



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

**The annual report of the Commissioner for Human Rights (Ombudsman)
of the Republic of Azerbaijan for 2004**

**Provision and protection of human rights
and freedoms in Azerbaijan**

Summary

Baku – 2005

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Introduction

The Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan acts to complement the existing remedies in a manner prescribed in the Constitutional Law of the Republic of Azerbaijan “On Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan” and without limiting the powers of other state authorities responsible for ensuring human rights and restoring violated rights and freedoms or without replacing such authorities.

This annual report, which is the summary of the Ombudsman’s activities in 2004, was drafted at the outcome of investigation into applications received by the Commissioner by post or through regional centers, during personal meetings with complainants at the office of the Ombudsman or on the ground, as well as applications received at pre-trial detention centers and remand facilities under police departments, prisons, military units, refugee and IDP camps and settlements, other healthcare, education and social facilities and during meetings with various strata of the population.

Official data from the state authorities were also used in preparing the report.

The number of applications to the Ombudsman increased in 2004. 4,500 applications were received in the last two months of 2002 and throughout 2003, including 3,706 applications in 2003, while in 2004 6,300 applications, 70% more than the previous year, were lodged.

A total of 10,800 applications were filed with the Ombudsman from Azerbaijani citizens in all the regions of the republic, CIS countries and other foreign countries, as well as from expatriates, from the start of investigating applications on October 28, 2002 to December 30, 2004.

The growth is due to the growing public trust in the Ombudsman’s activities, the improvement of the way they are conducted and increased awareness of the population.

94.8% of all the applications were complaints, including 41.5% about the violation of civic and political rights and 58.5% about the infringement of economic, social and cultural rights.

In accordance with the requirements of the Constitutional Law, the Ombudsman refused to consider 53.7% of the complaints due to their being outside the scope of her authorities and received 46.3% for consideration, 31.4% of which were later satisfied.

Legal aid was provided to citizens in 4,200 cases of complaints throughout the year.

The Ombudsman forwarded different information on the violation of human rights and freedoms, as well as recommendations and proposals for ensuring human rights and freedoms and improving the legislation, to the President of the Republic of Azerbaijan, Milli Majlis (Parliament), Constitutional Court, Cabinet of Ministers, and central executive authorities in 2004.

By the way, the President has recently signed a sixth pardoning decree (which is the 38th in the last ten years), which is in conformity with the position of the Council of Europe and pardoned 115 inmates, also after taking into account the Ombudsman’s appeal for pardoning the members of the former Special Purpose Police Detachment who were involved in the October events of 1994 and March events of 1995, as well as in the developments in Gazakh and Ganja. This decree was welcomed in society and highly appreciated by the US State Department, the

OSCE and other influential international organizations. A total of over 100 inmates, including 34 in 2004, were pardoned following the ombudsman's appeals for pardon.

Although it was not designed in the structure of the Ombudsman's office, Regional Centers were opened in the country's three regions, Guba (covering Guba, Gusar, Khachmaz, Davachi, Siyazan and Khyzy), Shaki (covering Shaki, Zagatala, Balakan, Gakh, Oguz and Gabala) and Jalilabad (covering Neftchala, Salyan, Bilasuvar, Jalilabad, Masalli, Yardimli, Lankaran, Astara and Lerik), with the support of the United Nations **Development Programme** (UNDP) in the first year of the Ombudsman's activities in July 2003 in order to facilitate application procedures, save people time and money, accelerate investigations at the spot and increase the efficiency of legal education of people. These Centers continue to operate efficiently. Besides, the Ombudsman has agreed with local executives to open such centers in Ganja (for Ganja and surrounding districts) and the Nakhchivan Autonomous Republic.

The Regional Centers have regularly received complainants, people have been legally educated in certain districts and meetings have been held with the population with the participation of representatives of local executive authorities, municipalities, **law enforcement** bodies, as well as the public.

The report touches upon the outcome of annual efforts to protect human rights and freedoms, issues of public concern, including relations of government officials with citizens, fighting corruption and human trafficking, the work done in the area of legal education and scientific analysis, the Ombudsman's cooperation with the civil society and **mass** media, the Ombudsman's international relations, as well as suggestions and recommendations aimed at more reliably ensuring human rights and freedoms and improving the legislation.

Chapter I

The activities of Ombudsman in the field of human rights and freedoms protection

1.1 Protection of civil and political rights

Being a crucial indicator of democratization in society, the level of the exercise of the natural human right to freedom and personal immunity, its protection and provision in accordance with legal norms is a necessary precondition for building a law-based state.

The complaints received by the Ombudsman provided information on cases of unlawful detention at police departments and violations of the law despite there being appropriate provisions in the existing laws, and the Ombudsman investigated such cases in a manner prescribed in the law.

Investigation into the complaints revealed that individuals were unlawfully detained without any protocol on detention, the detention terms specified in the law were violated and the requirements of the procedural laws, as well as the statutory rights of detained persons were infringed while registering the detention.

Experience shows that there are cases of illegal pressure on individuals when they are unlawfully detained or are devoid of legal aid, testimonies under duress and police abuses. As a result, people have a prejudice about the observance of human rights in pre-trial detention centers, remand facilities, prisons and by **law enforcement** agencies.

For example, it was identified when inspecting the pre-trial detention facility of the Nasimi district **Police Department** on 17 August 2004 and talking to the person detained there, as well as reviewing the registration book of the **Ministry of National Security**, that the person had been unlawfully detained more than one day at the 22nd police department.

The inspection of the pre-trial detention facility of the Narimanov District Police Department confirmed that Citizen N was detained by the department on June 21, 2004 and kept in the 16th Police station of the department for more than 11 hours without any necessary

documentation registered. The Ombudsman appealed to the **Ministry of Internal Affairs** on the case and those who broke the law were held disciplinarily accountable.

Applicant B from Baku said that he was facing arrest by employees of the Military Police Department for dodging military service when his lawsuit for replacing military service with alternative service due to his religious belief was examined at the Sabayil district court. Following the intervention of the Ombudsman the requirements of the legislation were explained to military policemen, the complainant was set free and his right to freedom was restored.

One of the most serious problems that people without permanent places of residence face is the difficulty in providing them with ID cards. Although the problem was resolved in a resolution of the Constitutional Court dated January 31, 2003, the cases of restricting human rights in a legislative manner were eliminated with the intervention of the Ombudsman and the violated rights of many applicants were restored.

At the same time, numerous complaints to the Ombudsman about offences by the police authorities in the allocation of ID cards show that there are still serious drawbacks in this area.

Complaints about the allocation of ID cards mostly came from Khachmaz, Lankaran, Absheron, Baku's Narimanov, Nizami and Azizbayov districts.

It should be noted that citizens who live outside Azerbaijan, both in the CIS countries or other foreign countries, face material, physical and moral difficulties receiving national passports because every member of the family is required to come to Azerbaijan personally in order to receive passport. But it requires a lot of money and time and causes difficulty returning back to the country from which they come. The Ombudsman believes that in order to resolve the problem concerning the allocation of national passports to Azerbaijani citizens living abroad in a more efficient way, it is more reasonable to provide those citizens with passports through our embassies and consulates abroad and develop an appropriate mechanism in cooperation with the **Ministry of Internal Affairs**.

Under Article 4 of the Law of the Republic of Azerbaijan "On Entering and Leaving the Country and Passports", national passports shall be issued by interior bodies in the place of residence of citizens. But in order to eliminate the cases of citizens facing difficulties and losing time and money in receiving passports from the Passport and Registration Department of the **Ministry of Internal Affairs** and its western (Ganja), northern (Guba), north-western (Shaki), southern (Lankaran) and Nakhchivan regional divisions, it is necessary to organize the allocation of passports through local police authorities after submission of required documents in every town and district. In this case local police authorities would inspect the authenticity and proper compilation of submitted documents, send them to the Passport Registration Department of the **Ministry of Internal Affairs**, receive passports from the department and hand them out to citizens.

Besides, there are also offences committed by the bodies of the **Ministry of Internal Affairs** in documenting registration.

A number of people complain against these bodies about the violation of their right to leave the country. Numerous complaints say that local police authorities in the southern regions, especially in Lankaran and Astara Districts, create artificial obstacles to the simplified entry of citizens who have registration on the place of residence into Iran and their return from that country, and require bribes. In most cases, the Ombudsman's appeals to the police departments in those districts over the complaints are satisfied with formal responses only.

The right to protection of **human honor** and dignity is guarded by the respect for personality.

By prohibiting the insult of the honor and dignity of individuals, both the national laws and the norms of international law not only discourage the state from attacking the honor and dignity of the individual, but also assign the government to protect individuals from such attacks.

Yet, it is possible to observe cases of infringement of this right by law enforcers, first of all by **police officers** who enforce mandatory measures of the state within their duties and authorities.

It should be noted that government officials are responsible in any case for failing to prevent torture or take measures to prevent it. At the same time, the orders of high ranking officials or state authorities cannot justify the application of torture and everybody, even if they act on such orders, must be responsible for their acts.

The Ombudsman made many appeals to the **Ministry of Internal Affairs** and the Justice Ministry of Justice taking necessary measures to eliminate drawbacks concerning the offences which were discovered in meetings and private conversations with individuals detained in pre-trial detention cells, remand facilities, as well as inmates in prisons, and during the examination of documents concerning the lawfulness of their detention in those facilities. As a result, some employees who committed offences were held disciplinarily accountable and the drawbacks were corrected in some cases following the intervention of the Ombudsman.

Besides unlawful acts, including crackdown and pressure, against suspects, detainees or defendants, poor conditions in pre-trial detention cells should be regarded as maltreatment and diminishing the honor and dignity of individuals detained in those cells. The facts that more people are detained in pre-detention centers at a time, there are no or few beds and poor medical aid, sanitary, hygienic and epidemiological rules are not observed and people with open tuberculosis are kept together with healthy people can be evaluated not only as diminishing the human dignity of those who are kept there, but also even as torture against them.

It should also be noted that it is necessary to pass a legislative act regulating detention conditions in pre-trial detention centers.

The Ombudsman appealed to various state authorities for accelerating the process of setting up new remand facilities in the regions, taking into account that suspects under investigation are carried by train from one place to another in every 10 days and statutory terms are therefore violated due to objective reasons.

The Rapid Response Team, which operates round-the-clock, was set up within the framework of the joint project with the OSCE Baku Office, "Assistance to the Ombudsman in investigating human rights abuses in pre-trial detention centers and remand facilities and giving prompt reaction to complaints", and aims to examine the lawfulness of detention of detainees, their detention conditions and treatment in order to effectively ensure human rights and freedoms, regularly inspected the pre-trial detention centers of police departments and divisions in the districts of Baku and appeals were made to the **Ministry of Internal Affairs** to eliminate faults and drawbacks discovered.

Cases of serious concern were also found when the Ombudsman or the employees of the Ombudsman's Office inspected prisons. Being in prison No. 14 on 31 August 2004, an employee of the Ombudsman's office found out that the detention conditions of inmates and treatment of them were dissatisfactory and contradictory to the laws and there were no necessary material and living conditions conforming to sanitary and hygienic standards. The chief of the prison was fired after the Ombudsman appealed to the Ministry of Justice on the issue.

The Ombudsman inspected pre-trial detention centers more than 200 times and discovered cases of torture against detainees. Acts were compiled on every inspection and forwarded to the **Ministry of Internal Affairs**.

However, the number of complaints alledging torture and beating, as well as the conflict between the situation, which was observed, and the official responses from relevant authorities, shows that reports on torture are true in some cases and raises serious suspicions as to the objectivity of inspections by those authorities.

The Ombudsman has many times appealed to the public and **law enforcement** agencies through mass media for joint investigation into the known cases of torture.

Under Article 5 of the Law of the Republic of Azerbaijan "**On Police**", the police servants **are** prohibited to treat any **person** in a way that diminishes human dignity. Moreover, **under** Article 133 of the Penal Code entails criminal accountability for torture, **under** Article 145 for **unlawful** deprivation of liberty and **under** Article 293 for forcing to testify.

The Ombudsman is especially concerned over the cases of the police officers using force against citizens. None of the policemen who committed such cases have been held accountable.

Besides the above mentioned, there are also cases of abuse and speculation concerning torture. Over the past period, reports from such human rights activists as E. Behbudov, Ch. Ganizada, N. Jafaroglu and R. Sadaddinova to the Ombudsman on torture in pre-trial detention centers, remand facilities and prisons were promptly investigated in their own presence, but were not confirmed. Moreover, persons who were reported to have been subjected to torture denied having expressed any complaint.

TV channels, the radio and newspapers gave a regular coverage of the activities of the Rapid Investigation Team and appropriate notifications were placed in police departments and divisions across the country.

Complaints from different regions reported cases that law enforcers inflicted physical or moral harm on individuals, subjected them to violence, obscenity and acts diminishing personality and dignity and rudely violated their human and civic rights.

Unfortunately, the right of citizens to protect their honor and dignity is violated in secondary schools, too, where this right is to be encouraged.

A group of applicants in Jalilabad District appealed to the Ombudsman, saying that they worked as teachers in School No. 2 after H. Tagiyev in the village of Sabirabad, they were regularly subjected to insult and pressure from school principal A. Alakbarov, the principal's deputy for economic affairs K. Heydarov beat up venerated teacher S. Ahmadov at the instigation of the principal on 24 August 2004, their appeal to the district police division was fruitless, the head of the district education division, S. Asgarov, did not take any action and even backed the school principal. The Ombudsman appealed to the Ministry of Education and the Jalilabad District Police Division in connection with the complaint. It was established during investigation that K. Heydarov had used force against teacher S. Ahmadov and was fired for his acts. The incident was discussed at the council of the district education division and school principal A. Alakbarov was reprimanded for failing to create a healthy moral and psychological environment at school. The initiation of criminal proceedings on the materials collected by the investigation team of the district police division concerning the case was dismissed on 4 September 2004, but this decision was repealed by the assistant prosecutor of the district on 13 September 2004 and the case was returned to the division for investigation into some peculiarities on 6 October 2004.

Torture and other **cruel**, inhuman or degrading treatment or punishment are inadmissible in Azerbaijan, a country which is integrating into Europe and has joined the European Conventions "On Human Rights and Fundamental Freedoms" and Convention "**For the prevention of Torture**, Inhuman or Degrading Treatment or Punishment" as a member of the Council of Europe.

The Ombudsman intends to intensify activities together with relevant state authorities and civil society with a view to preventing, discovering and proving cases of torture and achieving the punishment of those who commit such cases.

At the same time, pre-trial detention centers in most police departments (divisions) across the country have been improved and brought into conformity with European standards. Nevertheless, there is still a need for continuing radical reforms in **law enforcement** agencies in order to ensure human rights, prevent torture and law compliance.

The right to the inviolability of an apartment can be restricted only in cases prescribed in the law. Here includes cases of search and confiscation. The legislation allows for court sanction to carry out investigation. The fact that now the judge, but not formerly the prosecutor controlling preliminary investigation, decides on the necessity of search has improved the provision of individual rights.

The violation of this right was reported in some complaints. Applicant A (2719-04) from the town of Lankaran appealed to the Ombudsman that employees of the criminal search division of the Lankaran District Police Division broke into his flat, insulted the members of his family,

tortured his son, intimidated them into giving 2,000 US dollars, drove his car to the district police division and the investigation that was conducted following their appeal to the **Ministry of Internal Affairs** did not give any result. After the Ombudsman's intervention inspection was held, an employee of the district police division, V. Mammadov, was punished in a disciplinary manner for violating the requirements of enforceable documents and the investigation department of the Lankaran district police division was assigned to investigate the materials concerning the peculiarities indicated in the complaint and pass a procedural decision.

As can be seen, not only the right of the complainant to the protection of honor and dignity, but also his right to the inviolability of an apartment was violated.

