

RECOMMENDATIONS PROVIDED IN THE 2022 REPORT ON THE NATIONAL PREVENTIVE MECHANISM ACTIVITIES AGAINST TORTURE:

Based on the results of the activities carried out by the Ombudsman in 2022 in its capacity as the National Preventive Mechanism (NPM), the following recommendations are made to ensure the effective protection of the rights of detainees:

1. To include the "social worker" position to the Standard Staffing Structure of Management, Pedagogical, Administrative, Teaching Assistant, and Service Staff of Children's homes, approved by Decision No. 172 of the Cabinet of Ministers of the Republic of Azerbaijan dated 13 July 2006;
2. To amend the Standard Staffing Structure of Budget-Funded Preschool Educational Institutions, approved by Decision No. 61 of the Cabinet of Ministers of the of the Republic of Azerbaijan dated 29 May 1996, to establish positions of "child psychologist" and "early development specialist" in children's homes and kindergartens;
3. To increase the number of positions for "psychologist" and "night nurse" in the Standard Staffing Structure of Boarding Schools, Boarding-Type Lyceums, and Gymnasiums, approved by the Decision No. 157 of the Cabinet of Ministers of the of the Republic of Azerbaijan, dated 23 June 2006;
4. To increase the number of "psychologist," "nurse," and "night nurse" in the Standard Staffing Structure of Special General Education Boarding Schools for Children with Mental and Physical Disabilities, approved by Decision No. 6 of the Cabinet of Ministers of the Republic of Azerbaijan dated 9 January 1992, and to introduce the necessary amendments to ensure the provision of medical services during night shifts;
5. To align the Rules "On the Application of Food Norms for Children in Kindergartens, Boarding Institutions for Minors, and Children's Homes," annexed as a Supplement No. 3 regarding "Food standards for children in kindergartens, hospitals, and other public institutions under social institutions" to Decision No. 103 of the Cabinet of Ministers dated 9 March 1994, with modern standards, in order to ensure that the needs of infants for energy and essential nutrients are adequately met in children's homes;
6. To revise and re-adopt the "Rules for the Medical Certification of Prisoners Suffering from Severe Illnesses Preventing Serving of Sentences," approved by Decision No. 4-N of the Collegium of the Ministry of Justice dated 29 November 2011, in order to ensure the appropriate placement of such individuals suffering from mental illnesses or experiencing significant changes in their mental health during their imprisonment, in psychiatric institutions, where necessary;
7. To ensure that intercity telephone calls made by convicts and accused persons held in pre-trial detention facilities are funded at state expense, rather at their own expense;
8. To further clarify the requirements for the organization of outdoor exercise areas in institutions which detained persons cannot leave at their own will, as stipulated in the legislation on the execution of sentences and in the internal disciplinary regulations of places of deprivation of liberty, to align them with international standards;

9. To ensure compliance with international standards in the organization of outdoor exercise areas in temporary detention places, including by aligning existing facilities with such standards;
10. To ensure the proper implementation of national legislation and international standards concerning the separation of detainees of different categories in temporary detention places;
11. To improve the provision of financial, material, and hygiene supplies to detainees in temporary detention places at the state's expense, in accordance with legislation;
12. To promote the wide dissemination among police officers of the Law on "Protection of the Rights and Freedoms of Persons Kept in Places of Detention" and the internal regulations of temporary detention places;
13. To strengthen oversight of the installation of telephone booths in all temporary detention places to ensure the right to telephone contact as a fundamental safeguard for detainees, to ensure the repair of non-functioning telephone devices, and to guarantee the comprehensive registration of telephone calls;
14. To improve the maintenance of relevant registers and documentation in police offices, departments, units, and temporary detention places, to address identified shortcomings, and to strengthen oversight of documentation and the initial detention process;
15. To strengthen measures to prevent the storage and use of expired medications in detention facilities;
16. To continue efforts to improve detention conditions in temporary detention places;
17. To strengthen measures to address the ongoing overcrowding in pre-trial detention centers and penitentiary institutions under the Penitentiary Service;
18. To expedite the construction of penitentiary facilities currently under construction and to take appropriate measures to renovate facilities requiring repair;
19. To implement comprehensive measures to reduce instances of disciplinary violations by inmates, and to enhance the rehabilitation process, with a view to ensure successful reintegration into society;
20. To apply alternative, more lenient administrative disciplinary measures (such as warnings, reprimands) proportionate to the severity of the offense, instead of transferring prisoners to a penal detention center for regime violations, in accordance with the legislation and international best practices within the framework of correctional work;
21. To ensure prompt registration by the management of penitentiary institutions of applications concerning refusal of food intake and to strengthen daily medical supervision for persons undertaking a hunger strike;
22. To ensure the provision of adequate and high-quality psychological assistance to persons detained in penitentiary institutions and whose mental health may be at risk, in accordance with the Law of the Republic of Azerbaijan "On Psychological Assistance";

23. To adopt a program on "Rehabilitation and Adaptation of Prisoners Serving Sentences in Penitentiary Institutions" aimed at promoting personal development, reform, and to reintegrate into society after release;
24. To relocate Prison, and Pre-Trial Detention Facilities No. 2 and 3 of the Penitentiary Service to new premises;
25. To address staff shortages in order to ensure that individuals receiving treatment in psychiatric institutions can participate in therapy in a timely manner;
26. To strengthen measures to prevent the storage and use of expired medications in facilities under the jurisdiction of the Ministry of Health, and to ensure appropriate conditions for maintaining the quality of medications requiring special storage;
27. To ensure that treatment in psychiatric institutions is not limited to pharmacotherapy, to align psychosocial rehabilitation measures with modern standards, to support patient participation in developing treatment plans, and to develop an individual treatment plan for each patient, reflecting treatment goals, therapy methods, and the names of the staff responsible for care;
28. To improve documentation procedures in psychiatric institutions;
29. To introduce specialized training programs for "penitentiary psychologists" within higher education institutions that provide psychology education, in order to enhance the provision of psychological assistance in penitentiary institutions and address the need for qualified psychologists capable of working with persons deprived of liberty;
30. To ensure the organization of effective capacity-building seminars in speech therapy and to facilitate the participation of relevant specialists working in special boarding schools for children with limited health opportunities (disabilities) with a view to enhancing their professional skills;
31. To ensure the regular participation of psychologists working in institutions under the Ministry in training sessions and specialization programs;
32. To address the shortage of Braille textbooks for children with special needs, to expedite their printing, and to ensure their distribution simultaneously with other textbooks;
33. To ensure that heating in institutions under the jurisdiction of Ministry of Science and Education, particularly in boarding schools where children stay overnight, is provided in according to the prevailing weather conditions rather than predetermined calendar dates;
34. To develop a mechanism for transferring patients who have completed their treatment in psychiatric hospitals and drug treatment dispensaries (centers), but do not have a place to live, to social service institutions, as well as to increase the quota (number of places) in social service institutions;

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

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