



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

**ANNUAL REPORT
ON PROVISION AND PROTECTION OF HUMAN RIGHTS AND
FREEDOMS IN THE REPUBLIC OF AZERBAIJAN**

2013

(SUMMARY)

Baku – 2014

Foreword

The main aim of the report is to provide the information on situation of studying and analyzing human, civil rights and freedoms, discovering shortages and violations, activities for restoration of the violated rights and of their prevention, as well as on best practices of the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan in the country in 2013.

The Report was prepared on the basis of appeals, petitions, proposals and complaints; different cases, problems and challenges disclosed during the visits of the Commissioner and staff members of the Institute and regional centers to penitentiaries, investigatory isolators, temporary detention places, military units, orphanages, boarding schools, settlements of the refugees and IDPs, healthcare and social protection facilities, meetings with population in regions and investigations carried out there; official responses and attitudes of state agencies and authorities; proposals and recommendations submitted to state bodies; materials of national and international seminars and conferences dedicated to human rights; activities implemented within the framework of the cooperation with non-governmental organizations; as well as of the analysis of information provided by mass media.

The annual report reflects the activities of the Commissioner in the sphere of the protection of civil, political, economic, social and cultural rights of various groups of population, including their rights and freedoms, awareness-raising events on human rights, scientific and analytical work, public relations, issues of international cooperation, as well as recommendations and proposals on effective provision of their human rights and solution of problems.

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

I hope that this annual report will demonstrate you the situation in the field of human rights and freedoms in our country and the activities of Ombudsman. Also, I hope that you will share your impressions with us.

Your proposals and recommendations would be helpful in the further improving of activities of the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan in future.

Elmira Suleymanova

The Commissioner for Human Rights

(Ombudsman)

of the Republic of Azerbaijan

Introduction

Effective legal and social-economic policy, constantly undertaken all over the country, is addressed to improvement of the social welfare. It plays significant role in effective promotion and reliable protection as well as general development of human and civil rights and freedoms.

During the last 10 years, the Republic of Azerbaijan has passed the great way of development and reached progress.

Consistent measures for rapid development processes, improvement of social welfare of the people, successful implementation of social infrastructure projects, efficient solution of works in the state bodies, elimination of the related bureaucratic barriers in this regard, application of ASAN service, and comprehensive fight against corruption were taken in the country.

During this period, the state budget was repeatedly increased, secondary schools and infant schools were built or completely repaired; medical treatment, diagnostics and rehabilitation centers, hospitals and outpatient's polyclinics, Olympic sport complexes, airports, bus terminal complexes, new underground stations and electric power stations were built; new highways and bridges were constructed; Resort Complexes, State Natural Reserves and National Parks were created; the entrepreneurship was strengthened due to state loans; new manufacturing and service enterprises were established. As a result, during last 10 years 1 million 200 thousands workplaces, including 110 thousands opened in 2013, as well as 80 thousands permanent workplaces among them were created. The level of unemployment was decreased by 5%.

Along with the above mentioned, minimum wage and incomes of the population were increased, pensions were raised, and the poverty rate dropped to 5,3 %. As a result, Azerbaijan is in the first 20 of 156 countries with the lowest poverty.

According to the Davos World Economic Forum's "2012-2013 Global Index of Competitiveness", our country ranked 39th in the world and the 1st among the CIS countries.

In the mentioned period, the index of national economic growth rate, the Republic of Azerbaijan has climbed the ranks of the leading countries, and according to the results of 2013, national income per capita increased by 3.5 times compared to 2003.

The re-election of Ilham Aliyev as a President of Azerbaijan with majority of votes in 2013, has lead to the progress through sustainable development of our country.

Among the greatest achievements of the last year was the decision on the final investment of the project of the XXI century "Shahdeniz-2" – one of the largest energy projects of the world considered for the long-term development of our country.

Azerbaijan played an important role regarding many issues at the international level, cooperated closely with international organizations, and gave its

contributions to the protection of international peace and security as a non-permanent member of the UN Security Council.

Holding the Third Summit of the Cooperation Council of the Turkic Speaking States, the First South Caucasus Forum on Inclusion, the Third Baku International Humanitarian Forum, the 2nd World Forum on Intercultural Dialogue giving great value to the development and to its results of the country in those worthy events, simultaneously, launching the first telecommunication satellite "Azerspace-1" to the space as one of the significant events of the history of independence of our country, adopting of decision on launching 2015 European Games in Baku for the first time in the history of Europe, and holding of 2015 World Chess Cup and Chess Olympiad 2016 in Baku prove the growing reputation for our country in the world.

As every year, in 2013, the first Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan also effectively cooperated with the state bodies, non-governmental organizations, mass media, communities and international organizations.

The cooperation of the Commissioner with state bodies and civil society institutions for effective promotion and protection of human as well as civil rights and freedoms, which was further improved, served for the prosperity of the country and welfare of the society.

The Commissioner operating for restoration of human rights and freedoms enshrined in the Constitution of the country and in the international treaties to which the country is a party as well as violated by the governmental and municipal bodies, officials, also for elimination of violations of human rights, last year there were carried out consistent measures with intent to non-judicial protection of human rights as well.

The Commissioner, who does not restrict and substitute the competence of other governmental bodies ensuring the protection and restoration of violated human rights and freedoms, completing the existed legal remedies, whose scope of authority and functions determined by the Constitutional Law, built her activities on principles of independence, openness, transparency, rule of law, justice and impartiality.

The Commissioner as always, last year as well, took strict measures against procrastination, bureaucratic challenges and arbitrariness, indifference to citizens' requests and problems, also violation of the right to appeal, which is very important among the human rights and plays great role in ensuring of other rights.

Within last year, comprehensive work has been done dealing with the applications addressed and the necessary measures were taken restoration of violated rights.

The Commissioner and the staff members by her instructions regularly, including in the frame of public hearings, carried out meetings with the population in various regions of the country, also carried out monitorings to penitentiary institutions, investigation isolators, temporary detention places, military units,

orphanages, boarding schools, refugees and internally displaced persons settlements, also to the health, education, social welfare institutions for population, the receptions were organized, advises and consultations were conducted, there were taken measures for protection of human rights, the accepted complaints were investigated and majority of them were solved successfully.

Many cases of concern in the field of human rights protection were solved in the frame of the cooperation with the governmental bodies and violated rights were restored.

During the activities the Commissioner has received 101.540 appeals in total, including 13.670 submitted in 2013.

Last year, in total, 2.969 persons were received in the Institution, including regional centers, out of which 525 persons were received repeatedly.

75,8 % of them were complaints, and 24,2 % - appeals.

52,4% of complaints could not be observed following requirements of the Constitutional Law: if a complaint is out of the Commissioner's competence; more than a year has passed since the date when the case of human rights violation occurred; a complaint is anonymous; a complaint is being examined within court proceedings; repeatedly submitted petitions does not contain any new information, fact and evidence.

47,6% of the appeals were accepted for examination and 65,5% of them were resolved.

The complaints dealing with violations of civil, economic and social rights—delivery of ID cards, registration, responding to information queries, plots of land, property, apartment, also damages caused by natural disasters, pensions and allowances, targeted social aids, restoration the work place, executing of the court decisions, many appeals dealing with payment of alimony and loans were solved; in particular, violated rights were restored in cooperation with the corresponding governmental bodies.

The complaints were examined in the periods as prescribed by the Constitutional Law; all appeals written by the complainants were responded.

All citizens appealed were addressed numerous legal consultations, also forms, methods of protection of human rights and freedoms and were given explanations regarding these and other issues on how to make request to the corresponding bodies either at the reception or in written.

At the initiative, recommendations and organization of the Commissioner, last year, protection and promotion of human rights, there were taken range of significant measures.

The public hearings run in each city as well as rayon of the country on implementation, promotion and application of the "National Program for Action to Raise Effectiveness of the Protection of Human Rights and Freedoms in the Republic of Azerbaijan", approved by the Order of the President of the Republic of Azerbaijan dated 27 December 2011, were continued last year as well.

Involving 54 constituency election commissions of 40 cities and rayons, in total, there were held range of awareness events on effective promotion of the right to vote jointly with the Central Election Commission in Sheki, Ganja, Jalilabad, Guba and Fuzuli.

The Commissioner, considering the importance of the Development Concept “Azerbaijan 2020: The Outlook for the future” enshrining the main strategic goals in all areas of life of the country, which to be implemented through the corresponding state programs, the main aim of the country in the new development period is to form the multiply, effective and innovation-oriented economy, to promote the preventive development in the social field and to increase the high-level of welfare of the population, also to get new achievements in all spheres of the public life, in general, to promote more effective protection of human rights and freedoms.

“18 June - the Human Rights Day in the Republic of Azerbaijan” approved by the Order of the Republic of Azerbaijan dated 18 June 2007 traditionally was celebrated Human Rights Month long campaign.

With the Human Rights Day, also with XI Baku International Ombudsmen Conference on “The Key Role of the New Mechanisms of the Sustainable Development Strategies in Protection and Promotion of Human Rights” conducted with the support of the UNESCO and dedicated to the 65th anniversary of the UN Universal Declaration of Human Rights and National Human Rights Day in the Republic of Azerbaijan was held on 18-20 June 2013 in Baku and the Baku Declaration of Ombudsmen was adopted.

As every year, taking into consideration the importance of the promotion of peace culture, there was run “Peace Month” on 21 August - 21 September, the Commissioner issued the statement, the related appeals addressed the governmental bodies, civil society institutions and mass media were broadcasted in TV programs and published in media.

At the eve of the adoption of the Convention on Child Rights Convention “Child Rights Month” campaign was held.

At the event devoted to “10 December–International Human Rights Day” the journalist articles entitled “Rights - for everyone!”, also child paintings titled “Me and my rights” and photo competitions were finalized and the winners were awarded.

There were issued statements regarding the tragedy of 20 January, Khojaly Genocide, 31 March – Day of the Genocide of Azerbaijanis, which were addressed the UN Secretary-General, international organizations, foreign ombudspersons, also embassies accredited to Azerbaijan and the country embassies abroad, also Azerbaijani Diaspora organizations in various countries.

The Commissioner and the staff members participated in different international events reporting with speeches on several global problems of country priority and exchanged comprehensive opinion and shared experiences on different fields of human rights.

Along with the abovementioned, last year, the Commissioner received in the Institute the officials of foreign countries and international organizations and discussed issues of protection of human rights and freedoms in the country and shared the related experience.

The results of the activities in 2013 show the necessity of promotion of human rights and freedoms, immediate examination of appeals of the citizens, extension, consistent development and improvement of cooperation with the governmental bodies, municipalities, civil society institutions and mass media with intent to rapid investigation of the appeals.

To take into consideration the recommendations and suggestions of the Commissioner addressed to corresponding governmental bodies, also indicated in the Annual reports, oriented for effective promotion and protection of human rights and freedoms and solution of several socio-economic problems of the vulnerable groups of the population, will serve for further improvement of the living standards and social-legal situation of the population through enshrining in the legislation and implementation in the frame of measures undertaken for the social welfare.

Chapter I

The Activity of the Commissioner in the Field of the Protection of Human Rights and Freedoms

1.1. Protection of Civil and Political Rights

Right to freedom. Improvement of the legislation will further increase opportunities for effective promotion of the right to freedom of movement of citizens.

The violations dealing with provision of citizens with ID cards, permanent registration, also solution of issues determined by the related legislative acts is getting decreased in the frame of the effective cooperation with the Ministry of Internal Affairs year by year.

Thus, during the public hearings conducted for monitoring of the promotion and protection of the National Action Program in regions of the country, the Commissioner always paid attention to the issue of provision with ID cards in order to insure the participation of the citizens at the election of the President of the Republic of Azerbaijan without any obstacles.

In 2013, 92 complaints regarding ID cards and registration were submitted from cities and regions. As a result of the work conducted with regard to each complaint, violated rights were restored.

In accordance with requirements of the Decree No. 55 of April 9, 2003 adopted by the Cabinet of Ministers for the provision of the decision of the Constitutional Court on January 31, 2003 regarding provision with permanent registration and ID cards of persons having no permanent place of residence and opportunity to get temporary registration; the rights of a number of persons violated in the given sphere were restored.

In accordance with the article 2.2 of the “Rule on state registration of civil status act” approved by the Decision No. 145 of the Cabinet of Ministers dated October 31, states that the information on birth (as a rule, the birth date, gender of the child, last name and name of the mother, the name of the father, residence, the number of the ID card and the date of issue of the document) was immediately transferred to the Ministry of Health by the health establishment, from there to the database of the Ministry of Justice through information system, later on to the registration department according to the residence of the mother in an automated mode.

According to the official information, the data on the pregnant women was not included into the electronic database because they did not present the ID card accordingly to the maternity hospitals and the corresponding maternity wards located in Baku and therefore, their babies were not provided with medical

certificate of birth, consequently it was not possible to provide those children with ID cards.

If a pregnant or a woman who gave child birth does not have ID card, it is not possible to include such information on to the “Common medical electronic registry of the newborns”, and when the child dies to include corresponding information to “Electronic registry of prenatal death”, consequently, and to provide mother of newborn or died baby with medical certificate of birth and registration of the birth or death. Thus, with intent to legal regulation of such cases it is necessary to make amendments to the “Rule on state registration of civil status act”.

Some problems regarding the registration of the citizens are still remained.

According to the article 5 (2) of the Law of the Republic of Azerbaijan on “Registration According to the Place of Residence and Sojourn”, “the other document” as prescribed by the law, refers to the Order given to the citizen by the corresponding executive office to build a personal house by allocating the plots of land, also fitting for exploitation the house after the completing of its building, the Order given for issuing legal registration and providing the house with legal address is appropriate to adopt as a ground. Thus, those Orders as warrants are considered as legally valid documents for using the residence place. Enshrining the noted article in the related legislation, would solve serious problems of registration according to the residence place.

From the other hand, according to the court decision, it is important to add the provision on setting obligation for appropriate police agencies by the courts regarding compulsory registration of people (whose permanent registration was cancelled) to the administrative building of police agency located in the area of previous place of registration of these persons to the Law of Azerbaijan Republic “On Registration According to the Place of Residence and Sojourn”.

Rights of the detainees held in the temporary detention places. Last year, the Commissioner and the Institute’s staff members paid a number of visits to the following detention places: temporary detention places of police stations, departments and divisions of the Ministry of Internal Affairs, Detention Station for the Administratively Arrested Persons of the Baku city Main Police Department, temporary detention isolators of the Ministry of Internal Affairs Main Organized Crime Department, also Main Passport, Registration and Migration Department Division on Struggle against Illegal Migration and Department on Struggle against Trafficking in Human Beings, as well as Penitentiary Service of the Ministry of Justice and investigative isolator of the Ministry of National Security.

During meetings with detainees in TDPs and investigatory isolators, personal conversations were held, detention conditions were examined, the prisoners were explained their rights, provision with the lawyer, explanation of their rights to detained suspects, prosecutor supervision during the detention period at police departments, as well as on legitimacy of the detention were monitored. It was found that majority of the temporary detention places were in compliance with international standards.

This should be noted that the detainees stated that in general they did not face with degrading treatment during their detention and had no complaints about custody conditions and treatment by police servants.

The heads of the corresponding police stations and staff members of the temporary detention places were once again explained the rules of documentation, custody condition and treatment, also provisions of the newly adopted Law on “Ensuring the Rights and Freedoms of Persons Held in Places of Detention” and were given appropriate instructions.

There were conducted legal awareness works jointly with the personnel of the police stations, also with staff members of the temporary detention places, inadmissibility of unethical conduct and rudeness towards citizens while promoting the human rights and freedoms, further advancing of their activities and were given suggestions and instructions for elimination of the existed shortages.

During the multiply monitorings conducted to the temporary detention places according to the information addressed the Commissioner through appeals, delivered during the reception or via the hotline, there were taken immediate measures for restoration of the revealed human rights violations. The mass media was regularly provided with the information on the outcomes of the monitorings. At this time, several shortages were disclosed, but they were eliminated as a result of the measures undertaken.

For eliminating of violation of laws and shortages, the comments and recommendations on taking appropriate measures were sent to the head of police bodies; in necessary cases the appeals were submitted to the General Prosecutor of the Republic of Azerbaijan as well as to the Minister of Internal Affairs, consequently in case of approval of the violation, there were taken measures for elimination of the shortages and the staff members responsible for this were subjected to the administrative responsibility and were seriously punished.

Thus, due to lack of medical examination of the newly detained persons in the temporary detention places and of input the related information to the “personal medical records of the detainee”, also not transferring the accused to the investigation isolator during the period determined by the Criminal-Procedural Code, police majors on duty of Salyan RPD, police captain S. Manafov and head of the temporary detention place, senior police sergeant İ. Shahverdiyev were reprimanded, deputy chief of service, police major K. Hasanov and head of public security department, police captain E. Azadaliyev were given warning, also due to creating obstacles for the Institutes’ staff members with the detained confidentially by violating the relevant normative-legal acts, head of the criminal-investigation department of Samukh RPD A. Asgarov was given serious warning.

In the frame of the measures undertaken in Baku against the wasters, begging persons, also the idlers, in accordance with the requirements of the administrative legislation, while bringing such category of persons to the area police bodies, they were kept in the old administrative building located in Khatai region of the Baku city Main Police Department for the administratively detained

until identification of their personality and taking appropriate measures, and due to shortages in organizational works and in its implementation, the staff members of the same department were subjected to the administrative responsibility.

Due to shortages mentioned above, head of the Detention Station for the Administratively Arrested Persons of Baku city Main Police Department N.Najafov was dismissed from internal affairs bodies, his deputy Q.Qasimov was given strong reprimand, the duty officers Sh.Jaliyev and A.Quliyev were reprimanded and subjected to the administrative responsibility.

Taking into consideration the extension of the administration detention from 15 days until 3 month, it is important to take appropriate measures, including preparing the new draft law on custody condition of the administratively detained in the frame of the bilateral cooperation, and regulating their rights and duties.

Right to protection of honor and dignity. 335 appeals about the violation of the rights to protect honor and dignity were filed during last year.

According to the appeals, the Commissioner submitted inquiries to appropriate bodies for conducting investigation, several complaints were investigated on spot, relevant measures were implemented and disciplinary punishments were imposed on the offenders.

Since the beginning of her activities the Commissioner initiated the launch of 24/7 operating hotline to effectively prevent tortures, cruel, ill-treatment or degrading treatment, as well as “916” hotline for instant appeals about problems with child rights. The collected information served as the basis for investigations and enforcement of corresponding measures.