Everybody has the right to freedom of thought and expression, as well as the right to access to information. Any individual in society may have his or her own personal view on any issue in question and this must be accepted with tolerance.

The peculiarities of the right to freedom of thought and expression are such that any partial restriction of this right inevitably leads to its violation. At the same time, it is not possible for mass media to function in a normal way when freedom of information is not secured.

The concerns of democratic development, creation of necessary conditions for freedom of expression and the principles of ensuring freedom of information and human rights were given preference when establishing a legal base regulating issues concerning freedom of thought and expression in Azerbaijan.

However, despite all this, there are certain difficulties exercising freedom of information. Among those difficulties are financial constraints mass media are facing, problems pertaining to access to information, intolerance of some government officials towards mass the media, biased or distorted presentation of reports by journalists, a low level of legal culture in the press and other cases.

The brutal killing of Elmar Huseynov, the editor-in-chief of "Monitor" magazine and a journalist noted for his principled position and independence, is not only the deprivation of one person of the right to life, but also an act directed against socio-political stability, freedom of thought and expression, as well as our country's international standing. I believe that his murderer will be arrested and receive his due soon as a result of serious efforts of **law enforcement** agencies.

The insulting acts of the principal of School No. 298, Malahat Huseynova, and the head of the Barda District executive authorities, E. Allahverdiyev, against the journalists of ANS TV channel, as well as the ban imposed by the head of Baku metro, Tagi Ahmadov, on the sale of some opposition newspapers and other cases over the past year testify to the fact that some government officials erroneously perceive the role of mass media and prefer their personal opinions to the law.

The main directions in measures to more reliably ensure freedom of thought, expression and information should be issues of including publicized information on the activities of state authorities, the way of its publication and relevant provisions in the law, establishing broad databases and their legal protection, enlarging the use of information technologies in the activities of state authorities, creating wider and more independent opportunities for free access to information, regulating issues of circulation of personal information, more precisely defining the proportion between freedom of expression and the right of those whom a particular piece of disseminated information concerns and improving the ethics of journalists.

The situation with the provision of freedom of thought, expression and information was in the focus of the Ombudsman over the past period and appeals were made to the Prosecutor General's Office and the Ministry of Foreign Affairs for investigating the cases discovered in that area.

The Ombudsman appealed to the **Ministry of Internal Affairs** to investigate reports that the photo correspondent of Yeni Musavat newspaper, Alim Kazimli, was beaten up at the passport and registration division of the Narimanov district police department, where he reportedly felt bad and was taken to hospital, where he was diagnosed as having had a stroke. It

became known that Kazimli got nervous and felt bad after he protested at the non-observance of the queue principle at the department, where he and his wife went to obtain ID cards. The chief of the division, Abel Mamamdov, received “a strong reprimand” in face of the facts that the lack of necessary conditions for obtaining ID cards caused just protests and Kazimli was not treated in a polite manner.

A former employee of “Bakinskiy Bulvar” (Baku Boulevard) newspaper, Irada Huseynova, against whom criminal proceedings were initiated in 2001 on a lawsuit filed by the Baku Mayor and who had been in search for arrest, requested the Ombudsman to have the criminal case dismissed and the Ombudsman appealed to the Prosecutor General’s Office and the Baku Mayor over the issue. Finally, the drastic measure of imprisonment of the journalist was cancelled and the criminal case was dismissed.

A round table on “Journalism and law” on 20 July on the occasion of 22 July – the Day of the National Press was organized on the initiative of the Ombudsman to discuss several problematic issues concerning freedom of thought, expression and information.

The main principles of freedom of conscience are reflected in the Constitution of the Republic of Azerbaijan and relevant legislative acts.

Despite the separation of religion from the state in Azerbaijan and equality of all faiths before the law, everybody has the right to determine their attitude to religion, to practice a religion alone or together with others, express and disseminate their religious faiths. Besides, the enactment of religious ceremonies is allowed unless they breach public order or contradict public morals.

The Ombudsman reported that views were exchanged on religious tolerance, moral education and interaction of people having different religious beliefs at events held on the Ombudsman’s initiative and constructive proposals were given.

The Ombudsman maintains regular contacts with the “Religions for Children” international network in order to cultivate religious tolerance in children and young people.

The provision and protection of freedom of conscience was also in the constant focus of the Ombudsman.

The Ombudsman kept in the spotlight issues pertaining to freedom of conscience during inspections in prisons. The results of monitoring in correctional institutions illustrate that the provision of freedom of conscience for inmates is one of the topical issues and the exercise of this right should be improved.

It is a known fact that there are people practicing different religious beliefs among the prisoners. Their religious background should be taken into account within their place of correction and better conditions should be created for them to exercise freedom of conscience. Thus, it is necessary to provide separate meals for people with different religious beliefs, organize regular meetings between them and figures of appropriate religious confessions and arrange special rooms for offering prayers in prison.

Religious tolerance in our country is on a high level, something that has been repeatedly confirmed by official visitors and international experts visiting Azerbaijan.

Being a crucial legal institute, citizenship is the basis of an individual’s legal status. First of all, this is preconditioned with the recognition and observance of mutual rights, duties and responsibilities of the state and the citizen, as well as the recognition and observance of an individual’s fundamental rights and freedoms, which are enshrined in the country’s laws. That being said, rights, legal interests and duties can be exercised in its entirety in case of valid citizenship.

At the same time, the Ombudsman believes that it is appropriate to introduce a number of amendments and alterations to the existing laws in order to more reliably ensure human rights. The introduction of these amendments and changes is related to the improvement of the national legislation and Azerbaijan’s fulfillment of obligations in international covenants, to which the country is a party.

Azerbaijan joined the UN Convention “On Citizenship of Married Women” dated 29 January 1957. Under Paragraph 1 of Article 3 of the convention, the expatriate wife of a citizen of any country can adopt the citizenship of her spouse, using simplified special procedures.

Nevertheless, although Article 11 of the Law of the Republic of Azerbaijan “On Citizenship of the Republic of Azerbaijan” allows for using the provisions in international covenants as the basis for acquiring Azerbaijani citizenship, the legislation does not define the manner in which the expatriate wife of an Azerbaijani citizen can obtain Azerbaijani citizenship through simplified special procedures.

Taking into consideration the abovementioned, it is reasonable to define procedures for the expatriate wife of an Azerbaijani citizen to acquire the citizenship of her spouse in a simplified manner.

The existing law “On Citizenship of the Republic of Azerbaijan” creates different obstacles to most of our countrymen who wish to acquire Azerbaijani citizenship, including those who left for other republics under the Soviet rule on assignment or for work, but want to return to the country, those who are ethnic Azerbaijanis and live in other countries, but wish to return to their historic motherland and children of people who left Azerbaijan in order to avoid persecution after the collapse of the Democratic Republic of Azerbaijan in 1918. Therefore, the Ombudsman stated that it is reasonable to make amendments and changes to the law “On Citizenship of the Republic of Azerbaijan” to facilitate the adoption of citizenship by the abovementioned people.

In some cases, it is necessary to ensure the acquisition of Azerbaijani citizenship by different groups of people who are not Azerbaijani citizens. However, these people have had the same rights together with Azerbaijani citizens, have participated in elections, have been conscripted and have carried the same responsibilities for many years. Even there is a case that a non-citizen living in our country was brought to criminal account for failing to fulfill the responsibilities defined in Article 76 of the Constitution of the Republic of Azerbaijan for Azerbaijani citizens.

For example, Applicant O from the town of Davachi (417-04) said that his spouse of Georgian origin was taken into temporary registration in Azerbaijan in 1999, but was refused permanent registration despite an appropriate entry of citizenship of the Republic of Azerbaijan in her passport. It became known after the Ombudsman appealed to the passport and registration department of the **Ministry of Internal Affairs** that the mentioned person could not be considered a citizen of the Republic of Azerbaijan under Article 1 and Section 1 of Article 5 of the law of the Republic of Azerbaijan “On Citizenship of the Republic of Azerbaijan” and the passport service of the Davachi District police division illegally stamped Azerbaijani citizenship on her passport. The chief of the service, E. Nadirov, was sacked.

Applicant A from Balakan (2903-04) appealed to the Ombudsman that his son, being a Georgian citizen, was called up for military service in 1998 and arrested for dodging conscription. But he was released under an amnesty in 2003 and appealed to the Balakan District police division for registration and an ID card. The police division, however, refused to issue the requested documents, saying that they had been transferred to the Georgian **Ministry of Internal Affairs**. The Ombudsman appealed to the passport and registration department of the **Ministry of Internal Affairs** and the district police division over the complaint and it became known that the mentioned person had been living in Balakan District without any registration since 1994, was called up for military service in 1998, was imprisoned in a court ruling for unauthorized absence from his military unit, but was released later from the rest of his prison term under an amnesty act and detained by the division in 2004 and handed over to Georgia because he had been on the wanted list under the relevant article of the Criminal Code of Georgia.

The right of Azerbaijani citizens to electing and being elected to the state authorities, as well as participating in referendums is enshrined in the country’s Constitution. Being a vivid example of democracy, elections have a paramount importance in the socio-political life of a country. The conditions created by the state for ensuring the conduct of elections in accordance

with the legislation, their transparency and the exercise of one of the basic political rights of individuals – the right to election are the indicator of provision of democracy in the country.

The Ombudsman observed parliamentary by-elections in more than 20 polling stations in Baku on 19 October 2004. She toured a constituency and checked the course of elections, the voter turnout, voter lists and conditions for observers based on the information from precinct election stations. The Ombudsman personally observed voting in some polling stations, asked for the opinions of members of precinct elections commissions, lawyers of candidates, observers from political parties and other public organizations and voters on the course of elections and did not witness serious abuses. Nevertheless, it was discovered that some voters had not been included in voter lists.

MPs, representatives from relevant the state authorities, including the Central Election Commission, NGOs and some municipalities participated in the workshop “The situation with local government in Azerbaijan: problems and prospects” at the Ombudsman’s Office on 15 September 2004. The participants in the workshop discussed some problematic issues pertaining to municipal elections, as well as other issues.

Besides, measures are planned in different regions of the country to increase the awareness of municipalities.

The Ombudsman checked the course of elections, the voter turnout and voter lists during municipal elections on 17 December 2004, observed voting in different polling stations in Baku’s Garadag, Surakhani, Sabunchu, Khatai, Narimanov, Nasimi and Yasamal districts, as well as in polling stations organized for IDPs from Lachin District, Shusha and Fuzuli District in Garadagh, and confirmed the participation of observers from different parties, mass media, the OSCE, the Council of Europe and other international organizations.

The elections were in the focus of the Ombudsman although no faults that could seriously affect the elections were in evidence. But various shortcomings were reported in complaints received by the Ombudsman. Tens of such applications were addressed to the Ombudsman and were duly investigated.

According to official statistics, the Central Electoral Commission invalidated the results of municipal elections in 312 polling stations and this again proves that the requirements of relevant laws were violated during the voting. This lesson should be seriously learnt so that the forthcoming parliamentary elections can be fully transparent and democratic.

One of the important instruments to ensure fair and transparent elections is to exercise public monitoring of the election process. Public involvement in elections and professional monitoring of elections are of paramount importance. In this regard, people who do election canvassing and observe elections must comprehensively know election laws. At the same time necessary recommendations should be prepared for monitoring elections in order to discover voting irregularities and make proposals to prevent such irregularities and improve the legislation.

It is necessary to establish a common monitoring system, a monitoring group comprising the representatives of the authorities and the opposition in order to implement this system and determine its mechanisms with a view to ensuring democratic, fair and transparent parliamentary elections that will be conducted on the basis of improved electoral laws.

The workshop “Election and gender factor” was held on the initiative of the Ombudsman on 13 October 2004 with the participation of MPs, representatives from the Central Electoral Commission, the state authorities, education facilities, NGOs and mass media, and meetings were held with the population.

It could be useful to conduct workshops “On election monitoring” with representatives from the Central Electoral Commission, NGOs and international organizations, training on elections for observers, to educate the public and to organize monitoring of preparations for the parliamentary elections.

At the same time, restrictions imposed by the law on the participation of NGOs in observing elections should be lifted.

Azerbaijani citizens have the right to personally appeal to the state authorities, as well as send individual or collective written appeals. Any application must be responded in writing in a manner and period specified in the law. Despite this, the number of complaints to the Ombudsman on the violation of the right of application is on the rise. The infringement of the right to application is related to the facts that officials do not receive citizens, complainants are given hasty and ungrounded, as well as long delayed responses or they do not have written responses at all, issues of concern to citizens are not clarified, they are treated in a rude and insulting manner and there has been procrastination for many years.

The violation of the right of application of citizens who appeal to the state authorities over the infringement of any right guaranteed to citizens by the Constitution causes a chain reaction and leads to the violation of other rights of citizens and the failure to prevent rights abuses or to restore the violated rights.

The analysis of complaints shows that the right of application is violated predominantly by local executive authorities, municipalities, courts, prosecutors and police authorities, and applicants who are tired of the violation of this right have to appeal to the central authorities, as well as the Ombudsman. Despite having the violated rights of applicants restored within her authorities in the cases specified in the Constitution Law, the Ombudsman does not receive substantiated responses from the authorities on complaints in many cases, issues remain unresolved with formal and hasty responses provided and procrastination is allowed with the violation of the law.

In some cases applicants were received by the heads of relevant authorities with the assistance of the Ombudsman. But even in those cases issues concerning complainants were not resolved. In certain cases there were positive results.

Besides the legislative acts regarding the exercise of the rights of citizens to application, Article 7 of the Azerbaijani presidential decree "On Measures to Accelerate Socio-Economic Development in the Republic of Azerbaijan" dated 24 November 2003 assigns the heads of local and central executive authorities to receive citizens on fixed schedules, timely process their applications and complaints and satisfy their just demands.

Officials started meeting with people and complainants on the ground following the decree and TV channels covered those events, but this did not become a tradition and everything was back on old track again.

The President of the Republic of Azerbaijan noted in his final remarks at the conference dedicated to the first anniversary of the implementation of the "State Program for Socio-Economic Development of the Regions of the Republic of Azerbaijan" that there are serious problems concerning meetings of officials with complainants and gave instructions to improve this area. In spite of the fact that no names were mentioned, the instructions are addressed to all officials.

The right of application of citizens is also their right and opportunity to be involved in administration at their own proposal.

Sometimes applicants report to the Ombudsman on unpleasant occurrences in their region such as offences, corruption and bribery. Requests and reports are sent to the relevant authorities, but responses are usually such that these reports "were not confirmed".

It should be noted that cases of the violation of the right to application can be observed elsewhere in the country.

The right to association gives citizens a right to unite in any association as defined in the legislation.

It is known that increased public participation of NGOs and intensified public monitoring of developments in society serve the development of democracy. From this viewpoint, it is necessary to improve some provisions in the Law "On NGOs (public associations and foundations)", as under Article 2.4 of that law NGOs (excluding NGOs who receive grants from foreign physical and legal entities and national legal entities whose charter capitals have more

than a 30% share of foreign physical and legal entities, or NGOs funded otherwise) are not allowed to observe elections.

However, it should be noted that most NGOs operate in Azerbaijan on funds from foreign donors and grants. On the other hand, most international organizations specified in observing elections and improving electoral laws are interested in increased public monitoring of the election process and allocate grants in order to observe elections. In addition to it, the electoral laws allow for physical entities to observe elections and NGOs succeed in observing elections, widely drawing upon those legislative provisions. Eventually, NGOs manage to observe elections through individual observers despite the statutory restriction, which proves to be ineffective.

That is why, it could be appropriate to remove provisions restricting the role of NGOs as observers during elections from the Law of the Republic of Azerbaijan “On Nongovernmental Organizations, public associations and foundations”.

