006. It is commendable that, as a corollary of state's attention to persons with disabilities, the Convention and the Optional Protocol were signed by the Permanent Representative of the Republic of Azerbaijan at the UN on 9 January 2008.

The Commissioner reached an agreement on conducting of joint monitoring in collaboration with the Ministry of Labour and Social Protection of the Population for detection and elimination of deficiencies in the work of medico-social expert commissions, as well as for solution of other problems.

Considering the necessity for creating special conditions for disabled persons the Commissioner addressed the relevant state bodies with proposals to lay ramps on streets, crossings and subways, as well as to purchase buses with special lifting mechanisms during renovation of the transport of the city for convenience of movement of wheelchair users. The Commissioner was informed that such means would be imported to the country.

The Commissioner was informed that her proposal for establishing in the centre of Baku and regions of the country special phone booths accessible for wheelchair users had been realised.

The Commissioner addressed the National Television and Radio Council, as well as other broadcasters, with a proposal to produce films and videos, as well as to broadcast information of public importance and television programmes (including programmes covering problems of social integration of the disabled) with subtitles in order to provide people with impaired hearing with access to necessary information.

The Commissioner addressed the Ministry of Internal Affairs with a request to set up sound traffic lights and additional road signs for the blind people on the streets and avenues of the capital city where traffic is particularly intense. After the Commissioner's address respective road signs were set on a number of central streets of Baku. The Commissioner was also informed that since sound traffic lights are not produced in Azerbaijan, measures were taken for their purchase and import into the country.

Chapter II

Activities of the Commissioner in the field of legal education, scientific analysis, international relations and cooperation with mass media and public

2.1. Human Rights Education

Realisation of progressive ideas for organisation of educational work in the field of human rights, as well as improvement of the human rights education are some of the main directions of the Commissioner's activity.

On the Commissioner's initiative educational events on protection of entrepreneurs' rights, HIV/AIDS and drug abuse, fighting against human trafficking and violence, religion and human rights, various aspects of human rights were held with participation of the representatives of state bodies, municipalities, NGOs, the mass media and international organisations. Additionally, various events on capacity building of the Commissioner's regional centres, as well as events based on collaboration with international organisations, were held.

In February 2007, in collaboration with state bodies and NGOs the Commissioner held a conference at Baku State University dedicated to five years of the Commissioner's activity. The materials of this conference, as well as the short summary of the Commissioner's annual report for 2006 in three languages were published and disseminated among relevant organisations, including local and foreign libraries.

Besides, books on "Human rights and good governance", "Police and human rights", "Human rights: a manual for the members of Parliament", "Human rights defenders: protecting the right to defend human rights", "A new chapter for human rights" were translated from English into Azerbaijani and published.

Legal education events for studying the state of the protection of human rights of women, children, elderly and disabled, as well as for the protection and restoration of the violated human rights were consistently held in the regions of the country.

Public hearings in relation to implementation of the National Action Plan (NAP) on Protection of Human Rights in the Republic of Azerbaijan approved by the Presidential Decree on 28 December 2006 were held in different regions of the country with participation of the representatives of state bodies, municipalities, NGOs and mass media. Five subgroups of the Working Group were established in accordance with the structure of the NAP. Human rights NGOs were involved into the activity of these groups.

According to the agreement on improvement of co-operation in the promotion and protection of human rights concluded between the Commissioner, Office of the Prosecutor General and relevant structures of the Ministry of Justice, successive events were held within the frames of the joint programme of action.

The Commissioner, who pays constant attention to the education of judge candidates, delivered lectures on the topic of "The Commissioner's role in protection of human rights and liberties and restoration of the violated human rights and liberties, directions of activity,

including practice and work conducted in this field” at the trainings organised for the judge candidates.

In her activity the Commissioner pays special attention to the preparation of specialists in the field of human rights. Thus, students of the law, international law, international relations and regional studies departments at the Public Administration Academy, as well as Baku State, Baku Slavic, Western and Caucasus Universities annually undergo internships at the Commissioner’s Office.