The citizens also faced with abusive and degrading treatment, along with bureaucratic indifference and arbitrariness while appealing with their problems to various local executive institutions.

In general, degrading treatment to any person by an official authorized officer to use force is inadmissible and during the policing they shall treat with people within the legal authority, prevent the use of violence and anyone committed similar treatments shall be charged before the law.

As every year, in 2013 there have been a series of awareness events for prevention of violations of the right of citizens to protect honor and dignity, made or to be made by the relevant authorities authorized to compel, particularly by the police officers, increasing trust of citizens to the rule of law and justice and to law enforcement authorities.

Activities of the Commissioner as a National Preventive Mechanism. The Commissioner continued her functions as an NPM during the last year.

The Department on Prevention of Tortures established in the Institute executed its responsibilities in the related field along with the organization of the work of the NPG (National Preventive Group).

The head of the NPG continued his activities as a member of the Council of Europe Network of the National Preventive Mechanisms against Torture and as a specialized adviser of the Commissioner on torture.

The list of the 244 places of deprivation of freedom, including penitentiary, temporary detention and social facilities, the boarding homes for elder and disabled people, psychiatric hospitals was identified. The list includes the relevant facilities of the Ministry of Internal Affairs, Ministry of Justice, Ministry of National Security, Ministry of Defense, Ministry of Education, Ministry of Healthcare, as well as the Ministry of Labor and Social Protection of Population, the State Migration Service, and also the relevant bodies under the executive offices of the country rayons.

Last year, the NPM conducted 383 visits, including 294 planned and 89 ad hoc visits to the places of deprivation and restriction of freedom. 284 of them were visits to the temporary detention places of the Ministry of Internal Affairs; 62 – to the investigatory isolators, penitentiaries including penal colony settlements, prison and medical units of the Ministry of Justice Penitentiary Service; 4 – to the investigation isolator and temporary detention of the Ministry of National Security; 5 – to the disciplinary military units and guardhouses of the Ministry of Defense; 2 – to the Illegal Migrants Detention Center of the State Migration Service; 10 – to the special education institutions, including boarding houses, specialized professional schools of the Ministry of Education, orphanages; 5 - to the pension and boarding houses for older persons and persons with disabilities of the Ministry of Labor and Social Protection of Population; 9 – to the psychiatric hospitals, psycho-neurological dispensaries, psycho-neurological children's home, boarding houses and orphanages of the Ministry of Health, 2 – to the boarding schools under the jurisdiction of the local executive powers.

During the visits the NPM members had private interviews with 959 persons held in temporary detention places, 786 people in the investigatory isolators and prisons, as well as with nearly 80 persons in facilities that people are not permitted to leave at will. At the same time, the NPM representatives carried out private meetings with 150 staff members of these institutions. Heads of these facilities and other officials created necessary conditions for the Commissioner and the NPM group members and took measures for implementing the recommendations as well as eliminating revealed shortcomings.

The custody condition, treatment and documents regarding legality of the detention were monitored and the rights were explained during private conversations with detainees in those facilities.

Along with positive changes noted during the visits, a number of shortcomings were also revealed, appropriate inquiries were sent to state bodies to eliminate and examine the aforementioned problems, necessary measures have been taken. Some violations have also been revealed during these visits.

Due to impairing control over organization of service in temporary detention places the chief of public security department of Imishli RPD, and due to the shortcomings in registration at the “Registry book of the persons kept in city, rayon and railway police units” police major J. Valiyev, police officers on duty, police major A. Musayev and police captain E. Jafarov of Kurdamir and Imishli rayon police departments were brought to administrative responsibility.

In 2013, 129 press releases were published and disseminated in Azerbaijani and English on the activities of the Commissioner as the NPM; as well as the press releases being translated into English were sent to the Council of Europe’s Commissioner for Human Rights.

The reports of the Commissioner “On the Activity as a National Preventive Mechanism on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment” for 2009-2010, 2011 and 2012 were published in Azerbaijani and English languages and were posted on the Institute’s website and disseminated among society and specialized international organizations, including UN Subcommittee on Prevention of Torture (SPT), European Committee for Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) and Association of Prevention of Torture (APT), the fourth report for 2013 has also been prepared.

Right to freedom of expression and speech. During last decade, the State has undertaken consistent measures in this field, namely the state support to the media was consistently increased, in particular, necessary measures, that attracted high public attention were launched to support the journalists, the state policy on ensuring the right to freedom of speech and information, development of mass media, strengthening social protection of journalists was also continued during the last year.

Thus, the amount of allocations by the State to support the national press were seriously increased, projects of the mass media and individual journalists were supported, consistent steps were taken for strengthening social protection of media representatives. At the expense of state funds 156 apartment-building was built to provide journalists with housing, and the appropriate funds were allocated to the State Fund for the Support of Mass Media Development under the President of the Republic of Azerbaijan to construct the next building for media workers.

The Fund also launched competitions last year and the winners had opportunity to get financial aid.

In September of the last year the Committee for Protection of Journalists “RUH” conducted a survey to learn opinions about the media agencies that have greatest impact on the public opinion in the country. The survey included 30 daily, 15 weekly, 4 regional newspapers, 6 journals, 11 information agencies, 12 news portal, 7 TV channel, 4 radio and 11 journalist organizations. According to the survey results, the President of the Republic of Azerbaijan Ilham Aliyev with 89% of votes was once again declared a “Friend of Journalists”.

The Commissioner has always paid a special attention to the legal awareness and initiatives of the media representatives specialized in human rights and continued the bilateral cooperation with them.

There have been series of awareness events on human rights for the mass media representatives, traditional article competitions were held, as well as the winners of article competition on the topic “Human Rights for Everyone” devoted to December 10th – International Human Rights Day - were awarded.

Along with the appeals addressed the Commissioner, the information published in the media and causes the violation of the right of the person to honor and dignity, protection from such kind of information that damages the professional reputation of the person were also examined.

The Commissioner always attaches importance to the protection of media rights and provision of the right to freedom of speech and expression. During last year, the Commissioner has paid special attention to rude treatment of journalists as well.

According to the official information of Azerbaijan Press Council, there was not any obstacle against journalists participating in the demonstrations held last year, there have been no appeals from the media representatives covering those events to the members of the commission and monitoring group under the Council, as well the “hotline” received no calls about this matter.

The representative of the delegation of the Council of Europe Venice Commission Irene Kitsu-Milonas at the meeting with the Commissioner stated that the CoE highly appreciated the preparation of a separate draft law on Defamation by the State, requesting the Venice Commission for an expert opinion, also provision of the related article in the National Action Program. The Commissioner considers this important to accelerate the adoption of this Law.

The Commissioner paid special attention to the situation of the persons convicted of a crime Avaz Zeynally, Faramaz Novruzoglu, Ramin Bayramov, Hilal Mammadov, at the same time, of accused persons as Parviz Hashimli, Sardar Alibayli, Vugar Gonaqov and Zaur Guliyev. The Commissioner and her staff members regularly met with those persons, contacted with heads of the corresponding detention places or investigation isolators regarding their state, custody condition, nutrition, health status and treatment, and provided corresponding recommendations.

Ayдын Janiyev and Anar Bayramly were pardoned according to the Presidential Decree on «Pardoning of several prisoners» dated October 14, 2013.

Along with the abovementioned, according to the relevant verdicts, Ramin Bayramov was granted a parole, Vugar Gonagov and Zaur Guliyev were charged conditionally.

The development of the national media, broad acceptance by the society, at the same time, it is necessary for every media representative to consider national interests above the personal interests and outside influences.

The role of the national media is undeniable in upbringing, education of the young generations in the spirit of patriotism and strengthening of the independence.

Every person enjoying the right to speech and expression, media representatives in particular shall be able to deliver the problems to the society partially and precisely, as prescribed by the law and by respecting for each of rights and freedoms principle and the recommendations for solution of the existing problems should be based on reality. It is necessary to pay special attention to the articles on national and religious tolerance.

The priority should be given also to the writings on the independence of the country, development, national priorities, raising of the patriotism.

It is necessary to continue coordinated measures for the activities on attracting journalists to trainings and seminars aimed at increasing their professional skills, conducted by the State Fund for the Support of Mass Media Development under the President of the Republic of Azerbaijan, Azerbaijan Media Council and other associated bodies were successfully conducted.

The freedom of access to information. The related applications to the Ombudsman were examined, necessary investigations were conducted and measures for promotion of citizens' rights were taken.

When the information society has been established, empowerment the Commissioner to control over implementation of provisions of the Law of the Republic of Azerbaijan on "Access to Information" by the state bodies-information holders, municipalities and officials, extension of her mandate and competences designed to further effective promotion of the Commissioner's independence as determined by the Constitutional Law.

The paragraph 1.3 of the NAP on the Promotion of Open Government for 2012-2015 years approved by the Order No. 2421 of the President of the Republic of Azerbaijan dated September 5, 2012 considers advancing the structure of the Ombudsman Office and involving the responsible staff members into the specialized trainings with intent to fulfill the control over implementation of the provisions of the Law of the Republic of the Azerbaijan on "Access to Information" in 2013-2014 years.

Along with the abovementioned, it is necessary to accelerate implementation of the recommendations proposed by the Commissioner to the Cabinet of Ministers and Ministry of Finance. During the last year, the Commissioner held consultations with information holding state bodies, civil society institutions and experts specialized in media rights and mass media.

The next consultation on "Freedom of Access to Information" held with the state bodies and mass media addressed the issues of Ombudsman's competences to control the implementation of provisions of the relevant Law, also cooperation with the state bodies, NGOs and mass media. During this event, it was underlined that the Law of the Republic of Azerbaijan on "Access to Information" is related

not only to the journalists and mass media, but also to citizens. Considering the establishment of a new department on information in the Ombudsman Office and reporting on its structure, the Commissioner highlighted that information experts would also join this unit along with lawyers and made a recommendation of joining efforts for application of this Law and the NAP on Promotion of Open Government for 2012-2015.

As the outcome of the biannual monitoring, the Commissioner proposed forwarding inquiries to the information holding state authorities to fulfill obligations stipulated in the abovementioned Law, analyze, summarize and post them on the Ombudsman Office's official webpage, as well as holding awareness events on interpretation of this Law, studying and application of this Law and the NAP by the staff members of the responsible departments of the information holding state bodies, improving the executive mechanisms for ensuring information questionnaires, provision of electronic services by the state bodies, creation and improvement of internet websites of the state bodies, building an electronic information compilation (registry), holding and promoting legal awareness for media agencies and for the population in urban and rural areas of the country, extending "Open door" experience in the regions to deepen the legal education of population, building a coordination and network cooperation, increasing capacity building of mass media, especially the training on modern information technologies.

In accordance with the "Regulation on Interagency Electronic Document Control System" approved by the Presidential Decree No. 692 from September 4, 2012, as a participant of the "System of Interagency Electronic Documentation" the Ombudsman Office took necessary measures to join to the system. The steps are taken to prepare the transition to the new electronic program system to extend and improve the Electronic Information Database, created in 2003.

Right to honor and dignity. The Muslims, Christians, Orthodox, Catholics and Jews living in the friendly environment in Azerbaijan, develop the inter-religious dialogue, which is an obvious evidence of religious tolerance.

There were created favorable conditions for all persons from different confessions in the country to practice their beliefs.

Special attention was paid to development of religious-spiritual values, to measures for restoration of historical religious monuments, mosques, churches and synagogues, that underwent renovation and restoration works.

In a result of demonstrated attention and care, Mr. Ilham Aliyev, the President of the Republic of Azerbaijan was awarded with order "Honour and Glory" by the patriarch of Moscow and All Russia Cyril and with "Medalla Sede Vacante" medal, one of the highest awards of the State of Vatican.

Religious tolerance also prevailed in the country during the last year and there were no cases of interference into citizens' beliefs by the state bodies, officials and into legal activities of the religious unions.

No restrictions were made to the registration process or activities of the religious bodies and societies as prescribed by the laws, also favorable environment was created for ensuring the freedom of belief and religion.

The Commissioner paid special attention to ensuring of the freedom of conscience, belief and religion; therefore, she held discussions on bilateral relations of people with different religious views.

During the meetings with religious communities, the Ombudsman explained requirements of the national legislation as well as international legal documents on the right to freedom of belief and religion, to which the country is a party, expressed her firm belief of legality of activities of the religious communities and respect for this right is significant.

During the events at local and international levels, the Commissioner proposed to develop religious tolerance, mutual relations of persons with different religious views, peace culture through religion, role of national and religious tolerance in this regard; intercultural dialogue and inter-religious cooperation and to hold awareness activities for younger generation in education establishments with theologians aimed at instilling the tolerance.

In the Commissioner's view, it is necessary to include among the priority issues of national human rights institutions and international organizations dealing with protection of human rights the issues of combating with racial, national, religious discrimination, xenophobia, ethnic cleansing and others and to unify efforts for punishment of states committed crimes accompanying with severe violation of human rights at the international level.

Last year, the Commissioner received 5 applications about the freedom of conscience. So, as a result of necessary investigations, the violated rights were restored. These applications were about violation of the right to education of students due to donning hijabs or growing a beard. After the intervention of the Commissioner those students were allowed to attend classes and to continue their education.

Taking into consideration significance of the role of mass media in development of the intercultural dialogue and inter-religious cooperation, the Commissioner called upon the journalists to be responsible and sensitive while writing on the freedom of conscience, belief and religion and to build bridges among confessions, as well as proposed holding seminars for journalists specialized in this field.

Freedom of assembly. Last year, the Commissioner also paid special attention to ensuring the right to freedom of assembly.

Staff members of the Ombudsman Office held monitorings in Baku Investigation Isolator, the police unit No. 10 of Garadag District Police Office, temporary detention place of Yasamal District Police Office and the Detention Station for Administratively arrested persons of Baku City Main Police Department to investigate the persons detained for protests at "Bina" Trade Center.

In the course of the meeting with the accused, also with 2 administratively detained persons, they did not complain about the custody conditions. However, the accused persons asked to assist in carrying out a fair criminal investigation.

The Commissioner addressed the Prosecutor-General and Minister of Interior of the Republic of Azerbaijan to ascertain the mentioned facts and to supervise the objectivity of the criminal investigation. The Ministry's response claimed that during the unsanctioned protest the 14th km of Baku-Salyan highway was closed for 2 hours and the public order was severely violated, the force was used against state officials and therefore, Baku city Prosecutor's Office opened a criminal proceeding under articles 221.3 and 315.2 of the Criminal Code.

By the Commissioner's instructions, staff members held monitorings at the detention station for the administratively arrested persons of Baku city Main Police Department, met with persons detained during protests on March 10, 2013 and investigated their custody condition, treatment and checked documents confirming the lawfulness of detention.

During the conversation with the administratively detained persons, they did not complain about their custody condition and treatment.

The doctor staff member examined their state of health and ascertained that they had no problem. It was found that each of those persons was contacted with their family members according to the law.

For free assembly open and close places in urban and rural areas were designated. During monitoring held by the Commissioner in those places, the condition, communication and provision with other necessary means were found satisfactory.

During public hearings conducted in every city and rayon of the country to supervise promotion and implementation of the NAP on Raise Effectiveness of the Protection of Rights and Freedoms in the Republic of Azerbaijan, the Commissioner met with the administration of each rayon (city) police departments and their personnel, held legal awareness activities and recommended to create favorable condition for citizens to perform their freedom of assembly and she found inadmissible for the police, having the right to apply force, to treat people in a degrading manner.

Right to vote. Last year, the Commissioner held range of events on the right to vote jointly with the Central Election Commission, held comprehensive awareness raising activities among the population in 58 cities and rayons of the country and held three monitorings about the state of ensuring the right to vote. These monitorings addressed the issues of studying held public hearings in rayons and pre-election state, also observation of the election process on the Election Day.

The Commissioner launched range of awareness activities on the right to vote in Sheki, Ganja, Jalilabad, Guba and Fuzuli rayons with participation of

representatives totally of 40 cities and rayons of the Central Election Commission and 54 constituencies' representatives.

In those events, responsible staff of the Central Election Commission, representatives of the corresponding cities and rayons executive powers, prosecutor's offices, judicial and law-enforcement bodies, precincts as well as constituencies, municipalities, educational, health and cultural facilities, local NGOs, mass media and local communities, refugees and IDPs participated.

In different times, the Commissioner met with the Head of the OSCE ODIHR Election Commission Delegation Mrs. Tana de Zulueta and her delegation, the CIS observers, the Commissioners for Human Rights of Moscow, Alexander Muzikantsky and of Yaroslavl Oblast Sergey Baburkin, and in Sheki district with OSCE Regional observer P. Vesson.

Taking into account the best practice of the previous years, at their own initiative, the Commissioner and 39 staff members were involved into the observing process in Baku and all rayons of the country, balloting points of numerous election centers. They observed elections in refugee and IDPs settlements, several military units of the Ministry of Defense, higher military schools, and places of detentions and investigation isolators of the Penitentiary Service of the Ministry of Justice. In general, the election process was observed in 391 election centers 107 balloting points in Baku and over 50 rayons.

The Commissioner observed elections in person in numerous balloting points of all districts of the precincts of the capital city, including the women penitentiary institution No. 4, in military unit of the Ministry of Defense, and in points for IDPs, simultaneously, she have been regularly informed by the staff members observing elections in various rayons of the country, so, she delivered the information to the Central Election Commission.

On the Election Day, summing up the outcome of the observations the Commissioner informed the public in the Elections Information Center of the Central Election Commission through mass media and TV broadcasting.

In general, during the elections, carried out with active participation of voters, no case of interference by the local executive bodies and the police officers into the election process was observed and no violations were found influencing to the outcome or process of the elections.

As a result of the observations, this must be noted that, in whole, the elections were conducted democratically, freely, transparently, just and as prescribed in the legislation, without disciplinary violations and massy, measures to ensure the right to vote and organization of such process, including the elections were accompanied with active participation of the voters.

It is noteworthy that over 50 thousand observers representing various bodies, political parties, public institutions, mass media, international organizations, participating in the election process in an organized manner, fulfilled their duties within their competencies.

During elections, no legal violation and interferences were found and the local executive bodies and the police conducts were in compliance with the appropriate rules.

As usually, the international observers stated that the elections were in compliance with international standards.

