



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

**SUMMARY**

**of the Annual Report**

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

**of the Republic of Azerbaijan**

**on the activities in promotion and protection**

**of human rights in Azerbaijan for 2017**

**Baku – 2018**

## **FOREWORD**

The key purpose of this Report is the examination and analyses of the state of ensuring human and civil rights and freedoms in the country in 2017, to provide the information on the activities conducted by the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan for the restoration of violated human rights, prevention of their infringement.

The report was prepared on the basis of summarized analyses of appeals, complaints and proposals; different cases, problems and challenges disclosed during the visits of the Commissioner and, upon her instructions, the staff members of the Office to penitentiaries, investigatory isolators, temporary detention places, detention centers for illegal migrants, military units, social protection facilities, facilities for children, the elderly and persons with disabilities, boarding schools, also healthcare and education facilities; meetings with population in regions, settlements for IDPs and investigations carried out there; as well as of the official responses of state agencies and authorities; proposals and recommendations submitted to state bodies; materials of national and international seminars and conferences dedicated to human rights; works implemented within the framework of the cooperation with non-governmental organizations; as well as of the information provided by the mass media.

The Report reflects the activities of the Commissioner in the field of the protection of civil and political, economic, social and cultural rights, as well as rights and freedoms of different groups of population, awareness-raising activities on human rights, the scientific-analytical work, public relations, issues of international cooperation, as well as proposals and recommendations aimed at ensuring human rights, and solution of problems of different groups of population.

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 before 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 Prosecutor General’s Office of the Republic of Azerbaijan.

The Annual Report will be delivered through mass media to make it publicly available.

This Annual Report of the Commissioner will help you to build in your mind some image of the state of ensuring human rights and freedoms in our country.

Your valuable thoughts and recommendations would help the Commissioner in future in improvement of her activities in promotion of human rights freedoms.

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

## INTRODUCTION

The continuation of economic development programs and activities on social projects in the Republic of Azerbaijan in 2017 contributed not only to social welfare of the country population but also played an important role in eliminating bureaucratic obstacles in the public administration system and the transition to a new stage of development of modern state-citizen relations.

In our country, which considers ensuring human rights and freedoms, a decent living standard to the citizens of the Republic of Azerbaijan as a supreme goal, important steps were taken for the establishment of state social principles, for this purpose, the development of a socially-oriented market economy and free entrepreneurship, application of new economic mechanisms, establishment of techno parks and modern industries that will play a great role in strengthening economic forms, including industrial and export potential, implementation of the measures aimed at protecting the interests of entrepreneurs playing a major role the regulation of entrepreneurship inspections and the country's progress, particularly of small and medium-sized businesses have ensured the sustainability of socio-economic processes.

In line with contemporary challenges and new requirements, actions serving to ensuring strong, stable and sustainable governance, increase of trust to governmental bodies, strengthening state-citizen relations, elimination of cases leading to corruption were continued as a result of structural reforms carried out for ensuring dynamism, flexibility and optimum in public administration and governance.

Developing non-oil sector in our country, which is considered to be an oil state and has already produced 2 billion tons of oil in 2017, is of great importance in the creation of new jobs and ensuring employment of the population. As the President of the Republic of Azerbaijan, Ilham Aliyev said in his opening speech at the republican meeting of non-oil exporters, *"... serious reforms in the field of public policy, political support, moral support, financial support to entrepreneurship, reforms carried out for development of entrepreneurship and concession made for them, are one of the key factors in boosting the oil sector today"*.

As a result of the implementation of social infrastructure projects, new and up-to-date social protection facilities, new student dormitories, schools and kindergartens were built or repaired, medical facilities, including hospitals and polyclinics, also new residential complexes for IDPs were put into operation, new roads, water supply and sewerage systems were built, power stations were commissioned, recreational and Olympic-sport complexes were created.

Measures taken for ensuring employment and reduction of unemployment, resulted in opening of 221,000 new jobs including 177,000 permanent jobs in 2017, according to the results of the year the unemployment rate for the country was 5%, and the poverty rate was 5.4%.

Signing of a new agreement on the extension of the "Azeri-Chirag-Gunashli" oil field by 2050, at a time of global economic crisis in the world, as well as the opening of "Baku-Tbilisi-Kars" railway line that has become an historic event, conduction of business forums for establishing effective cooperation between entrepreneurs in different spheres of

economy was an important factor in the deepening of socio-economic and cultural relations between the countries.

The reforms carried out in our country, which occupy one of the leading places in terms of volume of foreign exchange reserves per capita on the world scale, are also appreciated internationally. Thus, the World Bank and the European Bank for Reconstruction and Development have highly assessed the ongoing processes in Azerbaijan. According to World Bank, Azerbaijan is ranked second in the Doing Business report for the number of reforms among the European and Central Asian countries and according to calculations of World Economic Forum in Davos raised to the 35<sup>th</sup> place and preserved leadership position among the CIS countries for the competitiveness of economy.

Participation of the country President in the reception for heads of delegations participating in the World Economic Forum in Davos for more than ten times and in the “Silk Way Effect” interactive session at this forum, as well as placement of his the article “Economic Priorities for Azerbaijan in 2017” in the official website of the Forum, at the same time participation in the event of the Presidents during the 22<sup>nd</sup> World Petroleum Congress are one of the factors proving growing influence of our country in the international arena and an example of the importance attached to our country in the world.

Approximately for ten years at the initiative of the country President “Baku process” has being successfully realized being is recognized as a confession of contributions of Azerbaijan to inter-cultural dialogue at the international level, multiculturalism. The country also is known as the venue for inter-civilizations dialogue in the world and is multinational and multi-confessional country where multiculturalism became a lifestyle. Declaration of the year of “Islamic Solidarity” of 2017 in our country is a clear indication of state policy aimed at promoting dialogue and co-operation among cultures, as well as support for cultural diversity, also commitment to the principles of tolerance.

In addition to the mentioned above, conduction of V Global Baku Forum, with the participation of the country President, also state and government representatives from many countries, influential political, public and scientific figures, as well as IV World Forum on Intercultural Dialogue and International conference “2017-the Year of Islamic Solidarity: Inter-religions and Intercultural Dialogue”, Formula 1 Grand Prix of Europe and “Baku-2017” IV Islamic Solidarity Games proves our republic’s reputation.

In 2017, the Commissioner receiving numerous appeals on different issues, and violation of human rights from the citizens of the Republic of Azerbaijan, as well as from foreigners and stateless persons in our country, works for restoration of human rights and freedoms enshrined in the Constitution of the Republic of Azerbaijan and in the international treaties which the Republic of Azerbaijan is a party to and violated by governmental and municipal bodies and officials of the Republic of Azerbaijan, as well as to prevent violation of human rights, worked in cooperation with state bodies, civil society institutions, mass media, communities and international organizations for non-judicial protection of human rights.

The Commissioner completing the existed law remedies, whose scope of authority and functions set out by the Constitutional Law and who built her activities on the basis of the principles of independence, publicity, transparency, legality, justice and impartiality conducted comprehensive work on the received appeals, took measures for restoration of the violated rights.

Regular meetings were held with the population in various parts of the country, as well as visits to penitentiaries, detention centers, temporary detention centers, detention centers for illegal migrants, military units, boarding houses for children, the elderly and persons with disabilities, boarding schools, settlements of IDPs, health, education and social protection facilities.

In general, during her terms of office, the Commissioner received 167.150 applications, whereas this amount in 2017 was 18.400, which is 1, 8% higher than in 2016. 76, 3% of the appeals were complaints and 23, 7% - applications.

During the meetings of the Commissioner, and her staff with the population in the Office and regional centers, as well as in various cities and rayons of the country settlements of IDPs, also visits to penitentiary institutions, investigation isolators, temporary detention places, detention centers for illegal migrants, military units, homes for children, the elderly and the persons with disabilities, boarding schools, settlements of IDPs, health, education and social protection facilities in general 3,148 persons were received, while 1,375 complaints were made via hot lines of the Office. These individuals were provided with appropriate legal consultations and explanations.

Most of the appeals were mainly on the right to property, due process of law and freedoms, the right to social security and the right to labour.

Compared to 2016, a number of changes were observed in the structure and number of appeals including complaints received in 2017.

In relation to the appeals received in 2017, 13.2% of total appeals were on property rights, 6.2%- due process of law, 5.8%- social security and 4.9% - the right to labour.

In the appeals on property rights, demolition of property without the court decision, the non-provision of appropriate compensation in the case of the purchase of a private property or land for state needs, allocation of land plots that are in private ownership or permanent use for construction purposes without the consent of citizens, failure in inclusion of several information about the land shares and individual land plots allocated by State Land and Cartography Committee, that was abolished later, registered by local bodies into the single database, bureaucracy during documentation of the house were reflected.