In the reviewed period, the Commissioner continued systematic exchange of ideas and experience with the representatives of the legal clinics established at different universities in the country. These legal clinics play an important role in providing free legal advice to the vulnerable groups of population, including pensioners, indigent families and persons with disabilities. The Commissioner, who highly appreciates their activity, has established a network of the legal clinics at her Office.

The Commissioner’s regional centres held educational events, seminars, trainings in the field of human rights for the representatives of the local executive power, municipalities and local population in the cities, villages within the regions of their coverage.

2.2. Organisation of the scientific-analytical work

In the reviewed period, the Commissioner addressed Milli Majlis (Parliament) with proposals in relation to amendment of the Criminal Procedure, Civil Procedure, Labour, Family, Housing, Civil and Criminal Codes, the Code on Administrative Offences and the Law “On police”, as well as with regards to the draft laws “On disciplinary arrest of the officers”, “On the ethics of conduct of civil servants”, “On provisions of gender equality (equality between men and women)”, “On the state population registry of the Republic of Azerbaijan”, “On detention of crime suspects or accused persons”, “On prevention of conflict of interests in the activities of the authorities”, “On social adaptation of persons released from penitentiaries”. Many of these proposals were taken into consideration.

The Commissioner prepared a set of proposals on preparation of the “National Strategy increasing transparency and combating corruption and the Action Plan on its implementation for 2007-2011”. These proposals were presented to the Working Group on Improvement of Legislation at the Commission from Combating Corruption. At the same time, a staff member of the Office has been actively participating in that process.

For the implementation of Article 4 of the Decree of the President of the Republic of Azerbaijan “On approval of the National Strategy on increasing transparency and combating corruption” issued on 28 July 2007, the Commissioner approved a Plan of Events of the Office, also established a working group for coordinating the realisation of this work, consisting of the staff members of the Office.

Coordinating the activities of state bodies and NGOs in the field of improvement of legislation, the Commissioner closely participated in preparation of legal evaluations and proposals in relation to draft laws on improvement of legislation.

Thus, proposals on amending the “Statute of Commissions on affairs and human rights protection of the under-aged” approved by the Law of the Republic of Azerbaijan of 31 May 2002, as well as the Law of the Republic of Azerbaijan “On prevention of ignorance of under-aged and violation of their rights” were prepared and sent to the relevant authorities.

The Commissioner sent inquiries to the Constitutional Court of the Republic of Azerbaijan for analysis of compliance of some provisions of domestic law with the Constitution of the Republic of Azerbaijan. These provisions are Article 150 of the Statute approved by Law of the Republic of Azerbaijan “On the service at the bodies of internal affairs of the Republic of Azerbaijan” No.168-IIQ of 29 June 2001, Article 228.5 included in the Civil Code of the Republic of Azerbaijan in accordance with Part II of Law of the Republic of Azerbaijan “On amendment of certain legislative acts of the Republic of Azerbaijan” No.1038-IIQD of 21

October 2005, Article 77.3, sections 1, 2, 3, 4 of Article 47.4, Article 49.1, as well as Article 53.5 (excluding military personnel serving temporary military service) of the Criminal Code of the Republic of Azerbaijan approved by Law of the Republic of Azerbaijan No.787-IQ of 30 December 1999.

2.3. Co-operation with civil society and mass media

2.3.1. Public relations and co-operation with non-governmental organisations

The Commissioner has established efficient public relations. This successful co-operation has been established on the basis of collaboration of the Ombudsman institute with state bodies, NGOs and broad public.

On the Commissioner's initiative the Office hosted consultations on implementation of the National Action Plan on Protection of Human Rights in the Republic of Azerbaijan with participation of the mass media, the Working Group and its five sub-groups.