The Ombudsman believes that it is necessary to promulgate the principles of statehood and democracy, support NGOs that do serious educational, legal, political and social studies in the area of human rights, work towards developing society and improving the state’s international standing and bring Azerbaijan’s realities to the world in a real and undistorted manner, create favorable conditions for local donor organizations in order to direct the activities of such NGOs at protecting the statehood and national interests in a centralized way and regulate such issues in a special legislative act.

The right to association can be exercised in a variety of ways. Under Article 1 of the Law of the Republic of Azerbaijan “On Interaction, Unification, Separation and Abolishment of Municipalities”, municipalities can unite or separate to form new municipalities in connection with their socio-economic situation and in view of historical and other local peculiarities and the opinions of local people. Under Article 2 and 3 of the mentioned law, the unification and separation of municipalities shall be carried out through a legislative act by the parliament on the basis of a local public opinion poll in accordance with the Law of the Republic of Azerbaijan “On Local Opinion Poll”.

Under Article 17 of the Law “On Local Opinion Poll”, local opinion polls shall be conducted by territorial or precinct opinion poll commissions. In accordance with the second part of the mentioned article, the powers of territorial opinion poll commissions shall be carried out by territorial electoral commission, which are established in line with the laws. However, regulations for electoral commissions to prepare and conduct local opinion polls have not been mentioned either in the Electoral Code or in other legislative acts. Therefore, regulations to prepare and conduct local opinion polls should be defined in the Electoral Code.

Some citizens complain in their applications to the Ombudsman that they cannot have state registration for their NGOs (public associations and foundations).

The proposals of the Ombudsman for state registration of legal entities were discussed with the participation of the Ombudsman, representatives of the OSCE Baku Office, relevant authorities, NGOs, as well as the Board of Experts under the Ombudsman, and these proposals were taken into account when the parliament passed the draft law “On State Registration and Register of Legal Entities”. However, current problems in the registration of NGOs are still to be resolved.

The non-registration of NGOs causes concern. It is still to be resolved amid criticism by influential international organizations such as the Council of Europe, the OSCE and even the WB.

Besides the abovementioned, the analysis of the issues of “Adliyya”(Justice) newspaper in March, May and July illustrated that over 1,400 commercial organizations were taken into state registration, but there were no NGOs (public associations) among them. This shows that there are serious problems in the area of state registration of non-commercial organizations. The Ombudsman’s appeals in this regard were not clearly answered and eventually refused in violation of the requirements of the Constitutional Law.

The founders of the Forum of Azerbaijani Lawyers public association reported that they submitted the constituent documents of the forum to the Ministry of Justice on 23 June 2003, but no response was given either on the incompleteness of the documents or on the refusal of registration. The Ombudsman appealed to the Ministry of Justice on 22 June 2004 to ensure the consideration of the application of the founders in a manner consistent with the legislation, but no response was provided in negligence of both the founders' and the Ombudsman's appeal.

A complaint (5305-04) from Guba District, which was sent to the OSCE Baku Office and then forwarded to the Ombudsman, said that the documents for registration of the Khynalyg Center of Culture public association, founded together with other citizens, had been repeatedly submitted to the Ministry of Justice, but this association was not registered. The Ombudsman appealed to the ministry's department for state registration of legal entities over the issue. However, three months have passed, but the association was not registered and moreover, the Ombudsman's appeal remained unanswered.

The Ombudsman expresses hope that there will be a turnaround in the work of the department of the Ministry of Justice for state registration of legal entities.

The right to judicial **protection** of rights and freedoms allows both fundamental and other rights and freedoms to be secured in court.

Under Article 127 of the Constitution of the Republic of Azerbaijan, the judiciary are independent and any interference in their activities is inadmissible. At the same, under Article 1.3 of the Constitutional Law, it is beyond the authorities of the Ombudsman to examine the activities of the judges. Nevertheless, under Article of 1.6 of the mentioned law, the Ombudsman has the right to examine complaints on violation of human rights relating to red tape, to cases of procrastination in courts, loss of documents, as well as delays in delivery of the documents in courts or in execution of court judgments, in order to ensure human rights.

The analysis of numerous complaints to the Ombudsman over the violation of the right to legal provision of rights and freedoms clearly illustrates that like in the previous year citizens mainly complain about such cases as procrastination in courts, the violation of the principle of justice when considering cases, delayed issuance of copies of court judgements, loss of documents or their absence from cases, rejection to consider solicitations made during court hearings, lack of necessary notifications or delayed notifications to the parties about the time and venue of court sessions, failure to send cases and other documents to higher instance courts in a manner and time specified in the law, rejection of lawsuits or mutual lawsuits and appeals under different excuses, lack of any explaining documents when rejecting lawsuits, unanswered applications to courts, non-execution of court judgments and cases of rights abuses due to rude treatment of court executors.

Over the past period, the Ombudsman made appeals to courts in different times over cases of procrastination and in some cases these appeals turned out to be helpful.

Under Article 415.2 of the Civil Procedure Code, the parties to a case and their representatives shall be notified of the time and venue of court hearings. Some complained that there are delays in processing cassations filed to the Supreme Court.

All responses to the Ombudsman's appeals over the lack of information provided to citizens on the course of consideration of cases at the Supreme Court said that complainants did receive information. The appeal of a complainant who "was duly informed" of the outcome of consideration of his case challenges the credibility of responses from the Supreme Court.

The decision of the cassation shall be posted in a letter to the parties to the case or submitted to them with a receipt within one month after that decision is made. Complaints to the Supreme Court illustrate that this decision is not often sent to the parties to the case.

Also, there are quite a few cases that litigants are not informed of the start of court proceedings and of the judge who will consider the case or such information is largely delayed. Consequently, a verdict is delivered without the participation of either litigant and their statutory rights are violated.

In addition, it is noted that sometimes the judgments, the decisions of the Supreme Court are not sent to the parties.

One of the cases of concern is that sometimes papers to execute a valid resolution delivered by court are not sent to judicial executors in time.

Under Article 357 of the Civil Procedure Code, litigants, third parties, as well as applicants and parties concerned in cases of special execution, can appeal against judgments and resolutions of the first instance court, which were not made effective, with the exception of cases specified in the mentioned code. Applicants said in some complaints that their appeals against the decisions of first instance courts were not forwarded to the Court of Appeal. Only after the Ombudsman's intervention procrastination against some citizens was ended and cases were filed to the Court of Appeals for consideration.

Some applicants complained to the Ombudsman that they are not received by the chairmen of courts, and judges or court officials prevent this and sometimes insult them.

The Ombudsman appealed to the Ministry of Justice over complaints that the chairman of the Barda District court, Isa Asadov, maltreats citizens, decries their honor and dignity, delays consideration of lawsuits and demands bribes. The ministry, in its turn, examined the discipline of work and execution, initiated disciplinary proceedings against the chairman of the court and sent them to the Supreme Court for consideration.

It is also of great concern to learn from some complaints that the first instance, appeals and cassation courts deliver divergent judgments on the same case. Sometimes, rulings delivered by courts of different instances are repealed in the order of additional cassation, court consideration is repeated and it becomes impossible to make a final objective decision on the case.

The analysis of complaints about the work of courts testifies that cases of abuse in courts are rising. As can be seen from complaints, litigants and persons who intend to go to court have to fight biased treatment and injustice.

The analysis of complaints filed with the Ombudsman in 2004 again illustrates that the mentioned problems are still there. These complaints were mainly about the Supreme Court, the Court of Appeal, the Economic Court, as well as district courts in Barda, Imishli, Shaki, Sabirabad, Terter and the Kapaz district court of the town of Ganja.

The President of the Republic of Azerbaijan, Mr. Ilham Aliyev, said in his final remarks at the conference dedicated to the first anniversary of the implementation of the "State Program for Socio-Economic Development of the Regions of the Republic of Azerbaijan": "Procrastination reigns in courts in some cases. At the same time, unfair decisions are made. Especially, disputes between firms performing economic activities are treated in a biased way. This should be ended. How can we establish a law-based state if courts deliver unfair rulings?! There should be justice everywhere and it should be the main principle of every society and formation. There cannot be progress without justice. Therefore, I am very much concerned over this. I believe that we have to work seriously and courts must change the way of approaching this issue." Actually, this is the order of the day.

The Ombudsman prepared and submitted a reference on the work of courts and the status of execution of court judgments in 2004.

I hope that the situation will change for the better in this area with the establishment of the Legal Judicial Board and the election of new judges.

The non-execution of court rulings to restore individual rights in essence implies the violation of the right to court provision and creates distrust not only in certain officials and dignitaries, but also in the state whose supreme goal is to ensure human and civic rights.

Article 129 of the Constitution of the Republic of Azerbaijan states that court rulings are delivered on behalf of the state and their execution is mandatory.

The non-execution of court judgments has already become a serious problem. The analysis of complaints submitted to the Ombudsman over this issue shows that court rulings on many aspects remain unexecuted for a long time, are delayed or not fully executed. Part of those

rulings is not executed due to objective reasons, while the other part remains unexecuted because of negligence, irresponsibility and non-professionalism of court executors.

Numerous unexecuted court rulings on the payment of alimonies, debts, including salaries, shares in property, refund of property, vacation of occupied apartments or land, reinstatement in a job and other issues can be cited as an example.

Applicant Q (3965-04) complained that the resolution of the Sabayil district court dated 14 July 2002 for his reinstatement as the director of the Gadabay Power Distribution Network would not be executed. Decisions delivered at different times by courts of appeals and cassation on the restoration of the applicant's violated rights were also out of execution. The Ombudsman's numerous appeals to the Ministry of Justice over the issue did not yield any results since procrastination was allowed instead of taking serious measures specified in the laws, it was stated that "execution-related measures are being taken now and additional information will be provided on the outcome of execution" and the court ruling remained unexecuted. Although this issue was included in the Ombudsman's first annual report, the resolution has not been executed and the applicant has made many appeals to the state authorities and the Ombudsman since 2002.

Court executors who cannot cope with their job try to avoid responsibility by guaranteeing to ensure the execution of court judgments.

In many cases court rulings are executed following the Ombudsman's intervention. In some cases the Ombudsman had court those rulings enforced after appealing to the state authorities, which are responsible for executing court rulings, but avoided executing them before.

In most cases court executors achieve the payment of a small part of debts, but show negligence to the payment of the other part and do not fully execute judgments.

The Ombudsman's examination of complaints revealed cases of delayed investigation besides abuses, bribery, procrastination and negligence by executors in executing court judgments.

This can be vividly seen in the violation by court executors of the requirements of Article 12 of the Constitutional Law on the order of consideration of complaints about human rights abuses. Under the mentioned article, when investigating the cases of violation of human rights the Ombudsman has the right to learn the opinions of authorities or officials on a particular complaint concerning them and the response is to be submitted to the Ombudsman in 10 days. But this provision of the law is not often complied with.

A round -table "The role of **execution** of court rulings in ensuring human rights" with the participation of the deputy minister of justice, the chief of the ministry's department for court controllers and court executors – the senior court official, as well as judges and court executors, was held on the initiative of the Ombudsman on 22 December 2004 and it was proposed that amendments and changes should be made to the Law of the Republic of Azerbaijan "On **Execution** of Court Rulings" to increase the powers and controlling functions of courts in the area of execution of court rulings.

Under Article 61 of the Constitution of the Republic of Azerbaijan, everybody has the right to receive high quality legal aid. Judicial reforms to protect people in the country can be effective only when specialized legal aid is available for the population.

Sadly, this availability is not satisfactory in society now. When delivering legal aid in conformity with the Criminal Procedure Law, lawyers do not fully use their skills and capacities in most cases and this eventually violates the right of persons who are devoid of quality legal aid to use the help of the defense.

It should be noted that most of the vulnerable people in remand facilities regard free legal aid provided by the state as being low quality and ineffective and refuse it.

When inspecting the remand facility of the Main Transport Police Department on 17 September 2004 and talking to Citizen M, who was being kept there as a suspect under Article 234 of the Criminal Code, it was found out that the detainee had no defense lawyer and investigator Edison Samadov had not fully explained his rights to him.

On the other hand, the Ombudsman believes that it is appropriate to lower the amount of compulsory state social insurance contributions paid by lawyers.

The Ombudsman suggested before that special offices should be established in the country capital, in other towns and in densely populated district centers for lawyers to provide free legal aid to the vulnerable part of the population. Such consultation offices would protect vulnerable people from illegal acts by the police, housing offices, representatives of local executive authorities on administrative territorial units, municipalities, tax authorities and others.

The Ombudsman proposed that the services of such lawyers should be exclusively funded from the state budget and a law should be drafted and adopted to protect the right of vulnerable people to receive specialized and high-quality legal aid. These proposals are supported by the provision of legal aid to citizens at the expense of the state.

It should be noted that the President signed a decree to better the capacities of the Board of Lawyers in order to ensure a more effective exercise of the constitutional right to receive legal aid.

A round- table “The Ombudsman’s cooperation with legal clinics” was held at the initiative of the Ombudsman on 27 December 2004 and a network of Legal clinics of Baku State University, Khazar University, the Western University, Odlar Yurdu University and the Azerbaijan University was set up in order to increase their role in effective protecting human rights and freedoms.

The key instruments, as well as the major problems, in the fight against crime are its prevention, preventive measures and inevitability of legal responsibility for crimes committed.

The Ombudsman suggested that a conception to prevent crime, which would entail the necessity of establishing a crime prevention system and combine the positive experience of the past with the new experience conforming to modern requirements, should be prepared.

Most of the complaints submitted to the Ombudsman about the abuses of human rights and freedoms by the officials of **law enforcement** agencies were duly investigated and significant work was done to restore the violated rights.

Procedural violation and procrastination in resolving crimes are often admitted in those agencies. Deadlines are not met and criminal cases are not carried out without any ground. This, first of all, prevents tracing criminals on time.

The punishment against the employees of **law enforcement** bodies who cannot cope with their job, show non-professionalism and create conditions for violation of human rights and freedoms should be in conformity with the violation or misdemeanor committed. Unfortunately, it is not always the case and light administrative reproaches turn out to be enough in most cases.

The developments we have recently seen are the result of unpunished crimes. It is proven by the fact that the Ministry of National Security has exposed an organized criminal gang, which has been involved in committing brutal killings in Baku, and its grave crimes have been revealed.

Prosecutors’ offices have wide powers in fighting crime, at the same time they also have great responsibility for protecting human rights and freedoms.

The analysis of complaints sent to the Ombudsman over prosecutors’ offices which exercise control over the enforcement and application of laws to ensure human rights and freedoms shows that some officials from those offices do not always fulfill their obligations in an entire manner as prescribed in the laws, which results in generation of countless public complaints.

Another noticeable fact in complaints about the work of prosecutors’ offices is that formal and hasty responses such as “cases were not confirmed” were given to complainants.

Most complaints say that ungrounded decisions are made when enforcing procedural guidance in preliminary investigation by prosecutors’ offices as defined in the laws.

Cases of failure of prosecutors’ offices to fully, comprehensively and objectively investigate peculiarities indicated in complaints during investigation and to duly evaluate facts were also reported.

For example, Applicant S (4097-04) from Lankaran District complained that the military prosecutor's office in Lankaran was biased in investigating the case of her being raped by an officer in military unit N and her appeals to the Military Prosecutor's Office were sterile. Examination showed that the military prosecutor's office in Lankaran refused to initiate criminal proceedings after the peculiarities indicated by the plaintiff were not confirmed. The case was investigated at the Military Prosecutor's Office of Azerbaijan following the Ombudsman's appeal, the Military Prosecutor repealed the decision on refusal to initiate criminal proceedings because it was taken without all necessary acts performed and the case was referred back to the military prosecutor's office in Lankaran for more investigation since there was not enough evidence to initiate criminal proceedings.

Employees of prosecutors' offices showed negligence to the Ombudsman's tasks in the process of consideration of complaints.