As a rule, appeals on the due process of law were about the dissatisfaction with the court decision, sometimes on bureaucracy and failure in giving court decision on time.

The appeals regarding the right to labour were about non-payment of a monthly salary or last calculation, violation of law and non-compliance with the requirements of law during dismissal, resignation or termination of employment contracts, non-assistance in provision with a job.

It is almost certain that great success has been achieved both in application of new norms and improvement of legislation in the abovementioned directions and the work in this regard is being continued.

In accordance with the requirements of the Constitutional Law, the Commissioner refused to investigate 55.6% complaints as they were beyond her competence; one year passed from the date on which an alleged violation of rights of the applicant occurred; they were anonymous; or under examination of court proceedings; and they had not any new information, facts and evidence in the re-submitted complaint.

44, 4% of complaints were accepted for handling, of which 62,5% -were resolved.

The appeals were reviewed within the timeframes established by the Constitutional Law and all appeals received from the applicants were answered in written.

Citizens were legally consulted during reception, by telephone and in written, in most cases they were consulted about different law remedies and/or the application procedure to different relevant bodies.

A number of important measures have been taken to protect and promote human rights during the previous, at the Commissioner's initiative, suggestion and organization.

Comprehensive work for monitoring and evaluation of coordination, promotion and implementation of, as well as for drafting reports on actions enshrined in National Plan of Action on the Protection of Human Rights in the Republic of Azerbaijan approved by Presidential Order dated December 28, 2006, and in National Program for Action to Raise Effectiveness of the Protection of Human Rights and Freedoms in the Republic of Azerbaijan, approved by the Presidential Order dated 27 December, 2011, was continued in 2017 as well.

In connection with the adoption of the first State Program on Protection of Human Rights by our national leader, Heydar Aliyev, on June 18, 1998, traditionally, "Human Rights Month-Long Campaign" was held from 18 May to 18 June since 2007, on the eve of the 18 June - Human Rights Day in the Republic of Azerbaijan.

Traditionally, the 14<sup>th</sup> International Baku Conference of Ombudsmen entitled "The fundamental principles of Sustainable Development Goals: legal equality, national priorities and cooperation" was held at the initiative of the Commissioner together with the National Commission of the Republic of Azerbaijan for UNESCO on June 16-17, 2017. The Conference was dedicated to the 20<sup>th</sup> anniversary of declaration of National Salvation Day 15 June with the decision of the Milli Mejlis which was the return day of National leader Heydar Aliyev to the power after the insistent demand of the people, also to the 10<sup>th</sup> anniversary of declaration of 18 June as Human Rights Day in Azerbaijan by the country President.

Like the previous years, traditionally, conferences were held dedicated to "Peace Month-long Campaign" from 21 August to 21 September, "Child Rights Month-long Campaign" from 20 October to 20 November and 10 December - International Human Rights Day.

Official representatives of foreign countries and international organizations, including Office of the High Commissioner for Human Rights Senior Human Rights Adviser for South Caucasus, Director of the Field Operations and Technical Cooperation Division of the OHCHR, the Europe and Central Asia Section (OHCHR), UN Gender Expert, EU Representative for Monitoring Programs implemented by the Organization in Azerbaijan and head of the EU Office in Baku, Director of the Political Affairs Directorate of Council of Europe, co-Rapporteur of PACE Monitoring Committee and representatives of CoE, Head of CoE Baku Office, OSCE PA President, the Chief of the Mission of the International Organization for Migration (IOM) Baku Office, Ambassadors of Belgium, Pakistan, USA and Qatar, Head of UNICEF Baku Office, Head of the ICRC Office in Azerbaijan, President of CPT, international expert on gender issues were received at the Ombudsman Office, views were shared with them on protection of human rights and freedoms in our country, international and national experience in this filed also the perspectives of cooperation were discussed with them.

The Commissioner issued Statements on anniversary of Tragedy of 20 January, the 25<sup>th</sup> anniversary Khojaly Genocide and of occupation of Shusha, also on March 31 - Day of Genocide of the Azerbaijanis and addressed them to international organizations, embassies of foreign countries in Azerbaijan, also to embassies of the Republic of Azerbaijan abroad and organizations of the Azerbaijani Diaspora in different countries.

The Commissioner always keeping under her focus of attention the issue killing of civilian population in the territory of the Republic of Azerbaijan and continuous firing of civilian objects by the Armenian armed forces, as well as the problems of captives and hostages, issued statements addressed to the world community, urged international organizations including the International Red Cross Committee (ICRC) whereas she noted that the incidents were contrary to international law and that they caused great concern in our country and were met with serious dissatisfaction.

The Ombudsman, who participated in the “Victory march” dedicated to the anniversary of “April victory” and held in Horadiz city of Fuzuli rayon, also visited the village of Jojug Marjanli in Jabrayil rayon on the Day of State Flag, met with local residents, noted that work carried out there were the start the “Great Repatriation” (Great Return) Program and this was a sign of trust that state flag would be flown in the occupied lands.

It is noteworthy that an article was published in European leading newspaper “New Europe” based on the Commissioner’s statement on murder of civilians and attack of civilian entities in Alkhanli village of Fuzuli rayon of Azerbaijan by the Armenian Military Forces. The Article says that on July 4, 2017, the Armenian armed forces targeted and deliberately attacked the civilians and civilian entities in Alkhanli village of Fuzuli rayon of Azerbaijan and as a result, the village native Allahverdiyeva Sahiba and her 2 years old granddaughter Guliyeva Zahra died, another woman civilian Guliyeva Salminaz was heavily injured and civilian entities were destroyed.

In this regard, the Commissioner’s hope that the justice and peace will be established soon, these violent crimes committed against humanity will receive their international legal assessment, the perpetrators won’t remain unpunished and the occupant country which is the great threat to peace in the region will be punished in compliance with the UN Charter, also call that the world countries, all influential international organizations on protection and promotion of human rights, all peacemakers and goodwill people not only to condemn but to consolidate and to make decisive joint efforts and actions aimed at ending long-lasting Armenian aggression against Azerbaijan, liberate the occupied territories of the country in compliance with the universal, international norms, withdraw the occupant armed forces from these territories, restore the recognized by UN borders and territorial integrity of the Azerbaijani state, to return hundred thousand internally displaced persons to their lands and homes with fully enjoying all their human rights was mentioned in the Article.

This is noteworthy that as a response to the Statement Cornelius Williams – the UNICEF Associate Director sent a letter to the Commissioner in which he noted that no family in any community should suffer from child lost.

The Commissioner and the staff of the Office made speeches on current issues in different international events, shared their views and experience on different areas of human rights

In each national and international event, where the Commissioner participated, also in meetings with officials from foreign countries and international organizations she gave broad information about protection of human rights and freedoms in the republic, her activity in this field, the situation of ensuring of these rights and freedoms, cooperation of the office with state bodies including the Milli Mejlis (the Parliament) and collaboration in improvement of the legislation. She also highlighted the importance of ensuring collective rights like the right to life in peace and the right to development, considered it necessary to pay attention to actions on the peaceful settlement of ongoing military conflicts and effective protection of the rights of million persons who had become victims of these horrors in the coming years and mentioned that it is important for the establishment of peace in the world.

Cooperation with governmental agencies, municipalities and civil society institutions should be further expanded, continually improved and developed to ensure the human and civil rights and freedoms, to consider and investigate citizens' applications promptly.

As a result, the Commissioner's proposals and recommendations submitted to the competent state authorities also reflected in her annual reports and aimed at the effective ensuring and protecting human rights and freedoms, as well as the solution of a number of socio-economic problems of the relevant groups of the population, especially the low-income families and citizens in need of care will be considered taking into account the state budget, as well as the economic situation and financial opportunities of the country and thus, will contribute to effective protection of human rights, ensuring the decent living standards of the population, the further elevation of the socio-legal situation, as well as the strengthening of civil-state relations and stability.



## CHAPTER I

### THE ACTIVITIES OF THE COMMISSIONER IN THE FIELD OF PROTECTION OF HUMAN RIGHTS AND FREEDOMS

#### 1.1. Protection of Civil and Political Rights

***Right to liberty.*** In order to ensure the citizens' right to liberty and the right to free movement, the measures for handling citizens' appeals and timely solution of problems by the state bodies are being improved year after year. Provision of citizens with ID cards and ordinary passports without an obstacle has almost been solved; the violations of law in the field of registration on the place of residence as well as in solution of the issues identified by the relevant legislative acts have considerably decreased.

In 2017 the Commissioner received 82 applications about ID card and registration issues from cities and rayons of the country. As a consequence of measures taken regarding these applications, violated rights of citizens were restored.

A number of citizens were registered at the administrative offices of the relevant police authorities as non-residents and provided with ID card in accordance with paragraph 1 of the Order No.55 of the Cabinet of Ministers of April 9, 2003, after the Commissioner's intervention.