For more efficient and fruitful collaboration with NGOs, great attention is paid to the work of the Council of Independent Experts functioning at the Commissioner's Office. Members of the Council actively participated in the events held by the Commissioner. Besides, the Members of Council together with the Office staff members participated in the events organised for involving the civil society, in the process of solving challenges in the protection of human rights and for drafting proposals on improving human rights situation in the country.

The Commissioner participated in the meeting organised by the Azerbaijan Youth Movement "OL!" and American Education Council (ACCELS). The event was attended by the members of this movement, alumni of U.S. based universities and students of different universities of the country. Participants discussed opportunities for more efficiently promoting human rights of children and youth in the country.

The Commissioner was awarded with "Gizil Buta" 2007 award by the "Democratic Azerbaijanis" Public Centre in the nomination of "Protection and implementation of human rights and liberties". She was also awarded with a National Public Award "Leave no child behind" as the "Person of year 2007 in the field of promotion and protection of child rights". For her efficient collaboration with the "Irili" Republican Youth Movement and the support she has provided to them the Commissioner was rewarded with a "Two years with us" Diploma.

2.3.2. Cooperation with mass media

The Commissioner attaches great importance to the relations with the mass media.

The press service of the Commissioner has built its work on close relations and collaboration with the developing electronic mass media, the National Television and Radio Council, the Press Council established for the self-regulation of press, the Public television and radio established in compliance with the world practice for equal coverage of issues of concern to all groups of population, as well as with local journalists and the mass media.

Representatives of AzTV, ANS TV, Lider TV, Space TV, ATV, ITV and other television and radio channels, their local departments, as well as provincial bodies of the press regularly participate in and cover the events organised by the Commissioner and held in all regions of the country. During these events, the Commissioner was interviewed by the journalists and she answered their numerous questions.

In 2007, there were 972 articles published in relation to the Commissioner's activity and 286 press releases issued. Up to date, more than a thousand of press releases were translated into English and sent to the Council of Europe.

With financial support of the UNDP, the Commissioner held a competition of journalist articles and children's drawings on the topic of "Rights for all" dedicated to 10 December –

International Human Rights Day and the winners of the first three places in the competition received money awards and certificates.

Briefings and press conferences were held at the Office on the occasions of 20 January – National Mourning Day, anniversary of Khojali genocide and 31 March – Day of the Genocide of Azerbaijanis, where the Commissioner made her statements. Texts of these statements were published in periodicals and aired on radio and television.

On the Commissioner's initiative consultations with the mass media were held in relation to the implementation of the National Action Plan on Protection of Human Rights in the Republic of Azerbaijan.

In the reviewed period, the Commissioner received more than twenty journalists who visited Azerbaijan from different European countries within the European neighbourhood policy project.

The Commissioner's activity was highly appreciated by different press bodies in the course of monitoring conducted for different nominations in the field of human rights. The Commissioner's Office was awarded first place in this nominations for its open work with public and the mass media.

In 2007, the Commissioner was awarded with an Honourary Diploma by the editorial staff of "Konul" newspaper for her achievements in the field of human rights protection in the country, as well as for her support to the media.

The Commissioner and her staff members met, on several occasions, with each of the imprisoned journalists paying attention to their imprisonments conditions, health and the treatment of them.

As it was mentioned above, the Commissioner made motions to the country President requesting him to sign pardoning (including pardoning of the imprisoned journalists). Subsequently several journalists were pardoned.

2.4. International relations

In the reviewed period, by attaching great importance to international relations in her activity, the Commissioner built close collaboration with the UN and its agencies, the Council of Europe, the OSCE, the European Union, the International Ombudsman Institute, the European Ombudsman Institute, the Asian Ombudsman Association, other international organisations, as well as Embassies of other countries in Azerbaijan. At the same time, her relations with foreign colleagues were developed.