Applicant Q (2605-04) from Salyan District sent a telegram to the Ombudsman, saying that territorial representative Azar Agayev, municipality chairman Teyyub Mammadov, the director of Ilkin company and the district police officer exerted pressure to force him out of his apartment. The Ombudsman's appeal dated 7 June 2004 to Salyan district prosecutor Elkhan Panahov was neglected, the response letter was signed and registered on 19 June 2004 and sent to the Ombudsman only two months later, on 28 August, in violation of the laws. At the same time, the response letter contained brief information that the prosecutor's office investigated the complaint of the applicant about the violation of his rights by officials in the village of Garabagli in Salyan District and refused to initiate criminal proceedings. Taking into consideration the negligence of the district prosecutor to the Ombudsman's appeal and the applicant's fate, the Ombudsman applied to the Prosecutor General's Office for comprehensive investigation into the complaint. After that, the complaint was thoroughly investigated and the Prosecutor General informed the district prosecutor of his negligence.

Many complaints to the Ombudsman show that prosecutors' offices do not fully enforce statutory requirements when considering public applications, which does not allow the rights of citizens to be protected or those rights to be restored in time.

Broad reforms are under way in police authorities like in other areas in the Republic of Azerbaijan, which is on the road of building a state ruled by law and democratic society, and measures are being taken to bring the work of the police into conformity with international standards, improve their logistics and increase social protection of policemen working for the bodies of internal affairs.

Taking into account many desires and proposals for improving the capacities of the police and their material and social provisions during workshops to better the police's ensuring human rights and freedoms held in different town and district police departments across the country in cooperation with the **Ministry of Internal Affairs**, the Ombudsman appealed to the **President** of the Republic of Azerbaijan for instructing measures to increase the salaries of policemen who try to fulfill their obligations in ensuring the supremacy of the law and improve their social protection, as well as strengthen the logistics of police authorities and expressed confidence that these measures will improve the work of the police and their reputation in society.

Under the decree of the President of the Republic of Azerbaijan dated 30 June 2004, the monthly salaries of policemen and civilian staff working for the bodies of internal affairs were doubled on the average and the salaries of special purpose and mobile police units were increased three times. Also, the "State Program on Improving the Activities of the Police in the Republic of Azerbaijan (2004-2008)" was approved in order to improve the work of the police in the area of protecting human rights and freedoms in the country, maintaining public order, fighting crime and fulfilling other duties specified in the legislation, as well as to strengthen their logistics and social protection.

The Ombudsman and the **Ministry of Internal Affairs** have had effective cooperation in providing human rights and freedoms and restoring protected and violated rights over the past

years. As a logical sequel to a series of measures in some towns and districts of the country to improve interaction in the mentioned areas, regional workshops were held in May, October and November 2004 under the schedules approved by the Ombudsman and the Ministry of Internal Affairs with the participation of interior officials, heads of police departments in Baku and the districts and chiefs of remand facilities on the mastering and application by the police of enforceable acts for ensuring human rights and freedoms and joining efforts in this regard.

During those workshops, policemen touched upon some problems in their work, as well as expressed opinions on the detention of drug addicts and dipsomaniacs.

The Ombudsman suggested crisis centers for detention and medical and psychological rehabilitation of drug addicts and dipsomaniacs as an effective means for the police to ensure human rights and freedoms of detainees who break public order under the influence of alcohol or drugs.

The Ombudsman considered the results of the discussions and made several proposals to the state authorities to eliminate the difficulties in the work of the police and improve the legislation.

The **Ministry of Internal Affairs** carried out inspections following the Ombudsman's appeal to ensure the observance of the laws in certain police departments, protect the rights of detainees and improve detention conditions, provided constructive assistance in eliminating irregularities, took appropriate measures and punished the culprits in some cases.

Some policemen created obstacles to the work of the Ombudsman, maltreated employees of the Ombudsman's Office and tried to cover up the cases discovered during investigation.

On the instruction of the chief of police division No. 12 of the Sabunchu district police department, Arif Sujayev, a police officer on duty did not allow employees of the Ombudsman's Office to meet with a person detained in the police station and did not present any documents confirming the lawfulness of his detention.

The chief of the duty section of the Sabayil district police department, F. Garayev, prevented employees of the Ombudsman's Office, who came there to investigate a complaint, from fulfilling their duties, did not allow necessary documents to be produced instead of creating necessary conditions for them and showed maltreatment and unethical behavior. Appropriate investigation was conducted following the Ombudsman's appeal to the **Ministry of Internal Affairs** and that official was given a strong reprimand after his behavior was confirmed.

The Ombudsman appealed to the **Ministry of Internal Affairs**, insisting that the laws should be observed in remand facilities across the country, the rights of detainees should be protected and their detention conditions should be improved, as well as their daily food allowances should be increased. The response letter dated 1 December 2004 read that the Board of the **Ministry of Internal Affairs** widely discussed the mentioned issues, heads of police authorities were given specific tasks, measures were continued, as well as daily food allowances to detainees in remand facilities had been increased twice over the past three years and would be increased in 2005, too.

More than 20 police officers were brought to disciplinary account for violating human rights and freedoms with their illegal actions or inaction following the Ombudsman's appeals to the **Ministry of Internal Affairs** to investigate cases of abuse in complaints. In general, the punishment of every policeman who maltreats people, ignores their just demands and allows procrastination must be in the right proportion to the act he or she committed.

The analysis of complaints sent to the Ombudsman over the work of the police testifies to serious faults in this area.

The analysis of complaints related to the police reveals that the requirements of the laws are not fulfilled when considering complaints, there are problems in investigating reports on committed crimes and criminal conspiracy, probes and preliminary investigation are not objective, serious irregularities and acts diminishing human personality are allowed and there is corruption in the fight against crime.

The police are also noted for cases of biased investigation, under-fulfillment of duties and rude violation of the requirements of the legislation.

For example, Applicant A (4496-04) from Sumgayit alleged that two other persons abused his confidence to inflict 10,000 worth of damage on him and the investigation division of the Sumgayit Police Department was biased in investigating this case. It became known that the investigator of the Sumgayit Police Department, V. Ismayilov, refused to initiate criminal proceedings after establishing that there was no criminal element in the case. The Prosecutor General's Office examined the case, repealed the decision of the investigator on the grounds of incomplete investigation and ungrounded decision-making, the case was referred back to the investigation division of the Sumgayit Police Department, new investigation was held, but the investigator again decided not to initiate criminal proceedings after establishing that there was no criminal element in the acts of one of the persons. On the instruction of the Ombudsman the Sumgayit prosecutor abolished the decision after investigating and finding that decision illegal and groundless, initiated criminal proceedings under Articles 178.2.1 and 178.2.4 of the Criminal Code, referred the case back to the investigation division and investigation was continued there.

Applicant B (3281-04) from Bilasuvar District complained that an attempt was made on his life, the Bilasuvar district police division was biased in investigating a complaint that his minor daughter was raped and debauched, required forensic examination was not carried out, false references were added to the case, testimonies were not taken from witnesses and other persons indicated in his declaratory application and initiation of criminal proceedings were groundlessly refused. The case was examined following the Ombudsman's appeal to the Prosecutor General's Office and it was established that the peculiarities of the complaint had not been carefully investigated, a biased decision had been made, and necessary legal assessment had not been given to the criminal acts of V. Mammadov and others. The Prosecutor General's Office voided the decision and the case was referred back to the district police division for more investigation.

The details of complaints are not thoroughly, fully and objectively examined during investigation and appropriate legal assessment is not given to facts, which eventually both violates the rights of complainants and causes their distrust in relevant authorities. Sometimes, an appropriate decision is made to continue investigation on the insistence of applicants.

Complaints related to the behavior and professionalism of the traffic police are especially noteworthy. The maltreatment of the traffic police of drivers and other illegal acts generate just grievances of the population and complaints to the state authorities.

Part of the complaints filed to the Ombudsman about unlawful acts in **law enforcement** agencies result from the maltreatment by law enforcers during investigation, their using force and intimidation, illegal and biased activities and non-professional attitude to work.

Applicant A (2212-04) from Baku complained to the Ombudsman that employees of the 8th unit of the Traffic Police Regiment and the 14th police division of the Sabunchu Police Department broke into the apartment in Bilgah settlement, in which he and his family were temporarily settled, on 16 April 2004 and the commander of the 8th unit of the Traffic Police Regiment used force against his son. After the Ombudsman's intervention, materials for preliminary investigation were submitted to the Sabunchu district prosecutor's office. Following investigation, the commander of the 8th unit of the Police Regiment, Adil Talybov, was dismissed and five other policemen were brought to disciplinary account.

An applicant from Khachmaz District said that his 15-year-old son had been killed and the killing had been recorded as suicide, while his parents were intimidated and threatened with arrest for protesting against it. Such cases may be witnessed in different districts.

Biased investigation results in detaining an individual as a suspect or a defendant, bringing unfair charges against him or her and rudely violating his or her constitutional rights. Big mistakes and unlawful acts of investigators were prevented in some cases after the Ombudsman's intervention.

One of the reasons why some law enforcers commit unlawful acts is poor fight against corruption.

The abovementioned gives us the ground to say that there is still a need for continuing radical reforms in **law enforcement** agencies.

Like elsewhere in the world, corruption is closely connected to crime in our country.

Poor fight against corruption against the background of rising prices because of some people who keep different sectors of economy under their grip indicates poor activity of **law enforcement** bodies in this area.

Corruption poisons national morality and deals a blow to the country's socio-economic progress. It is not difficult to continue the list of corrupted areas like "free" and "paid" medical aid, courts, registration of documents in registry offices and acts in notary offices, privatization of apartments, purchase or leasing of land, apartment building and reconstruction, employment, examinations, references from housing departments and representatives of local executive authorities for administrative territorial units, rises in pensions, disability identification, registering salaries for hired workers, etc.

As can be seen, corruption has already become a habit for some officials.

The Ombudsman suggested that the "Code of Ethics for Civil Servants of the Republic of Azerbaijan" should be drafted and approved. This code would be based on the general principles of professional conduct of civil servants and contain the rules of communication and treatment of civil servants with citizens within the framework of generally accepted norms of ethics and such personal moral qualities as honesty, justice, courtesy and attention, as well as the rules of action against corruption and respect for the supremacy of the law. This code would demand that officials seriously change their attitudes way of conduct, refrain from any action that could challenge their objective approach to the fulfillment of their duties and refuse acts that could undermine the reputation of the state authorities.

It should be noted that our state has taken a series of important measures in the fight against corruption and approved significant legislative acts such as the Law of the Republic of Azerbaijan "On Fight against Corruption" and the "State Program to Fight Corruption" (2004-2006).

On the initiative of the Ombudsman, the head of the Ombudsman's Office was included in the working group to coordinate relevant measures envisioned in the State Program.

By the way, the Ombudsman appealed to the Prosecutor General's Office for investigation into cases of corruption reported in some complaints, but responses almost avoided the issue and it was indicated that "cases were not confirmed". The Ombudsman pins big hopes on the Department to Fight Corruption under the Prosecutor General's Office.

It is appropriate to combine data from **law enforcement** and controlling agencies into a common information network in order to prevent corruption in the system of civil service and intervention of criminal gangs in that area.

The already global fight in the form of coalitions against human trafficking is getting stronger. Our country is also taking the necessary steps in this area.

Corruption and the fight against human trafficking are priority issues for the state. Special importance is attached to the fight against corruption in **law enforcement** agencies, courts, public health and education facilities. This worries the Ombudsman, too and requires joint efforts to remedy the situation.

1.2 Protection of economic, social and cultural rights

There are still problems in the area of protection of economic, social and cultural rights of individuals.

Important measures and steps have been taken in our country to protect labor rights and improve the legislative base. One of the significant events in this regard is the adoption of the European Social Charter on 6 January 2004.

One of the key directions of the Ombudsman's activities is to protect labor rights specified in the Constitution of the Republic of Azerbaijan and international covenants, to which Azerbaijan is a signatory.

After considering complaints specific steps were taken to restore the violated rights of individuals, issues were raised in front of relevant organizations and the state authorities to resolve issues related to payment of salary arrears and such arrears were paid in some cases.

The situation is not identical in the area of payment of salaries. There have not been problems in the payment of salaries in state-owned enterprises and organizations. This problem is not virtually evident in private enterprises either.

A serious problem has recently been in the payment of salaries in most of the enterprises that used to be state-owned, but became joint-stock companies following privatization. The situation is such that people who have not been paid for months and even years and have to go to the court eventually face court rulings that cannot be executed due to objective or subjective reasons.

The problem that limited companies incorporated with **"Bayva" Management Center** owe millions of manat in salaries to those staff that work there now or used to work before, but fired under different reasons, was included in the first annual report of the Ombudsman. Taking into consideration the seriousness of the problem the Ombudsman appealed to the Ministry of Economic Development on 13 January 2004 to have the violated labor rights of hundreds of people restored. Although there was progress in the payment of salaries in **"Bayva Garb-Energy Ltd."** and **"Bayva Janub-Energy Ltd."**, there are still problems. After the Ombudsman's intervention in the issue, salary arrears were partly paid in some cases. Nevertheless, **"Bayva" Management Center** continues its irresponsible attitude towards people by allowing the mass violation of their rights.

Enterprises like this avoid paying the remaining arrears by citing the lack of funds in their accounts or think that their duties are over by promising to pay.

It has become a principle of work for many small and medium enterprises in the private sector not to conclude labor contracts containing all the main provisions of labor with employees, allocate annual leaves, replace unused vacations as defined in the laws and pay salaries in full.

Employers of some enterprises in the private sector do not pay salaries under different reasons, including, for example, hiding data on salaries, and thus do not make payments to the budget and extra-budgetary funds as defined in the legislation. On the other hand, people who have reached the pension age and apply for pension are refused to get pension because the enterprise they work for did not make payments to the State Social Protection Fund. Enterprises usually use two types of payrolls – the official one where the amount of salaries is intentionally indicated low and the unofficial one, under which employees actually receive more than officially stated. The Ombudsman sent a proposal to the Ministry of Taxes and the State Social Protection Fund to try to attract attention to the seriousness of the issue. The Ombudsman's participation in preparing proposals concerning problems in the mentioned area was welcomed.

Under Article 88 of the Labor Code, the employer can send information on the employee's personality and employment record to other employers or relevant bodies, as well as other places, only on a written request of such organizations and with the consent of the employee. However, employers do not observe this requirement of the law in some cases and not only refuse to give employees copies of their labor documents, but also prevent establishing conditions to study those documents.

Under Article 5 of Resolution No. 66 of the Cabinet of Ministers "On Norms of Business Trip Expenses" dated 16 March 2003, business trip expenses in budget-funded enterprises, departments and organizations shall be paid from the amount allocated from the state budget for

this purpose. However, some employers ignore this statutory requirement, do not pay relevant expenses to staff sent to business trip and do not answer to such requests.

In accordance with the legislation, when the employer dismisses the labor contract with the employee the copy of a relevant order, the service book of the employee and the latest settlements shall be presented to the employee on his or her last working day. In most cases employers violate employees' statutory interests by ignoring the laws. Eventually, employees feel distrust in employers and have to go to the court to have their rights restored.

Also, there are quite a few cases of illegal dismissal. Court rulings demanding reinstatement remain unexecuted in the majority of cases. But there are also cases that the violated rights of employees were restored following the Ombudsman's intervention and they were reinstated.

Employees have the right to work in a safe and healthy environment and the observance of the norms and rules of protection of labor as defined in the legislation is binding for the parties to labor relations and other physical and legal entities.

There are big faults in investigation into accidents at work, compilation of relative acts and payment of insurance. Heads of enterprises, especially in the private sector, do not register accidents and compile relative acts, which violates the statutory labor rights of employees.

Most of foreign companies active in Azerbaijan do not observe the norms of labor protection, neither do they make insurance against possible accidents in violation of employees' interests.