At various times in appeals addressed to the Commissioner with regard to citizens, particularly children who have no birth certificate; it was requested to assist them to receive this document.

There is a need to conduct awareness-raising activities by local offices of rayon executive powers on administrative territorial units and municipalities, as well as local healthcare facilities for citizens to apply timely for registration of marriage and birth in regions of the republic, especially in rural areas.

Appeals sent by foreigners residing permanently or temporarily in the territory of the Republic of Azerbaijan were also investigated, some foreigners were assisted with temporary registration or their withdrawal from the country was prevented.

The Commissioner continued to cooperate with both the authorized governmental agencies and foreign colleagues in order to protect the rights of citizens of the Republic of Azerbaijan, who live or permanently reside abroad, assisted in the restoration of violated rights and solution of problems of several our compatriots living abroad.

***Rights of persons detained in Temporary Detention Places (TDPs) and investigation isolators.*** At different times, the Commissioner and her staff held regular monitoring in places of arrest, TDPs of City, District and Regional Police Offices, Departments and Stations of the Ministry of Internal Affairs, TDP and Investigation Isolator of the State Security Service and Penitentiary Service isolators of the Ministry of Justice.

Private meetings were held with persons detained in TDPs and investigation isolators; their detention conditions and treatment, access to lawyers and medical assistance, provision with food, walking, meeting, telephone calls, ensuring other rights as detainees

and arrested and the relevant documentation about the lawfulness of detention was checked; cells were monitored.

Interviewed persons, as a rule, informed that they had not been subjected to degrading, rude treatment, didn't complain about custody conditions while being detained. Each interviewed person was legally consulted on the issues raised with regard to investigation of his/her case; they were explained their rights and the requirements of the legislation, their applications and appeals were received, the state of ensuring their rights was investigated, inquiries were sent Prosecutor General, the Ministries of Internal Affairs and Justice, as well as other relevant state bodies respectively. These inquiries were responded in a timeframes as prescribed by law; each applicant was given written answers.

The right of persons detained in TDPs and investigation isolators to meet with their defenders and legal representatives in private, without limitation of the number and duration of meetings was ensured.

In each monitored place responsible officials were given recommendations about the conditions and documentation; the staff of these facilities and detainees were informed about the requirements of the Law of the Republic of Azerbaijan on Ensuring the Rights and Freedoms of Individuals Kept in the Places of Arrest, explained the duties of staff, also the rights of persons detained as suspects and accused and relevant provisions of the Law.

Legal awareness work was held during meetings with the staff of police bodies, including the TDPs, the importance of attention to be paid to ensuring human rights and freedoms, the inadmissibility of non-ethical behavior and rudeness of police staff towards citizens and the necessity of improvement of their work were highlighted, recommendations were given for elimination of shortcomings.

All temporary detention places of the Ministry of Internal Affairs were equipped with a modern security alarm system, also with single-center video surveillance systems to enhance the control over the service and the behavior of detainees.

According to official information, the construction of new temporary detention facilities of Khatai district and Sabirabad Rayon police bodies, as well as major repair and reconstruction of the Barda and Aghdash Rayon Police Departments, have been completed within the framework of the activity on creating conditions at temporary detention facilities that meet international norms and standards.

The construction of a new TDP at the Ujar Rayon Police Department, and the necessary repair work at the TDPs of the Gobustan and Jalilabad Rayon Police Departments, as well as the construction of the additional administrative building of the detention center for the administratively arrested, which directly belongs to the Main Public Security Department of the Ministry of Internal Affairs are being continued.

Visits were paid to TDPs, necessary measures were taken on the basis of information sent to the Commissioner, as well as reflected in the complaints, submitted during reception or through hot line.

According to the information of the Ministry of Internal Affairs, due to shortcomings in performances 42 employees of TDPs were brought to disciplinary responsibility, eight of them were dismissed from the internal affairs bodies, one was dismissed from his position, and 33 staff members were subjected to other reprimand measures. Moreover, measures were taken to improve the professionalism, outlook of and mastering positive international experience by the staff.

In each case, mass media was regularly informed about the outcome of the visits to TDPs and investigation isolators.

Application of alternative punishment not related to deprivation of liberty, as well as public sanctions and actions applied to offenders, their social inclusion and public security issues were among the topics of discussions held with the representatives of international organizations.

During the discussions and exchange of views with the representatives of international organizations, the Commissioner, who proposed years ago to use alternative methods while punishing offenders according to committed offend and international practice, and her staff have stressed the necessity of establishing probation service.

Measures reflected in the Presidential Decree of February 10, 2017 about “Improving the penitentiary system, humanization of punishment policy and enhancing the alternative punishment and procedural coercive measures” (hereinafter - the Decree of February 10, 2017) which are crucial in terms of the essence of the punishments to be more reformative and educative, are also a clear example of the state policy based on the principles of humanism and justice.

In the light of the above-mentioned, the Commissioner made proposals on making amendments and additions to the Criminal Code, Criminal Procedure Code, Execution of Punishments Code and Administrative Offences Code.

The Commissioner organized public hearings with participation of the members of the Milli Mejlis, judges, representatives of relevant state bodies, including law-enforcement bodies, international organizations, CSOs and mass media for drawing attention to importance of the actions reflected in that Decree which is a part of the legal reform in our country, opens a new page in the field of humanization of penal policy and application of alternative punishment measures, sets new tasks in improvement of legislation and institutional development.

According to the relevant Decree, about 300 amendments made to the Criminal Code, as well as removal of 15 crimes from the Code by the Law of October 20, 2017, in some cases the exemption from criminal liability under the conditions set out in the Code, adding the new punishment type “restriction of liberty” to the Code, inclusion of alternative punishments to sanctions of 158 criminal offences, reducing the punishment in sanctions of 13 criminal offences and other similar amendments, also additions and amendments to the Codes of Execution of Punishment and Criminal Procedure assume public importance.

In order to prevent the restrictions on the right to liberty of a person who has committed a crime, omitted delinquency, as well as cooperation was built with state bodies and civil society institutions in the relevant fields, the Commissioner’s numerous proposals on relevant paragraphs in particular proposals regarding exemption from criminal liability were taken into consideration while making additions and amendments to the Criminal Code.

***Right to dignity and honor.*** The dignity of a person is protected by the state, and no circumstance can justify humiliating the dignity of an individual.

The “hot line” service operating 24 hours a day in the Office for the effective organization of prevention of torture, cruel, inhuman and degrading treatment, as well as

the hot line “916” providing an immediate access to the Commissioner with regard the violation of the child rights continued to operate successfully, and the investigations were carried out and the measures were taken on the basis of information received via these services.

In 2017, the Commissioner received 571 appeals on violation of the right to dignity and honor. Those appeals were mainly about rude treatment, humiliation, physical or moral pressure against citizens, violation of ethical behavioral rules, also ill-treatment of persons under investigation and inquiry by ranked officials of state bodies and local executive authorities, as well as officials and employees of enterprises and organizations. Appropriate measures were taken in the case when the complaint had been approved during investigation process upon the instruction of the Commissioner to authorized government agencies for verification of these cases and if necessary, the perpetrators were punished disciplinarily.

In order to prevent violations of the right to dignity and honor already committed or may be committed by employees of relevant state bodies, including police bodies, to increase the trust of citizens to Rule of Law and justice it is important to ensure sustainability of awareness raising events.

One of the issues of concern in the community the most important to be solved is that while using social networks some individuals register themselves under different names and benefiting impunity use expressions also audio or video footage, which distorts the business reputation of damages the honor and dignity of others.

Except as defined by law, no one can be pursued, subjected to video or photo recording, sound recording, and other such actions without being aware of it or after the his/her objection. Moreover, information technology can not be used for disclosure of information about personal life, also belief, religion and ethnicity.

*Therefore, in order to prevent the unlawful interference in the private life of citizens, effectively protect the right to honor and dignity and prevent its violation, there is a need for defining responsibility and legal regulation of use of internet resources and social networks.*

***The activity of the Commissioner as the National Preventive Mechanism for prevention of torture and other cruel, inhuman or degrading treatment or punishment.*** In 2017, in general 341 visits without prior notification were conducted to 240 places which persons cannot leave on their will; 251 of them were planned, whereas 90 were ad-hoc. 149 of these visits were held in TDPs of the Ministry of Internal Affairs TDPs, 81 visits to investigation isolators, penitentiary facilities, penal colony settlement, health facility of the Penitentiary Service of the Ministry of Justice, 6 visits to the Investigation isolator and TDP of the Ministry of National Security, 4 visits to the detention centers for illegal migrants of the State Migration Service, 30 visits to special education, boarding facilities and special vocational school under the Ministry of Education, 11 visits to boarding and care houses for the elderly and persons with disabilities under the Ministry of Labour and Social Protection of Population, 37 visits to psychiatric clinics, neuropsychiatry dispensaries, psychoneurotic child facility, as well as child and babies’ houses of the Ministry of Health and 23 visits to children’s houses under the subordinate of the local executive bodies.

