

The Republic of Azerbaijan will provide the following to the National Preventive Mechanism

The Commissioner is inviolable while in Office. While in office, the Commissioner cannot be subjected to criminal or administrative proceedings, search, personal examination, be arrested and detained, be save in cases where he is caught red-handed.

Any former Commissioner shall remain inviolable for the activities conducted and the opinions expressed while performing the powers of Commissioner.

Member of the National Preventive Group cannot be forced to testify about the facts that became known to them in relation to execution of their duties or to reveal these facts by any other method. This guarantee shall remain in force in respect of those persons who have ceased their membership with the National Preventive Group.

Member of the National Preventive Group cannot be arrested or detained, subjected to search and personal examination while fulfilling duties in places, which detained persons cannot leave on their own will. No arrest, check or seizure can be undertaken in respect of postage, telegraphs or other correspondence to a member of the National Preventive Group.

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

NATIONAL PREVENTIVE MECHANISM

for the prevention of torture



OMBUDSMAN OFFICE

20th anniversary

What is a National Preventive Mechanism?

The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment has introduced a system of preventive monitoring through unannounced visits to places where individuals deprived of liberty.

Who performs the tasks of the National Preventive Mechanism in Azerbaijan

According to the Article 1.2 of the Constitutional Law on the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan, the Commissioner fulfills the functions of the National Preventive Mechanism in accordance with the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Purpose of National Preventive Mechanism

The National Preventive Mechanism is committed to strengthening the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment.

National Preventive Group:

The National Preventive Group (NPG) is established within the Commissioner's Office for the purposes of fulfilling the functions of the national preventive mechanism.

The competencies of the National Preventive Group

- to access the places, which detained persons cannot leave on their own will at any time; to meet privately and interview in private the detained persons, as well as any other persons who may provide relevant information;
- to get acquainted with and obtain copies of the documents confirming the lawfulness of detention of the detained persons, as well as providing information on treatment and the conditions of detention of the persons mentioned above; to prepare acts and etc.

Members of the National Preventive Group

The members of the National Preventive Group are appointed by the Commissioner for the period of 3 years. The NPG consists of experts such as lawyer, doctor, psychologist etc.

Where do National Preventive Group conduct visits?

Ombudsman and the National Preventive Group has the right to access all places, which detained persons cannot leave on their own will at any time.

These places are police stations, temporary detention places, investigatory isolators, penitentiary institutions, military guardhouses, psychiatric institutions, detention centers for illegal migrants and other places, which detained persons cannot leave on their own will.

What issues are monitored?

The following issues are monitored during the visits of Ombudsman and members of the NPG:

- Treatment of persons (protection of such persons against torture and other cruel, inhuman and degrading treatment or punishment, isolation, application of means of restraint, use of force);
- Conditions of detention (material conditions in places of detention, overcrowding, separation of different categories of detainees, lighting and ventilation, sanitation and personal hygiene, food etc.
- Ensuring the rights of the persons deprived of liberty (medical care, the right to be visited, to make and receive telephone calls, to manifest their religion in worship, receive parcels, participate in civil law relations, enjoy notary services etc.)

Measures to be implemented

The report on the results of visit is developed, the data is analyzed, the recommendations are prepared and sent to relevant bodies.

Besides, the issues raised by the received persons are investigated, relevant bodies are sent inquires and carrying out of measures is demanded.