The Azerbaijani Ombudsman Institute was accredited with "status A" by the International Coordination Committee of National Institutions for Promotion and Protection of Human Rights, which is given only to the national human rights institutions in full compliance with Paris Principles. This status will not only provide opportunities for further development of international relations and collaboration with the UN and its agencies, but will also allow the Commissioner's Office to participate independently in the work of the UN Human Rights Council, provide recommendations, including the recommendations with regard to the periodic reports of Azerbaijan to the UN treaty bodies.

In 2007, the Commissioner with the support of the UNESCO held 5th International Baku Conference of Ombudspersons on the topic of "Improving the ombudspersons' capacities in promotion and protection of human rights".

The conference held on the day of anniversary of approval by the national leader Heydar Aliyev of the first "State Programme on provision of human rights" on 18 June 1998 was dedicated to Azerbaijan's ratification of the European Convention on Protection of Human Rights and Liberties, as well as to the fifth anniversary of the establishment of the Ombudsman Institute in Azerbaijan.

Another important event of year 2007 was held in collaboration with the UN Department of Public Information (UNDPI) and the Embassy of Switzerland at the Russian Cultural Centre of

Baku Slavic University on the occasion of 21 September – International Peace Day. In the follow-up to the series of events, an exhibition on the topic of “1000 women of the world for peace” was held at the Museum Centre in collaboration with the UNDPI and with the support of the Swiss government and Parliament. At the exhibition, photographs and information about the activity of 1000 women nominated for the Nobel Peace Prize, including the Commissioner Elmira Suleymanova strives for peace, were demonstrated.

On 21-22 December 2007, the Commissioner in collaboration with the OSCE Office for Democratic Institutions and Human Rights (ODIHR), the OSCE Office in Baku and with the support of the Embassy of German Federative Republic held a two-day seminar on the topic of “Strengthening collaboration and partnership: Commissioner for Human Rights of the Republic of Azerbaijan, state bodies and the civil society”.

At the event, international experts B.Batchelor and J.Hjalmarsson, representing respective Ombudsman Institutes of Great Britain and Sweden, delivered lectures related to the experience and the role of their institutions, their collaboration with state bodies and the civil society, as well as with NGOs, the principle of efficient management, etc.

On the Commissioner’s initiative new agreements on collaboration were signed, which would provide timely notification on cases of violation of human rights of Azerbaijani citizens abroad and of foreign citizens in Azerbaijan, as well as for the restoration of violated rights within the Commissioner’s jurisdiction. A lot of work has been done in this direction in the Russian Federation and Georgia.

In the current year, the Commissioner met with a number of experts from the Council of Europe, the OSCE, UN agencies and other international organisations.

The Commissioner met and discussed prospects of future cooperation with Mr. Peter Semneby, the EU Special Representative for the South Caucasus, Mr. Laurence Broers, Amnesty International’s Researcher for Azerbaijan, Armenia and Central Asia, more than twenty journalists visiting Azerbaijan within the European Neighbourhood Policy project, Ms. Astrid Ganterer, OSCE-ODIHR Expert on Anti-trafficking Issues, Ms. Katharine Larsen, ABA CEELI Legal Education Specialist for Azerbaijan, and representatives of other reputable international organisations.

During his visit to Azerbaijan in 2007, Mr. Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, together with the Azerbaijani Commissioner visited a number of regions of the country. He got acquainted with the Commissioner’s Ganja Regional Centre, met with refugees and IDPs, got acquainted with their status, living conditions and problems, visited Gobustan prison, evaluated work of Ganja Investigatory Detention Centre, mental hospitals, orphanages, as well as other institutions from human rights perspective.