During the visits treatment, custody and living conditions, documentation in this regard, medical service and the state of this service, food supply, nutrition quality and its ration, nutrition, drinking hot and cold water supply, the issues like packages, walking, organization of leisure time, meeting and phone calls with family members and lawyers and the state of ensuring other rights were investigated keeping also their applications in focus.

In the course of monitoring in those facilities legal consultations in accordance with legislation were provided on the issues raised by the interviewed persons regarding the investigation process of the cases, their appeals about meeting, telephone calls, medical assistance were examined, they were explained their rights, the requirements of the relevant legislation, their applications and appeals to the Commissioner were received, also appeals regarding the facilities were investigated on spot and solved.

For investigation of treatment issues, numerous persons detained in facilities under the Ministry of Internal Affairs, Penitentiary Service, also other relevant bodies were interviewed by NPG members in private, their complaints, the issues raised by them, the state of ensuring their rights and documentation on their appeals were checked.

The appeal of each person, family members and lawyers received within the framework of NPM activity, as well as the information sent by those persons via Ombudsman's "hot line" were immediately reacted, the violations reflected in those complaints, detention conditions and treatment in those facilities, appointment of forensic medical examination, the state of ensuring the rights of detainees were investigated, if necessary the Office of the Prosecutor General, the Ministry of Internal Affairs or the Ministry of Justice, the State Migration Service, as well as other relevant governmental agencies were urged to. This attention of the Commissioner is welcomed by citizens.

During the monitoring, in total, 942 private conversations were held in TDPs, 839 in investigation isolators and penitentiary facilities, also, 780 persons in other places which persons cannot leave on their will; private conversations, legal awareness work were held with more than 500 staff members in those facilities; recommendations were provided. Favorable conditions were created for the Commissioner and NPG members in accordance with the requirements of the law, measures were taken for implementation of the given recommendations.

Along with legal awareness work carried out with the administration and responsible staff of the facilities, relevant recommendations were given for improvement of detention conditions, medical service and documentation in accordance with national and international legislation including Internal discipline rules and for elimination of shortcomings found during the visits.

The outcomes of the monitoring were analyzed, if necessary relevant state bodies were urged with the recommendations for improvement of work in respective facilities, moreover the status of implementation of the recommendations given during the previous monitoring were checked on spot.

The Commissioner's proposals and recommendations were aimed at the protection of the honor and dignity of detained persons, elimination of infringements, also at improvement of detention conditions and bringing normative legal acts in compliance with international legal documents, rules and standards.

In her annual reports and appeals to the relevant governmental bodies, as well as during the discussion of the draft state budget for 2018, the Commissioner made proposals

*for the restoration of existing and creation of new production facilities equipped with modern equipment in the penitentiary institutions.*

*In order to encourage entrepreneurs' interest and engagement in the export of products made by prisoners in production facilities in the penitentiaries to domestic and foreign markets, it is also appropriate to apply tax and other concessions to them.*

The Commissioner is of the opinion that these measures may contribute to the rehabilitation of the convicts, their vocational training, and thus their socialization, as well as the payment of debts arising from civil claims, including alimony and to financial support to their families.

The Commissioner's Reports on the activities as NPM for preventing Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment for 2009-2016 were published and disseminated in the Azerbaijani and English languages and placed on website of the institution. The 8<sup>th</sup> annual report for 2017 has also been drafted.

Press releases about the monitoring were regularly sent to the mass media, as well as posted on the Commissioner's official website.

During the year the Ombudsman and the NPG held a wide range of legal awareness meetings for employees of, as well as detainees, the arrested and convicts at the facilities of the Ministry of Internal Affairs and the Ministry of Justice where the essence and importance of the Decree of 10 February 2017 was promoted. Based on this decree, broad legal awareness work was held on numerous amendments made to the Criminal Code, Criminal Procedure Code, Execution of Punishment Code, the alternatives included in the sanction of the articles, as well as the articles falling under the law.

From the point of view of the work of NPM, the treatment and detention conditions of detainees and the ensuring the rights of such person were included into the annual training program of Police Academy as well as Academy of Justice and are being taught to trainees, the staff of police, penitentiary and medical service, and to candidates for judges.

The Commissioner took an active part as a partner organization in implementation of the program "Support to Penitentiary Service Reforms in Azerbaijan" as a component of the Council of Europe Action Plan for the country. This provides important support to the work carried out in the direction of "development of management in the penitentiary system and enhancing the professionalism of medical service".

Measures were taken to increase the theoretical and practical knowledge of NPG members in order to organize the work professionally and improve the activity in the relevant field, within the framework EU Twinning Project entitled "Support to Strengthening the Capacities of the Commissioner for Human Rights" (hereinafter Twinning Project) implemented in partnership under the European Neighborhood and Partnership Tool study trips were organized to Germany, Poland, Greece and Portugal, trainings, meeting were held with participation of the representative of foreign bodies, joint visit were paid to facilities, new strategic plan of NPM was drafted and modern data base was set up for the effective monitoring and report.

***Freedom of thought and speech.*** Actions for efficient ensuring freedom of thought, speech and press, developing media, strengthening social protection of journalists were continued.

State attention and care to the representatives of media plays an important role in the development of national media.

In the 72<sup>nd</sup> session of the UN General Assembly the country President said “*All fundamental freedoms including the freedoms of thought, press, assembly and religion are fully ensured in Azerbaijan*”.

Construction of residential buildings for the representatives of mass media at the expense of the state budget and giving to the use of journalists without discrimination is the manifestation of not only support to their professional work and free media but also the respect the freedom of thought and speech, journalists and media in the society.

During ceremony of distribution of apartments in next building built for journalists on the occasion of National Press Day Ilham Aliyev, President of the Republic of Azerbaijan said in his speech: “*Journalists who live and will be living in these buildings belong to different political spectrum, and there was not any discrimination in this process. People with different political views and members of different parties will live here as a family. In fact, the Azerbaijani society is developing in this direction. I want to say again, as a President, I will continue to work for the development of free media*”.

The newspapers were allocated financial aid by the state, personal journalistic projects were supported and particular journalists were awarded orders, medals and honorary titles for their contribution to the development of mass media.

The role of professional media in the development of national press, shaping and promoting healthy national-moral values, ensuring transparency, harmony and social cohesion in the society, protecting human rights, upbringing of the younger generation is undeniable.

In addition to the above mentioned, publishing articles and information having a negative impact on upbringing and formation of young generation also causing pessimism and psychological disorder in persons as well as a manner of presenting criminal news, indirect propaganda of the criminal community, giving discriminative, biased and rumor typed information and articles, also the ones written under external influences and pressure, extortion and abuses are unacceptable.

The representatives of mass media actively participated in the events organized by the Commissioner who enhances cooperation with the press.

Information was regularly sent to the media, including newspapers and magazines, TV and radio channels, news agencies, electronic newspapers and online news portals about the activity of the Office, interviews and statements were issued, articles were published.

The competition of journalists’ writings entitled “*Rights for Everybody*” announced within the framework of conference dedicated to 10 December- International Human Rights Day was concluded, winners were rewarded.

The Commissioner paid close attention to the issues of protecting the rights of journalists and media representatives, ensuring freedom of thought, speech and expression.

At a time when the freedom of thought, speech and media are ensured, journalists should try to improve their professionalism by following ethical rules, also give priority to highlighting the issues that meet the legitimate interests of citizens, to writings that support development and protection of human rights. In addition to the above mentioned, it is

expedient to raise the awareness of media representatives writing on the topics supporting development of human rights, and to appreciate their initiatives.

***Freedom to obtain information.*** As a result of state programs and reforms in the field of information and communication technologies, rapid integration of our country into the global electronic space was ensured.

Enrichment of internet resources in Azerbaijani, electronic newspapers and magazines, the expansion of social networks and usage of the internet by approximately 80% of the population is an indication of the development in the existing area.

For simplifying access to information, the official web site of the Commissioner was also upgraded and put into operation in accordance with the requirements of e-government and by using new achievements in this field during the period of the development of information technologies.

The Commissioner urged the Cabinet of Ministers and the Ministry of Finance to allocate necessary finance for application of electronic document circulation and creation of modern information e-base at the Office for improvement of Management Information System in order to achieve the goals reflected in the Decree of the President of the Republic of Azerbaijan dated February 5, 2013, “On measures to approve the Statute on the “e-government” portal and measures to expand electronic services”, at the same time for taking actions to strengthen the Ombudsman’s control over the fulfillment of the tasks outlined in the Law of the Republic of Azerbaijan “On Access to Information” in 2016-2017 National Action Plan for the Promotion of the Open Government for 2016-2018, approved by the Presidential Decree of April 27, 2016. According to the Article 1.3 of the Constitutional law, the Commissioner supervises over execution of duties by the information holding state bodies, municipalities and state officials in accordance with the requirements of the Law of the Republic of Azerbaijan “On access to Information”.