Conduct of seminars on “Elections monitoring” involving the CEC, precinct commissions, the corresponding state bodies, NGOs, international organizations, organizing seminars on elections for the observers and population to raise their awareness, also monitoring of the preparatory measures to the elections allowed avoiding shortages.

It must be specially noted that the Commissioner was not complained about violation of the right to vote during 2013 Presidential Elections in Azerbaijan.

Obviously, on the Election Day 84, 54% of the voters participated in the presidential elections in 5.492 balloting points for 125 precincts voted for Ilham Aliyev.

The 2013 Presidential Elections in Azerbaijan once more ascertained that our country remained devoted to the principles of building legal and democratic state, ensuring human rights, further democratization of the society, development of governance, national legislation and election technologies, strengthening national statehood.

The right to appeal. The state officials were strictly instructed by the country President to examine urgently the applications and complaints of citizens in meetings of the Cabinet of Ministers, during visits to cities and rayons of the country in order to get familiarized with the state of implementation of the provisions of the State Programs on socio-economic development of regions, in meetings with local communities.

In his closing speech in the conference devoted to implementation of the State Programs on socio-economic development of regions” of the country held on February 5, 2014 in the Heydar Aliyev Center President Ilham Aliyev stated: *“Every state official must recognize his duty. Every state official must work irreproachable, be in unity with the people, modest, efficient and patriotic, do not take a bribe and praise himself over people, to achieve respect in the regions and activities and be devoted to his country.”*

Last year, heads of the executive bodies in various rayons of the country received citizens in order to pay special attention to the principle of justice, attentive, caring and sensitive attitude to their applications, to examine and take decisions regarding applications and complaints, each application dealing with various fields was examined attentively, also applications, complaints and recommendations were reviewed and there were given instructions for solution of the existed problems. During these receptions, part of issues concerned the citizens were solved on spot, but other applications were comprehensively examined and taken under investigation and control to take specific measures.

Last year, heads of the executive bodies and other state officials regularly received citizens in urban and rural areas of the country, also during the mobilized receptions and meetings in rayons, the inhabitants were informed about the activities done, they are listened and their applications were taken under examination.

“ASAN service” centers take significant role in timely responding to applications of the citizens and in elimination of bureaucratic hindrances. It must be noted that the application addressed such centers dealt with provision with and changing of ID cards in those centers, changing driving licenses, problems dealing with notary office, migration, property issues, etc.

The activities of “ASAN service” centers, which aimed at provision of citizens with enough satisfaction during legal services made by state bodies, ensuring transparency, forming new attitude towards modern technologies, eliminating stereotypes about state official and citizens relations are being facilitated to further development of relations based on bilateral confidence between citizens and a State.

In whole, application of “ASAN service” allowed comprehensively advancing democratic governance, red tape, bureaucratic hindrances, prevention of corruption and advancing state-citizen relations. There were carried out 25 functional support services by 9 state bodies and 22 similar services by private companies and organizations in ASAN service centers. In whole, citizens are rendered about 150 kinds of services in these centers. Along with, it is possible to call the hotline center “108” to get additional information on services.

Since February 1, 2014, as a pilot project, there was organized mobilized service for citizens in Narimanov district of Baku city in ASAN service No. 1 on three types of service.

Constant extension of the “List of e-services” allows citizens to use those services without any hindrance.

It is difficult not to notice positive changes in ensuring the right of citizens to appeal to the state bodies, governing bodies, institutions and organizations. When the corresponding state, local executive and governing bodies, institutions and organizations did not ensure the right of citizens to appeal which is guaranteed under the Constitution, it caused violation of the other rights and created serious problems in elimination of such a violation or restoration of it. Thus, this created serious hindrances in elimination or restoration of the violated right.

Last year, there were 1,246 applications examined on the violation of the right to appeal, eventually, immediate, urgent or planned measures were taken, issues concerned the applicants were clarified, information and explanatory work were carried out, consequently, the violated rights of citizens were restored and in some cases the violation of other rights was avoided.

The applications dealing with violation of this right, which significantly impacts at enjoying of other rights, were also addressed social, property, accommodation, amenities, land, agrarian and other problems.

Several citizens, who were not answered or were unsatisfied with responses to their applications, addressed the corresponding state and local executive bodies, appealed the Commissioner to restore their violated rights.

The Commissioner received 1,085 applications dealt with local executive bodies. The analysis show that preventing the dissatisfaction of citizens and restoration of the violated rights, holding regular meetings with population to ensure human rights by heads of the locals executive bodies and local structures of central executive bodies and to advance the work of examination of the problems on spot is a regular process.

The cases such as when some state officials didn't receive the citizens or respond to their applications or delayed such responds and satisfied only with formal and groundless responds, did not provide them with written responds, made bureaucracy, particularly caused violation of the right to appeal.

Some of the state officials are still not adapted to rapidly developed governance and therefore, they do not feel responsibility for execution of citizens' applications and for fulfillment of duties, which resulted with dissatisfaction and multiply complaints.

Lack of registration of verbal applications of citizens by the corresponding state bodies caused also violation of the right to appeal and bureaucracy. The State must carry out explanatory works and legal awareness events with citizens to ensure the right to appeal.

It is reasonable to accelerate creating the e-application terminals and advocating their use in urban and rural areas of the country in order to increase their capacities to use electronic application system. In this respect, the Ombudsman Office has already agreed with the Ministry of Communication and High Technologies to launch trainings in rayons.

The abovementioned facts show the necessity to continue reforms for examination of applications of citizens and ensuring objectivity, efficiency and transparency during this process.

Judicial Protection of Rights and Freedoms. Large-scale reforms for advancing the judiciary were continued last year as well and similar reforms were taken in this field considering the role of modernization of judiciary infrastructure to increase effectiveness of fair trial and new court buildings comply with high status of judiciary.

Judiciary advancing measures, studying and application of the precedent law of the European Court of Human Rights (ECtHR), increasing capacity-building, strict fulfillment of executive and labor discipline, drastically eliminating violations, which caused justified dissatisfaction of citizens, corruption, and other negative factors, took significant place.

In the frame of the process of effective election of judges, 72 lawyers successfully completed multistage exams and long-term trainings were appointed to positions for judges.

Last year, 3 judges were subjected to disciplinary proceedings, so, the judge of the Nizami District Court of Baku Ziya Aliyev and of Masalli Rayon Court Vidadi Nasirov were transferred to another places according to decision due to violations of disciplinary rules and corruption, Elshan Kazimov, the judge of Sabunchu District Court was pointed out the defects of his work and there were started disciplinary proceedings about 4 judges of the courts of the first instances.

The Judicial-Legal Council promoted to the court of higher instances 32 judges whose terms of office completed and activities appreciated, 64 judges were recommended appointing to the various courts of first instances and to presidencies of court and change of their duty places by some of judges. Simultaneously, 3 presidents of a court were dismissed according to the decision due to severe defects and shortcomings in their activities; also the terms of office of 5 judges were terminated.

Within last years, according to the available information, number of vacancies for judges was increased up to 2 times and 75% of the numbers of judiciary employees, 12 new regional courts were created and improvement of the judiciary infrastructure positively influenced to the quality of judiciary activities.

Ombudsman Office continued its effective bilateral cooperation with the Justice Academy last year as well; in various times, the Office staff members gave lectures for the listeners of that Academy as well as candidates for judges.

Last year, the Commissioner was addressed 1,501 applications dealing with violation of ensuring of the right to judicial protection of rights and freedoms.

The generalized analysis shows that some problems are still remain in this field. Thus, the applications were mainly about failure in sending or delay of subpoena to the parties by some judges, violation of the equality of parties and adversary trial, violations of determined time of the beginning of trial, non-creating the opportunity for full ensuring of the right to protect, indifference to solicitations and to evidences of parties presented to the court during the trial, loosing of or not attaching the documents presented to the court to the case, rude treatment of citizens, non-provision of parties with copies of judgments' or their delay, having technical errors on court decisions or incompleteness in the decision part of the judgment, delay in sending of appeals and cassations, not sending or delay of appeals or cassations to the corresponding court of high instances, not informing the parties about refusal of their application, returning statement of claim groundlessly, red tape, untimely execution of judgments or court sentences, non-control of judges over execution of judgments or untimely review of submissions by the executors and bureaucracy during the execution of court decision.

Timely responding to citizens' application by the courts in the terms established by the law, as well as timely and fully fulfillment of duties imposed on courts in line with the procedural legislation would decrease the number of complaints.

In several cases, delay of judgments to the parties in the court caused violation of the right to appeal to the court of high instances against that decision.

Although, during examination of such complaints it was told on the responds that the judgment was sent to the applicant in time and even repeatedly, consequently, it was revealed that this information was untrue.

The Commissioner examined complaints regarding bureaucracy in judiciary within the competences and also carried out investigations of complaints about dissatisfaction of citizens from hearing of cases and completed according to the law in force.

The abovementioned aspects show the necessity of strict observance of the principle of equity and lawfulness during making court rulings, payment special attention to citizen-state official relation, holding public monitoring in courts and making publicly available, studying and application of the ECHR precedent law by judges, capacity-building, strengthening labor and execution discipline, treat the applications of citizens with great responsibility and care, prevention of corruption are one of the main elements of effective ensuring of the right of citizens' to judicial protection.

As a result of analyses, the Commissioner recommends strictly observance of ethical norms by judges, avoiding violations such as misuse and corruption, timely and precisely investigation of applications of citizens, improving financial and social security of judges and employees of the judiciary, creating new additional mechanisms on advancing legal assistance to the population.

Cooperation with the law-enforcement bodies in protection of human rights.

Cooperation with the prosecution authorities. The staff members of Ombudsman Office gave lectures to the persons who admitted to the prosecution authorities for the first time and those lectures addressed the topics "Role of Ombudsman in protection of human rights and freedoms", "Role of the Constitutional Law on Ombudsman in protection of human rights" and "National Action Program on raise effectiveness of the protection of human rights and freedoms in the Republic of Azerbaijan and duties of the prosecution authorities" and on other topics in the compulsory training courses organized in the Academy of Justice.

Cooperation between the Commissioner and the prosecution authorities in restoration of the violated rights was effective last year as well.

In 2013, the Commissioner received 663 applications regarding the prosecution authorities. The majority of those applications were investigated in efficient cooperation with the General Prosecutor's Office of the Republic of Azerbaijan and necessary measures were taken to restore the violated human rights.

Regarding those applications, the Commissioner addressed the prosecution authorities in total of 1,016 inquiries, out of which 697 were sent to the General Prosecutor's Office and its main offices, 287 to local prosecutors' offices, 34 to the military prosecutor's office, requested necessary instructions and conducted investigations.

After the interventions of the Commissioner, decisions on refusal from the institution of most of criminal proceedings, termination of the criminal action, on execution of criminal proceedings were canceled, the collected materials were sent to other investigation authorities and the legal action was brought. Furthermore, the criminal offence committed after the evaluation of the collected evidences was classified under the other article of the Criminal Code.

It was found that sometimes facts indicated on the citizens' applications were not investigated, according to materials available, the investigations were conducted incomplete, incomprehensive and non-objective, not all of opportunities were used sufficiently, therefore, in several cases, and decisions on refusal from institution of the criminal proceeding were cancelled by higher instance prosecutor and returned to re-investigation.

The cases of cancellation of decisions on institution of the same criminal case by the investigators also attracted the attention. Thus, such cases caused violation of citizens' rights and red tape.

There were cases when the requests sent to the prosecution authorities regarding examination of facts indicated thereto, the Ombudsman Office was given incomplete or beside the point responds.

Staff members of the prosecution authorities, whose procedural decisions were cancelled by the prosecutor and therefore, debarred from the investigation, disobeyed the instructions by the prosecutor or higher prosecutor in charge of the procedural aspects of the investigation, disobeyed the requirements of the criminal procedural norms, when procedural decisions were cancelled by the prosecutor, who caused violation of citizens' rights and legitimate interests were not subjected to punishment. Thus, it is necessary to intensify the measures and to strengthen prosecutorial control over such cases.

Refusal from institution of the criminal proceeding, termination of the criminal action, termination of the other procedural decisions after the complaints as a result of the examinations might seem as positive merit but requires strengthening control over investigation.

By the way, according to the official information, as a result of service investigation conducted by the Prosecutor-General, 49 employees of the prosecution authorities were subjected to disciplinary liability due to various shortcomings and deficiencies revealed in their activities.

According to the outcome of 51 official investigations by the Military Prosecutor Office, 20 employees were subjected to disciplinary liability due to violation and shortcomings in their work; official reprimand letters were sent to the Prosecutor-General about 3 employees.

Regarding several appeals by the Commissioner to the Prosecutor-General dealing with non-objective investigation, the necessary investigations were conducted and completed.

From the perspective of efficient ensuring and protection of human rights and freedoms by the prosecution authorities, it is necessary to organize work

efficiently and correctly, increasing quality of work of the administration to the investigation as well as preliminary procedural investigation, examination of citizens applications and further improving the procedure of their receipt, continuing the measures for ensuring transparency.

Cooperation with judicial authorities. Bilateral effective cooperation between the Ombudsman Office and the Academy of Justice of the Ministry of Justice were continued and the staff members of the Ombudsman Office regularly gave lectures to the persons involved to the compulsory trainings on the topics “The role of National Program for Action in protection of human rights”, “The role of the Ombudsman in protection of human rights and freedoms in the Republic of Azerbaijan”, “The Ombudsman Institution serves to efficient protection of human rights and freedoms” and on other topics in the compulsory training courses organized in the Academy of Justice.

Some applications addressed the Commissioner were about discontent from the activities of the officials of notary office and execution authorities, municipalities and with selling a plot of land or a part of it belonging to one person to another one, not allocation of a plot of land for construction of a private home and with red tape.

As a result of examination of the above-mentioned complaints, in majority of cases the violated rights of citizens were restored.

According to the official information, the activities of 52 municipalities were investigated under the procedure of administrative control and available materials of 25 facts were sent to the prosecution authorities for legal assessment.

In 2013, the Commissioner received 697 applications dealt with non-execution of court sentences. These applications dealt with non-execution of judgments or decisions, red tape and rude treatment of citizens and violation of ethical standards by executors.

Insufficient use of competences given to the executors in line with the law, inaction regarding search of the debtor, returning the case to the court without any proceeding caused violation of the rights as well.

Necessary investigation was conducted and mainly complete or partial proceedings were achieved in those cases, consequently, the violated rights of citizens were restored.

In general, in this field the majority of judgments related to alimonies and property demands and returning the debt. The Commissioner, who gives special attention to protection of rights of single mothers and child rights, paid to each complaint under her control and took measures for their ensuring.

As a result of handling of 268 applications on non-execution of judgments on alimony payment, in most of the cases, payment of alimony was provided. During the process of examination of applications on alimony payment, the demand was directed to incomes of the debtor and executed in order to restore the violated right.

The analyses show that the execution of judgments dealing with payment of alimonies was not provided due to several causes; consequently, the single mother faces with financial-moral challenges.

Lack of property and incomes of the debtor to whom the claim could be directed, unemployment of the debtor, being treated of severe diseases due to compulsory or subjective reasons, serving of sentence in the place of detention, lack of information about his practically place of residence, or being outside of the national borders, uselessness of search measures of the debtor, create problems in execution of the judgment on alimony claim.

After the appeal of the Commissioner to the Ministry of Justice in order to ascertain facts indicated on several applications, there were taken compulsory measures for some debtors according to the judgments, the court took judgment about the debtor, whose right to leave the country temporarily was restricted or was subjected to administrative arrest.

Considering the increased number of divorces, unemployment of majority of single mothers, housewives with underage defendants and in need of more alimony as a sole means of guaranty to survive, and problems dealing with payment of the alimony by the debtor, the Commissioner repeatedly proposed establishing of an "Alimony Fund". In the Commissioner's view, it is necessary to create and to apply payment mechanism by the corresponding central execution authority or by the "Alimony Fund" which would be financed from the state budget on conditions that the debtor would forcibly pay back the amount of the alimony to the Fund. In implementation the execution of most judgments dealing with payment of alimony, the realization of the recommendation of the Commissioner would allow solving the problem completely.

Non-execution of judgments or their delay by the state authorities in debt, rude treatment of citizens by the executors caused the just discontents.

According to the Decree of the country President dated 15 July 2010 on advancing execution of judgments, measures shall be taken for control over activities of the executors, corruption, red tape, unethical treatment and other negative situations, also officials violated the requirements of the law shall be subjected to most serious disciplinary measures.

Cooperation with internal affairs bodies. During the public hearings conducted in every rayons of the country to monitor the state of promotion and application of the NAP to raise awareness of population, the Commissioner held meetings with the administration of rayons' and cities' police departments and offices, also with their staff members, conducted legal awareness activities and continued the cooperation with the Police Academy in the concerned field.

In 2013, the Commissioner received 1.840 applications regarding police bodies. Those applications were mainly about non-objectivity of preliminary investigation in investigation divisions of rayon and city police departments, violation of the right to appeal, rude treatment of citizens by the police.

Of the abovementioned applications, the authorities of internal affairs received 521, out of which 347 were sent to the Ministry of Inferior and its main offices,

174 to its subordinate or local bodies, as well necessary instructions for investigation were provided.

During the examination of those applications, it was revealed that in some cases, refusing groundlessly from the institution of criminal proceeding by the related responsible and competent police authorities, termination of the criminal proceeding or making decisions on termination of criminal proceedings.

During the investigations after the appeals of the Commissioner to the police authorities to ascertain cases of incomplete examination of the applications of citizens and facts of non-objectivity, it was found out that sometimes the decision on termination of the institution of the criminal proceeding was made groundlessly without complete, comprehensive and bias investigation and so, the decision was terminated by the related prosecutor body and was sent for the additional investigation.

During the monitoring held by the Commissioner, it was found that there was made decision about termination of the criminal proceeding with the same application of a citizen several times based on the collected materials.

Such groundless decisions made by the investigator without comprehensive, complete and objective investigation resulted with applications to the higher bodies and red tape, so, the criminal proceeding was not instituted in time.

After the inquiry of the Commissioner to the prosecutor's office, the material was analyzed, collected and sent to the investigation body and criminal proceeding was instituted. Also, during the inquiry of the Commissioner to ascertain the facts indicated on those complaints, it was found that in the course of additional investigation by the investigator the requirements driven from the decision made by the responsible prosecution authority while checking the justification of that decision were not executed completely. Therefore, the decision about termination of execution of the criminal proceeding was cancelled and was sent for additional investigation. Nevertheless, the investigator not ensuring comprehensive, complete and objective investigation is not often subjected to disciplinary liability.