In the last year, the Commissioner participated and made presentations at the 19th session of the International Coordinating Committee of National Institutions for Promotion and Protection of Human Rights in Geneva, round table on the topic of “Collaboration between ombudspersons, national human rights institutions and the Commissioner for Human Rights of the Council of Europe in implementation of human rights and strengthening the rule of law in Europe” held in Athens, 10th conference of the Asian Ombudsmen Association held in Hanoi (Vietnam), International seminar on the topic of “Problems of fight against and prevention of human trafficking” held in Yekaterinburg (Russian Federation), World conference dedicated to orphans and children without parental care held in the Hague, regional meeting of National Human Rights Institutions in Istanbul, annual seminar of the International Peace Bureau held in Alexandria (Egypt), forum on the topic of “The leading role of the National Human Rights Institutions in protection of human rights” held in the capital of Portugal Lisbon, international round table on the topic of “Justice in transition” held in Cape town (South African Republic), seminar held by the Innocenti Research Centre in collaboration with the UNESCO on Child rights in Florence (Italy).

A number of staff members of the Office participated in the regular meetings of the OSCE on the topics of “Freedom of assembly, association and thought: support for full and equal

participation in the pluralist society”, “Tolerance and non-discrimination”, “Freedom of thought, opinion, religion and conscience”, “Prevention of torture, transparency of legislation” held in Vienna (Austria) and Warsaw (Poland), in an International Conference on the topic of “Perspectives of development of legal regulation of international relations in the 21st century” held by the Law Department of St. Petersburg State University in Russia, the first meeting of the coordinators of collaboration between the Office of the Commissioner for Human Rights of the Council of Europe and National Human Rights Institutions, trainings on women’s rights held by the Swedish International Development Agency (SIDA) with the support of Raoul Wallenberg Institute for Human Rights and Humanitarian Law in the cities of Chisinau (Moldova) and Lund (Sweden).

It should be noted that during her visits to other countries the Commissioner met with the ambassadors of Azerbaijan to these countries, as well as Azerbaijanis living there, provided them with information about the situation in Azerbaijan, as well as familiarised herself with their problems.

Taking into consideration the adoption of the Law of Russian Federation “On making amendments to the Federal Law on the legal status of the foreigners in Russian Federation” in February 2007, the Commissioner made a visit to Moscow where she met with the Chief of the Russian Federal Migration Service, Chief of the Head Department of Internal Affairs of Moscow city, Director of Humanitarian Co-operation and Human Rights Department of the Ministry of International Affairs and with other officials. The Commissioner got acquainted with the status of Azerbaijanis kept at the investigatory detention facilities there. The Commissioner made an appeal to the Federal Ombudsman and the Commissioner for human rights of the subjects of the Russian Federation requesting to specify the number of Azerbaijani citizens, to assist in legalising their status and providing them with corresponding documents, as well as to pay attention for prevention of violence against them. The Ombudsman’s proposals were considered

Conclusions and recommendations

Dynamics of economic development in the country continue to increase. Growth of economic potential of the Republic of Azerbaijan, deepening of market reforms and positive changes in the development of the regions, general trends in the country economy play important role in the improvement of the social well-being of the population and more efficient provision of human rights and liberties.

In the past four years the state budget increased by ten times, measures for poverty reduction and its subsequent eradication were continued in 2007. Consequently, whereas the poverty level in the country was 49% in 2003, in 2007 this indicator dropped to 16%.

In the reviewed period great attention was paid to the solution of social problems, the amounts of salaries, pensions and allowances were increased. In the current year this increase will be continued.

Strengthening of the resource bases of state bodies, selection and employment of young specialists in the field of management, improvement of social, domestic conditions, as well as service conditions of civil servants, continuation of awarding special achievements of civil servants play an important role as a part of legal and socio-economic reforms.

It should be noted that a study conducted by the Ministry of Youth and Sports has demonstrated that currently approximately 30% of civil servants are young people.

Being in the centre of public attention in the reviewed period, as in previous years, the Ombudsman Office built its work on human rights protection in collaboration with state bodies and civil society.

The Commissioner’s Office, which was established in 2002 and celebrated its fifth anniversary last year, has gained positive experience in restoration of violated human rights,

protection and prevention of violation of human rights, as well as study and improvement of the state of protection of human rights.