According to the Article 3.0.7 of the Law on Access to Information, information requester (hereinafter referred to as ‘the requester’) is a legal entity or individual applying in writing or verbally to acquire the information. Thus, everyone including the representatives of mass-media have the right to submit information request.

Nevertheless, some representatives of media insufficiently aware about the requirement of the Law misinterpreted that this law is aimed at protecting the freedom of information access only of those working in mass media.

In 2017 the appeals on the freedom of information access sent to the Commissioner were analyzed, inquires were sent to relevant bodies and the issues were solved.

Learning and sharing the experience on ensuring the freedom of information access, discussion in this regard and formation of proposals were also important. Within the framework of twinning project international experts together with partners from Germany, Poland, Greece and Portugal conducted workshop for the representatives of press services of governmental bodies on “Raising the Awareness for promotion of the right of Access to Information”.

The relevant methodological seminars were organized, exchange of experiences were held with the staff of the Office by the EU member states’ experts for effective analyzing and responding to information inquiries received by the Commissioner in accordance with



the Constitutional Law. Within the framework of the project relevant concept was drafted by experts from EU and the representatives of the Office for setting up up-to-date and effective Information Management System at the Office.

At events, as a rule, views and experiences were shared on national and international legislation, the experience of foreign countries in this field, main principles and concepts on the freedom of information, the right to obtain information, the work of the Commissioner in this regard, efficient experiences and topics, the importance of cooperation with information-holder bodies were highlighted.

Individuals using the Internet's opportunities, especially children and adolescents, encounter immoral information, which in many cases results in their moral and psychological shocks and falling under the influence.

In terms of protecting the physical health from threats on a legitimate base, it is necessary to define the protection mechanisms related to the threats to human morality, psyche, to shape a culture of information security that can protect the health of every person, especially children and adolescents, from the dangers and to conduct awareness raising events in this regard.

The Commissioner proposed to encourage children and young people to use the information and communication technologies properly, increase parents' responsibilities, broadcast programs, as well as social advertisements, targeted at children, adolescents and young people, create children's television, prevent immoral programs and information, create internet portals promoting national-moral values and educational-oriented portals, ensure cyber security and the safety of children's use of the Internet via mobile phone, strengthen the fight against cyber crime, improve legislation and learn relevant international documents in this regard.

In her previous annual reports the Commissioner appealed to the media to take measures for protecting children from information harmful to their mental and spiritual development, prevention of moral shocks and negative events that may occur during the TV programs, and using of children in advertisement of improper products for them. From this point of view, it is important to add Article 11-1 (Protection of Children in Advertising) to the Law of the Republic of Azerbaijan "On the Rights of the Child" of Law No. 697-VQD dated May 31, 2017, in the new context.

***Freedom of conscience.*** In our country, where the representatives of different religions and nations have been living together and which became an example of tolerance, great importance is attached to multicultural values; favorable conditions created for people of all religions to freely profess their faith have contributed to the strengthening of inter-religious relations.

There are no restrictions on the registration or activity of religious organizations and communities in the manner prescribed by law, and all conditions have been created to ensure the freedom of religion. Out of 598 religious organizations registered in the State Committee for Work with Religious Associations of the Republic of Azerbaijan 577 were Islamic, 21 were non-Islamic, including 12 Christian, 6 Jewish, 1 Krishna and 2 Bahai-oriented, also 2,250 mosques, 14 churches, and 7 synagogues are operating in the country, which is an examples of this.

Measures aimed at fostering religious culture, tolerance, inter-religious and intercultural dialogue were continued, declaration of 2017 as the year of Islamic Solidarity by the country president, conduction of a conference “2017-the Year of Islamic Solidarity: Inter-religious and Intern-cultural Dialogue”, the respect to freedom of conscience and faith of the citizens believing in Islam, restoration of Islamic Solidarity, were very important in terms of strengthening the position of our country.

It should be noted that there were no cases where state authorities and officials were interfering or restricting citizens’ attitudes to religion, as well as the legal activities of religious communities and communities in the manner prescribed by law.

In 2017, 9 appeals regarding the freedom of conscience were received by the Commissioner who pays close attention to ensuring the freedom of conscience, religion and belief, investigations were held on those appeals, no violation was found.

During the meetings of the Commissioner with the representatives of the religious community, requirements of the national legislation and the international legal documents which Azerbaijan is a party to, in the field of freedom of religion supported by our country, the necessity of proper functioning and respect for the law of all religious confessions operating in the country was highlighted.

During monitoring in both penitentiary facilities and TDPs close attention was paid to the conditions created for the convicts and detainees to worship. Correction of the convicts by the moral approach and with this purpose invitation of religious figures to those facilities would be appropriate.

In the meetings with the representatives of international organizations in the Office the issues like religious tolerance and ensuring the freedom of conscience were discussed, comprehensive information was provided about the events held with participation of the representatives of different religious confessions at free and equal environment created here for ensuring the freedom of faith.

The steps taken to protect national-moral and religious values in Azerbaijan are a strong factor in regulating relations between people belonging to different religious confessions, as well as to ethnic groups, promoting friendship and solidarity among people and in ensuring their rights and freedoms effectively.

*Thus, it is purposeful to promote inter religious and intercultural cooperation, peace dialogue, by involving the representatives of the State Committee for Work with Religious Associations and other relevant government agencies, civil society institutions, religious communities, national cultural centers and ethnic minorities, and to operate as a network for promoting tolerance policy of the country in the world.*

This is a reality that tolerance in Azerbaijan is not only broad-mindedness, but also the cooperation of all nations and religions, regardless of their ethnicity or religion.

The Commissioner made proposals on development of intercultural dialogue, and inter-religious cooperation, holding awareness raising events in education facilities by involving scholars of theology for fostering religious tolerance in children and youth, development of inter-civilizations and inter-nations cooperation and inter-religious dialogue contributing to restoration of peace, preparation of different publication on this topic, involvement of mass-media to religious enlightenment work, promotion of upbringing in the spirit of respect for the freedom of conscience and strengthening religious enlightening work, promoting the tolerance policy of the country in the world.

***Due process of law.*** Increasing the effectiveness of the judicial system, expanding transparency and publicity, the application of modern information and communication technologies and electronic courts were continued, access to justice and to courts was simplified, electronic payment of court fees, audio-video recording of processes, electronic document circulation, including the possibility to obtain comprehensive information on the processes and to file claims in electronic form were ensured.

The judges' selection procedure for its transparency and objectivity was even assessed as a sample for other countries.

Using innovative approaches, improving legislation, increasing transparency, expanding public participation and eliminating existing shortcomings assume great importance in raising the effectiveness of the justice.

Involvement of 126 candidates for judges succeeded in the selection process within the framework of modernization and upgrading of the judicial system by the Judicial-Legal Council to one year's theoretical and practical course at the Justice Academy is the result of application of a transparent selection procedure.

Along with the achievements, serious attention was paid to existing problems in court proceedings, taking into account shortcomings and deficiencies that causing justified dissatisfaction of citizens, in 2017, the powers of 20 judges of the courts of Appeal and first instance, including of the 7 chairman of the court were terminated, 6 chief of courts and 8 judges of the Courts of Appeal were demoted.

Cooperation between the Commissioner and the Constitutional Court were improved, mutual relations and exchange of experience in the field of human rights and freedoms were of great importance. Thus, the decisions made by the Plenum of the Constitutional Court on the basis of the Commissioner's inquiries were of theoretical or practical significance and were important in the protection of human rights and freedoms, as well as in the proper understanding and application of laws.

1.131 applications about due process were received in 2017. The applications handled within the framework of the Commissioner's competences, were mainly about failure to notify the parties about the time and place of court hearings, failure or delay to give the copies of the judicial decisions, technical mistakes in court decisions, failure to inform the parties about sending the appeal and cassation appeals by relevance, bureaucracy in courts, failure to pass the court decisions to execution on time, failure of judges to control the execution of court decisions.

Particularly, it should be noted that the courts' response to requests within the prescribed period by law, as well as the timely execution of the duties of the courts under procedural legislation, reduce the complaints.

Sometimes failure to send the court decision to the parties on time violates the right of a person to appeal to the higher instance court.

Sometimes failure of courts to give the relevant information about the proceedings to the citizen on time led to bureaucracy and justified dissatisfaction; measures were taken on such appeals.

Translation of the decisions of the European Court on Human Rights into the Azerbaijani languages by the Ministry of Justice, and their dissemination among relevant

bodies, also the creation of category “Case Laws of the European Court of Human Rights” in the web-site of the Academy of Justice are of great importance.