Sometimes, instead of making appropriate decision regarding the citizen's application as prescribed in the criminal-procedural legislation, the same application just "was taken into consideration", which resulted at violation of the rights and freedoms of citizens. Along with, the prosecutor, who in charge of examination of applications, indifferently approach violation of provisions of the law, he did not investigate the complaint of the citizen according to the law, but he did not disputed the decision "including to the case" of the investigator instead.

Control over observance of the traffic rules and safety of the movement, ensuring safe and free movement of the citizens, including drivers are duties of the police, particularly the state traffic police.

Last year, the Commissioner received 134 applications about the state traffic police. Those applications were mainly about rude and unethical treatment of drivers by some traffic police officers, violation of traffic rules and lack of

documentation for penalties as well as bribery. Eventually, the Commissioner took necessary measures on these applications.

The analyses of the above-mentioned applications require effective measures for elimination of several serious problems.

According to the application of the Commissioner during the investigation, the traffic police officers, that violated the related regulations and damaged the image of the police, those who do not follow the ethical rules, violate the provisions of the "Code of Ethical Conduct for Employees of the Internal Affairs Bodies", do not respect citizens, misused power, including violated ethical norms towards drivers and made mistakes in their work, were subjected to disciplinary punishment, also necessary measures were taken for advancing the activities in this field.

According to the Ministry of Interior, as a result of investigation of 203 applications sent by the Commissioner to this body, it was ascertained facts of allowing the faults towards citizens, rude treatment, groundless bringing to the police, violations of the terms of detention in police as provided by law and untimely transferring the detained person to investigative body, 25 employees were subjected to disciplinary liability, including 4 employees were fired from the internal affairs bodies, 4 were dismissed from their positions and 17 were subjected to other disciplinary reproach.

According to the official information, last year, 341 employees were subjected to disciplinary liability regarding 252 facts of violation of human rights and freedoms addressed and proved by the Ministry of Internal Affairs, out of which 8 were about groundless criminal charges, 118 on rude treatment, 63 were about unlawful bringing to the police and detention, 43 were about violation of rights of the drivers, 5 were about violation of the rights of foreigners and stateless persons, 15 were about other issues, 33 persons were fired from the internal affairs bodies, 21 persons were dismissed from their positions, 287 employees were subjected to other disciplinary measures.

For prevention of such cases it is necessary to bring to the attention of all appropriate bodies, including offices, departments, units, temporary detention places each decision on subjection of police officers to disciplinary liability due to shortcomings in their work, also to make it publicly available.

It is necessary to continue awareness raising measures jointly with the police authorities in order to strengthening the human rights protection activities of the police officers on regular studying of the existed national and international legislation dealing with protection of human rights and freedoms by the personnel working in such bodies, ensuring transparency, protection of prestige of the rank of the police, advancing the proper relations with citizens.

The bodies of internal affairs, which play great role in stability in the country and ensuring the safety of the public order professionally, with great responsibility and jointly with the other law-enforcement bodies, are being continued strengthening their activities against criminality, protection of honor and dignity

of citizens while understanding their responsibility for control over criminal offences, without torture, violence or rude treatment.

1.2. Protection of social and economic rights

Protection of labor rights. Among the violations of the right to work were issues about wages and severance pay, refusing from remuneration for restoration to the job and work injures, not signing of the labor contract or violation of provisions of the legislation while terminating the contract, non-payment of subsistence payments, not providing with hard copy of the work record book and decision on dismissal.

In 2013, the Commissioner received 709 applications on violation of labor rights. As a result of the measures taken by the Commissioner and investigations, there were restored the violated rights of workers.

The analyses of the complaints to the Commissioner show that such complaints were about non-execution by the employer of duties on payment of wage or its delay, employment without labor contract, long term vacation or dismissal from the job without payment, in particular.

Problems still remain in creating favorable labor by the employers as prescribed in the labor legislation.

It should be indicated that the complaints on violation of provisions of the labor legislation, including non-payment of a wage mainly related to private companies.

Among the relevant violations, including the dismissal from the work was that the employees have been obliged to be agreed with the employer regarding the other rights, which were guaranteed them under the labor legislation in order not to lose the workplace and to reconcile with the situation.

The hardest form of violation of the labor rights of the worker is his dismissal from the work in violation of provisions of the labor law. Last year, such complaints were mainly explained with reducing the number of the employees or the staff. Of course, despite fact that such dismissal of the employee from his work, initiated by the employer, is lawful, it should be done in accordance with the relevant law.

During examination of the complaints on restoration of citizens' for work, the violated rights were restored too.

During termination of labor contract, along with the severance pay (money compensation for the unused vacations, wage and other payments) paid by the employer, the employee shall be provided with hard copy of the order or decision of the employer on termination of the labor contract and the employee must be provided with the work record book on his last day of work. After inquiries of the Commissioner to the corresponding bodies and relevant investigations, in most cases, the violated rights of citizens were protected.

Right to social security. In 2013, the Commissioner took measures for ensuring the right to social security raised in 1,118 applications, out of which 234 were about provision of pensions, 542 were about provision of the targeted social aid, in the majority of cases revealed shortcomings were eliminated and the violated rights were restored.

Some complaints were about incorrect calculation of pensions, including calculation of pension without consideration of the specified time of the length of service, not calculation of allowances, which were solved after the intervention of the Commissioner.

After inquiries of the Commissioner to the corresponding authorities, residual dept of pension were calculated and citizens were reimbursed.

During examination of the complaints, after the inquiries of the Commissioner to the corresponding authorities, other problems of citizens in the field of social security were solved and their violated rights were restored. This should be noted that holding comprehensive awareness events on the new methods of calculation of pensions, education of the population through mass media would decrease the number of such complaints.

The targeted social aid. The Commissioner received 542 applications on allocation of the targeted social aid. Those applications were about misappropriation of some part of amount allocated for the family by the responsible employees of centers on social protection of population, red tape by the corresponding local branches, rejection of documents, not informing the citizens about allocation for them such an aid, untimely providing with related plastic cards.

The analysis of the applications show that in previous years, there were made shortcomings in this field, so, during examination of the applications there were revealed shortcomings caused concerns.

Along with the abovementioned applications, there were conducted investigations regarding failure with inquiries to the corresponding bodies to allocate the targeted social aid and consequently, the families were allocated for targeted social aid for one year in accordance with the legislation.

According to the information available, 140,711 families were identified for targeted social aid in the country, which covered in total 615,516 family members. The monthly average of targeted social aid for every family was 126,88 manats and for each family member equals to 29,01 manats.

In comparison to the criterion of needs for calculation of targeted social aid in 2006, which was 30 manats during last period, it was increased by 3,3 times up to 100 manats since the beginning of this year.

Whilst approving the extent of criterion for needs for allocation of targeted social aid for the upcoming year, it is reasonable to re-examine the applications refused due to excess of the income per capita within the family during previous three months in accordance with the new criterion.

It is necessary to take necessary measures for allocation of targeted social aid to vast majority of low-income families and to improve the legislation.

Verbal responds to the applications of citizens given by the related local departments regarding allocation of targeted social aid, which were refused due to impossibility of such an allocation because of the ending of the limits arranged for rayons and villages were also resulted with complaints.

Taking into consideration the previous violations of employees and responsible persons of centers of social protection of population responsible for allocation and provision of the targeted social aid, it is necessary to strengthen control over activities of those institutions and responsible employees.

It is appropriate to apply strict control mechanism over activities of the local institutions, to take measures for punishment of officials who cause complaints to the central state bodies and fair discontents of citizens, to eliminate violations and shortcomings.

By the way, 145 civil servants were subjected to disciplinary actions by the new administration of the Ministry of Labor and Social Protection of Population.

Taking into consideration the Commissioner's recommendations, last year, as a result of amendments made to the legislation, the regulations for allocation of targeted social aid were advanced; revising the regulations indicated on the previous reports and facilitating the mechanism of allocation process were proposed.

According to the information, as a result of the reforms the relevant Ministry started the application of the targeted social aid based on new mechanism; during collecting documents the red tape will be prevented. Moreover, the person won't need to submit documents of number of his family structure, monthly income, property and other information to the corresponding state authority, allocation of targeted social aid to be given in a centralized manner and electronically.

The new administration of the Ministry of Labor and Social Protection of Population will eliminate all challenges and discontents of citizens during its strict reforms, which will result in drafting the legislation on allocation and provision of targeted social aid and the execution mechanisms.

Right to live in healthy environment. Despite the fact that the complaints on violation of the right to live in healthy environment addressed to the Commissioner are in minority in comparison with other rights, the arisen problems demand realization of urgent measures. These complaints were investigated and violated rights were restored.

The measures on gradual elimination the quantity of hazardous substances emissioned and discharged into the environment, also of harmful physical impacts and on development of special protected zones should be continued and strengthened.

Carrying out preventive measures to eliminate the results of natural and manmade disasters, conduction of legal enlightenment activities on promotion of legal culture among the population should be strengthened as well.

The recommendations were sent on different times to competent bodies in order to efficiently protect the citizens' right to live in healthy environment.

Considering the necessity of strictly observance of legislation while enjoying natural resources, the Commissioner proposed strengthening the control over exploitation of land areas and stone quarries.

There is a necessity to apply serious measures on prevention of deforestation as a result of cutting down fine-wood in the regions for manufacturing and wood industry, as well as of rare woods for household needs. Increasing the fine rates and their determination according to the damage is a matter of importance.

As it is known, the quantity of vehicles in the country has been rapidly increased from year to year. The throwing into the atmosphere of the combustion products of vehicles running on petrol and diesel motors is increasing. This results in environment pollution and occurring of the ecological problems.

According to the Paragraph 3.2 of the Decree of the President of the Republic of Azerbaijan on approving the Development Concept "Azerbaijan 2020: Outlook for the Future" from December 29, 2012, "it is expedient the application of customary and other concessions on electromobiles and hybrid vehicles in order to stimulate import of these means of transport in the frames of "Environment protection and fighting against ecologic problems" measures.

As a result of continuous measures realized by the Ministry of Ecology and Natural Resources in 2013 to prevent of corruption cases and eliminate their reasons, the administrative reproach measures were applied towards 166 responsible high ranked officials, 66 of them were dismissed from positions, 56 were reprimanded and 44 persons were given severe reprimand with last notification.

The children and the youth were given comprehensive information on ecological rights during the open lesson for pupils jointly organized by the Ombudsman Office and SOCAR Ecology Department in the School-Lyceum Complex of the Baku Slavic University.

The Commissioner urged the Cabinet of Ministers regarding effective solution of ecological problems from the standpoint of provision of several fields, including efficient provision of the right to live in healthy environment, formation of the movement "For Green Europe" in order to attract the attention of the European community, as well as consideration of adoption the additional protocol to the European Convention on Human Rights that will embrace the right to live in healthy environment during the period of Chairmanship by the Republic of Azerbaijan at the Committee of Ministers of the Council of Europe between May – November, 2014.

Right to health. Radical changes took place in social life in all regions of the country; new opportunities were created for elimination several social problems and for further improvement of healthcare service within last 10 years. According to the demands of qualitatively increasing living standards and lifestyle, modernly equipped medico-diagnostic centers, hospitals, clinics were constructed; material – technical basis in medical sphere on the whole was thoroughly strengthened.

Last year 80,1 million manats were allocated for implementation of the programs on healthcare improvement, renovation was carried out in 81 medical institutions, in many of them the works were concluded and they were put into operation. In addition, the appropriate measures should be taken to meet the demands of personnel in these institutions.

During the year the Commissioner received 587 complaints regarding the right to health.

The appeals submitted mainly were about getting the state funded medical treatment and medical examination and provision with medicine, however the other issues related to different aspects of the right to health protection were also reflected in the appeals. Relevant investigations were carried out and as a result in many of the cases the violated rights were restored.

Upon the Commissioner's appeal to the Ministry of Health in connection with citizens' appeals on getting the state funded medical treatment and medical examination, the corresponding healthcare institutions were given tasks in order to realization of medical examination and treatment of those patients.

Received appeals also reflected several problems in provision with medicines of privileged groups of population, persons in need of special care, suffering from concerning diseases and who are in dispensary registration.

Such issues as failure in timely provision with the medicine of patients in some cases, especially the lack or absence of sorts of medicine or their substitutes for treatment of concrete diseases are the matter of concern of ill citizens who have the right to be provided with medicine on the state account, as well as who are in dispensary registration and these issues attract more attention alongside with other arisen problems.

This is also necessary to expand the appropriate list during provision with medicine on the state account of people infected with AIDS, Hepatitis "C" and "B" that are among the dangerous infectious diseases.

After undergoing the examination in the central commission the persons in need of haemodialysis are referred to medical centers in the regions that are provided with necessary haemodialysis equipment, but are placed far from their homes and are not accessible for habitants of other regions.

This is important to provide such patients with one meal on the state account after passing the procedure, considering that these persons must feed immediately after haemodialysis, but in some cases they are not able to bring food with themselves due to long distance or indigent conditions. It is expedient to place the haemodialysis devices in convenient interregional area. At the same

time, the patients should be informed about conduction of these procedures on the state account.

This should be mentioned that the commission on registering the persons who need haemodialysis, who receive haemodialysis and on improving the organization of concerning treatment was established by the Ministry of Health. After the Commissioner's appeal the patients in need were provided with haemodialysis sessions.

In different times after the Commissioner's appeals to the Ministry of Health for medical examination and treatment of several citizens they were sent to Republican Neurosurgery Hospital, the patients with heart diseases were referred to Scientific Surgical Center, the citizens applied regarding assistance in medical examination and treatment of their eyes on the state account were sent to National Ophthalmologic Center named after Zarifa Aliyeva, these people were provided with appropriate medical examination, services and treatment.

The documents regarding some of the patients were sent to the "Commission on the Affairs of medical treatment of citizens abroad" and to special commission of high qualified specialists for obtaining medical reference.

In the frames of the Commissioner's trip to Imishli rayon, several problems existing in healthcare services were discovered, for example, prophylactic vaccinations against infectious diseases were not conducted on time.

This should be noted that the proper registration of persons urging to hospitals and medical dispensaries located in regions, improving of existing registration rules and their observing, conducting of regular medical examination and monitoring regarding to infectious diseases, regular conduction of prophylactic vaccinations should be organized on time and control over these should be strengthened.

This should be mentioned to the point that according to the information from the Ministry of Health the vaccination against pneumonia has been included to the range of vaccination against 10 diseases since December, 2013. However, the control over this field should be strengthened in regions as well.

There is a need in wide promotion of stimulating measures realized by the state among medical personnel and especially the young staff in order to attract medical personnel to work in the regions and villages in order to ensure health conditions of people, their treatment and examination in their living areas.

Considering the cases of child and maternal death, their becoming disabled, birth of babies with defects due to the fact of conduction Cesarean operation over pregnant women without vital indicators for that in majority of the cases, there was put forward the recommendation on conduction of serious measures for elimination this operation if there is no special need in that.

This should be mentioned that appropriate changes have been done to the relevant legislation and responsibility for illegal conduction of operation was determined, at the same time "The medical reasons for conduction of Cesarean

operation” and clinical protocol on these operations have been worked out by the Ministry of Health.

We can say that, in majority of the cases the doctors are not brought to relevant responsibility for the cases of newborn babies’ and maternal death. Especially, this should be noted that any administrative punishment given to non-professional doctor caused to such tragedy as maternity death is an evident indicator of superficial attitude to the problem.

Some complaints informed about the cases of serious violations in organization of medical examination and treatment in private medical institutions, too expensive fees and ineffective treatment.

Indifference of some doctors in the state medical institutions, non-ethic behavior of medical personnel towards patients, lack of the sense of responsibility of doctors before patients, subjection of patients to wide range of laboratory and diagnostic examinations irrespective to medical instructions, making these the source of income, lack in proper level of rendered medical service are also among the matters of concern of citizens.

This should be mentioned to this point that according to official information the sanctions were applied towards 176 medical workers on the revealed facts of violations during investigations conducted by the Ministry of Health.

The Commissioner is of the opinion that it is important to seriously approach to the doctor-patient relations, to adopt legislative acts on protection of rights of patients, including the patients suffered from doctor’s treatment, to transfer to the contract system determining mutual obligations during the treatment process. From this standpoint the adoption of the Law enshrining protection of the rights of patients by the Milli Mejlis is necessary.

Paying regular visits to the psychiatric institutions in Baku and in the regions, the Commissioner also conducted trainings for doctors on rendering medical service and treatment of mentally ill persons in compliance with the European standards, comprehensive information on the protection of rights of mentally ill persons, improvement of rendering the psychiatric care and principles of hospitalization, diagnosis of diseases, living in the society, confidentiality, consent to treatment, detention conditions in the psychiatric institutions, involuntary hospitalization and other principles were also presented to the medical personnel.

The Commissioner repeatedly conducted joint visits with the Chief Psychiatrist of the country G. Geraybeyli to the psychiatric institutions, met with medical personnel, patients and also learned the situation with their conditions in these facilities, their nutrition and treatment. According to appropriate instructions the staff members of the Ombudsman Office also carried out visits to the Republican Psychiatric Hospital No.1, Kurdamir Inter-district Psychiatric Hospital, Sumqayit city Psycho-Neurological Dispensary, Boarding House No.3 for Mentally Handicapped Children in Shagan, Boarding house No.9 for Persons with Psycho-neurological diseases, stationary and ambulatory departments of the Forensic Medical Expertise Center.

This should be noted that also considering the recommendations of the Commissioner, considerable positive favorable works have been done in the Republican Psychiatric Hospital No.1, as well as more than 20 corps were repaired and meet the modern standards; the relevant measures are being continued. During the visits to the institutions there were not observed the violations regarding detention conditions, nutrition, rendering medical care, treatment to patients. However, several recommendations on conditions and registration matters were sent to the Ministry of Health.

The Commissioner also visited Inter-district Psychiatric Hospitals in Sheki, Qazakh cities and Shorsulu Inter-district Psychiatric Hospital in Salyan rayon. During the visits it was observed that these institutions were located in adapted buildings between living houses, the corps were in bad conditions, failure of detention conditions to meet appropriate standards, in observance of sanitarian rules and existing of other problems.