Efficient promotion of human rights is possible in presence of organised civil society. Thus, it is exceptionally important to fulfil obligations arising from international treaties, to which Azerbaijan is a party, to bring national legislation in conformity with international standards and norms, which confers serious responsibilities on all state bodies.

From this point of view the National Action Plan (NAP) on Protection of Human Rights in the Republic of Azerbaijan approved by the 28 December 2006 Decree of the President of the Republic of Azerbaijan has special importance.

By defining the circle of subjects dealing with human rights protection, the National Action Plan assists in improvement of the activities undertaken in the field of human rights promotion and protection in the country. An important feature of this document is that, along with specific measures to be taken in the field of human rights protection, it defines the time frames for responsible state bodies to implement these measures.

In accordance with the recommendations on management of activities of the Working Group established for coordination of implementation of the Plan, the Working Group, under the leadership of the Commissioner, conducted several meetings, established five subgroups in accordance with the structure of the National Action Plan, as well as conducted public hearings which were attended by the representatives of relevant state bodies, their local structures, law enforcement bodies, courts, local election commissions, municipalities, NGOs, communities and different groups of population and covered all cities and regions of the country, including Baku, Guba, Shamakhi, Shaki, Sabirabad, Jalilabad, Ganja, Barda, as well as Nakhchivan Autonomous Republic.

The Commissioner considers that for development of democracy and establishment of civil society in the country the Commissioner, state bodies, NGOs and the mass media should build their work under the conditions of efficient collaboration, as well as in a coordinated manner.

There is a great necessity for the establishment of the Legal House in the country that would unite the NGOs capable of objective assessment of human rights situation, striving for development of human rights and raising its reputation at the international level, as well as being distant from political influences.

It should be noted that establishment of Heydar Aliyev Centre based in Baku, in accordance with the Decree of the President of the Republic of Azerbaijan "On establishment of Heydar Aliyev Centre" of 29 December 2006, was an important step for deeper study, broad promotion and comprehensive development of the governance philosophy and the ideology of Azerbaijan identity promoted by Heydar Aliyev, the national leader of Azerbaijan.

One of the most important events of the reviewed period was announcement of year 2007 as the "Youth year" by the Decree of the President of the Republic of Azerbaijan issued on 29 February 2007.

A series of numerous events were held in the framework of the "Youth year" by the Ministry of Youth and Sport in Baku and different regions of the country. Additionally, the Commissioner, in collaboration with this ministry, held a joint conference at the Lankaran State University on the topic of "Role of the youth in democratic reformation and promotion of human rights in Azerbaijan".

It should be noted that, according to the results of the UN General Assembly meeting held on 11-13 December 2007 and dedicated to five years of implementation of the "World fit for children" programme adopted at the Special Session of the UN General Assembly in 2002, states discussed their achievements, problems and challenges they faced in the implementation of the Programme, as well as decided to define their policies and plans of action with respect to the children's problems since 2008. Taking this into consideration, the Commissioner proposed to announce the next year the "Child year" for more efficient provision of child rights, as well as the implementation of the "World fit for children" programme.

As it has been mentioned earlier, in recent years significant developments have been achieved in the field of provision of human and civic rights and liberties, important steps were taken for establishment of civil society and democratic legal state, provision of rights and liberties of every person, as well as for the development of democracy and democratic organisations in the country.

Considering the importance of success of the policies adopted in the country for improvement of democracy and human rights protection, as a part of the extensive economic, social and legal reforms, the Commissioner addressed the President of the Republic of Azerbaijan with a request to announce the 18th of June the National Human Rights Day on the occasion of the fifth anniversary of the establishment of the Ombudsman Institute in the country and Azerbaijan's ratification of the European Convention on Protection of Human Rights and Liberties, as well as anniversary of approval by the national leader Heydar Aliyev of the first "State Programme on provision of human rights" on 18 June 1998. According to the Decree of the President of the Republic of Azerbaijan "On establishment of the National Human Rights Day in the Republic of Azerbaijan" issued on 18 June 2007, every year 18th of June will be celebrated as the National Human Rights Day in the Republic of Azerbaijan.