If any damage is inflicted on the health of the employee while performing his or her labor functions following accidents at work resulting from the non-observance of the rules of labor protection by the employer, the latter bears full material responsibility for the damage inflicted. However, almost in most cases the employer avoids paying the amount specified in the legislation for the damage.

Taking into account the social hardships faced by people who have sustained various industrial injuries and suffer from occupational diseases, the Ombudsman has proposed a flexible mechanism that would encourage employers to create safe and favorable conditions for their employees.

Unemployment remains to be a problem in our country. In order to resolve this problem, the "State Programme on Socio-Economic Development of the Regions of the Republic of Azerbaijan (2004-2008)" aims to generate 600,000 jobs and tens of thousands of jobs have been created across the country this year.

Migration is an important factor that affects the country's socio-economic development and national security. Migration processes have become ever complicated as a result of the forced displacement and chaotic mass flow of the population due to the presence of over a million refugees and IDPs, socio-economic hardships characteristic of a transition period, Armenia's military aggression and other reasons, and this situation has necessitated urgent measures to be taken on the state level.

Another serious problem is the negative attitude of employers to trade unions. Heads of foreign companies active in Azerbaijan use different means of pressure to prevent the establishment of trade unions in those companies in contradiction to the country's laws, while relevant authorities show reluctance to deal with this issue.

It is appropriate to increase the role of trade unions in enterprises and the entire society and create conditions for their free and independent operation with necessary powers to protect employees in order to make serious progress in the social protection and security of employees.

Under Article 38 of the Constitution of the Republic of Azerbaijan, everybody has the right to social security when they reach the age limit specified in the laws, fall ill, become disabled, lose the head of their family or work ability and become unemployed or in other cases prescribed in the laws.

Considerable progress has been made in the area of increasing state care to improve the social status of different groups of the population, evaluating labor and improving the pension system in the country over the past few years.

The provision of pensions is generally regulated with the Law of the Republic of Azerbaijan "On Pension Provision of Citizens", as well as other legislative acts, and the legislative base for this purpose is getting improved.

Currently, there are no problems in the payment of pensions to those pensioners who do not work or work for government agencies, enterprises and organizations. Nevertheless, there still remain problems in the payment of pensions in a number of enterprises in the private sector despite the fact that payments are made from the State Social Protection Fund.

The investigation into the complaints sent to the Ombudsman revealed that the violation of the right to pension was accompanied with serious irregularities in some cases. Applicant R from Sumgayit complained that he had submitted all necessary documents to the Sumgayit city branch of the State Social Protection Fund for receiving pension in 1993, but had faced unlawful acts and procrastination without any ground since then and the required pension had not been granted. The Ombudsman made many appeals to that branch over the violation of the period specified in the law for granting pensions, but the complainant started receiving his pension in January 2004 after the Ombudsman submitted a demand in a manner prescribed in the Constitution to the chief of the branch.

Some complaints related to the cases of procrastination in granting pensions were put right following the Ombudsman's intervention.

The use of payment cards by the State Social Protection Fund to prevent abuses and facilitate the payment of pensions is commendable.

The bulk of complaints submitted to the Ombudsman about the violation of the right to social protection express serious grievances about the work of zonal medical social expert commissions. People mainly complain about bribes required by such commissions to grant a degree of disability. It is noteworthy that such complaints mostly come from Jalilabad, Khachmaz, Shamakhy and Guba. Naturally, although the cases of bribery were not confirmed during investigation, the mention of briber-taking in most complaints from different districts gives us food for thinking and requires the situation to be clarified. The situation was reported to the Minister of Labor and Social Protection and it is envisioned to take some measures in this regard.

The government is taking consecutive measure to ensure the effective exercise of the right of individuals to life in a healthy environment. The establishment of Hirkan, Altiagaj and Absheron national parks and Ichari Shahar state historic and architectural preserve under the decrees and orders of the president during the year is laudable.

The Ombudsman suggested measures by relevant authorities to toughen control over the operation of enterprises that pollute the environment, a legal mechanism to regulate the organization of sanitary-protective areas of enterprises and protect the right of residents to life in a healthy environment, as well as action to protect the environment and public health.

Although there were comparatively few complaints about the violation of this right, the scale of mentioned problems gives the ground to think about urgent action.

Another problem in ensuring this right is the rising number of vehicles, including buses, cars and trucks, in the city and the use of dilapidated vehicles and vehicles that pollute the environment due to their bad ecological indicators. Although the law allows for technical inspection of vehicles by the traffic police, nobody limits the movement of vehicles that pollute the environment due to technical malfunction.

A lot of car washing stations have been opened with the rising number of vehicles in the city, but these stations seriously pollute the environment by being operated in an uncontrolled manner inconsistent with technical and ecological requirements. In most cases they use potable water and release water into the streets instead of sewerage and sometimes release used motor oil into the sewerage system.

Another problem is that there are no rules for neutralizing or destroying dilapidated or damaged vehicles, railway cars, iron and other wastes. One can observe those wastes remaining on the roadside in many towns and districts for years.

All these cases have emerged directly from the inaction of relevant central and local executive authorities.

The non-observance of sanitary and hygienic norms, as well as epidemiological requirements in commercial, public catering and other agricultural enterprises eventually leads to environmental pollution and negative impacts on public health.

Applicant N (5371-04) from Khachmaz said that a building accommodating chemicals near their house had collapsed and toxic agents had been spilt onto the streets and the vicinity of residential areas. Following the Ombudsman's request, the owner of the building was fined in a manner prescribed in the law and measures were taken to clean up the area from chemical substances.

The reason for felling forests in rural areas is the lack of fuel and the thriving pulp and paper, as well as furniture business of some so-called entrepreneurs, while in Baku the illegal occupation of lands have resulted in the destruction of olive trees, which have already become part of our capital's history.

A group of residents in Zira settlement applied to the Ombudsman that agrarian reforms were not duly conducted in the settlement, irregularities were allowed in distributing properties and the Absheron district executive authorities gave permission to open another quarry 100 meters off the settlement, in which there are already 4 quarries. The complainants said the new quarry would pollute the environment. They also said that employees of the Ministry of Ecology and Natural Resources had examined the quarry on the ground, but required documentation had not been prepared. The construction of a quarry that serves the interests of one individual, but violated the rights of 12,000 people living in the settlement should be stopped.

Tree planting by the Ministry of Ecology and Natural Resources in different regions of the country is important for expanding the national forest stock.

The right to protection of health, above all, entitles every individual to receive free medical aid in state-owned medical facilities.

Most people in the country have not been able to sufficiently use health opportunities over the past years. Services in almost all areas of medicine, excluding first medical aid, are paid.

Applicant M from Baku said he could not afford to have computer tomography examination for the brain and backbone of his minor son and asked for help. The ailing son of the complainant was examined following the Ombudsman's intervention.

The Ombudsman believes that the only possible way of rendering specialized medical aid to vulnerable families, as well as socially vulnerable persons and chronic patients, is through funding from the state budget and suggested allocation of funds for this purpose.

The Ombudsman also received complaints from people who are entitled to receive free medicines, including diabetics. The problem here is the lack of medicines on the one hand and appropriation of funds allocated for this purpose on the other.

It is extremely necessary to prepare and pass a draft law on state care for children ill with thalassemia in view of its wide scale of occurrence.

An event "For life without thalassemia" was held on the initiative of the Heydar Aliyev Foundation to call the attention of the public, foreign countries and the International Thalassemia Federation to this problem in Azerbaijan.

Currently, most hospitals, especially those in towns and district centers (it is even impossible to evaluate the plight of hospitals in villages) do not meet the requirements of progress and the standards specified in the legislation. To make it worse, patients are not provided with medical preparations, food and normal hospital conditions.

Besides, insufficient power supplies or power cuts in medical facilities in the regions disable the already outdated medical equipment and heating devices, and interrupted power

supplies create difficulties in providing warm conditions for patients in winter, conducting surgeries and ensuring normal operation of medical facilities.

Complainants who suffer from administrative arbitrariness of officials of medical facilities in providing examination and treatment seek assistance from the Ombudsman.

Complaints from people ill with tuberculosis are especially alarming amid the widespread cases of this disease in correctional institutions.

In order to fight tuberculosis, the Ombudsman suggested that the Cabinet of Ministers draft and implement the “State Programme for Prophylactics, Prevention of and Fight against Diseases Connected to Social Factors”, as well as the purposeful state program “On Measures to Fight Tuberculosis”.

The plight of those suffering from kidney problems is not better than that of tuberculosis patients. The comprehensive treatment of this disease requires the full mobilization of the resources of our healthcare system.

Applicant H from Guba District said that his son had been suffering from kidney deficiency, had been in hemodialysis for the past three months and 3,500,000 manat was needed to provide hemodialysis for one month. Following the Ombudsman’s intervention, hemodialysis treatment was provided to the son of the complainant at the expenses of the government.

There is a need for creating better conditions for local businessmen in order to give an impetus to the production of medical equipment and medical preparations in short supply and improve the work of medical facilities.

One of the reasons encouraging corruption in the healthcare system is the low salaries of doctors. It is generally true that skilled and experienced doctors go to work abroad or work for private medical facilities where they are paid higher or try to provide individual paid services.

Every citizen has a right to education. Being at the root of development of a state and society, education must be directed at the full development of a person and realization of human dignity as a strategic and priority area of activity and must strengthen respect for human rights and freedoms.

The fate of school dropouts, increasing illiteracy among children, especially girls, and the quality of education are of concern.

According to statistics, there are about 4,500 secondary schools in operation, including around 1,110 constructed specially as schools. Now, some 1,500 schools are in an emergency and need overhaul or reconstruction.

Complaints show that even funds allocated for the current or capital repair of some schools are not fully spent for the intended purpose and appropriated.

The logistics of education have become extremely bad. Most schools, especially in towns, districts, settlements and villages, have almost no laboratories, equipment and sports effects, while libraries have been disabled without necessary provisions.

Moreover, low salaries in education alienate teachers from teaching.

Primary classes are often formed not with children who willingly come to school together with their parents, but with children selected by teachers themselves. It is true that there are many experienced primary class teachers, but the selection of children in the mentioned manner reflects the plight of education once more.

Problems between teachers themselves and in their relations with schoolchildren also cause concern.

Applicant Q from Shaki applied to the Ombudsman that the staff of School No. 18 had been informed that her son had a sore arm, but the principal of the school, A. Mammadli, hit her son and his arm was again injured. The principal received only a reprimand after the Ombudsman’s intervention, while he should have got his due to be an example for others.

Applicant A from Baku said that she had been insulted by the principal of School No. 64, Mirfaig Mirheydarli, and her teaching hours had been reduced without any reason. After the Ombudsman’s appeal, the principal of School No. 249 in Baku’s Khatai district was fired for insulting and smearing the dignity of a student of the 9th grade, T. Babayev, for the political

views of his father. Also after the Ombudsman's appeal to the Ministry of Education and the executive authorities of Baku's Khatai district, Mirheydarli also received a reprimand for faults in his activities and was later dismissed.

With problems in the education system, there are also quite a few cases of violation of employees' rights guaranteed in the labor legislation. Such cases violate the rights of separate employees, as well as make a negative impact on the development of education. The spiteful attitude of some education officials – employers towards employees result in the violation of the latter's rights.

Both government officials and the press often say that there is a lack of teachers in rural areas. However, local officials prefer their interests and do not want to realize the existence of these problems and resolve them. On the contrary they fire experienced teachers in violation of the requirements of the Labor Code.

A group of the Russian language teachers from Baku applied to the Ombudsman that the number of hours for teaching Russian had been severely reduced in secondary schools and Russian was taught as an optional and individual discipline. On the initiative of the Ombudsman, this issue was discussed at a roundtable with the participation of the minister for education, as well as officials from the ministry of education, chiefs of education divisions in Baku and over 100 Russian language teachers at the Ombudsman's Office on 10 July 2004 and the minister promised that the problem would be resolved in accordance with the legislation. According to reports, those teachers have already been provided with sufficient teaching hours.

Orphanages and boarding schools also faced difficulties. The insufficient funding from the budget resulted in the lack of clothes, food and repair work and caused the level of education to drop.

In general, the fact that schools and district branches of education are in dual subordination actually sidelines the Ministry of Education, which is responsible for the quality of information, from this process.

The situation in institutions of higher education is also deplorable. Moreover, the non-recognition of diplomas issued to Azerbaijani citizens by universities in Europe creates certain difficulties.

It is also noted that some private institutions of higher education that operate without required licenses damage our national education system. It is necessary to carefully investigate the operation of such institutions, which admit students off-the-books, thus confusing students and their parents. Eventually, diplomas granted to students in violation of the laws are devoid of any legal base.

The Ombudsman made appeals to the parliament, the Foreign Ministry and the Ministry of Education in view of Azerbaijan's alignment with the UNESCO Convention "On Fighting Discrimination in Education" dated 14 December 1960 in order to prevent discrimination in ensuring human rights and freedoms in the country.

The Ombudsman suggested in her first annual report that the consideration and approval of the draft Law "On Education" should be accelerated. It is inadmissible that this draft has not been passed yet despite having been debated for more than 10 years.

In addition, the Ombudsman proposed that orphans and children deprived of parental care studying at institutions of secondary and higher education should be exempted from tuition fees.

Another important issue is the generally low level of legal education among people. Experience shows that the awareness of Azerbaijani citizens of their rights and freedoms is on an extremely low level. Education in the area of human rights and ways of their protection has become a nationwide task that requires coordination of state-owned and non-governmental organizations.

Therefore, it is necessary to achieve considerable progress in improving awareness of human rights, which are considered to be the universal values of the 21st century. This task envisions updating the system of education, adding courses on human rights to the curricula of

schools, technical schools and universities, broadcasting special legal education programs on TV and the radio and inserting appropriate columns in the press.

UN Secretary General Mr Kofi Annan has declared the next ten years to be the “UN Decade for Human Rights Education” as a sequel to the measures initiated by the UN for propagandizing human rights and increasing public awareness of their rights. In this regard, the UN prepared the “Universal Programme to Teach Human Rights” and recommended to member states that they draft national strategies of action under this program.

The Ombudsman made an initiative that the purposeful program, “Legal education and teaching in the area of human rights and freedoms and forms and ways of their protection”, should be drafted and approved.

The Ombudsman believes that it is appropriate to have human rights as a separate discipline in schools and universities and suggested that this should be included as a compulsory discipline.

At the same time, the resources of unofficial education must also be broadly used.

Part II of Article 43 of the Constitution of the Republic of Azerbaijan says that “the government shall allow the construction of residential buildings and houses and take special measures to safeguard the right of citizens to accommodation”. Among these measures are the allocation of apartments at the expense of the budget free of charge, the acquisition of long-term interest-free or soft loans or the sale of apartments at comparatively lower prices. However, the non-allocation of funds from the state budget aggravates the already complicated situation.

Currently, part of the urban population continues to live in old buildings, buildings in an emergency and dormitories.

The consequences of the quake in the country, especially in Baku, in 2000, as well as flooding in the Kur and Shin rivers and other calamities, continue to make themselves felt in the fates and lives of people.

The Ombudsman believes the preparation and implementation of a state program to resettle those who live in old buildings and buildings in an emergency may stop the violation of the right of individuals to accommodation as prescribed in the Constitution, as well as may prevent any future tragedies.

Applicant I (4151-04) from Baku said that he and his spouse had first-grade disability, he and his two daughters suffered from thalassemia and they lived in a one-room flat without any utilities. Saying that their appeal to different state authorities had not been successful, he asked the Ombudsman to help in receiving an apartment. The Ombudsman’s appeal also to different state authorities for providing that family with an apartment has not been satisfied.