During the visits the issue of allocation of different amount of means for nutrition of patients in different psychiatric institutions attracted special attention. Considering the abovementioned, after the Commissioner's propose during the discussions of the draft state budget for 2014 year at the Parliament, as well as after urgings to the Cabinet of Ministers and Ministry of Finance, the daily expenditures for food per patient has been increased considerably and was determined at 5 (five) manats level since 1 January 2014, in order to bring the daily food ration per patient into conformity with existing legislation.

Absence or lack of psychologists in concerning psycho-neurological institutions, also absence of psychotherapists, lawyers, social workers, non-usage of rehabilitation through labor creates many problems in restoration of those patients and their reintegration into the society.

Low salary of medical personnel working in psychiatric hospitals (psycho-neurological dispensaries) negatively impacts at the rendered medical care level. The quantity of patients per one doctor is too high and this decreases the level of rendered medical care as well. There is lack of middle-level medical personnel and hospital attendants. Special attention should be paid to training of specialized personnel in this field.

The Commissioner considers this important to independently and deeply investigate the situation in psycho-neurological hospitals, realization as a compiled state program of urgent measures on rendering psychiatric aid to persons in need, as well as transition of all psycho-neurological institutions in the republic to the jurisdiction of the Ministry of Health.

Right to education.

Last year, 150 complaints were submitted with regard to the right to education, the investigation was conducted on each of them in the frames of the competences, monitorings were carried out in required cases and several problems were solved.

The appeals regarding the situation in preschool education facilities, also organization of educational work, issues related to high and secondary specialized education were investigated jointly with concerning authorities, especially with the Ministry of Education, many revealed shortcomings and deficiencies were eliminated.

The regular measures are conducted in building contemporary preschool education system, creating of necessary conditions for intellectual, physical and psychological improvement of children, forming of their personality, renewing the content of educational process. However, the encirclement in pre-school education still is at 23, 4% level in cities, 8, 7% level in villages, and 16, 5% level all over the country.

One of the problems of preschool education facilities and also a matter of concern is a weak material–technical basis for their concerning spheres. Settling of IDP's families in buildings of many of such facilities, placing of various organizations in the buildings of kindergartens, dissatisfactory level of personnel training and salary are among the main problems existing in this sphere.

The number of state-funded preschool facilities (kindergartens) and places for children there are rather less than the number of children of proper age. This fact, as well as lack of specialized educators aware of modern methodologies creates the problems not easy to solve.

During the previous years preschool facilities in several living areas stopped functioning, also the many of functioning preschool facilities require overall repair, equipment with modern supplies and visual aids.

In this situation it is necessary to return kindergartens, boarding houses for baby and children under the Ministry of Education's jurisdiction.

This should be noted that alongside with significant steps taken towards development of secondary education, there still exist different shortcomings.

Improper organization of educational process in some schools, failure in fulfilling by school administration of the responsibilities provided by law caused to citizens' fair dissatisfaction and complaints. As a result of conducted investigations on concerning complaints guilty school workers were punished by the Ministry of Education.

Despite that the textbooks used in the educational process are provided free of charge on the state account, additional teaching manuals are bought on the parents' account. This causes concerns in low-income and large families. On the other hand the quantity of printed manuals considered for the next school year is less than the number of pupils. So, this is necessary to provide pupils with manuals and subsidiary materials on the state account in compliance with the requirements of the educational programs.

Alongside with wide-scaled repairing and constructional works, several school buildings in village areas of the republic are disrepair and some are even in emergency condition.

The situation should be seriously analyzed in referring to small population in some living areas while not-opening schools in rural villages, closing of actually functioning schools or uniting them with other schools and it is inadmissible to allow in this process any situation that will avoid the adolescents and, especially, girls from education. Even if opening of new schools is impossible or functioning schools are closed, there is a need in considering the transportation of those schoolchildren from several of neighboring villages to nearest schools.

The Commissioner considers this important to return rayon (city) educational departments (offices) and pre-school educational facilities to the jurisdiction of the Ministry of Education.

Education of children and their social protection in boarding houses were also among matters of concern. Adoption of targeted state programs aimed at continuation of education and provision with living place and work in future of children educating in these facilities who lost their parents or deprived of parental care and leaving these facilities at certain age.

Applying in higher education facilities of the main principles of the Bologna Declaration practiced in European countries and to which our country is a party to, speeding up the process of integration of education into this system are expedient.

Decreasing the amount of education fees in the state secondary and higher professional institutions considering the real conditions of population, especially vulnerable low-income groups of population can have significant impact at improvement of the education.

Conduction of examinations by tests using contemporary information-communication technologies, avoiding human factor in knowledge assessment process creates conditions for ensuring transparency of the education process and increasing of responsibility sense in students.

There is also a need in determination of monthly allowances for students entering and studying in higher or secondary professional institutions on a state order, but not provided with place in appropriate hostels, also in covering the accommodation rent fees for students in acute need of financial aid.

This is also expedient to exempt persons with disabilities of the 1st and 2nd degree and studying in the higher or secondary professional institutions from payment of education fees.

There is a great need in training of young scientists in sciences fields through provision of inheritance of older scientists, conduction of scientific researches at the contemporary standards level, strengthening of social protection of brainpowers, proper financing of this sphere for realization of national strategy on development of the science.

Right to property.

Last year, 1,084 complaints were submitted regarding the right to property. Such issues as provision with flats, restoration in the house queue, repairing of flats in

an emergency conditions or replacing them with new ones, elimination damages to the houses as a result of natural disasters, allocation of plots of land for building of a private housing were the main problems raised in the complaints.

Some of the complaints on the violation of the right to property were solved after the Commissioner's intervention, some persons were provided by the municipality with land areas for building of private property, citizens whose houses became despair were approached with special sensitiveness.

One of the advantageous methods in this field was issuance of mortgage credits to citizens. In the annual reports the Commissioner put forward the proposals on making the mortgage credits accessible for citizens.

According to the information more than 13 300 families benefited from hypothec credits from the Hypothec Fund side to better their living conditions in 2006-2013 years. However this is still not satisfactory.

The prices in the flats market is not adequate to means of most of population in need of flats, low-income families are deprived of it at all. There is necessity on conduction of measures on increasing the maximum price of preferential hypothec credit to real demands of the flats market, decreasing to the minimum of initial amount to be paid by citizens, prolonging the loan payment period, decreasing the percent degrees, extension of the list of persons who has the right to use preferences on hypothec credits.

This is important also to form the flat policy complying with real capacities of persons who need houses, working out and implementing the concept and targeted state programs reflecting the resettlement of habitants of buildings in emergency conditions, as well as complex approach to the issue of property provision, applying of social hypothec.

One of the most serious problems existing in flat market is connected with failure in inventory and registration of houses illegally built by citizens in seized land areas in Baku city and surrounding territories from the middle of the last century.

In previous annual reports of the Commissioner and her appeals to the authorized state bodies talked of the ten thousands of citizens living in Hovsan, Bina and Ramana "diary sovkhoses", also in housing estates called "Alatava", "Zigh", "Vorovsky", "Khutor", "NZS", "UPD", "Keshla", "Yasamal" and others, that are restricted in full enjoying of many of their rights.

To solve the problems of those people there is a great need in carrying out of technical inventory measures in large living estates where illegal buildings situated, determination of their market price, consideration of the issue of registration of the rights over unwarranted constructions and speeding up its solution, as well as prevention of building of illegal constructions, especially in Yasamal district.

The Commissioner received 324 complaints from the citizens suffered from natural disasters. The range of measures carried out by government for elimination the damages as a result of natural disasters took place in our country in different times was being continued during the last year as well.

Several measures were undertaken towards returning to normal life of habitants suffered from earthquakes, floods and streams. According to appropriate instruction of the country President, as a result of measures realized by the Ministry of Emergency Situations many of suffered families were resettled to the new houses built for them in a short period of time, or repairing or reconstruction works were carried out, and the citizens expressed their satisfaction.

As a result of the Commissioner' concerning appeals the commission on emergency situations initially or repeatedly reviewed several houses damaged because of natural disasters and they were presented to review of the Ministry of Emergency Situations' working group. The decision on restoration was given regarding the houses in despair condition, some houses were included to the list of houses requiring restoration measures and amplifying.

This is important to conduct awareness work among population on voluntary insurance from natural disasters and accidents, including fires, also to carry out measures on compulsory real property insurance.

314 complaints mainly reflected different everyday, infrastructure, housing and communal problems of population, the shortcomings related to communal services, provision with heating, natural gas, drinking water, electric energy.

Repeatedly analysis of complaints from beginning of the Commissioner's term of and existing realities show that Housing-communal offices have already lost economical importance as structural units. The very low-level of rendering housing-communal services complicates existing situation and causes to numerous complaints. Despite this problem was sounded in the Milli Mejlis, the measures on improving the administration, on elimination bureaucratic obstacles and corruption cases have not been carried out yet.

The complaints addressed by citizens to the Commissioner reflected as a rule such cases as improper fulfilling by the housing units of duties regarding flat funds, paying no attention to sanitarian services of respective areas courtyards, failure in carrying out the renovation works, demanding of bribe while issuing certificates and other documents, conversion of the housing units to the corrupted bodies, subjecting citizens to procrastination and causing to their numerous dissatisfaction.

There is a need in carrying out the measures on structural reforms in the housing system, liquidation of housing units, and transferring of appropriate positions and properties to municipalities.

According to concerning Decree of the country President in order to strengthen material-technical basis of lift service in Baku, Ganja and Sumgayit cities, replacing of old lifts with new ones in the multi-storied buildings that are on the state flat fund, the Executive Powers of these cities were allocated with appropriate financial means.

As a result of the Commissioner's efforts several problems faced by citizens, including the problems reflected in complaints dealt to failure in heating systems

functioning, provision with drinking water, restoration of canalization, gas and electric energy supply, were investigated and solved.

Many of multistoried buildings in Baku city are settled by inhabitants despite not being commissioned, they are also provided with electrical energy and water, even the majority of buildings are provided with gas lines, gas meter devices, but have not been provided with gas yet. This circumstance causes not only numerous serious dissatisfaction of habitants, complaints, but also creates troubles in cold winter period.

According to the Article 24.3 of the “National Action Plan on Combating Corruption for 2012-2015” adopted by decree of the President of the Republic of Azerbaijan on September 5, 2012, appropriate bodies were given tasks on realization of “solution of the gas supply issues in the new multistoried buildings”.

According to the Article 3.6.1 of the Regulations for a stage-by-stage exercise of state control over the construction sector by the Ministry of Emergency Situations of the Republic of Azerbaijan, approved by the Cabinet of Ministers of the Republic of Azerbaijan Resolution No 272, “houses, including apartments can be represented to the State Acceptance Commission for reception into operation only after complete connecting of them to electric, gas and water lines and installation of the counters”. Nevertheless, the mentioned demands still remain unfulfilled regarding several buildings.

Right to property.

Last year, the Commissioner received 2.257 complaints regarding the right to property. Such issues as demolition of private property without appropriate court decision by executive power bodies, taking back of land areas in special property for public needs and non-provision of adequate compensation or of any compensation at all, transfer to companies for constructional purposes of lands where the living houses of citizens are on and the lands in use belonging to citizens without latter's consent, non-issuance of state act on land share provided for special property during reform process or non-replacement with new act instead of taken one, selling of a part of land in special property or of a land in use by one person to another one, incorrect calculation of area in the state act on plot of land, incorrect enshrining of borders of plot of land, as well as red tape regarding documentation of house owned by a citizen were the main problems raised in the complaints.

This should be noted to the point that according to the Decree of the President of the Republic of Azerbaijan from February 11, 2014, including of the function of issuing the extracts about initial and repeated state registration of the right to property on the houses and repeated state registration of the right to property on private houses, as well as issuing of technical certificates into the list of services provided by the “ASAN-Service” centers is a significant step serving to facilitating of appeals of citizens in this field.

According to the Article 157.9 of the Civil Code of the Republic of Azerbaijan a property may be withdrawn by the state only in cases permitted by and rules enshrined in the Law of the Republic of Azerbaijan “About withdrawal of lands for the state needs”.

The cases of facing procrastination during registration of the rights over houses, flats and lands in area offices and regional (city) departments of the State Register Service under the State Committee on Property Issues of the Republic of Azerbaijan were mentioned in some of the complaints. After the Commissioner’s intervention the violated rights were restored.

The necessary measures were taken for positive solution of complaints regarding issuance of the “Plan and measures of the land area” document on land areas given for special property, as well as on land areas bought from municipalities.

In compliance with “The rules of provision of once-only payments to the citizens of the Republic of Azerbaijan who are the depositors of the Bank of Azerbaijan Republic of the Savings Bank of the former Soviet Union” approved with the Decree of the President of the Republic of Azerbaijan dated to March 14, 2012, payment of those amounts to citizens was provided.

Unlike the abovementioned the problem of the payment of amounts provided in the agreements on “Life Insurance”, “Children’s insurance”, “Pre-marriage (wedding) insurance”, and other insurance types concluded between USSR State Insurance Head Department and citizens didn’t find its legal solution.

This is important to carry out measures aimed at prevention of dissatisfaction of citizens whose deposits were not returned to them due to bankrupt of the banks or appropriation of their properties by some of bank workers and of damage to their property.

Business and Human Rights.

In the frames of efficient cooperation with state bodies, appropriate measures were taken towards restoration of violated by non-governmental sector’s facilities the rights of citizens to property, right to safety, right to the integrity of the person, right of inviolability of property, as well as of the right to labor, rest, health and others, the proposals and recommendations were put forward on revealed shortcomings and deficiencies, many of the problems were solved.

The Commissioner keeping under her attention the priorities of human rights protection in business administration, conducted events during the reporting period and during these events wide discussions were carried out with authorized state bodies in charge with state control over the activity of private structures. The Milli Mejlis deputies, representatives of Ministries of Justice, Internal Affairs, Labor and Social Protection of Population, Economy and Industry, Taxes, Ecology and Natural Resources, as well as of State Custom Committee, Confederation of Trade Unions of Azerbaijan, National Confederation of Entrepreneurs (Employers) Organizations and other non-governmental organizations.

The events on the topics “Business and Human Rights: problems and solution perspectives”, “Business and Human Rights: problems and solutions ways”, “Perspective of free entrepreneurship in Azerbaijan”, several important topics serving to efficient protection of human rights were discussed, opinions were shared, as well as proposals and recommendations were put forward.

The working group of representatives of concerning state bodies and NGOs was established as well.

The main purpose for establishment of the working group is to achieve ensuring the respect to and observance of human rights while realization of the entrepreneurship activities, elimination violations, determination of new directions in development of enterprise activity, strengthening of state control, as well as of responsibility in this field, ensuring implementation of the tasks following from National Program of Action (strengthening the rights of entrepreneurs and consumers, improvement of the competitiveness of unemployed persons in labor market and organization of the courses for learning new professions, strengthening the protection of worker’s labor rights and increasing the effectiveness of measures in the field of ensuring the labor safety in industrial and construction activity, increasing the competitiveness of women in the labor market, development of private entrepreneurship among the women, arrangement of courses for the women for acquiring new professions, strengthening the measures to fulfill the commitments arising from the international conventions on child labor and documents of the International Labor Organization (ILO)), learning international legal norms in business and human rights field and ensuring their implementation in the national legislation, as well as monitoring and improving of appropriate legislation.

In order to achieve the mentioned aims, the activity of the working group is built on the following priority directions: strengthening the activity on ensuring protection of rights of the personnel by different business structures and their administration without involvement into entrepreneurship activity, comprehensive discussion of existing relevant problems, working out the mechanisms of investigation of the complaints and elimination the violations, ensuring effectiveness of these means, conduction of monitoring in work places jointly with authorized bodies for efficient protection of labor rights, settling of hot-line service, strengthening of measures on elimination discrimination in labor relations, promotion of the adoption of child strategies in business structures in order to eliminate child labor, protection of consumers’ rights, as well as strengthening the control over food and service quality, widening manufacture and dissemination of environmentally friendly products, increasing joint efforts for strengthening the measures on environment protection, monitoring of related national legislation, working out the proposals and recommendations in elimination existing shortcomings, observing human rights of entrepreneurs, provision of benefits to entrepreneurs instead of conduction of measures in environment protection field, application of stimulating measures, organization of awareness work among entrepreneurs, preparation and dissemination of concerning domestic legislation and international legal norms for this aim.

Delivering the speech at the event on the topic “Perspectives of future cooperation on efficient implementation of the Law of the Republic of Azerbaijan “On regulation of inspections in the field of business and protect the interests of entrepreneurs”, the Chairman of the Economic Policy Committee of Milli Mejlis, Ziyad Samedzade gave comprehensive comments on this normative, brought to the attention of the participants that this Law determines the purposes and principles, organization and rules of conduction of inspection in the field of business, rights and powers of inspection bodies and their officials, the requirements relating to the protection of the rights and interests of entrepreneurs, mentioned the importance of this Law from the standpoint of more efficient protection of entrepreneurs’ rights, indicated to the importance of cooperation in future between state bodies and civil society in this field.

At these events the Commissioner noted the importance of increasing attention to the problem of corporate responsibility, respecting and observing of human rights by entrepreneurs, implementation of international guiding principles into the national legislation, efficient realization of entrepreneurs’ rights, further improving the legislation to create conditions for efficient organization of their activity, strengthening the state control over entrepreneurs’ activity without limiting their rights, obtaining the information on observing human rights by entrepreneurs if required.

Noting that involvement of children from early ages to labor unfitting to their health and physical capacities in private units, in the streets, depriving them from childhood ahead of time, negatively impacts at improving their intellectual capacities, education, skills and talents and physical development as well, the Commissioner approached such issues with higher sensitiveness and care, such appeals were investigated and appropriate measures were carried out regarding them.

The Commissioner considers this important to strengthen control over activity of small enterprise units from the human rights aspect as the cases of employees’ labor rights are mostly violated by small entrepreneurs.

Keeping under her attention business and human rights issue, the Commissioner continues to cooperate with state bodies, local NGOs and international organizations for further discussions on conduction of joint measures on monitoring of existing situation in this field, identification and elimination the shortcomings.

1.3. Protection of rights of groups of population

Protection of the rights of refugees, internally displaced persons (IDPs) and migrants.

The Republic of Armenia does not fulfill the requirements of the well-known resolutions of the UN recognizing the territorial integrity of our country before the international organizations and world community.

As a result of occupation and aggression policy against the sovereign equal member of the world the Republic of Azerbaijan, many of rights and freedoms of one million people are being grossly violated.