In 2008 the date of tenth anniversary of approval of the State Programme mentioned above will be celebrated as the first National Human Rights Day in Azerbaijan. It has also been planned to celebrate sixtieth anniversary of the Universal Declaration of Human Rights.

One of the most important events of the reviewed period was the 5th International Baku Conference of Ombudspersons held on the Commissioner's initiative and with support of UNESCO on 18-19 June 2007, on the day of anniversary of approval by the national leader Heydar Aliyev of the first "State Programme on provision of human rights" dated 18 June 1998. The topic of the Conference was "Strengthening the ombudspersons' capacities in promotion and protection of human rights" and it was dedicated to the fifth anniversary of the establishment of the Ombudsman Office in Azerbaijan and ratification of the European Convention on Protection of Human Rights and Liberties.

On the Commissioner's initiative an event on the topic of "Formation of peace movement in Azerbaijan: problems and prospects" was held with participation of the members of the parliament, representatives of state bodies and international organisations, Public Relations Department of the UN Office in Azerbaijan, Muslim, Catholic, Christian Orthodox and Jewish communities. At the event discussions were held in relation to formation of peace movement in the country, role of the peace culture achieved through inter-religious dialogue, as well as the national and religious tolerance, activity of peace movement in the form of broad Alliance for Peace and Development and other issues, and the foundation of the National Peace Movement in Azerbaijan was laid.

For investigation of the complaints received from population of different regions of the country, though the structure of the Office did not provide for that, the Commissioner with support of the UN Development Programme (UNDP) opened three regional centres in Guba, Shaki and Jalilabad in 2003. Activity of the Commissioner's regional centres functioning with the support of the UNDP till 2007 was continued, in accordance with the Constitutional Law of the Republic of Azerbaijan of 02 October 2006 "On amendment of the Constitutional Law of the Republic of Azerbaijan On the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan", and legal opportunities were created for opening another centre in Ganja, as well as for financing the activity of the centres from the state budget and their inclusion into the structure of the Ombudsman Office and its staff.

In her previous annual reports the Commissioner proposed to open a regional centre and establish the Institute of Commissioner for Human Rights (Ombudsman) in Nakhchivan Autonomous Republic.

The Commissioner appointed specialised advisers on refugees and IDPs, prisoners, military personnel, children, women, elderly and persons with disabilities.

The experience gained by the Institute during its work allows concluding that the Institute has great potential for improvement of its activity to meet the goals set by the Constitutional Law, as well as real needs of everyday life.

Although the number of complaints received in 2007 remained approximately the same as in the previous years, there have been certain changes in their structure. Thus, there were more complaints received in relation to determination of addressed social aid, execution of court decisions, actions of socio-medical expert commissions, land, housing, utility services, as well as other problems pending from previous years.

In comparison with previous years, significant improvement has been achieved in collaboration with the state bodies on matters of efficient provision, protection of human rights and liberties and restoration of the violated rights.

The Commissioner regrets to note that she came across some facts when the citizens who had appealed for protection of their rights and liberties were persecuted by some officials.

Unfortunately, there are still a number of officials who do not understand the essence of "human rights" and do not realise that their everyday functions are aimed at protection of human rights and liberties, which in some cases negatively affects collaboration with state bodies.

A number of complaints were related to the bureaucratic barriers, delays and arbitrariness of the officials, citizens had faced with in various spheres. Some state and municipal bodies do not receive citizens, or respond in timely manner to their complaints or take measures within their jurisdiction which consequently results in violation of citizens' rights and legitimate interests.

In the reviewed period the Commissioner detected a number of cases of concern in the field of human rights provision and achieved solution of those problems and restoration of the citizens' violated rights through cooperation with different state bodies.