One of the serious problems reported in complaints is that houses (apartment blocks) in residential areas are not put down on the inventory. For example, as a result of the territorial dispute between Absheron and Azizbayov districts over the area called Hovsan Milk Farm, the houses built in that area and populated by tens of thousands of people have not been taken into state registration, necessary addresses have not been given and these people cannot fully exercise some of the rights specified in the legislation. Therefore, it is extremely important to make an inventory of all lands and residential buildings in the country and this requires the improvement of infrastructure (hospitals, schools, kindergartens, sport grounds, etc.) in accordance with the number of the population.

The violation of the rights of those who live in dormitories for families has already become rampant. Vulnerable families who have been living in such dormitories for tens of years and change their place of work are not in the position to get new apartments.

The Ombudsman believes that it is inadmissible to privatize dormitories together with enterprises they belong to and flats in those dormitories must be given to permanent use of their residents.

The analysis of complaints from applicants who live around newly constructed multi-story buildings illustrates that entrepreneurs who manage construction cause environmental pollution, restrict the movement of people around by occupying more lands than they are

permitted and endanger the lives and property of residents in nearby building by not following safety and construction rules. Local executive authorities confine themselves to giving general answers to such complaints rather than taking actual steps to restore or protect the rights of residents.

Sometimes, the problems pertaining to the provision of apartments to citizens result from the disobedience of officials working for executive authorities to the laws. In one of the cases, the Ombudsman assigned the head of the executive authorities of Baku's Khatai district to investigate a complaint asking for resolving the housing problems of a serviceman who was discharged from the army for becoming disabled. The head of the executive authorities of Khatai district said in a response letter that the complainant would be provided with an apartment in accordance with Article 36 of the Apartment Code at reduced prices after his turn comes. However, in accordance with Part II of Article 12 of the Law of the Republic of Azerbaijan "On Status of **Military Servants**", as well as Article 39 of the Apartment Code, apartments shall be provided out of turn to **military servants** who become disabled while fulfilling his military duties and are discharged for this reason.

Vulnerable citizens insist on assistance in having their flats repaired. The Ombudsman appealed to relevant executive authorities over such complaints and secured assistance in some cases.

Citizens also have to confront the arbitrariness of officials when registering their own flats, farms and land plots. Such obstacles end up with the violation of their rights.

The non-execution of a court ruling recognizing an individual's right to his or her apartment is as much unjust as illegal deprivation of that individual of an apartment. In most cases, procrastination is the case in the execution of court rulings and such execution takes months.

Reforms being implemented in the utilities sector are not always positive because of local executive authorities and separate officials.

One of the issues which was included in the Ombudsman's first report was the replacement of privileges of certain groups of the population with allowances, as well as the cancellation of such privileges for those who fought in the Garabakh war and the clearance of debts concerning those who have the right to privileges and were registered as veterans of war by utilities. It is appropriate to close the issue by writing off those debts for once and all and provide consumers with gas meters. Both the funds saved following rises in gas prices and the budget allows this.

Gas supplies to some district centers last year positively affected the living conditions of local populations and relieved them of many physical disturbances and searches for additional sources of fuel. Nevertheless, people continued to use trees as fuel because of the lack of gas supplies in most parts of the country, which has resulted in deforestation and interrupted power supplies. In those districts electricity fees cannot be exactly calculated since people do not have electricity meters and those fees are appropriated by certain individuals. That is why, more people should be provided with meters.

The analysis of complaints to the Ombudsman shows that the interruption in gas supplies for many years has led to the dismantling or decay of gas lines, which prevents good transmission of gas supplies.

Some local gas consumption enterprises cut gas supplies to residential areas in order to persuade people to pay for gas, thus violating the rights of those consumers who actually pay for gas.

Besides, there remain to be serious problems in providing drinking water. The consideration of complaints shows that mountainous areas are poorly provided with potable water. A vivid example of exposure to this problem is the shortage of potable water in newly constructed settlements for IDPs.

Everybody is entitled to be involved in free entrepreneurial activities or other economic activities not proscribed in the laws alone or together with others by using their capabilities, resources and properties in a manner prescribed in the law.

Important measures have been taken in our progressive society to ensure the consistent formation of the entrepreneurial environment. In the meantime, the “State Program for Socio-Economic Development of the Regions of the Republic of Azerbaijan (2004-2008)” is especially important from the viewpoint of giving an impetus to the development of entrepreneurship, increasing the role of entrepreneurs in socio-economic development, creating favorable conditions for entrepreneurs by defining the forms and directions of small and medium entrepreneurship which are useful and a priority for our national economy and fully encouraging their activities.

The president of the country paid a special attention to these issues when he met with entrepreneurs and gave necessary instructions to the heads of local executive authorities to help and support the development of entrepreneurship and the private sector.

The complaints submitted to the Ombudsman over the violation of the right to entrepreneurship are multi-sided. Such violations are mainly related to the non-payment of contractual amounts to entrepreneurs for the services provided. It should be noted that some state authorities owe a good deal of money to entrepreneurs in this regard.

The analysis of complaints shows that individuals who want to indulge in entrepreneurial activities face the negligence and arbitrariness of officials.

Officials often create obstacles to individuals who want to be involved in entrepreneurial activities by leasing land in rural areas. There are also quite a few cases of violation of the right to entrepreneurship by municipalities.

The development of the agrarian sector has a special share in making achievements in the socio-economic progress of Azerbaijani regions.

The Ombudsman emphasized complaints concerning the agrarian sector in her general reference to the president over the complaints in the first annual report about land reforms and utilization and indicated that these complaints are predominantly related to the facts that irregularities took place in abolishing collective and Soviet farms, including faults in distributing land plots, lands were unevenly distributed or redistributed, government acts on the right to land ownership were either not issued or changed, the areas of allocated land plots were not measured on the ground, which made it impossible to use those plots, the quality benchmark of lands was not properly calculated, some people entitled to get land were provided with unfertile lands, there were problems with irrigation, and obstacles were created to involvement in entrepreneurial activities in leased lands.

At the same time the Ombudsman noted that the head of the executive authorities in Masalli District, A. Safarov, the head of the executive authorities in Agjabadi District, F. Hasanov, the head of the executive authorities in Shamkir District, A. Aslanov, the head of the executive authorities in Imishli District, V. Guliyev, the head of the executive authorities in Beylagan District, Kh. Ahmadov, the head of the executive authorities in Salyan District, Y. Alakbarov, the head of the executive authorities in Fuzuli District, N. Mukhtarov, and the head of the executive authorities in Absheron district, M. Novruzov, were negligent to complaints about land issues, such complaints were not addressed in many cases, there were cases of procrastination, more human rights were abused, some villagers who want to use their statutory rights to make contributions to the development of the agrarian sector had to apply to different state authorities after facing injustice by local executive authorities, the inaction, arbitrariness and outrages of some local officials discourage people who believe in democratic reforms. The Ombudsman also suggested urgent measures.

The Ombudsman suggested to the president that he give necessary instructions to relevant authorities to change the attitude of officials towards people, as well as to take measures to resolve problems in the agrarian sector in order to achieve positive results from agrarian reforms and increase the efficiency of the work done to this end.

Indeed, one of the biggest problems in the agrarian sector is the arbitrariness of officials and negligence to people.

A group of applicants from Fuzuli District complained that there were irregularities in the agrarian reforms in the district, as well as the distribution of land and property, and former collective and Soviet farms did not pay off salary arrears.

The Ombudsman received the complainants with the participation of the head of the executive authorities of that district, N. Mukhtarov, on 13 September 2004. They noted that there were irregularities in the agrarian reforms, necessary conditions were not created for the development of the agrarian sector, local IDPs, as well as IDPs from that district who have settled in other districts were not cared about, they would not be received by the head of the executive authorities, and requested a state commission to investigate these issues. The complainants and N. Mukhtarov did not manage to establish a normal dialogue during the meeting, which implies the lack of working communication between the population and the heads of the district.

That district, together with other IDP districts, has always been in the focus of the country's leadership and there is continued care for them. Besides, the facts that the district is situated in the borderline area, most of its territory is under occupation and half the local population facing the occupying forces along the border have been settled as IDPs both in that district and in other districts require the local executive authorities to be extremely responsible in fulfilling their duties, as well as treating people.

Such cases require inspection and due consideration of the activities of those officials who have reached the culmination of official arbitrariness.

Guided by the abovementioned, the Ombudsman informed the executive staff of the Azerbaijani President and requested an authorized commission to investigate the complaints from Fuzuli District.

However, improving administration is a priority in this area.

The Ombudsman appealed mainly to heads of local executive authorities, the State Committee of Land and Mapping and its local branches for investigating incoming complaints and had some of the complaints resolved.

The negligence of executive authorities to the destruction of agricultural products in calamities (flooding, showers, etc.), which negatively affect the living conditions of the peasantry is one of the cases complained about.

The Ombudsman visited Salyan and Neftchala districts, which were hit by the flooding in the Kur river, as well as Shaki, which was also stricken by flooding, met with the local population, heard their complaints and proposals, and made appeals to relevant authorities to have urgent issues resolved.

When compiling a list of people who have the right to own land plots as part of agrarian reforms, local agrarian reform commissions in some regions did not enroll those who have this right in most cases, thus depriving them of their rights and forcing them to face procrastination and troubles.

Local executive authorities try to prevent abuses in land distribution, while in some cases they do not heed this problem and show negligence.

Although it has been several years since land reforms started, hundreds of people have been massively deprived of land plots as a result of the negligence of district agrarian reform commissions, which resulted in a mountain of complaints to the state authorities. For example, residents in the village of Najafgulubayli in Agjabadi District (5029-04) complained that they did not receive land plots during land reforms. Investigation revealed that 212 families in the village had not been given land. The Ombudsman appealed to the head of the local executive authorities in Agjabadi District, the State Commission of Land and Mapping, as well as the Cabinet of Ministers, but the violated rights of the complainants have not been restored so far.

At the same time, complainants say that the area of their land plots is not measured, they do not receive documents confirming the right to land ownership and therefore they cannot make use of lands.

Complaints also say that the quality of land is not properly defined and unfertile land is allocated to some individuals, who cannot make use of it.

There are also problems in watering sown areas. It is possible to understand the plight of a villager whose products are destroyed in a calamity. But it is unforgivable to allow those products destroyed because of the fault of the authorities.

People who were eligible for property shares following the abolishment of collective and Soviet farms could not get those shares as a result of the irresponsible attitude of local agrarian commissions towards reforms. The Ombudsman's intervention helped restore such rights abuses in some cases, while in other cases it was guaranteed that the value of the rest of property shares of complainants would be paid after accounts payable are collected from property owners.

However, there are cases that the heads of local executive authorities who are directly responsible for the course and results of the reforms and lead local agrarian commissions admit the faults in the distribution of the property of collective and Soviet farms by these commissions during the reforms, but say that these commissions have already been abolished and the property has already been handed over, that is why, it is impossible to put right complaints. Moreover, they do not try to take necessary action to resolve these problems.

Part of the complaints about irregularities in the conduct of agrarian reforms came from settlements in Absheron district. H and others (1048-04) living in the area of the former Hovsan Milk Farm said which district that area populated by more than 30,000 people is registered in and noted that the lands in that area were in the administration of Absheron district in the 1960s and they faced some problems following the abolishment of Soviet farms. To recap, the number of people living in that area has not been calculated yet and power, gas and water supplies still remain to be a problem. There are almost no schools and kindergartens. The local population says that it is possible to move to the administration of Azizbayov district. The Ombudsman's appeal to the executive authorities of Baku and Absheron district, the State Committee of Land and Mapping, the State Commission for Agrarian Reforms and the parliament to clarify the administrative subordination of the mentioned area in order to ensure rights and freedoms of people there have not been responded to.

Problems that have been created during agrarian reforms must be resolved and a new inventory of lands and installations must be made to create favorable conditions for implementing the measures envisioned in the "State Program for the Development of the Regions of the Republic of Azerbaijan", while local officials must change their attitude to agrarian problems on the ground, their arbitrariness must be ended and responsibility must be increased for the agrarian reforms to be positive.

1.3 Protection of the rights of refugees and IDPs

The government keeps in its constant focus the fate of people who were driven out of their lands in the wake of Armenia's military aggression against Azerbaijan and tries to improve their housing and living conditions and provide social protection.

New settlements, as well as modern houses and flats in towns and districts, have been constructed for tens of thousands of families in order to resolve the problems of refugees and IDPs with funding from the state budget, the State Oil Fund, donor countries and some international humanitarian organizations. A total of 359 billion manat was spent from the State Oil Fund last year to finance measures to resolve the problems pertaining to the settlement of refugees and the improvement of social and living conditions of IDPs.

New residential areas have been constructed for IDP families, including 6,076 apartments, 18 schools, 18 medical stations and other important infrastructure facilities, the

construction of 320 houses has been completed and 5,000 IDP families have been provided with land and one-off pecuniary allowances.

At the same time, the assistance strategy of the WB, the UNHCR and different international humanitarian organizations concerning Azerbaijan has been changed, and reduced assistance has been focused on refugees who fled socio-political disturbances in other countries and took refuge in Azerbaijan.

Under presidential decrees it is planned to construct new settlements with power and water supplies and education, healthcare and other necessary social and technical infrastructure for 3,674 IDPs from Agdam District who are living in tent camps in Barda and Agjabadi and in railway carriages in Barda District in that district, 149 IDPs from Kalbajar District in the villages of Ashagi and Yukhari Agjakand in Goranboy District and 37 IDPs from Lacin District in the winter pastures of Lacin in Agjabadi District. Moreover, the "State Program on Improving the Living Conditions of Refugees and IDPs and Increasing Employment among them" has been approved.

The situation of refugees and IDPs has always been in the focus of the Ombudsman. Work has been done to bring their problems to world countries and to articulate them from the tribunes of most respectable meetings.

The Ombudsman paid regular visits to the places of settlement of refugees and IDPs, held meetings with them and sent proposals to relevant authorities, including to the State Committee on Refugees and IDPs, the Ministry of Labor and Social Protection and the Ministry of Education, to resolve the problems raised in those meetings.

The analysis of complaints sent to the Ombudsman by refugees and IDPs shows that this category of people is mostly concerned about problems related to housing conditions, settlement, use of land, employment, health, education, infrastructure, and social problems.

Although important measures have been taken to improve the settlement and housing conditions of IDPs, the underperformance of some state authorities or officials continue to overshadow the positive efforts exerted.

The Ombudsman appealed to the State Committee on Refugees and IDPs, the Ministry of Education and the Ministry of Economic Development over the delay in the funding of nursery schools in newly constructed settlements in Fuzuli District and had this problem resolved.

The abovementioned again proves that despite the myriads of complicated problems facing our country the government continues to take every possible action to protect the rights of refugees and IDPs and improve their social conditions.

1.4 Protection of the rights of inmates

The Ombudsman also heeded the situation in both remand facilities and prisons over the past period.

The employees of the Ombudsman's Office took an active part in the work of the Public Council, which provides supervision over and assistance in penitentiary reforms in Azerbaijan, and the Guardianship Council under correctional education facilities, paid attention to the extent of provision of the statutory rights of inmates in prisons and gave necessary proposals to remedy the drawbacks and take action.

The Ombudsman made appeals to the Ministry of Justice over the abuses and irregularities discovered at regular meetings with detainees in remand facilities and prisoners and during visits to examine their detention conditions. As a result, some of the problems were resolved.

In view of incoming applications, the Ombudsman suggested that relevant laws should be amended to allow pensions to be remitted not to inmates, but to their families with their consent.

Inmates must be provided with hot meals three times a day to secure normal functioning of the organism. The Ombudsman suggested because of the rising domestic prices that measures

should be taken to increase the amount of government funds for detainees in remand facilities and prisoners and improve control over the quality of their nutrition.

The President of the Republic of Azerbaijan signed 4 decrees on pardon in 2004 after considering appeals from convicted persons, their families, NGOs and from the Ombudsman, remitting the rest of the prison terms of 810 inmates and halving the terms of other two.