On the account of financial allocation from the State Oil Fund and other sources in 2003-2013 years, 61 settlements and private houses of total 2,2 million square meters area were built for 37 thousand families or for more than 166 000 refugees and internally displaced persons, as well as 120 secondary schools, 6 music schools, 33 kindergartens, 37 dispensaries, 34 recreation – community centers, 28 communication facilities were constructed, 490,6 kilometers long ways, 644,0 kilometers long water lines, 1059,0 kilometers long overhead electric lines, 310,0 kilometers long gas lines, 75,5 kilometers long canalization lines, as well as 20 kilometers long heating lines were laid, also 581 electric transformers of different power were installed.

In general during 2001-2013 years, on the account of financial means allocated from State Oil Fund and other sources there were established 82 modern settlements of total 2,5 million square meters and with all social – technical infrastructure, and living conditions of 40 thousand families or up to 180 thousand refugees and internally displaced persons was improved.

Only in 2013, 700 million USD were spent targeting at refugees and IDPs, 300 mln. of this amount was on the account of the Committee (State Committee on the issues of Refugees and Internally Displaced Persons), the rest 400 mln.USD on the State Oil Fund account.

The newly established settlements have 139 secondary schools, 6 music schools, 51 kindergartens, 55 dispensaries, 45 centers of culture, 2 Olympic Sport Complexes, 648 kilometers of roads, 815 kilometers water supply lines, 1412 kilometers long electric lines, 333 kilometers long gas lines, as well as 715 electric transformers of different power were installed.

In compliance with the implementation of the State Program and Amendments to it, the measures aimed at increasing the employment among internally displaced persons and decreasing the poverty are carried out. For this aim, during the last decade 161 thousand of 380 thousand employable internally displaced persons were provided with permanent workplaces in budgetary organizations or other fields, as well as 200 thousands of them were provided with temporary workplaces.

In 2013, 1100 manats were spent per internally displaced person that is the highest indicator in comparison with other conflict zones and 9 times higher than it was in 2003.

The Commissioner visited the newly established and provided with gas, water and light Tahla settlement in Barda rayon, where up to 200 families live, she also visited the houses built there, met with inhabitants, get acquainted with their conditions, situation with ensuring of their rights, also obtained comprehensive information regarding created infrastructure, including schools and dispensaries.

The Commissioner also visited Takhtakorpu settlement in Agjabedi rayon where the IDPs from Lachin rayon are settled; she studied the situation, conditions of

IDPs and provision of their rights. The Commissioner held meetings with the Head of the Lachin District Executive Power, as well as with the IDPs, investigated the problems of this group of population, and provided her recommendations. She also visited the houses provided with gas, electricity and water, secondary school and it was given comprehensive information regarding the infrastructure, including the dispensaries.

The Commissioner also visited the Kindergarten No.1, as well as District Central Hospital in Zobujuk, met with personnel and inhabitants, got interested with their situation, created conditions, also gave recommendations.

In the frames of her trip to Fizuli rayon, the Commissioner visited the secondary schools No. 1, participated at the awarding ceremony dedicated to successful completion of the multilevel education program realized at the Ombudsman's initiative and in cooperation with the Ministry of Education and UNICEF. This should be noted that the pupils of Horadiz city secondary school No.1, Kerimbeyli village secondary school and secondary school No. 6 of Gayidish settlement No.7 successfully finished the aforementioned program.

During the last year special attention was paid to cooperation with Baku representative of the UNHCR and ILO.

The Commissioner sent the statements regarding the Khojaly genocide and violence towards Azerbaijanis committed by Armenians at the Nagorno-Karabakh and surrounding areas to the UN Secretary-General, UN High Commissioner for Human Rights, UN High Commissioner for Refugees, Council of Europe, OSCE, International and European Ombudsman Institutions, Asian Ombudsman Association and Ombudsmen-members of this establishments, the embassies of the Republic of Azerbaijan in foreign countries and foreign countries' embassies in the country, as well as Azerbaijan Diasporas functioning in various states.

During the business trips to foreign countries and at every international event the Commissioner and the Ombudsman Office's staff members distributed the literature, statements and disks on these tragedies faced by our nation.

Protection of rights of detained and convicted persons.

During the last year the Commissioner continued her activity on ensuring the rights of convicts and detainees in places of deprivation of liberty. During investigation of received complaints, as well as conducted visits, such issues as protection of honor and dignity of persons form this category, non-subjection to torture, protection of their rights, widening of their rights to appeal, obtain legal assistance and ensuring of other rights were in the focus of attention.

The measures aimed at adjusting the places that persons are not permitted to leave at their will to modern standards, their reconstruction, improving the detention conditions, efficient protection of human rights of persons detained in such places and rehabilitation of prisoners were continued last year as well.

As a result of conducted measures and innovations regular activities were realized in the direction of elimination the delinquencies and their reasons, the

control over the activity of detention places and penitentiary institutions was strengthened.

Conceptually new penitentiary complex including several facilities was put into operation in Sheki city for accused persons and prisoners to serve their sentence in the areas close to their families and that will contribute to their further social adaptation.

The works on construction and putting into operation of mixed type penitentiary institutions in Ganja and Lenkeran cities, penitentiary institutions for women and correctional institutions for juveniles in Zabrat settlement, as well as prison in Umbaki settlement have been accelerated.

Considering the appeals of prisoners and their families, the Commissioner urged on different times to the Commission on Pardoning Issues under the President of the Republic of Azerbaijan and raised numerous petitions regarding pardoning.

Investigating the appeals of several prisoners and of their family members, the Commissioner for Human Rights, non-governmental organizations and considering the personality of prisoners, their health, family conditions, behavior during serving their sentence and based on the principles of humanism, 134 persons were released from unexpired part of their sentence, 2 persons were freed from suspended sentence, one person – from correctional works and 16 persons were freed from fine by the Decree of the President of the Republic of Azerbaijan on Pardoning of Some imprisoned persons on October 14, 2013.

During a short period of time 10 acts of amnesty were adopted, 55 decrees on pardoning were signed and as a result thousands of persons were liberated and returned to the society and their families.

Up to present the President of the Republic of Azerbaijan Ilham Aliyev signed 23 Decrees and Orders on pardoning.

On the motions of the Commissioner totally 409 prisoners were pardoned during the period of her term and 18 prisoners from them were pardoned in 2013.

At the initiative of the President of Heydar Aliyev Fund, the member of Milli Mejlis, good-will Ambassador of the UNESCO and ISESCO, Mrs. Mehriban Aliyeva, remaining faithful to the principles of mercy, humanism and humanistic ideas of Heydar Aliyev, Milli Mejlis adopted the decision on "Declaring an amnesty on the occasion of the 90th anniversary of the national leader of Azerbaijan people Heydar Aliyev" on May 7, 2013.

The aforementioned decision applied towards 2834 prisoners of Ministry of Justice Penitentiary Service, 679 of them were released from the penitentiary institutions, 1588 were released from penal colony settlements, sentence terms of 567 prisoners was decreased for 6 months.

In order to strengthen social ties of prisoners with the society, create grounds for their social adaptation after release, according to the plans jointly affirmed by the Ministry of Justice Penitentiary Service with various state bodies and public unions the range of mass cultural events in the penitentiary institutions has been continued during the last year.

For investigation the detention conditions and treatment towards convicts, the Commissioner and staff members of the Ombudsman Office conducted regular visits to the investigatory isolators and penitentiary institutions of the Ministry of Justice Penitentiary Service, held meetings with detained and imprisoned persons, got acquainted with their problems. The administrations of the institutions were given appropriate recommendations on eliminating revealed deficiencies and shortcomings, the Ministry of Justice was urged in required cases and as a result several shortcomings were liquidated.

During the visits, as a rule, the special attention was paid to such issues as non – subjection of inmates to ill-treatment, as well as to the situation with ensuring suffrage, freedom of conscience, belief, provision of religious freedoms, as well as to the situation with protection of health. At the same time, the inmates made appeal with regard to pension provision, health, family and other problems, and after the Commissioner's intervention, these problems were solved as provided by the legislation.

Also there is a need in creation of the new labor places in the penitentiaries for involvement of the inmates to social useful labor.

As a result of the conducted visits to Penitentiary Institution, the Commissioner regularly sends proposals and recommendation to the Ministry, as well as its concerning Service with regard to eliminate revealed shortcomings and delinquencies, and efficient measures were carried out.

Protection of the rights of military servants.

The recent reforms carried out by the Ministry of Defense management play positive role in strengthening protection of military servants' rights, ideological, legal enlightening and educational – correctional works in the army, high level moral spirit among and psychological status of military personnel, also in strengthening the environment of faithfulness to motherland and patriotism.

The Commissioner and Office's staff members conducted visits to several military units, as well as organized events at the High Military School of the Republic of Azerbaijan, delivered speeches before the officers and soldiers, got acquainted on – site with the conditions of military servicemen, especially of those who are on temporary service, held monitoring, as well as conducted visits to four military police offices (including guardhouses), disciplinary unit and two garrison guardhouses of the Ministry of Defense.

In 2013, appeals from persons on active military service, on reserve and retired servicemen as well as from their family members military servants were mainly submitted to the Commissioner about issues as failure in payment of unused vacation or compensations to military servicemen for temporary accommodation rent, as well as the problems with health, delay in on-time release of military servants from the army even after expiration of the duration of the service, improper ensuring by local executive power structures of privileges applied to war veterans, persons disabled at war, war martyrs families as provided by law, indifference of local executive power structures in addressing the problems of

military servants after their service, problems in issuance of appropriate documents from the Ministry of Defense Central Archives, as well as about violations of the relevant regulations in the army.

The cases of injuring and death not related to military operations, violation of the rules of regulation on mutual relations between not subordinated military servants, negligent attitude of some commanders to the service, humiliating of subordinated military servants, beating them, ill-treatment towards them still exist.

Such cases make negative impact at fight, morale and psychological status of personnel, ensuring the military service in compliance with legislation and regulations.

According to official data, 14, 8% of crimes registered by the military prosecutor's office in 2013 are related to the article 331 of the Criminal Code, 34, 4% - to the article 332 of the Criminal Code.

The complaints of parents of temporary service military servants, whose health became worse, are also a matter of concern. Such cases negatively impact the attitude to military service in the society.

The investigation of complaints shows that in the military service there are soldiers and even officers who have some problems with health and psychological status. From this standpoint there is necessity in more correct medical examination of conscripts, as well as in hiring of medical personnel in military units and institutions, involvement of psychologist – specialist for work with personnel.

According to the information, up to January 15 of the current year, different diseases were identified in 106 of conscripts (tuberculosis in 17 of them, neurotic reaction in 71 of them, various diseases in 18 of them), and they were withdrawn from service. This case shows the importance of regular cooperation of the Ministry of Defense and commands of other military units with the Commissioner and civil society for conduction of measures aimed at revealing the reasons, eliminating and prevention of violations of military servants' rights.

The conduct of events according to the plan-schedule for 2014 was affirmed by the Commissioner and the Minister of Defense, as well as by the Internal Troops Command for continuation of further cooperation. The initial version of such plan – schedule was prepared and affirmed jointly with authorized staff members of the State Border Service and the Ministry of Emergency Situation.

The Commissioner considers the urgent and necessary widening the content of measures realized in prevention of out-of-regulations relations and increasing the legal awareness of personnel, increasing the numbers and quality of these measures, involvement to realization of such measures of military lawyers, influential public figures, parents and representatives of non-governmental organizations in charge with protection of military servants' rights, further maintaining of legality and legal rules in military administration structures,

Working out and implementation of necessary legal mechanisms on public control over the army and that will consist mainly of former military servants, doctors, lawyers, journalists, independent experts in order to increase the responsibility sense of ranked military officials, realization of necessary measures towards strengthening the ideological, legal enlightening and educational correctional works in the army, high fighting spirit, psychological status of personnel and their service in compliance with regulations, as well as maintaining the environment of faithfulness to motherland and patriotism, organization of service of psychologist – specialists for work with personnel, beginning with military detachments, of the army.

Protection of women's rights and ensuring gender equality.

During all years of her term the Commissioner carried out dynamic activity in the direction of realization of the priority events to achieve expanding rights and interests of women and this activity has been carried out in several directions.

The Commissioner conducted a range of events on provision of women with work in the programs targeted at reduction of poverty, allocation of micro credits and other financial means for expanding their economic capacities, organization of profitable kinds of activities, expanding their opportunities in enjoying education and medical service.

The Commissioner approached with sensitiveness to appeal of women regarding restoration at the labor place, workload and ill-treatment in relations, cases of violation, achieved solution of several problems.

The visits were conducted to the maternity homes for learning the situation with reproductive health, healthy physiological birth, maternal and child mortality cases, got acquainted with the situation here, medical service rendered to pregnant women and new born babies, improving the patronage system.

There were risen such issues as elimination useless cesarean operation acceleration of adoption by the Milli Mejlis of the Law on Reproductive Health, revealing, liquidation of the places of profligacy creating obstacles in education of young generation in the frames of traditions, family culture and to punish keepers of such places, prevention of early marriages and birth of defective babies.

The issues were risen before authorized state bodies in order to protect the right of women and girls, to solve the mentioned problems, as well as to eliminate violation of women's rights and positive results were achieved in many of the cases.

Wide enlightening works were carried out regarding the information on family planning, protection of health of women and girls, ways of protection from infecting with sexually transmitted diseases, especially from infecting of women and girls with HIV/AIDS and methods of protection of such kind of diseases, breastfeeding of babies, as well as about the child and maternal mortality, implementation of gender issues to the health and related education and

physical training spheres, mental health of women, health conditions at workplaces, environmental issues, recognizing special need of aged women.

Special importance is paid to participation of women in governmental structures and decision making process, including interstates, governmental and non-governmental sectors, training programs on women leadership were prepared and measures enabling connection of family and work duties of both men and women were undertaken. The Commissioner put forward the proposals on enlarging the opportunities for politician – women, women MPs, active and professional women, as well as those actively participating at the national and international networks.

Taking into account that the mass media have big influence at formation of gender stereotypes, the Commissioner carried out enlightening events on using of mass media by women at local and national levels, supporting women working in this sphere, realized several measures in the direction of benefiting from improved communication opportunities for enlarging participation of women and girls. This increased opportunities for many women to contribute in sharing opinions, in network and e-trading activities.

The Commissioner conducted wide events and enlightening programs in the direction of establishing sensitive school environment, improved education infrastructure, increasing the number of schoolgirls and their attendance, organization of the support mechanisms for young mothers, increasing the possibilities of non-formal education, more involvement of girls to techniques education, continuation of secondary and high education of girls, and relevant information was disseminated for increasing knowledge of teenagers on sexual and reproductive health.

The priorities of gender equality issues were determined, the appeals were sent to appropriate bodies for elimination legal delinquencies and discrimination cases reflected in the complaints.

At the Commissioner's initiative teaching of "Introduction into Gender" subject was continued in the law and other faculties of the Baku State University, the lectures on the topics "Gender and guarantees for equal opportunities", "International and national legislation on Gender equality", "Economic, social and cultural aspects of gender" and others. Alongside with this, the lectures on modern problems of human rights and gender were given to persons in charge with gender policy and activists of trade unions in the Academy of Public Administration under the President of the Republic of Azerbaijan, Academy of Justice, Academy of Labor and Social Relations.

Under the guidance of the Commissioner the legislation was analyzed from the perspective of improvement the gender equality mechanism and gender expertise was carried out for revealing gaps. For efficient coordination with regard to prevent gender-based violence and prevention of such cases, the measures realized in the frames of the National Program of Actions were strengthened.

Among the priorities set by Azerbaijan for the period beyond 2015, along with the implemented reforms and achieved successes, it is also recommended to increase attention to several directions. These include fight against stereotypes, increasing care to gender policy in villages and rayons and elimination existing gaps in this sphere on the bases of successes achieved in gender equality and enlarging the rights and ensuring interests of women and the Commissioner carries out wide activities in this direction and attaches great importance to promotion of women's rights.

The cooperation in the mentioned directions with the State Committee for Family, Women and Children Affairs, as well as appropriate state bodies, international organizations, civil society institutions was expanded, the promotion of women's rights was supported and the recommendations on experience of international mechanisms on gender equality were put forward.

Protection of child rights.

During the last year, the Commissioner took measures regarding complaints addressed to her and appeals submitted via the child rights hotline numbered "916" functioning at Ombudsman Office for 24 hours. Necessary investigations were carried out, legal advice was provided with regard to complaints addressed on different issues, such as violation of the right to education, provision of treatment, accommodation, addressed social aid, domestic violence and other issues.

According to the Annual Work Plan signed with UNICEF, interactive trainings were conducted on child rights and healthy lifestyle in Child and Youth Creativity Centers situated in 8 regions of the country (Sabunchu, Surakhani, Mingachevir, Ganja, Sumgayit, Masalli, Jalilabad, Imishli, Guba and Sheki). Moreover, surveys were conducted among heads of centers with the purpose of evaluating work plan, activity, human resources, financial issues of the centers, their cooperation with mass media and NGOs. Documents, administrative buildings and handworks were reviewed. Within the framework of the project visits and surveys were conducted in all child and baby homes existing in the country. The main purpose of conducting these surveys was to evaluate current situation and status of these institutions and to learn their needs. All the work done during the project was analyzed and proposals on improving the existing status were sent to the relevant bodies.

Lack of medical centers, psychologists or their improper activity in secondary schools affects negatively on health, psychological status and sociability of children and leads to various complications.

Considering the adoption of "The Law of Azerbaijan Republic on Compulsory Dispenserization of Children" and "State Program on Compulsory Dispenserization of Children" approved by the Presidential Decree of 10 December 2013, there is a need to conduct awareness-raising activities among medical personnel and parents.

Commissioner in her first specialized report on children's rights proposed to adopt relevant law with the purpose of effective organization of rest and leisure time of children. It should be noted that draft law on "Organization of rest of children" is under the consideration at the Milli Mejlis. Proposals provided by the Commissioner were taken into consideration in this draft law.

During the last year, expert analyzed the research study on learning the level of knowledge of persons working with children about their response to acts of violence. The study was carried out by the office with the support of UNICEF in different regions of the Republic - Khachmaz, Siyazan, Astara, Yardimli, Ganja, Gadabay, also Garadagh and Sabail districts of Baku city. The purpose of research was to evaluate existing experience and the knowledge of persons responsible for addressing the acts of violence and exploitation against children who work in education, health, social service, law-enforcement and local executive power bodies.