Strict observance of the principles of justice and rule of law during decision making by the courts, attaching great attention to citizen-official relations, expanding public control and publicizing the results of the courts, studying and applying the case laws of the European Court of Human Rights by judges, enhancing professionalism, strengthening employment and execution discipline, approach to citizen’s requests with high sensitivity and care, prevention of corruption offences and rights of citizens to due law should be ensured effectively.

***One of the components of the right to due process of law is the execution of the court decisions.*** In 2017 the Commissioner received 1,429 applications on the execution of the court decisions and 472 on alimony requests.

Those applications reflected the cases of non-execution of the court decisions, or remaining of the court decision non-executed for a long time, negligence and procrastination during the execution of the case, breach of ethical conduct in relation to citizens by executive officials. This is noteworthy that according to the relevant orders of the Ministry of Justice, 5 persons were dismissed, considering the serious shortcomings found in the activities of a number of executive bodies.

As a result of the investigation of complaints, though in some cases, full or partial repayment of debts on alimony was ensured, the execution files on such decisions continue to increase; non-payment of debt as well as alimony on time, avoiding or delay of payment is of particular concern.

Due to absence of the debtor’s ability to work, unemployment, the absence of any property or other income that may be demanded, the lack or the small amount of retirement pension (the benefit), treatment of severe illness for compulsory or general reasons in a hospital, the penalty in the penitentiary, the lack of housing, avoiding paying off debts, hiding, leaving the country’s borders and small amount of pensions or benefits of persons with disabilities, the alimony cannot be paid.

The decisions made on administrative warning, forced bringing, penalty, administrative arrest temporary restriction of the right to leave the country in respect of debtors, even the cases of declaration of intergovernmental search about them, bringing to the criminal responsibility, or appeals to competent bodies of countries where they temporarily live or resided remained unsolved.

In many cases, alimony payment was restored in the investigation process conducted upon the complaint of an applicant to the Commissioner, but after 2-3 months the payment was terminated, which led to repeated complaints, and different actions requiring time and resources.

The penalty imposed by the court in relation to a person who doesn’t pay or unable to pay debts also make the situation even worse. Sometimes it is unclear what logic is the basis for such decisions, given that the amount of the penalty is sufficient to cover a few months of debts. Administrative arrests and isolation from society are also not effective in addressing the problem. Thus, the opportunities of the employment agencies should be widely used to support the payment of alimony by unemployed borrowers, and employment of debtors should be provided primarily.

This is important that the competent authorities directly intervene in the issue to address these problems, as well as to ensure the rights of single mothers and children.

The current situation, as well as the increase in the number of unmarried or incomplete families, divorces and neglected children, shows that the suggestion of creating “Alimony Fund”, which is reflected in the Commission’s annual reports and appeals to related institutions, is inevitable.

Ensuring the execution of court decisions on withdrawal of IDPs from apartments which are in private ownership of other persons and have already been warranted as well as or the purpose of the proper use of social facilities their transfer to other apartments should be accelerated.

As a result of the intervention of the Commissioner, court decisions on a number of other claims were also provided, while non-execution or delay in execution of decisions by some state agencies involved as debtors led to citizens’ justified dissatisfaction.

It is important to continue measures to increase the professionalism and responsibility of executive officers in order to execute the decisions of the court in a time and manner as prescribed by law, follow the rules of conduct and in relation to citizens set out in the disciplinary proceedings and with the citizens, and to prevent procrastination.

***The right to legal aid.*** The importance of quality legal aid, as well as the professional, humane and honest advocacy institute is undeniable. It is necessary to ensure accessibility of specialized legal aid to the population as a part of the legal reforms in our country. Nevertheless, the lack of a sufficient number of lawyers does not allow receiving quality legal aid or ensuring the right to a fair trial.

Though the issue of increasing the number of lawyers and taking measures to increase the efficiency of legal aid rendered to the population in the regions was recommended to the Bar Association according to the Order of January 19, 2006, of the country President on Application of the Law “Modernization of the judicial system in the Republic of Azerbaijan and amendments and additions to some legislative acts of the Republic of Azerbaijan”, accessibility and effective use of lawyer services in our country has not been provided.

Ensuring the right of persons without financial means to receive legal aid serves to ensuring a fair trial.

Article 1 of the Cabinet of Ministers Resolution No. 31 of February 1, 2001, on the amount of money to be paid to defenders, interpreters, specialists and experts says that in the cases covered in Articles 193.2 and 193.4 of the Criminal Procedure Code, the fee of legal aid to be paid to defender was set 2 manats per working hour.

Taking into account the above mentioned, the Commissioner once again proposes to increase the amount indicated in the relevant decision of the Cabinet of Ministers in order to increase the efficiency of legal aid.

In the reviewed period received applications reflected cases when some lawyers had irresponsible attitude to their profession, even when they were paid for service they were indifferent, negligent and lack of responsibility to the protection of the person to whom legal aid was provided, worked for or passed information to the other side, was in the role of mediator rather than defender in the court which are not only inadmissible but also is a

spot on the name of advocacy along with violation of the right of a person enjoying the right to receive legal aid.

This is one of the reasons that the attitude towards lawyers who are important and full-fledged participant of inquiry, investigation or the process by law enforcement bodies or judicial power has not been formed yet.

It is necessary to provide legal aid to victims of violence, to work out and apply appropriate legal mechanisms in this area.

In addition to the abovementioned, it would be purposeful to allocate funds for the establishment of legal consultation services providing regular service at the expense of the state budget in the regions considering the resources of people in need from law-income families. The solution of this issue would lead to ensuring human rights, preventing violations of law and official arbitrariness.

There is a great need for specialized lawyers, who are able to provide citizens with various types of legal aid like in other developed countries. Thus, along with the right to receive legal aid, there is a need to improve the work of the advocacy institute, which is of crucial importance in ensuring all other rights, and to adapt our country to the modern level of development.

### **Cooperation with the law-enforcement bodies in the field of protection of human rights**

*Cooperation with prosecutors' offices.* The activity of prosecutor's offices that take consistent measures to effectively organize the work in the field of protection of human and civil rights and freedoms, increase the effectiveness of procedural guidelines for primary investigation, the fight against crime and the protection of public accusations is being improved under the guidance of the Prosecutor General's Office of the Republic of Azerbaijan.

Consistence measures were taken by the Prosecutor General's Office for more effective ensuring human rights and freedoms during criminal proceedings, increasing the effectiveness of criminal prosecution activities, realization of the rights and legitimate interests, including the rights of freedom and inviolability, as well as the right to a fair trial of the participants of the criminal proceedings in accordance with the requirements of the European Convention on the Protection of Human Rights and Fundamental Freedoms.

Measures aimed at respective approach to human rights and freedoms a habit in workers hired by prosecutor office, learning these rights by them in detail and in-depth, fulfillment of service duties at a required level, as well as inclusion of tasks consisting of international convention which our country is a party to and case laws of European Court of Human Rights into the test bank, which is designed to test theoretical knowledge and professional level of employees and conduction of exam is noteworthy.

Moreover, according to service investigations conducted by Republic Military Prosecutor's Office 27 employees were brought to disciplinary responsibility due to the deficiencies and shortcomings in their performances. Besides this, as a result of service investigations conducted by the Republican Military Prosecutor, 13 employees were brought to disciplinary responsibility due to delinquencies and shortcomings in their work.

The Commissioner received 510 applications about the activities of the prosecutor offices in 2017. Most of the applications were investigated in efficient cooperation with Prosecutor General's Office; necessary measures were taken for restoration of violated rights.

Upon the complaints about the biased inquiry and investigation particularly in police bodies, necessary investigation was conducted after the Commissioner's motions to the Prosecutor General's Office, in cases when deficiencies were found, as well as for the comprehensive and objective investigation of issues in the citizens' appeals, the relevant decisions were cancelled if necessary; or were returned to the investigation or inquiry agencies by providing operational tasks and instructions.

A number of complaints were examined by requiring a relevant criminal case, after considering the circumstances of the case, as well as the estimation of evidence; the criminal proceedings were interpreted from one Article to another of the Criminal Code. As a result of investigation on some appeals, the relevance of the interrogation was changed.

It should be noted that measures were taken for increasing the effectiveness of procedural guidance of the prosecutor over the preliminary investigation, strengthening control over inquiry and investigation and improving the work in this regard.

Enhancing the Commissioner's cooperation with the Prosecutor's Offices to ensure the effective protection of human rights and freedoms, ultimately, serves to protect the legitimate interests of citizens.

***Cooperation with internal affairs bodies.*** The cooperation with the Ministry of Internal Affairs exercising their powers for ensuring the public order and stability in the country, preventing and detecting crimes as prescribed by law, was effective in protection of human rights and freedoms.