As has been noted, the Ombudsman's solicitation was taken into heed and a total of 104 inmates, including 34 in 2004, have been released following the Ombudsman's appeals.

It is actually alarming as regards pardons that the number of women, children and elders is small among the released. The Ombudsman made an appeal to the President in this regard.

The Ombudsman also appealed to the President for pardoning the members of the former Special Purpose Police Detachment, who were involved in the events of October 1994 and March 1995 and convicted by courts, as well as most of those who were involved in the riot in Ganja, on the grounds that these persons had already been corrected, felt sincere remorse, did not pose any public threat and they and their families had appealed for release.

The Ombudsman made an appeal to the President for declaring an amnesty to glorify the Victory day over Fascism, the Independence Day, as well as the year 2004 announced by the UN as the Family Year, and including in this amnesty the persons who committed unlawful acts on 15-16 October 2003 and convicted, and made a relevant proposal to the parliament.

Impunity for a crime committed is inadmissible. But it is also inadmissible to imprison individuals for an accidental crime (it can be called a right abuse or an administrative misdemeanor), which does not contribute to the development of society, the prevention of crime and the correction of those people, and the imprisonment of such offenders in the same environment with "professional criminals" in most cases hinders their return to society.

According to criminal statistics, the number of those who are convicted under Articles 128 and 132 of the Criminal Code is rising. In view of the fact that acts under these articles are less dangerous for the public, the interpretation of such acts not as crimes, but as administrative misdemeanors could reduce the number of detainees. Therefore, it is appropriate to redefine amounts for punishment for theft, swindling, appropriation, etc. by reconsidering appropriate articles in the Criminal Code and the Code of Administrative Demeanors and search for ways of opening up new opportunities for people to return to the "healthy environment".

The Ombudsman forwarded a number of proposals to the Ministry of Justice to improve the correction of inmates: including

- inspecting the treatment of prisons and improving the detention conditions of inmates;
- taking action to establish normal relations between inmates;
- placing ailing inmates, especially prisoners ill with tuberculosis, to medical facilities;
- investigating the complaints of prisoners and the reported cases in those complaints and remedy the situation;
- improving quality of nutrition and provision of medical assistance to inmates;
- providing serious supervision over detention in penal remand facilities, solitary confinement and cell-typed rooms, duration of such detention and the conditions of detainees;
- vetting the professionalism of prison officers and organizing professional and education events;
- organizing events on legal Human Rights education for inmates;
- organizing labor places for prisoners and opening new jobs for prisoners;
- increasing funds to maintain inmates;
- increasing salaries of prison workers;
- providing good leisure time for prisoners, recreation areas and sports grounds and strengthening educational work;
- providing places of worship and food for prisoners in view of their religious beliefs;
- taking action for the return of released inmates to a normal way of life and their social and psychological adaptation;

- increasing public monitoring of prisons and improving the work of the Public Council and the Guardianship Council;
- **setting up the rehabilitation center for inmates;**
- jointly monitoring of the situation in prisons by the Ministry of Justice and the Ombudsman with the participation of public organizations.

1.5 Protection of the **rights of military servants**

The main purpose of reforms in the armed forces is to ensure our country's defense capability and security and create a highly professional army. For this purpose, a number of important issues should be addressed, including increasing the respect and reputation of military service and the army among the population and ensuring the implementation of the status of all **military servants** in accordance with the existing legislation.

The government took a series of significant measures to protect the rights of militaries in 2004.

The Country President signed the decree to increase the salaries of the **military servants** of the Ministry of Defense, the Ministry of **National Security**, the **Ministry of Internal Affairs** and the State Borders Service.

The protection of the rights of **military servants** is also a priority in the activities of the Ombudsman.

The analysis of complaints submitted to the Ombudsman illustrates that they are mainly about the facts that the Ministry of Defense doesn't pay compensation to **military servants** for property, sometimes they are not discharged from the army despite the expiry of their contracts, in other cases former **military servants** are not provided with housing.

Unfortunately, the Ombudsman's appeals to the parliament, the Cabinet of Ministers, the Ministry of Finance and the Ministry of Defense did not yield positive results. Most court judgments delivered on behalf of the state in this regard have not been executed either.

Inquires were sent to the Ministry of Defense to ensure the provision of the right to being discharged from military service, but in most cases it was said impossible due to service necessity and their disbandment would be considered later.

Some complaints reported negligence on the part of military registration and enlistment offices and procrastination in granting a disability status to persons who were injured on military duty and returning military service IDs to those who have completed their military service by some military units.

Complaints about the violation of the right of servicemen to healthcare were also in the Ombudsman's focus. Applicant H from Sumgayit said that his brother had been wounded in a mine explosion during military service and was receiving treatment at the Central Clinical Hospital of the Ministry of Defense. Following the Ombudsman's appeal to the ministry, it was decided to send that person to Turkey's Gulhane Military Hospital for specialized examination and treatment.

The Ombudsman and employees of the Office held several meetings in military units of the Ministry of Defense. The objective of those meetings was to explain the powers of the Ombudsman to military staff, become familiar with the living and service conditions in military units, measures to provide good leisure time for **military servants** and the status of services (healthcare, food, items, etc.) provided to them and their conformity to the laws, as well as to protect human rights and freedoms and have conversations with personnel about patriotism.

The Ombudsman sent proposals to the Cabinet of Ministers in view of the fact that the amount of monthly compensations paid to **military servants** for food is small and does not improve their living conditions under the current circumstances of market economy.

The Ombudsman believes that it is appropriate to add **military servants**, who have served not less than for 10 years in the army (including in the Soviet army), including not less than 5

years in the Azerbaijani army, were discharged or retired due to age, health or staff reduction, but were not provided with apartments in a manner defined by relevant executive authorities, to Article 105 of the Apartment Code (citizens whose eviction from their service residence is impossible without providing another accommodation), and to amend the Law of the Republic of Azerbaijan “On Status of **Military servants**”.

During meetings in military units, **military servants** requested that their salaries should not be taxed, they should be included in the list of taxpayers under Article 102 of the Tax Code (exempted and partial taxpayers) and additional compensations should be paid to **military servants** in military units in the battle area who have to rent apartments since their families are not provided with accommodation.

The Ombudsman continues to strengthen cooperation with the Ministry of Defense and other state authorities in order to resolve the problems of military servants.

Chapter II

The activities of the Ombudsman in the area of legal education, scientific-analytical work, cooperation with Mass Media and civil Society, international relations

2.1 Legal education of the population

The UN announced 1994-2004 the Decade for Human Rights and recommended the member states to take appropriate measures for this purpose.

One of the Ombudsman’s wide areas of activity is to propagandize human rights and freedoms and legal education. Thus, the Ombudsman acted to provide education in the promulgation of human rights and freedoms and involve active members of civic society in this undertaking.

UN Secretary General Kofi Annan announced the next ten years as the UN Decade **for** Human Rights Education in order to continue the logical sequence of the organization’s successful measures in the area of increasing the awareness of different people of their rights and the advocacy of human rights. In this regard, the UN has prepared the “Universal **Programme** to Teach Human Rights” and recommended that member states draft national strategies of action under this **program**.

Many workshops were held to advocate human rights. Seminars, training courses and regional consultations were conducted with the participation of representatives from state authorities, the public and the mass media to discuss the protection of human rights, the fight against human trafficking, corruption, drug addiction and AIDS and issues of protection of the rights of inmates, detainees, consumers and ecological rights.

A series of events were held in different regions of the country on the initiative of the Ombudsman in 2004.

The population was informed of human rights, women’s rights, the rights of the child and the elderly, as well as the Ombudsman’s role, duties and powers in society during meetings and broad discussions held.

In order to increase the efficiency of public education, the Ombudsman prepared and printed several publications in 2004, including leaflets such as “**No to Torture**”, “What Should

You Know If Detained”, “What Shouldn’t You Forget When Arresting” and others, as well as brochures, handbooks and notebooks.

2.2 Organization of scientific-analytical work

The Ombudsman’s **scientific-analytical** efforts in 2004 mainly consisted of comparing domestic laws with international covenants that Azerbaijan is a party to, circulating proposals to resolve topical problems concerning the improvement of the legislation and the provision of human rights, preparing publications and scientific articles propagandizing human rights, sending inquiries to the Constitutional Court to eliminate the cases of violation of the rights of individuals by effective legal acts, and defining joint strategies of action and future plans of cooperation with international organizations in the protection of human rights.

The Ombudsman sent proposals to relevant state authorities on ratification of the UNESCO Convention “**Against** Discrimination in Education” dated 14 December 1960, the International Labor Organization’s Convention 156 “On Equal Treatment and Equal Opportunities for Men and Women **Workers**: Workers with Family **Responsibilities**” and Convention 183 “On Maternity Protection” and Protocols 12 and 14 of the Convention “On Protection of Human Rights and Fundamental Freedoms”.

The Ombudsman also suggested changes and amendments to the laws of the Republic of Azerbaijan “On Emergencies” dated 8 June 2004, “On Enforceable Legal Acts” dated 26 November 1999 and “On Signing, Enforcing and Canceling International Covenants for the Republic of Azerbaijan” dated 13 June 1995, as well as to the Code of Administrative Demeanors and the Labor Code.

Addressing the third roundtable of national institutions of human rights, jointly organized by the Office of the Commissioner for Human Rights of the Council of Europe and the German Institute of Human Rights, the Ombudsman suggested that Azerbaijan join Protocol 14 dated 13 May 2004 “On Changing the System of Control over the Convention” allowing for the new criteria of the European Convention on Human Rights and Fundamental Freedoms for consideration of complaints at the European Court of Human Rights and the participation of the Commissioner for Human Rights of the Council of Europe as a third party in consideration of cases at the Court. This protocol allows revision of the Ombudsman’s cooperation with courts.

The Ombudsman exercised the right to apply to the Constitutional Court of the Republic of Azerbaijan several times in 2004.

The Ombudsman made inquiries in connection with the rights of association and free entrepreneurship in order to vet the conformity with Article 133.1 of the Civil Code, Articles 58, 59 and Part II of Article 71 of the Constitution. Under Article 133.1 of the Civil Code of the Republic of Azerbaijan, if legal entities do not conduct activities within one year after they are taken into state registration, records on such legal entities in the government register shall be erased by executive authorities. The Article stipulates that those records can be annulled by the legal entity through any founder or a third party.

The Constitutional Court supported the Ombudsman’s proposal and decided to invalidate Article 133.1 of the Civil Code since it is not in conformity with Article 58 of the Constitution about freedom of assembly, Article 59 about the right to free entrepreneurship and Part II of Article 71 about the provision of human and civic rights and freedoms.

The Ombudsman’s inquiries were also related to judicial provision of rights and freedoms. The Law of the Republic of Azerbaijan “On Making Amendments and Changes to Some Legislative Acts of the Republic of Azerbaijan” allows for court proceedings on new cases of violation of rights and freedoms in the changes and amendments to the Civil Procedure Code and the Criminal Procedure Code of the Republic of Azerbaijan and consideration by the Plenary Session of the Supreme Court of cases only on legal issues pertaining to the execution of rulings of the Constitutional Court of the Republic of Azerbaijan and the European Court on Human

Rights in case there are grounds to reconsider court decisions on new cases of violation of rights and freedoms.

The Ombudsman submitted an inquiry to the Constitutional Court of the Republic of Azerbaijan on the basis of the facts that there already exists a decision of the Constitutional Court on the issue considered at the Plenary Session of the Supreme Court, that decision held that the court ruling was considered to violate rights and freedoms and to be contradictory to the Constitution and laws and thus the major legal issue was resolved.

The decision made by the Constitutional Court on the basis of the inquiry casts light on some issues and indicated the cases of conformity to the Constitution of the provisions that allow for consideration by the Plenary Session of the Supreme Court of cases on legal issues concerning the execution of decisions of the Constitutional Court.

Another legislative act, about which the Ombudsman made an inquiry, was Article 398.1.1 of the Code of Administrative Demeanors of the Republic of Azerbaijan. This article allows administrative detention of a person who visits public places in drunkenness that diminishes human dignity and public morality. But in practice this allowed some policemen responsible for detention to commit certain abuses.

The Constitutional Court made a decision on the inquiry of the Ombudsman and invalidated Article 398.1.1 of the Code of Administrative Demeanors on the grounds of its unconformity to Parts I and II of Article 28 of the Constitution (the right to freedom), Article 80 (responsibility), Part II of Article 71 (provision of human and civic rights and freedoms) and Article 149 (enforceable legal acts).

The Ombudsman also made proposals to improve the legislation and take other required actions to resolve global problems like corruption and human trafficking which shake the bases of state administration and encourage rude violation of human rights and freedoms.

The Ombudsman prepared necessary proposals on the comprehensive action strategy of the UNESCO against racial discrimination, Resolution 58/168 on strengthening the UN's role in the field of human rights by propagandizing the importance of international cooperation, objectivity and impartiality, as well as of inadmissibility of racial discrimination and the OSCE's future programs and comments on the legislation as regards Recommendation 1615 "Ombudsman Institution" of the Parliamentary Assembly of the Council of Europe.

The Ombudsman prepared materials on the statistical and analytical survey of complaints on the violation of economic, social and cultural rights in 2003 and 2004, as well as on the status of provision of those rights and sent to the Ministry of the Foreign Affairs in the run-up to the consideration of the second periodical report of the government of Azerbaijan at the session of the UN Commission on Economic, Social and Cultural Rights in Geneva on 16-17 November 2004.

2.3 Mass media and public relations

2.3.1 Cooperation with Mass media

The Ombudsman's relations with **mass** media are an inseparable part of her activities. The **mass** media have given a regular coverage of the main activities of the Ombudsman institution, including meetings, receptions, training and seminars at the Ombudsman's Office, the results of meetings with refugees and IDPs, populations in calamity-hit areas, soldiers and officers in military units, people in remand facilities, pre-detention trial centers and prisons, foreign visits, participation in international conferences, exchange of experience, and reports on the operation of regional centers.

Different newspapers and magazines published 1,806 articles and reports on the activities of the Ombudsman institution. Last year the press published 978 articles and reports on the Ombudsman's activities and 229 press releases were sent to mass media outlets. The

Ombudsman's activities were covered in 243 press releases forwarded to the Council of Europe and over 150 broadcasts on TV and the radio. Besides, 414 articles on rights abuses were also observed.

As is always the case, the Ombudsman preferred publicity and efficient cooperation with journalists, held press conferences and briefings and diverted the attention of mass media to all-sided efforts to restore violated human rights and freedoms. The Ombudsman's statements on 20 January – the National Day of Mourning, the anniversary of the Xocali genocide and the anniversary of the genocide of the Azerbaijanis on 31 March were announced at news conferences and forwarded to the UN Secretary General, the UN High Commissioner for Human Rights, the UN High Commissioner for Refugees, the Council of Europe, the OSCE, the **International Ombudsman Institute, the European Ombudsman Institute, the Asian Ombudsman Association, as well as to Ombudspersons** who are members of these organizations, foreign embassies in Azerbaijan, Azerbaijani embassies abroad and Azerbaijani Diasporas overseas.

The Ombudsman occupied first place in the nomination "Azerbaijani women in public life" on the outcome of the monitoring of 34 national newspapers conducted by the Tamiz Dunya (Pure World) association for civil rights.

The Ombudsman also worked towards protecting the rights of journalists. Here include the efforts to protect the rights of a correspondent of Bakinskiy Bulvar (Baku Boulevard) newspaper, Irada Huseynova, a photo correspondent of Yeni Musavat newspaper, Alim Kazimli and other journalists.

A round table "Journalism and law" was conducted at the Ombudsman's Office on the occasion of the Day of the National Press on 22 July in order to help journalists increase their occupational skills and education about law.

The Ombudsman also held traditional competitions of journalistic articles and child drawings on the subject "Protection of human rights" on the occasion of December 10 - International Human Rights Day and the authors of 9 best works were awarded.