The Commissioner functioning as a mediator between the state and the society, as well as between the government and citizens, was using mediation for solution of problems, disputes and conflicts she came across in her work, and striving for development of the institute of mediation in the country. For this purpose the Commissioner organised several events in collaboration with international organisations.

In fact, mediation cannot replace system of justice. However it is expedient to consider development of the institute of mediation in the country as a matter of priority.

Considering rationality of implementation of mediation mechanisms in the country, the Commissioner made proposals on study of mediation as a method of problem solving and its relevant application in the process of improvement of legislation, establishment of crisis centres for psychological help, preparation of modules for education in mediation, holding educational events in the regions with participation of representatives of legislative, executive and judicial powers, NGOs and legal clinics established at the universities, hold discussions on importance of mediation in family relations, including relations between parents and children or husband and wife, matters of labour and social protection, organisation of short training courses for education of specialists in mediation, creation of financial and socio-psychological conditions for organisation of mediation services and raising public awareness in this field.

The Commissioner stressed the necessity for attaching importance to simplification of management for the purposes of establishment of the new forms of mediation in the society, ensuring that state bodies respond to the appeals of the citizens within the time frames and rules established by the law, prevention of abuse of power by the officials, their education on tolerance and rules of proper treatment of the appellants, solution of problems in a transparent and unbiased manner.

The fact that civil society is still developing in the country and that the legal culture of some people is of low level affect the state of ensuring human rights and liberties in the country.

Some citizens lack knowledge of the scope and limits of their rights and duties enshrined in the Constitution of the Republic of Azerbaijan and other legal acts, in some cases they do not

realise the level of their responsibility, disrespect or do not fulfil legal provisions, as well as neglect rights and legitimate interests of other citizens, which in itself negatively affects the state of the society.

The realisation of holistic rights and duties, as well as responsibilities and their joint application ensure harmonic and sustainable development of the society. Thus, whereas provision, protection of human rights and liberties and their restoration in cases of violation is the responsibility of the state, the citizens are responsible for performing the duties arising from these rights.

The facts mentioned above underscore once again that the improvement of management is still a priority task in this field.

The Commissioner's proposals, recommendations and opinions addressed to different state bodies for efficient promotion and protection of human and civic rights and liberties, as well as in relation to restoration of violated human rights, should not be overlooked. On the contrary, they should be taken into consideration in the course of actions taken in this field.

The essence of the activity of the Commissioner is striving for improvement and protection of human and civic rights and liberties by means of improvement of state management, as well as for strengthening of governance.

The process of raising legal culture of the population should also be intensified.

Citizens should know their rights provided by the law, and should be able to protect them via state and public institutions. Thus, legal education should be provided not only for the lawyers, but also for all groups of population, particularly for the young people. Young generation should learn human and civic rights and responsibilities, as well as realise them as the most important element of the civil society.

The facts mentioned above allow to state once again that attitudes towards people and human rights, as well as the situation in this field can be improved only with joint efforts of all branches of state power and the society, including NGOs and the mass media.

The Commissioner intends to enhance her collaboration with state bodies, municipalities, human rights NGOs and mass media for protection of human rights and liberties, urgent consideration of the citizens' appeals, as well as for prompt investigation of complaints.

Additionally, last year the Commissioner addressed relevant state bodies with proposals for efficient provision of human rights and liberties, as well as for solution of a number of problems of different groups of population, including the elderly, women, children, disabled, refugees and IDPs, military servicemen, prisoners. A certain number of these proposals were included in legal acts or were realised in the course of conduct of current events.

From the perspective of efficient provision and protection of human rights, the Commissioner considers it expedient for the state bodies to pay attention to her proposals, as well as to implement them.

Continuous and sustainable fulfilment of the proposals and recommendations contained in the report for 2007, as well as in previous annual reports, will create conditions for the improvement of the efficiency of human rights protection in the country.