"General overview" questionnaire on the implementation of the Lanzarote Convention submitted by Lanzarote Committee was replied by the Commissioner and sent to the Council of Europe.

The Commissioner recommended ratification of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Abuse that was signed by our country in 2008 considering proposal of the Commissioner, also adoption of the Law on Protection of Children against All Forms of Corporal Punishment that was elaborated by Ombudsman with the support of UNICEF and sent to Milli Mejlis in 2009. It is noteworthy that development of relevant draft law and making respective annexes and amendments to the Criminal Code and Code of Administrative Offences is planned at the Milli Mejlis.

Members of National Preventive Group against Torture regularly made planned monitoring, visits to state-run child institutions (child homes, boarding institutions, police departments, institutions for children in conflict with the law), relevant measures were taken and people being guilty for violation of their rights were punished.

It is necessary to make reforms in child inspector staff functioning at the internal affairs bodies and to create unit on organization of the work with children. Furthermore, there is a need to make relevant changes to procedural legislation regarding the examination of psychological status of children by psychologist before interrogation at police bodies and ensuring participation of psychologist during interrogation.

It is advisable to set up Public Council under the Ministry of Education for the purpose of public monitoring of acts of violence against children, teacher-pupil relations in secondary schools.

It is necessary to prohibit broadcasting materials, films and programs promoting violence, cruelty, immorality and rights violations in TV channels from 7.00 o'clock to 22.00 o'clock.

Taking into account large number of cases concerning payment of alimony imposed by a court decision for child support, in 2009 Commissioner proposed to create “Alimony Fund” in order to solve existing challenges in this field and complaints received in the current year show the necessity of creation of this fund.

The Commissioner prepared the first parallel report on the implementation of UN Convention on the Rights of Persons with Disabilities and sent to the relevant UN Treaty Body. The report also includes information on the activities regarding children with limited health capacities and proposals aimed at elimination of their problems.

There are problems regarding early detection of disability in children with limited health capacities and their prophylactic. According to statistics, there are 62 thousands children with limited health capacities under age of 18 as for the beginning of 2013.

It is noteworthy to involve relevant medical staff into trainings and courses for improvement professional skills on early detection of disability in children and its prophylactic.

According to the Presidential Decree of 9 January 2013 on “Additional Measures on provision of social service for children with limited health capacities and juveniles being in social risk”, relevant resources were allocated to the Ministry of Labor and Social Protection of Population with the purpose of improving social rehabilitation service provided for juveniles.

Considering the following daily discussions on child rights in UN Human Rights Council (HRC) regarding Paragraph 57 of HRC Resolution A/HRC/RES/22/32, dated 22 March 2013, questions on “Access to justice for children” addressed by UN High Commissioner for Human Rights were replied and sent to the respective body.

As in previous years, on the eve of adoption of UN Convention on the Rights of the Child, from October 20 to November 20, Commissioner declared Child Rights Month-long Campaign with the purpose of raising attention to children, improving child rights realization and ensuring their effective protection. During the campaign letters were sent to all respective central and local executive power bodies for taking relevant measures, important events were held by different bodies.

Provision 4.4 of the National Program for Action approved by the Decree of the country President of 27 December 2011, No.1938 to raise effectiveness of the protection of human rights and freedoms in the Republic of Azerbaijan includes development of hierarchic child rights education in secondary schools.

During the last year, activity in this direction was continued and hierarchic education was realized in 11 districts of Baku – Nizami district No.12, Sabunchu district No.22, Surakhani No.285, Khazar district No.218, Khatai district No.204, Narimanov district No.82, Sabail district No.239, Binagadi district No.3, Garadagh No.288, Yasamal district No.308 and Nasimi district No.44. Child rights were taught by peer-to-peer way, regular monitoring was conducted and in final stage children and supported teachers were given certificates.

During the year the Commissioner held public hearings on the implementation of the National Program of Actions in all regions of the country, provision of human

rights, including child rights, discussions were held and proposals were sent to the responsible bodies in this regard.

As in previous years, Commissioner and her staff members attended international events in order to learn international experience and to share experience of our institution on child rights.

Current year the office staff members participated in conference on juvenile justice held in Brussels, Belgium with the support of UNICEF Regional Office for CEE-CIS and European Commission, also in annual Conference of Eurochild on the theme of “Building an inclusive Europe – contribution of child participation” held in Milan, Italy. They informed about the activity, achievements and difficulties in this regard.

The report of working group on UN Human Rights Council Universal Periodic Review provided on Azerbaijan in 2013 (A/HRC/24/13), included several recommendations on child rights, including signing and ratification of the Optional Protocol to the UN Convention on the Rights of the Child on a communications procedure. Commissioner applied to the respective body regarding signing and ratification of the mentioned document.

It should be noted that this Optional Protocol was ratified by 10 State Parties till January 14, 2014 and will enter into force after 3 months.

Protection of older persons' rights

Proposals were prepared on creating day-long services for increasing effectiveness of service at home for lonely older persons and the ones who have limited movement abilities, for this purpose to create special places in each cities and rayons, effective organization of their leisure time, providing free meal once a day for these persons from catering establishments near their accommodations. Moreover, it is recommended to assign relevant state bodies and non-governmental organizations by district executive power bodies for providing them financial support, to create coordinating council under local executive power bodies for effective organization of this work.

Events on the themes of “Older persons are national fund of our national-cultural values”, “Provision of proper standard of life” were held by the Commissioner and UN Fund for Population devoted to the International Day of Older Persons.

Meeting on the topic of “Rehabilitation of older persons, their benefit from preventive and healthy services” was held at the Commissioner’s Resource Center of Older Persons with the participation of state bodies and representatives of society, several problems were discussed, opinions were shared and recommendations were provided during the event.

In order to organize effectively cultural rest of the older persons, different charitable excursions were organized with the support of the Commissioner, they visited museums, seaside boulevards, places for pilgrimage, theaters, Gobustan history-nature reserve, “Atashgah”, Botanical garden, as well as Guba, Khizi, Ganja, Ismayilli and Shamakhi, got acquainted with historical and cultural monuments.

Older persons appreciated to be admitted gratis to performances at Azerbaijan National Dram Theatre and Azerbaijan Musical Comedy Theatre with the support of the Commissioner.

Considering that healthy ageing is important for older persons, the book named “Healthy ageing” was prepared at the office by the initiative of the Commissioner and in accordance with desire of older persons.

During holidays, some members of Commissioner’s Resource Center of Older Persons met with residents of Bilgah Boarding House for Older Persons and gave them presents. Problems were learned and inquiries were sent to the relevant bodies, recommendations were provided to the head of institution for improving their work. Existing problems were eliminated after the appeal of the Commissioner.

Lectures are provided regularly in the Commissioner’s Resource Center of Older Persons by physicians, lawyers and psychologists, advice is provided for them and interested questions are answered.

According to the Ministry of Labor and Social Protection of Population, it is planned to conduct joint monitoring with the purpose of learning the status of older persons living in state guarantee.

Considering that the age limit for working in institutions financed from state budget is 65, there is a need to create legal mechanisms serving to benefit from legal, economic, social, moral and other experience and capacities of older staff removed from the work.

Protection of persons with disabilities.

Current year different measures were taken towards protection of persons with disabilities with the purpose of solving the problems of these persons, important proposals were sent to the relevant bodies and in many cases they were considered.

Commissioner sent a letter to the Cabinet of Ministries and provided recommendations on implementation of obligations for creating equal opportunities for this kind of persons in the society undertaken under the UN Convention on the Rights of Persons with Disabilities, necessary measures were taken on solving existing problems.

Harmonizing legislation on education with international standards in order to create opportunities for inclusive education of persons with disabilities and children with limited health capacities, accelerating approval process of “State Program for the Development of Inclusive Education”, giving additional staff for the social service institutions, changing names of some institutions such as Boarding House for Retarded Children and others, considering that such names are degrading the dignity of persons and don’t conform with international standards are among the abovementioned recommendations.

Cabinet of Ministries gave instructions to the Ministry of Education, Ministry of Labor and Social Protection, Ministry of Health, Ministry of Finance regarding analyzing recommendations provided by the Commissioner with the purpose of implementation

of obligations under the relevant Convention and the Development Concept “Azerbaijan 2020: The Outlook for the future”.

In order to solve problems regarding use of transport of persons with disabilities, the Commissioner sent recommendations to the Ministry of Transport regarding building ramps meeting existing standards in each passage to be constructed in Baku, also in other regions of the country for their easy and safe movement, adjusting existing such facilities for the use of these persons, increasing number of special buses for use of persons with wheelchairs, creating necessary conditions for adjustability and accessibility of pavements and stations for persons with wheelchairs, installing traffic lights with sound-signals and special warning road signs for drivers on heavy traffic streets of Baku and other regions of the country for safety of persons with visual impairments, also building ramps in relevant places.

It was considered expedient that the Commissioner realizes the functions of independent monitoring mechanisms specified in the Article 33.2 of the UN Convention on the Rights of Persons with Disabilities.

In order to achieve promotion, protection and realization of independent monitoring mechanism functions more effectively, Commissioner sent recommendations to the Parliament, the Cabinet of Ministries and Ministry of Finance on making annexes and amendments to the relevant Constitutional Law using international experience, identifying new competences in this regard, improving staff structure of the office (creation of relevant division, increasing financial and human resources etc.).

II chapter

Activity of the Commissioner on legal awareness, scientific-analytical work, international relations, cooperation with public and mass media

2.1. Education in human rights

During last year, the public hearings were continued by the Commissioner in the each rayon of the country for the implementation, promotion and discussion of activities provided in National Program for Action which is new stage towards human rights protection, including awareness-raising in this field.

Commissioner announced month-long campaigns on the eve of the dates of “18 June – National Human Rights Day”, “10 December – Universal Human Rights Day”, “21 September – International Day of Peace”, 20 November – adoption of the UN Convention on the Rights of the Child and events were organized with the participation of local executive power bodies, civil society organizations, communities, different seminars, trainings on human rights were held in respective state bodies, educational establishments all over the country.

Teaching of the subjects of “Human rights”, also “Introduction to gender” was continued in bachelor and master levels based on the program in the Baku State University.

Several events were organized at the office for the purpose of improving the activity of legal clinics.

Child rights legal clinic that was established by the initiative of the Commissioner improved its activity, important works have been done towards protection of children's legal interests based on the appeals received by the clinic, representativeness in courts, legal education on child rights.

Students of Baku State University, Academy of Public Administration under the President of the Republic of Azerbaijan, Baku Slavic University, Azerbaijan University of Languages were involved into the "Special short-term network on human rights" created at the office and got experience.

A range of seminars organized in higher educational establishments, military educational centers and relevant academies for students, alumnus, persons involved in specialization, judges, barristers, staff of different state bodies served to promotion of human rights culture.

"Leadership school" functioning regularly under Azerbaijan Child and Youth Peace Network served to learning the rights of children and young people, passing their knowledge to their peers, growing them as patriots and leaders.

Ganja, Sheki, Guba and Jalilabad Regional Centers of the Commissioner covering different regions of the country conducted a range of legal awareness-raising activities addressed to different categories of population.

Hierarchic child rights education realized by the initiative of the Commissioner in cooperation with the Ministry of Education already five years are being applied in the secondary schools of Baku and rayons.

Hierarchic education that was successfully realized in 24 secondary schools of 8 districts in 2012 has formed best practice on child rights education and contributed to involvement of children into society.

In 2013 education on this program was realized in 11 secondary schools of Baku and regularly functioning "Child rights education center" was established.

Hierarchic child rights education implemented in Baku city and rayons contributes to effective protection and promotion of child rights.

In order to develop legal knowledge of children, to reveal their creativeness, competitions were held by the initiative of the Commissioner on the abovementioned dates, winners were awarded with certificates and gifts.

A range of awareness raising events addressed to women were organized on the themes of gender equality, violence against women, including strengthening struggle against domestic violence, ensuring legal remedies for victims of violence. Various events conducted jointly with the UN Fund for Population are among these events.

Meetings and seminars were held at the office of UNHCR within the framework of the Participant Evaluation Program on internally displaced persons in Azerbaijan in cooperation with International Coordination Committee of UN High Commissioner for Human Rights.

Trainings on “International standards on detention and arrest”, “Application of the Law of the Republic of Azerbaijan on Ensuring the Rights and Freedoms of Persons Held in Places of Detention and fighting against ill-treatment” were conducted in cooperation with OSCE Baku Office and Council of Europe.

During a year events devoted to the social problems of older persons, the ways of their solving, importance of joining to the European Social Charter, also healthy lifestyle and habits were held with the participation of representatives of state bodies, including local executive power bodies, civil society organizations and international organizations.

Commissioner’s Resource Center of Older Persons created under Azerbaijan Woman and Development Center regularly contributed to the organization of awareness-raising work of older persons.

Commissioner and her staff members continued legal awareness-raising work addressed to internally displaced persons in special days and events organized in different regions of the country.

During events conducted regularly in different military units, individual and collective meetings were held with personnel, recommendations were given to the officers and young soldiers by attending swearing-in ceremonies.

The purpose of the meetings was also to raise awareness of soldiers and officers on their rights and responsibilities.

During visits to the places of deprivation of liberty, members of National Preventive Group conducted awareness-raising work on human rights promotion for the staff and detained persons, explained them their rights.

According to the joint action plans prepared with the Republic Center of Fight against AIDS of the Ministry of Health for awareness-raising on fighting against HIV/AIDS, a range of awareness raising events were organized, with this purpose local TV and mass media was used in the regions.

122 named publications were prepared within the framework of the legal education work of the Commissioner, more than 20 foreign literatures on human rights and good governance were translated into Azerbaijani and disseminated.

In 2013 many legal publications such as, “Selected topics on hierarchic child rights education”, “Alphabet of child rights”, “Child rights - for all”, “Collection of lectures on human rights” on the subject of human rights taught at Baku State University, “Azerbaijani-Russian-English” and “English-Russian-Azerbaijani” law dictionaries were prepared for the first time under general edition of the Commissioner, published and disseminated for the users.

In order to increase effectiveness of the awareness-raising work, different materials on human rights as well as informational bulletins were published under the general edition of the Commissioner and disseminated among population, also were placed on the office website.

2.2 Organization of scientific-analytical work

As a part of the scientific-analytical activity on human rights protection, last year many works done by the Commissioner towards preparing comments and proposals on draft Laws sent by the Milli Mejlis, state bodies, NGOs regarding relevant legislative acts, state programs and plans, improving legislation, sending inquiries to the Constitutional Court with regard to conformity of relevant provisions of some legislative acts to the Constitution of the Republic of Azerbaijan, preparing recommendations and sending them to the respective bodies on strengthening social security of different groups of population and their rehabilitation, also accession of our country to some international legal acts, providing comments and proposals to the scientific documents addressed to the office and other works.

Comparative analysis of National Program for Action and “Azerbaijan 2020: The Outlook for the future” Development Concept was made, complex obligations were identified in order to achieve implementation of these related strategic documents, information about relevant actions was submitted to the respective bodies.

Considering that the implementation period of the “National Action Plan on Fighting against Trafficking in Human Beings in Azerbaijan (2009-2013)” is terminated, proposals were sent to the Ministry of Internal Affairs for the development of new National Action Plan for the following period.

Detailed information on the articles of the European Social Charter (Revised) regarding labor rights (Article 4 (the right to a fair remuneration), Article 5 (right to organize), Article 6 (the right to bargain collectively), Article 21 (the right to information and consultation), Article 22 (the right to take part in the determination and improvement of the working conditions and working environment), Article 26 (the right to dignity at work), Article 28 (the right of workers’ representatives to protection in the undertaking and facilities to be accorded to them), Article 29 (the right to information and consultation in collective redundancy procedures)) was prepared for the purpose of using in development of the report for 2009-2012 years and sent to the Ministry of Labor and Social Protection of Population.

As a result of analysis made, Commissioner considers expedient to join important international treaties ensuring human rights and freedoms that Azerbaijan is not a party, including Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms signed by our country on 12 November 2003, European Charter for Regional or Minority Languages signed on 21 December 2001.

Monitoring of the Codes on Criminal, Criminal Procedural, Civil, Civil Procedural, Administrative Offences, Family, Housing, also legislative acts regarding disability, pensions and social allowances, social service and other problems was conducted.

Several comments and proposals were prepared on the draft of the Migration Code, draft law on Organization of leisure of children and sent to the respective bodies.

Relevant comments on the article 164.1.13 of the Taxes Code, article 30.4 of the Housing Code, also on the article 460.0.4 of Criminal Procedural Code were prepared.

Appropriate comments and recommendations were prepared on the Draft Decision on “Repatriation Rules of the victims of human trafficking”, drafts on “Internal

Disciplinary Rules of places for arrest” and on “Internal Disciplinary Rules in Detention Facilities”, Draft Decision on “Establishment of Republic Coordinating Committee for support to employment”, draft on “Internal execution rules regarding freedom of information of State Migration Service of the Republic of Azerbaijan” and sent to the respective body.

Appeals received by the Milli Mejlis and Head Office on Legislation of the Ministry of Justice with regard to providing comments and recommendations to the drafts on making annexes and amendments to the different legislative acts were replied.

Inquiries sent to the Constitutional Court were related to the articles 182.1 and 17.2.3 of the Family Code, to the VI part of the article 114 of Labor Code.

Plenum of the Constitutional Court made decision on 15 out of 26 inquires generally sent by the Commissioner to this body, Chamber adopted the decisions on 9 cases that have theoretical and practical importance and embody wide explanations.

One of the directions of the Commissioner’s and her staff activity on scientific-analytical work is participation in international, regional and national events and making speech, comments, recommendations and statements towards more effective protection of human and citizen’s rights and freedoms.

Some of theoretical and practical issues such as making scientific analyzes of and responding to the different documents addressed to the Commissioner by international organizations, state bodies and civil society organizations stay actual.

2.3. Cooperation with public and mass media

Public relations and cooperation with non-governmental organizations.

Commissioner conducted monitoring of implementation of recommendations on Universal Periodic Review (UPR) process with the participation of civil society organizations, during public hearings she gave detailed information participants in this regard. In order to make comprehensively informed the representatives of state bodies, civil society organizations about UPR, Commissioner organized awareness-raising event with the participation of international experts and regional coordinators.