2.3.2. Public Relations

The Ombudsman attaches special importance to cooperation with state authorities, NGOs and human rights activists, as the **Council of Experts has been** set up under the Ombudsman institution in 2003 continues its activities.

The council aims to analyze the situation in the main areas of human rights, prepare proposals and take joint action for improving the legislation, international conventions and domestic laws.

NGO representatives were informed of the establishment of the Ombudsman's Mobile Investigation Team to expedite response to complaints and investigate the cases of human rights abuses in remand facilities and pre-trial detention centers within the framework of a joint project with the OSCE office in Baku at a roundtable "The Ombudsman's cooperation with NGOs in the protection of human rights" at the International Press Center. NGOs were invited to have active cooperation with the Ombudsman and jointly investigate rights abuses.

Working with the vulnerable part of the population – women, children, elders, refugees, IDPs, disabled people, and other vulnerable families constituted an important part in the Ombudsman institution's public relations. The Ombudsman often visited such people and sent proposals to relevant state authorities to have their problems resolved.

The Ombudsman gave useful recommendations to the families of minor convicts for their healthy return to families and society and becoming decent citizens.

The Ombudsman attached significance to cooperation with legal clinics under the institutions of higher education in Azerbaijan, exchanged views and experience with representatives of such clinics and set up a network and a coordination council of such clinics

under the Ombudsman institution in order to increase their role in the protection of human rights and freedoms and the efficiency of their interaction with the Ombudsman.

2.4 International relations

An important area in the activities of the Ombudsman is her international relations.

As a result of cooperation with the Moscow Office of UNESCO, the third Baku International Conference of Ombudspersons was held on 29-30 November on the initiative of the Ombudsman on the topic “Human Rights Education in collaboration with the civil **society-key of Democratization**” on the occasion of the **UN Decade for Human Rights Education** (1995-2004).

The Ombudsman gives great significance to cooperation with UN agencies dealing with the protection and advocacy of human rights. As a vivid example of this interaction, cooperation with the UNDP, UNICEF, UNIFEM, the UNHCR and the UNDPI has taken an important place in the protection of human rights.

The Ombudsman was invited to Strasbourg from 27 September to 1 October in 2004 as part of cooperation with the Azerbaijani Office of the Secretary General of the Council of Europe, the Information Office of the Council of Europe in Baku and with the Council of Europe in general. This visit was important from the viewpoint of defining the prospects of future cooperation and discussing proposals for organizing events within joint programs.

The Ombudsman pays a special attention to cooperation with colleagues in other countries. This cooperation was very useful in the form of relations with both international Ombudsman institutions and Ombudspersons of different countries.

On the initiative of the Ombudsman, agreements were signed on cooperation with the Ombudspersons of different countries, including Russia and its subordinate regions such as Moscow, Sverdlovsk, Saratov, the Tatar Republic, as well as with Ukraine, Georgia and Uzbekistan.

Cooperation with the newly elected Public Defender of Georgia should be especially noted in this regard. The developments in Georgia's Kvemo-Kartli region was in the focus of the Ombudsman, who visited that country on 13-15 December 2004 to become familiar with the situation and problems of ethnic Azerbaijanis in Georgia and discuss a number of issues concerning the protection of their rights with her Georgian counterpart. The Azerbaijani Ombudsman together with Public Defender of Georgia Sozar Subari met with ethnic Azerbaijanis in Marneuli District and the new governor of Kvemo-Kartli, Zurab Melikishvili, and agreed on the opening of a regional center of the public Defender in Marneuli.

Over the reported period, the Ombudsman also met with representatives of different international organizations, including Human Rights Watch, the IFES, the European Union, the Council of Europe, the Danish Institute for Human Rights, UN agencies, the National Democracy Institute, and different state authorities of the US, Switzerland and the Netherlands.

The Ombudsman met with the co-rapporteurs of the Monitoring Committee of the Parliamentary Assembly of the Council of Europe, Andreas Gross and Andreas Herkel, informed them of the activities of the Ombudsman institution, efforts to improve the protection of human rights, proposals sent to the parliament and the Cabinet of Ministers for effectively ensuring human rights and noted that some of these proposals had been approved. The sides also discussed elections, human trafficking, corruption and human rights.

The Ombudsman also met with the European Union **Special Representative** for the South Caucasus, Heiki Talvitie.

The Ombudsman and employees of the Ombudsman's office participated at the international events, including conferences, seminars, roundtables and training courses, dedicated to human rights in the USA, Canada, Norway, Poland, Russia, Switzerland, France, Germany, Belgium, Ireland, Austria, Korea, the Czech Republic, Lithuania, and other countries, and exchanged experience with specialists of similar institutions of other countries.

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Thus, besides considering many individual complaints and trying to resolve them, the Ombudsman also raised some problematic issues concerning ensuring human rights and brought them to the country president and other the state authorities. The Ombudsman's activities **could be** more efficient if **they were stronger supported by** the state authorities.

It is important to efficiently ensure the rights and freedoms of individuals and increase their confidence in the state. Therefore, it is crucial for the state authorities to pay attention to and have effective cooperation with the Ombudsman whose tasks are to restore violated human rights and freedoms.

As a whole, the resolution of important issues requires interaction among the Ombudsman, the state authorities and the public.

It is the state's supreme goal to ensure human rights and freedoms of people. From this point of view, efficient cooperation of the state authorities with the Ombudsman is beneficial for people, serves **to** the immediate restoration of their rights and freedoms and at the same time **to the strengthening of the statehood**.

It is also important for the Ombudsman to have close cooperation with the parliament, which actually elects an ombudsman, and a special attention should be paid to expanding this cooperation.

Under Article 1.5 of the Constitutional Law, the Ombudsman is entitled to forward proposals to the parliament for adopting or revising laws to ensure human rights and freedoms. The Ombudsman submitted proposals for amending some of the existing laws and passing new laws in order to more reliably provide human rights and freedoms, as well as for announcing an amnesty. At the same time, proposals were forwarded to the parliament for making some necessary amendments and changes to the Constitutional Law of the Republic of Azerbaijan "On Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan" and to some legislative acts regulating the activities of the Ombudsman.

The parliament passed a decision on 26 March 2004 "On the Annual Report of the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan" concerning the first report, in which these proposals were included, and assigned its relevant permanent commissions to consider them. However, despite the Ombudsman's numerous appeals to the parliament, permanent commissions did not consider these proposals and did not respond.

Besides, it is regretful that draft laws on human rights and freedoms are not referred to the Ombudsman for necessary opinions and there is no effective cooperation with the permanent parliamentary commission for human rights.

In general, the Ombudsman's cooperation with the parliament should be built on a qualitatively new level, the Ombudsman should take part in the discussion of draft laws concerning human rights and those drafts should be forwarded to the Ombudsman for opinions and recommendations.

The Ombudsman also sent to the Cabinet of Ministers proposals, which were included in the Ombudsman's first annual report, for resolving the problems of different groups of the population, including children, elderly disabled people, refugees, IDPs and **military servants**, and expressed hope that those proposals would be accepted. The Cabinet of Ministers forwarded the proposals to relevant state authorities for consideration, but most of these authorities, excluding the Ministry of Labor and Social Protection also the Ministry of Education, confined themselves to providing general responses.

It should be noted that the requirements of some legislative acts that identify measures for the social protection of the population are not fully satisfied due to the lack of necessary funding. That is why legislative provisions concerning pensioners, disabled people, veterans and children are not fully enforced in some cases.

The relations between the Ombudsman and the state authorities were as successful in 2004. Some difficulties still remain in the area of cooperation with the state authorities to effectively provide human rights and freedoms despite considerable progress made.

Our relations with the Ministry of Labor and Social Protection, the Ministry of Justice, the **Ministry of Internal Affairs**, the Ministry of Education, and the Ministry of Defense are being developed on the basis of cooperation.

Some problems appear after some officials of state authorities violate the provisions of the Constitutional Law when responding to the appeals of the Ombudsman, show negligence to the Ombudsman's inquiries and the Ombudsman's appeals are signed not by those whom they are addressed, but by lower ranking officials who are not responsible for or have nothing to do with these specific problems. Besides preventing the Ombudsman from fulfilling the duties specified in the Constitutional Law and restricting and interfering in the Ombudsman's lawful activities, such cases did not allow the complaints to the Ombudsman to be timely investigated and created conditions for further rights abuses.

From this point of view, it could be appropriate to toughen administrative accountability prescribed in Article 310-1 of the Code of Administrative Demeanors in order to eliminate the mentioned negative impacts and, for instance, increase the current amount of the fine fixed for restricting or interfering in the Ombudsman's lawful activities from 60 to 90 conditional financial units.

It could also be helpful for the Ombudsman to participate in the work of some state-level commissions dealing with human rights issues such as the Commissions for Civil and Pardon Issues under the President of the Republic of Azerbaijan, the State Commission for Captives, Missing People and Hostages, the Judicial and Legal Council, as well as working groups set up to deal with issues pertaining to human rights and freedoms.

Participation in such commissions and working groups is necessary for the Ombudsman, who investigates a variety of complaints about the violation of human rights and freedoms by the state authorities, municipalities and officials, can see the real picture of problems concerning human rights and freedoms by meeting thousands of complainants both at the Ombudsman's Office and on the spot and has proposals, opinions and recommendations for resolving of these problems.

The Ombudsman's proposals and recommendations to state authorities must not remain on the shelf, but on the contrary must be considered urgently to ensure human rights and freedoms. If otherwise, the institution whose task is to improve administration and democratization and eliminate bureaucratic obstacles would turn into another bureaucratic entity and that is, of course, inadmissible.

The Ombudsman's cooperation with international human rights organizations and Ombudsman institutions in the CIS and other countries are being developed. The Ombudsman's proposals and recommendations are highly appreciated and accepted at this level.

The Ombudsman is expanding business relations with international human rights organizations at a time when the idea of human rights has gone beyond national boundaries to gain an international status and to be an irreplaceable means of ensuring peace not only in a state and society, but also in the entire world. That is why creating conditions for the Ombudsman to meet with representatives of international organizations visiting Azerbaijan could help bring the measures being taken in our country in the area of provision and protection of human rights to the world community. This could also increase the role and standing of the independent Ombudsman institution in developing human rights and freedoms, strengthening statehood and changes in the country. From this viewpoint, it is also absolutely important to ensure the Ombudsman's participation in international events dedicated to human rights.

Some officials, who are inattentive to problems concerning human rights, cannot understand their content and nature, as well as the increasing dependence of our country's development and international standing on the status of provision of the rights of people living and working here, at the same time prefer their personal interests and claims to nationwide

problems, degrade the Ombudsman's reputation with unelaborated acts and in some cases even with unlawful deeds and overshadow depreciate democratization processes ongoing in the country under the leadership of the country president also reforms in the area of human rights. Such cases not only prevent the realities of Azerbaijan's sustainable development from reaching inside and outside the country, but also generate bad rumors.

The abovementioned illustrates again that improving administration is still a priority.

In the first annual report and a letter to the country President on problems in agrarian reforms, the Ombudsman stressed the relations of the heads of executive authorities in Masalli, Agjabadi, Shamkir, Imishli, Beylagan, Salyan, Fuzuli, and Absheron districts with the public and drawbacks in their activities against the background of issues related to land reforms and land utilization. By the way, the President conducted staff reforms and some heads of district executive authorities, including Vidadi Guliyev in Imishli, Azar Safarov in Masalli, Yusif Alakbarov in Salyan and M. Jabbarov in Lachin were dismissed from their posts.

Our people and country will make a lot of gains if every official irrespective of his or her position can have a new look at the developments in independent Azerbaijan, clearly see what the priorities are in the development of the county, create conditions for people to benefit from the achievements of socio-economic reforms both in the capital and in the regions, feel the burden of the Garabakh conflict on own shoulders, try to resolve the hardships of all vulnerable people, including refugees, IDPs, woman headed families of war martyrs, disabled people, elderly, children, and veterans of war, who prefer national interests to personal ones, give up greed for power and bribery, and use all skills and capabilities to pull his or her weight.

As part of this, any step toward curbing corruption will play a significant role in ensuring human rights.

Any government official and dignitary must realize and remember that his or her independence has boundaries that can never be overstepped. This is the supremacy of the law.

The importance of the Ombudsman's annual report is not in criticizing any official or dignitary, but in highlighting the problems that people face, searching for ways out of them and eliminating drawbacks in cooperation with the state authorities, to change their attitudes and behavior.

As a person who has faced the hardest trial since being elected to shoulder the burden of the responsible position of the Commissioner for Human Rights, one the Ombudsman's main objectives in efforts to try to cooperate with the state authorities and the public is to strengthen the foundation of the Ombudsman institution, which carries a noble duty of protecting human right and freedoms.

From this point of view, legal education among people must also be improved. Everybody must have necessary information on own rights and freedoms guaranteed in the law and must be able to protect these rights and freedoms through the appropriate state authorities and public organizations.

At the same time, it is important to strengthen the offices of the Ombudsman in the regions.

It was stressed by people in various complaints and during meetings in different regions of the country, also by the Parliament during the first annual report that the Ombudsman's Office should have its Regional Centers, which will be important in immediately restoring the violated rights of people. Regional offices are currently functioning in many countries, including Europe and the CIS, and have justified themselves in practice.

It is important to solve urgently issues concerning the provision of human rights in different regions of the country, but the interruption of the activities of the Regional Centers being funded under the short-term UNDP project may do a lot of damage to the efficiency of those centers

It is very important to develop centers operating in three regions (Guba, Shaki and Jalilabad) and open centers in two more regions (Nakhchivan and Ganja) with the necessary support from the government. Therefore, the bases for the Regional Centers of the Ombudsman's

Office should be described in the Constitutional Law of the Republic of Azerbaijan “On Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan”. For this purpose, the Parliament should make changes and amendments to the Constitutional Law.

The Ombudsman appealed to the Cabinet of Ministers for the funding of the five regional centers, both in operation and in draft, from the state budget and the addition of those centers to the structure and staff of the Ombudsman’s Office.

The Ombudsman’s specialized advisors for the protection of human rights of women, elderly, children, disabled people, refugees and IDPs, inmates, and **military servants**, as well as regional coordinators that have been appointed from the staff members, are doing a lot of work to this end and continue efforts to investigate problems in the mentioned areas and conduct education work.

It is planned to escalate the fight against human trafficking, which is a priority for our country, strengthen work with religious communities and ethnic minorities and cooperation with human rights activists.

Good environment have already been created in society for dialogue over the mentioned issues. Such dialogue mediated by the Ombudsman may help build constructive relations, develop mutual understanding and democratic values and efficiently ensure freedom of assembly, the press and association, as well as other rights.

The abovementioned gives us the ground to say that it is possible to improve the attitude to people and human rights and the situation in this area in the country only with the joint efforts of all the branches of power and the public.

A new state program is being drafted on the Ombudsman’s proposal as a logical sequel to the “State Program on Protection of Human Rights”, which was approved by the national leader Heydar Aliyev on 18 June 1998. The new draft is directed at cementing the achievements made during reforms in the years of independence of our country and ensuring the provision of human rights and freedoms. The proposals of all the strata of the population can be included in this draft and it will be useful for each of us to mobilize our intellectual potential, skills and knowledge to participate in the preparation of programs to resolve national priorities.

The Ombudsman again invites everybody for cooperation in the preparation of a fundamental and comprehensive **National Plan of Action for Human Rights** in conformity with national interests and future development strategies and its implementation with joint efforts.

Our society and state are facing such important challenges as improving the wellbeing of people. Meeting these challenges will give an impetus for Azerbaijan to occupy a worthier place in the world. The consecutive provision and protection of human rights and freedoms will help resolve the current and future problems of the country, develop socio-political and socio-economic relations in society and bring out a new national revival.

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