Within the framework of meetings and receptions, as well as of public awareness events held, visits paid to TDPs, in cities and regions of the country, meetings were organized with the police staff, awareness raising work was carried out, the importance of attention to be paid to ensuring human rights and freedoms and inadmissibility of non-ethical behavior and rudeness was highlighted.

Discussions during the event on "State Policy in Ensuring Human Rights in the Republic of Azerbaijan", the lectures on "Human Rights Protection Mechanisms" for trainees, in cooperation with the Police Academy of the Ministry of Internal Affairs assume high importance. During the events it was pointed out that a new decree of the February 10, 2017 on human rights enforcement was a new stage in the reform process; provisions relating to existing practices and challenges in the field of criminal prosecution and humanization of the penal enforcement policy, as well as the use of the experience of isolation of a person as the last necessity were also highlighted.

The Commissioner received 2.481 applications regarding the internal affairs bodies in 2017. These applications were about conducting biased, partial and delayed preliminary investigation and inquest in investigation and inquiry units of police, failure to provide the copy of the adopted procedural decision, failure to answer the application, ineffectiveness of applications, bureaucracy and rude treatment by police staff. The Internal Affairs bodies were sent relevant inquiries and investigation was conducted regarding these applications.

In the course of investigations held upon the Commissioner motions, disciplinary penalties were imposed on police staff who violated the law, took actions that harm the reputation of the police, failed to follow the rules of ethical behavior, also violated the requirements of “Code of Ethical Behavior of Law Enforcement Bodies’ employees”, demonstrated disrespect to the citizens and exceeded authority, including employees violating ethical behaviors in relation to drivers and having shortcoming in their performances were sometimes subjected to disciplinary actions, measures were taken for improvement of the work in the mentioned field.

According to the Ministry of Internal Affairs in 2017 important issues such as strict observance of law and ensuring human rights and freedoms in the process of bringing the to the police, detention and in the implementation of the proceedings were paid close attention. According to 312 revealed facts (90 facts of rude treatment, 88 facts of arbitrary arrest and detention, 74 facts of violation of the rights of drivers, 11 facts of groundless criminal charges, 4 facts of violations of the rights of foreigners and stateless persons, and 45 fact of other cases), 414 employees were brought to the disciplinary responsibility. 26 out of them were dismissed from the internal affairs bodies, 40 staff members were dismissed from their positions, 348 staff members were subjected to other reprimand measures.

In some cases, the decisions by a relevant officer of police on groundless refusal to initiate a criminal case, termination of criminal case or the suspension of the proceedings were identified.

In the course of investigation upon the Commissioner’s motions to the prosecutors’ bodies, in some cases it was found that decisions were made on rejection to file criminal case without full, thorough and objective examination of the collected materials, which were terminated by a relevant prosecutor’s office and sent to the investigative body for further investigation.

The investigator and the interrogator should examine the application and other information received on the committed or planned offences, and the criminal case should be commenced when there are sufficient grounds and reasons. In a number of cases, after the Ombudsman’s appeal to the prosecutor's office, the material was collected and sent to the investigative body for examination and discussion and as a result the criminal case was initiated.

During the appeal of the Commissioner to prosecutor’s offices for the purpose of verifying the circumstances stated in the complaints, sometimes due to the inadequate execution of the relevant decisions made by the investigator during the additional investigation in the course of examining the reasonableness of the decision, the decision to suspend the proceedings was terminated and returned again to the investigation.

Sometimes in the course of investigations of complaints, the decisions on suspension of criminal proceedings were annulled, in other cases the actions of the accused were interpreted with other articles of the Criminal Code.

In the appeals addressed to the Commissioner in connection with traffic safety, citizen noted they had been subjected to insult and ill-treatment by employees of the road patrol service, had been illegally detained, demanded money for returning their documents and for not applying the penalty, subjected to groundless fines and a protocol of



administrative violation had been compiled, their appeals had not been answered, the road traffic accident was investigated in a biased manner.

Relevant investigations were carried out and appropriate measures were taken by the Commissioner on the complaints, disciplinary measures were imposed on employees of the State Traffic Police who violated the ethical conduct towards drivers and made deficiencies; measures were taken to improve the work in existing field.

Analysis of applications requires influential measures to prevent some of the existing problems in this field.

It is recommended to conduct trainings for the police staff based on ethic behavioral rules, to take planned and complex measures for elimination of violations in traffic security and decreasing traffic accidents.

## **1.2. Protection of economic, social and cultural rights**

***Right to labour.*** Measures aimed at protecting interests of actors of labour relations were continued.

Actions taken for effective ensuring labour rights contributed to improvement of individual and public welfare of citizens and prevention of violations in this field.

In her previous annual reports, the Commissioner proposed to work out and apply control mechanism over actions on protection of labour of persons working in a place which gives additional leave based on the working conditions and the nature of the labour function, also in harmful and hard work, including the construction sector. From this point of view, decision on taking measures taken for prevention of unofficial labour relations in construction in Baku as a pilot project according to the Order No.1349 of the President of the Republic of Azerbaijan on April 28, 2017 “On measures to strengthen control over the prevention of unofficial labour relations in construction” is important for protection of labour and other related rights of citizens. In order to implement a number of tasks, including determining persons hired without a labour contract and conduct monitoring for prevention of unofficial labour relations, Labour Relations Monitoring Center of State Agency for Citizens Service and Social Innovations under the President of the Republic of Azerbaijan was set up, which is of great importance.

896 applications were received by the Commissioner about the violation of the right to labour in 2017. Those applications were about dismissal or forcing to quit by violating law, non-payment of a monthly salary or last calculation, refusing to compensate for injuries in the workplace and restore to the workplace, failure to comply with the requirements of legislation during the signature and termination of the labour contract, non-payment for business trips, failure to provide with service record book and copy of the order during the termination of an employment.

An employment contract can be terminated only on the grounds and in the manner established by the Labour Code. On the other hand, in cases of termination of the employment contract, the employer's final payment (monetary compensation for unused labour leave, salary to be paid to the employee and other payments) must be paid to the employee on the last working day.

As a result of measures taken by the Commissioner, including conducted investigations, in several cases the violated rights of employees were restored.

Based on the analysis of the appeals, the Commissioner recommends reducing the social payment percentage paid to employees by the employer (enterprises) in order to prevent hiring to job without a work contract and unofficial employment and improving the relevant legislation in order to apply benefits through lump-sum payments.

Failure to pay salaries to workers by private enterprises which have losen their solvency is one of the problems. Thus, there is a need to establish an appropriate security system and to develop necessary mechanisms in this regard with the purpose of providing payments to employees in the absence of the entity's solvency.

The Commissioner once more recommends gradually ratifying Article 2 (*the right to just conditions of work*), Article 3 (*the right to safe and healthy working conditions*), Article 10 (*the right to appropriate facilities for vocational training*), Article 13 (*the right to social and medical assistance*), Article 15 (*persons with disabilities have the right to independence, social integration and participation in the life of the community*), Article 17 (*children and young persons have the right to appropriate social, legal and economic protection*), Article 19 (*migrant workers who are nationals of a Party and their families have the right to protection and assistance in the territory of any other Party*), Article 23 (*every elderly person has the right to social protection*), Article 30 (*the right to protection against poverty and social exclusion*) and Article 31 (*the right to housing*) of European Social Charter (Revised) of 3 May, 1996, ratified by our country with Relevant Statements on January 6, 2004.

According to Article 10-1.2 of the Labour Code, the duration of employment of the employee at the age of 65 years of the state-financed entity may be prolonged by the head of the relevant state body no more than a year each time.

However, this period sometimes causes subjective attitudes, unreasonable demands and abuses by employers. Therefore, it would be reasonable to set this period at least 2 years and make changes to the relevant code.

Non compliance of labour conditions and labour organization with the determined requirements has resulted in occupational diseases, labour injury and human deaths. The number of injuries in the workplace does not decrease as some employers do not care about the rules of occupational safety. Thus, in 2017, 11 out of 151 accidents associated with production happened as a group, resulting in 61 deaths and 121 injuries of varying severity.

In many cases, non-observance of the requirements of law by the managers, especially of the construction companies, does not allow employees to use some of guarantees. 17 people died and 24 were injured during 36 accidents in the construction sector.

These abovementioned give us ground to say that for effective ensuring the right of employees to work in a safe and healthy environment, there is a need for the continuous improvement of the system of technical safety, sanitation, hygiene, treatment and preventive measures envisaged in the legislation, collective agreements and treaties, as well as in labour contracts.

The state has taken serious measures for reduction of unemployment and ensuring employment of the population, and it is being currently continued. The steady growth rate observed in the dynamics of macroeconomic indicators in the country has created favorable conditions for the social development of the economy, the improvement of the living standards of the population, the creation of new jobs and employment developing.

As a result of ensuring employment and reduction of unemployment 221,000 new jobs including 177,000 permanent ones were opened in 2017.