According to the relevant Resolution of UN Human Rights Council, complementary report on UPR was prepared and submitted to the UN, also in 2013, representative of the Commissioner attended the session on considering the second periodic report on UPR of Azerbaijan government.

During a year, events devoted to 65th anniversary of UN Universal Declaration of Human Rights and on the theme of “Actual problems of human rights provision in contemporary world” jointly with the Police Academy were held with the participation of representatives of state bodies, civil society organizations.

Commissioner pays attention to promotion and education of child rights, also there is specialized child rights advisor of the Commissioner.

Scientific-theoretical conference on the topic of “Contemporary problems of legal science: new trends of protecting human rights and freedoms in the Republic of Azerbaijan”, also scientific-practical conference on the theme of “Heydar Aliyev and

development of human rights in an independent Azerbaijan” devoted to 90-year jubilee of national leader Heydar Aliyev, as well as conference devoted to the 65th anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide were held.

Cooperation with mass media.

Press service of the Commissioner closely cooperated with written and electronic mass media, also National TV-Radio Council, Press Council, State Fund for the Support of Mass Media Development, Public Television and Radio new journalist bodies.

Office gave priority to the publicity, obviousness, effective cooperation with journalists, press conferences on different topics were held, attention of mass media representatives were involved into the activity of the office on restoration and provision of violated human rights and freedoms.

During consultations held with the heads of press services of state bodies Commissioner emphasized the importance of announcing year of 2013 in Azerbaijan by the country President as “a year of information communication technology”. Booklet named “Know your rights and benefit!” was prepared at the office and disseminated among mass media representatives, data base about press services of state bodies was developed.

Appeals regarding the right to get information were analyzed, inquiries were made to the relevant bodies, and measures were taken on their solving and replied within the competence of the Commissioner.

Information addressed to the Commissioner by the appropriate state bodies was analyzed, generalized and replied. Analysis of the following monitoring shows that progress was made towards improvement of the work in this regard.

The head of the department attending the 8th International Conference of Information Ombudsmen held in Berlin made a speech on the topic of “Activity of Azerbaijani Ombudsman in the filed of provision of the right to get information”.

The head office press service participated at the round-table organized by “Internews Azerbaijan” Public Union, she gave broad information about increasing mandate of the Commissioner, her cooperation with mass media, a range of consultations held at the office, improving capacities of journalists writing on legal issues.

Commissioner made a speech and gave recommendations at the conference on “The right to information and open society” organized by the State Fund for the Support of Mass Media Development under the President of the Republic of Azerbaijan.

Generally till 31 December 2013, 9.482 articles and information about the activity of the Commissioner were published and only in 2013 this figure is 395. During its activity, press service of the Commissioner prepared 3.080 press releases, of which 273 belong to 2013. Those press releases were translated and sent to the Council of Europe. Press releases on the activity of the Regional Centers of the Commissioner were prepared and disseminated. Commissioner gave 52

statements related to the tragedy of 20th January, Khojali genocide, Genocide day of Azerbaijanis, Occupation of Shusha and other crucial occasions. In 2013, 7 statements were sent to the influential international organizations.

Two documentary films on the activity of the Commissioner were demonstrated. About 660 videotape records and 150 audiotape records are saved. Generally 108 newsletters, including 12 newsletters were prepared last year; they were collected in three books and published.

2.4. International relations

Commissioner continued her activity towards strengthening cooperation with foreign colleagues, learning international experience on effective protection and promotion of human rights, analyzing its ways of application in the country, also developing new mechanisms.

International events organized by the initiative of the Commissioner were in the consideration of both national and international bodies. As usual, on 18-20 June 2013, XI International Baku Conference of Ombudsmen on the theme of “The role of new mechanisms of sustainable development strategies in human rights protection and promotion” was held by the Commissioner with the support of UNESCO, devoted to the National Human Rights Day and 65th anniversary of Universal Declaration of Human Rights.

Representatives from Canada, Turkey, Holland, Bulgaria, Estonia, Georgia, Moldova, Pakistan, Russian Federation and its oblasts – Moscow, Volgograd, Voronej, Kabardino-Balkaria, Kaluga regions, Tatarstan and Dagestan Republic, also participants from state bodies, civil society organizations, international bodies and mass media attended the Conference.

On 19 and 26 April 2013, the Commissioner Office held national consultations on population and development together with the UN Resident Coordinator in Azerbaijan and Country Representative of UNFPA regarding Millennium Development Goals beyond the year 2015 based on national priorities and strategies, also presentation of global recommendations of Cairo Conference implementation after the year 2014.

Conferences and round-tables devoted to “September 21 – International Day of Peace”, “October 24 – UN Day”, “December 1 – World AIDS Day”, “December 18 – International Migrants Day” jointly with the State Migration Service and International Organization for Migration were organized with the participation of public in regions. Moreover, events on the topic of “Implementation of recommendations provided on the second report of the Republic of Azerbaijan on Universal Periodic Review (UPR) of UN Human Rights Council” were held with the participation of state bodies.

Commissioner continued successful cooperation with international organizations our country is a Party. Commissioner closely cooperates with UN and its specialized bodies, European Union, Council of Europe, OSCE, International Labor Organization and other international organizations. Commissioner actively

participated in Eastern Partnership and Twinning projects of European Union, also in other programs.

Competent representative of the Commissioner was selected as a member of Working Group created within the framework of the project “Establishing Effective Mechanisms Safeguarding the Rights of Persons Involved in Migration in Azerbaijan” launched by Azerbaijan Office of International Organization for Migration in 2012 and effective activities were done in this field. Many meetings were organized with the participation of international experts within the framework of the project, discussions were held, courses on the topic of “Training for Trainers Program” were provided at the Academy of Public Administration and in July-August 2013, trainings were conducted for state servants in Baku and Khachmaz, Guba, Sheki and Yevlakh cities covering surrounding districts.

Commissioner attended the events held within the framework of the cooperation program among Ombudspersons of “Eastern Partnership” countries for the years 2009-2013, also the second Summit of ombudspersons of European Union and Eastern Partnership on the theme of “The role of National Human Rights Institutions in implementation of basic principles on business and human rights” held in Brussels by the initiative of Subcommittee on Human Rights of the European Parliament, the seminar held in Kiev, Ukraine within the framework of the cooperation program among Ombudsmen of the Eastern Partnership countries.

Commissioner as a member of International Ombudsman Institute, European Ombudsman Institute and of the Asian Ombudsmen Association, participated at the events organized by these organizations, shared experiences, contributed to their work by providing best practices of the office.

Commissioner and her staff members made speeches on several actual problems in different international events, shared opinions and experiences on different aspects of human rights.

Commissioner participated at the international event on “The role of parliamentary organizations in creating Europe without borders” held in Saint-Petersburg, Russia, with the organization of Parliamentary Assemblies of CIS member states and of Council of Europe. As in all international events, she made speech and gave information about the situation on provision of human rights, activity in this field, building cooperation between the state bodies, also the Milli Mejlis and the Office, activity on improving legislation, emphasized the importance of providing collective rights of the people such as living in peace and development. Moreover, she recommended taking measures on peaceful resolution of armed conflict, realizing the rights of millions of people suffered during this period and after that and prevention of violation of their rights, also she argued importance of this issue in terms of common space in Europe.

Last year Commissioner received official representatives of foreign states and international bodies, including ambassadors of foreign states accredited to Azerbaijan, representatives of international organizations in our country, several foreign experts, many issues such as protection of human rights and freedoms in

the country, international experience in this field, also existing experience and cooperation perspectives were discussed.

Conclusion and recommendations

Development of social-oriented economy, reforms conducted in all spheres in the Republic of Azerbaijan, their successful results will serve to improving the well-being of our population.

Improving the cooperation between state bodies and civil society organizations for effective provision and reliable protection of human and citizen's rights and freedoms contributed to the country's prosperity and welfare of the society.

"Azerbaijan 2020: The Outlook for the future" Development Concept plays an important role in forming multidirectional, effective and innovative economy which is main target of new development stage that our country made a step to, in provision of progressive development trends on social field, in improving wellbeing of population, also in achieving progress on development of science and culture.

In last 10 years the works done towards solution of problems of population in cities and districts, such as opening new facilities in the field of education, health, culture and other social objects, including schools, hospitals, treatment and diagnostic centers, rehabilitation centers, health resort establishments, Olympic sport complexes, historical cultural centers, production and processing facilities, building dwelling houses for disabled and martyr families, constructing module-type electric stations, installing water-purifying devices, auto roads, bridges, doing reconstruction, building and renovation work, opening hundred thousands of workplaces, increasing salaries, pensions and allowances shows that human-being and his interests are the main target of the country's socio-economic policy.

Processes towards sustainable, systematic and consecutive development of human rights, also on creating democratic institutions and new mechanisms in the country are getting intensified.

Indeed during this period increasing state budget, opening new workplaces, decreasing the level of unemployment and poverty, being among leader states for economic growth rate in the world are the main achievements of last year.

Implementation of planned state programs along with the "Azerbaijan 2020: The Outlook for the future" Development Concept and National Program for Action will serve to forming varied, effective and innovative economy, ensuring progressive development in social sphere, attaining new achievements in all fields of public life, generally to more effective provision of human rights and freedoms.

As a result of increasing the social status and living standards of the population, great opportunities were created for more effective provision and better protection of human and citizen's rights and freedoms.

During past periods, several recommendations provided by the Commissioner on provision of human rights, also on solving socio-economic problems of people being in need of special protection were considered in relevant legislative acts, also in actions realized on socio-economic fields in the country.

Consideration of relevant recommendations of the Commissioner also served to increasing the effectiveness of provision and better protection of human rights.

Implementation of recommendations provided in previous annual reports and submitted to the competent state bodies on elimination of gaps and challenges creates possibilities for improving democratic governance and state-citizen relations, eliminating bureaucracy. Important institutional actions made on application of ASAN service, measures taken towards preparation of mechanisms on assigning state addressed social aids, making crucial reforms in the army, strengthening elimination of and fight against corruption are among these activities.

Along with the abovementioned, it is important to make necessary measures with the purpose of more effective provision of human rights, as well as solving some problems existing in social sphere.

According to the Commissioner's recommendations aimed at raising effectiveness of protection of human rights and freedoms of population, including low-income families and groups in need of special care, and provided in annual reports, as well as submitted to the competent state bodies, it is recommended to:

- *Conform provisions specified in the "Statute on the police stations for administratively detention" approved by the Order No.480, dated October 30, 2010 of the Minister of Internal Affairs of the Republic of Azerbaijan to the Law of the Republic of Azerbaijan on "Ensuring the Rights and Freedoms of Persons Held in Places of Detention";*
- *Develop a relevant law on "Provision of human rights and freedoms of administratively arrested persons";*
- *Create relevant conditions (establishing prayer and meeting rooms, installing TV sets, providing detainees with daily newspapers and etc.) and district TDPs, considering changes in legislation regarding prolongation of administrative arrest period from 15 days to 3 months;*
- *Attract female police officer into the police service in the temporary detention places;*
- *Strengthen control over observance the Law of the Republic of Azerbaijan on "Ensuring the Rights and Freedoms of Persons Held in Places of Detention" No.352-IVQ, dated May 22, 2012 and other legislative acts by staff members of temporary detention facilities, as well as conduct awareness-raising activities in this regard;*
- *Adjust the provisions of Labor Code of the Republic of Azerbaijan to the norms of the International Labor Organization No.156 "Equal treatment and equal opportunities for men and women workers: workers with family*

responsibilities” (June 23, 1981, Geneva) that was ratified by the Law of the Republic of Azerbaijan of May 11, 2010, No.1003-IIIQ;

- *Add the certificate on work permissions provided by the Ministry of Health in accordance with the “Rules on permission for activity on medicine and pharmacology of medicine and pharmacology workers specialized in foreign countries in the Republic of Azerbaijan” approved by the Decision of Cabinet of Ministries of January 12, 1999, No.5, to the list of documents required for the work permit in the Article 65 of the Migration Code in order to strengthen control over physicians invited from abroad;*
- *Develop and apply relevant Action Plan with the purpose of improving diagnostics, treatment and prophylactic of mental diseases, detention and treatment conditions of patients by referring to European Minimum Standards, repairing buildings of psycho-neurological institutions or constructing new ones, strengthening their material and technical basis, providing patients with relevant medicines; strengthening capacities of staff in psycho-neurological establishments;*
- *Speed-up the adoption of draft law providing protection of the rights of patients;*
- *Strengthen control on examination and treatment work, also prophylactic actions as well as charging the Ministry of Health with financing state medical facilities, including psycho-neurological institutions in the country in order to improve the management of medical establishments;*
- *Accelerate the launch of the activity of the State Agency on Compulsory Medical Insurance under the Cabinet of Ministries of the Republic of Azerbaijan established by the Decree of the President of the Republic of Azerbaijan dated 27 December 2007, for identifying the amount and source of compulsory medical insurance payments, also the basis of free medical services provided by the state to the citizens;*
- *Charge the Ministry of Education with financing district (city) education departments, also all educational establishments in the country in order to improve the control on education process and vertical management;*
- *Adopt State Program aimed at continuation of education, provision of accommodation and workplace of children who live in institutional care facilities, lost their parents and deprived of parental care and reached the appropriate age;*
- *Raise maximum amount of social mortgage loan in accordance with the real prices of housing market, annul or make minimum the down payment to be paid by citizens, especially by young families, prolong payment period for credit, decrease interest rate, make annexes and amendments to the “Rules on providing social mortgage loan in the Republic of Azerbaijan” approved by the Presidential Decree on January 23, 2007, No.515 in order to expand the list of persons possessing the right to use social mortgage loans;*
- *Create legal mechanisms to solve problems on technical inventory of constructed buildings in so called “dairy collective farms” of Hovsan, Bina and*

Ramani, as well as in "Alatava", "Zigh", "Vorovski", "Khutor", "NZS", "UPD", "Keshla" and other areas of Baku, also in plots of land provided by the municipality for building private houses since they start to function, on registration process of these buildings and on preventing construction of such buildings in future;

- *Develop and implement concept and State Program specifying complex approach to solving housing problems of citizens, especially, of low-income families and young families, as well as resettlement of people living in old buildings and buildings in emergency conditions;*
- *Take measures on compulsory insurance of private immobile property of all citizens and of civil responsibility on its exploitation in accordance with the provisions of the Law of the Republic of Azerbaijan on "Compulsory insurances" of June 24, 2011, 165-IVQ, as well as raising awareness of population about insuring compensation of damages caused as a result of natural disasters, accidents and fires;*
- *Solve problems and speed-up the enforcement of "provision of gas to new multistoried buildings" according to the provision 24.3 of "National Action Plan for Fighting against Corruption for 2012-2015" approved by Presidential Decree of September 5, 2012,;*
- *Ratification of the following articles of the European Social Charter by the Republic of Azerbaijan: on the right to just conditions of work (Article 2); the right to safe and healthy working conditions (Article 3), the right to vocational training (Article 10), the right to social and medical assistance (Article 13), the right of persons with disabilities to independence, social integration and participation in the life of the community (Article 15), the right of elderly persons to social protection (Article 23), the right to protection against poverty and social exclusion (Article 30), and on the right to housing (Article 31);*
- *Accelerate the adoption of the "Competition Code" by the Milli Mejlis of the Republic of Azerbaijan;*
- *Increase attention to corporative social responsibility, respect for human rights by entrepreneurs, effective realization of the rights of entrepreneurs and strengthening state control over their activity by respecting their rights, incorporation of legal norms, principles and standards specified in the relevant international documents in legislation of the Republic of Azerbaijan and its enforcement;*
- *Strengthen legality and legal norms in military governance bodies, preparing, approving and implementing legal mechanism on public control over the army for raising responsibility of military officers, organizing psychological service for working with personnel at the army, especially in frontier territories, preparing specialized psychologists for this purpose;*
- *Open new production field and workplaces for involving prisoners into publicly beneficial labor, including paid works, considering the significance of correction of these persons by directing their physical work force to healthy labor;*

- *Assign psychologist staff unit at the law-enforcement bodies for rehabilitation of victims of human trafficking and domestic violence;*
- *Speed-up the ratification of the Council of Europe Convention on Protection of children from sexual exploitation and abuse that was signed by our country on 17 November 2008, adopt the draft laws on "Protection of children from corporal punishment" and on "Juvenile Justice";*
- *Adopt "Regulation on foster family" in accordance with the provision 142.2 of the Family Code;*
- *Make definition of the words of "juvenile", "child", "adolescent" and "youth" in the legislative acts for the appropriate ages;*
- *Make necessary amendments to the relevant regulation on "Commissions for the work and protection of the rights of juveniles" in order to provide them with necessary human and technical resources, to reconsider their processes, structure and competences;*
- *Create "Alimony Fund" for regulating compulsory payment of the alimony by the debtor (on conditions that the debtor would forcibly pay back the amount of the alimony to the Fund);*
- *Create shelters, rehabilitation and day-long service centers for temporarily placing children in need of special protection and in risk, as well as providing them with social and psychological support;*
- *Address legal and material responsibility of persons for their parents that are placed to the elderly home;*
- *Make changes to the Law on Education of the Republic of Azerbaijan for ensuring inclusiveness in education;*
- *Adjust sound-signals of traffic lights installed in crossroads of public transport infrastructure, metro and tunnel crossings to the existing standards on liberalization of movement;*
- *Create relevant system for safety and comfort of persons with visual impairments in public areas, parks, leisure places, administrative buildings, museums, educational establishments, libraries, commercial and other cultural facilities, also installing ramps in public and dwelling buildings;*
- *Establish state legal advisory services in each city and district of the country for protecting the rights of low-income people and providing them with free legal aid;*
- *Provide the office of the Commissioner with additional staff unit to establish the "Department for Information provision" in accordance with the provision 1.3 of "National Action Plan for Promotion of Open Government for years 2012-2015" approved by the Decree of the President of the Republic of Azerbaijan dated September 5, 2012, as well as sector on child rights according to the recommendation of the UN Committee on the Rights of the Child, moreover making annexes and amendments to the relevant Constitutional Law considering that independent monitoring mechanism functions specified in the Article 33.2 of*

the UN Convention on the Rights of Persons with Disabilities are implemented by the Commissioner;

Commissioner strongly believes that recommendations aimed at reliable protection of population, especially of low-income families and groups in need of special care and provided on the basis of opinions specified in appeals, made in public hearings held in different cities and districts, during the meetings with population, also submitted to the competent state bodies will be gradually addressed.