Official statistics on the number of employed population are based on information provided by legal and economic entities registered in accordance with the legislation. However, information about citizens working in many small and medium-sized businesses, including business and commercial facilities, especially in the service sector and in seasonal jobs, is not presented as it is. This is due to the fact that these employees are recruited without a labour contract, contrary to labour legislation.

As a result, on the one hand, employers avoid paying taxes and payments to the state social protection fund, on the other hand labour and social security rights of employees doing actual work are violated.

The practice of involving citizens without formal employment relationships, means without employment contracts and service record book has spread. The reason for this is that people don't know their rights or avoid demanding their rights in order not to lose their jobs.

Authorized state bodies, particularly, relevant services of the Ministry of Labour and Social Protection of Population should improve their work and should be responsible with the purpose of fulfillment of their responsibilities in order to bring to responsibility the employees avoided to pay taxes and payments to state social security fund, to prevent violation of the right to labour and social security of workers who actually work without contract, also to determine the real number of jobs.

In this way, the avoidance of large amounts of payments to the state budget will be prevented, the right to social security of citizens will be ensured sufficiently and reliably by providing transparent working conditions and determining official wages.

The analysis of applications shows that one of the reasons people apply to employment agencies is only to follow legal procedures, and to receive targeted social aid and in some cases to submit certificates to relevant bodies. The reason why jobseekers don't apply to employment agencies is the low salary in comparison with the offered job.

Particular attention was paid to appeals related to assistance with employment, taking into consideration marital status and financial situation; in several cases employment of citizens was ensured.

In general, the measures taken for effective ensuring labour rights, including application of new economic mechanisms and technologies, creation of techno and agro parks, modern industrial areas, as well as agriculture facilities, enhancing family-farms economies serve to development of individual and social welfare of citizens, also elimination of violations in this regard.

***Right to social security.*** Ongoing social and economic reforms including projects in social sphere were aimed at improving welfare of population and reduction of poverty.

Measures are being taken for strengthening social security of groups from low-income groups of population and in need of care.

To 1 January, 2018, 1 million 322 thousand 879 people in the country or 13.4% of the country's population receive a labour pension. According to the relevant decree of the President of the country, the increase of the insurance portion of all types of labour

pensions, as well as the indexation of the pension capital amounts accumulated in the individual accounts' insurance segment were also implemented.

In the reviewed period the Commissioner urged relevant state bodies for legalizing the labour of each person and involving in payment of social insurance payments considering that persons who had reached their retirement age and applied for a retirement benefit had been denied a pension because of the failure to pay social security payments by the entity they are employed, official and unofficial salary schedules had been used, the future social status of people working in different fields and professions had not been guaranteed by law, as a result of failure to make formal spent labour in the manner prescribed by law.

The mentioned recommendations of the Commissioner were supported by the relevant state bodies, instructions were given to competent bodies for strengthening fight against tax evasion and taking measures on control over hiring individuals without a labour agreement. In this regard, with a view to further strengthening social protection of workers in the country, formalizing employer-employee relationships, improving control mechanisms for payroll management and other tasks, establishment of the Commission on Regulation and Coordination of Labour Relations by the relevant order of the President of the country is praiseworthy.

The Commissioner participated in discussions and drafting of state budget for the each next year, made proposals and recommendations on solution of social problems of different groups of population from the perspective of effective ensuring and protecting human rights.

A number of proposals of the Commissioner for further improving social situation of population are being gradually considered. The Law of the Republic of Azerbaijan "On Social Allowances", which regulates the legal basis for the assignment and provision of social benefits to the socially vulnerable groups, needs to be constantly improved in terms of protecting the rights of the population.

1.069 applications were received by the Commissioner on violation of the right to social security in 2017. These applications reflected the cases like re-calculation of pensions, appointment of social allowances and targeted social aid, defining of disability.

A number of measures were taken by the Commissioner for investigation and solution of the appeals, in many cases, the elimination of deficiencies identified in this area and the restoration of violated rights were achieved.

Some complaints reflected cases of incorrect calculation of the pension, including non-consideration of a certain period of employment while calculating the pensions, non-calculation of additions to labour pension, as well as problems with other aspects of this right. After the Commissioner intervened, the issues were solved.

Appeals from citizens and lonely elderly without accommodation were approached with special sensitivity; measures were taken for placement of elderly people in social service facility for those who have reached retirement age and in relevant shelters.

The appeals of graduates deprived of parental care from state-run children's institutions were carefully monitored and measures were taken to address their problems. In 2017, 209 people were living in "Graduate House" Social facility under the State Social Protection Fund.

For ensuring admission of persons who graduated till the Statue of “Graduate’s House” Social Facility entered into force, it would be appropriate to make relevant changes to the Statue of “Graduate’s House” Social Facility for graduates deprived of parental care of state owned children’s houses under the State Social Protection Fund at the Ministry of Labour and Social Protection of Population adopted by Resolution No.320 of 7 October, 2015 of the Cabinet of Ministers.

As of January 1, 2018, the average monthly amount of targeted social aid to a family was 148.89 manats. In order to develop non-oil sector and entrepreneurial activity, create new jobs, and provide self-employment, 1,281 families were involved in the relevant program in 2017, 1,152 of them were given assets.

In 2017, 684 appeals on targeted state social aid were received. Investigations were conducted on these appeals and in cases violations were found, their restoration were achieved.

Provision of assets to families involved in relevant programs for development of non-oil sector, entrepreneurial activity and creation of new jobs is praiseworthy.

Low-income families below the total need criterion determined for each family member because of lower average monthly income for the last 12 months prior to applying as determined by the legislation, also due to registration as the unemployed at the State Employment Service under the Ministry of Labour and Social Protection of Population, have the right to receive social assistance in the amount of difference between the need criterion and the average monthly income. Thus, while citizens apply employment agencies to be registered as unemployed, they are offered firstly such jobs, to which in many cases citizens have to say no because of low salaries.

As a result, persons who are not registered as unemployed became also deprived of targeted state social aid.

It is clear from the analyzes that jobs offered to citizens by the employment agencies often have less wages, and in rural areas they are also far from home. In such cases, citizens lose the right to receive targeted social aid by refusing the offer.

Apparently, this requirement of the legislation was, in fact, more aimed at the formal refusal rather than social security of a citizen. Therefore, in order the vast majority of the low-income population could benefit from this aid, it is necessary to take measures, review and considerably improve the legislation.

Along with the above mentioned, monitoring was conducted on complaints regarding the ineffectiveness of appeals of some citizens to relevant bodies for receiving targeted social aid, consequently their families were provided with targeted social aid for two years as prescribed by law.

To support the creation of day-care services and rehabilitation centers for children and lonely elderly people in difficult living conditions, it is necessary to allocate finances, to take measures for ensuring that community-based social rehabilitation services cover more rayons, to extend their scope and ensure sustainability.

Cooperation with CSOs was continued along with governmental agencies to develop theoretical and practical aspects of the right to social security.

The study of the situation of children with disabilities, the analysis and research conducted to address their existing problems revealed that, in many cases, artificial barriers were created in providing references to medical-social expert commissions for defining the

limitations of children's health in appropriate child care facilities. Though the references were provided by children's treatment and prevention facilities for the purpose of determining the health-related capacity limitation of children under the age of 18 having a serious health problem without a 6-month period from the date of applying, in most cases medical-social expert commissions (MSECs) refused defining limitations of health capacities.

The reason for this is shown as the duration of the disease is less than 6 months and is justified with the requirements of the "Rules of Submission of References to the Medical and Social Expertise Examination" approved by the Decision No.140 of the Cabinet of Ministers of March 30, 2016.

As one of the grounds for sending reference to MSEC is the provision "*the person has been treated with the same disease continuously or intermittently for more than 6 months during the last 12 months (10 months for tuberculosis patients)*" and *non-restoration of the impaired functions of the organisms after treatment completed, limitation of the person's life activity as a result of mental and physical defects*" in the Paragraph 1.3.1 of these Rules apply only to persons over the age 18, it is completely unfounded to apply it to children with limited health capacities under the age 18. Therefore, it is necessary to resolve this issue, which causes severe dissatisfaction among parents.

***Protection of the Right to health.*** More than 600 new medical facilities have been built or repaired during recent years, supplied with modern medical equipment, clinics and centers where complex operations are being carried out, including the "Heart Center" have been put into operation.

Upon the instructions of the country President who cares about the health of the population, for a number of years the Ministry of Health conducts a massive medical check up of the population every year.

As the President said, "*... A healthy nation, a healthy society, of course, is crucial for the development of each country!*"

The state programs adopted on priority areas of health have particular importance in protecting the health of the population and improving the quality of medical services. These reforms are aimed at the full reorganization of the healthcare system in the country, strengthening the potential of human resources and training of qualified specialists.

In 2017 the Commissioner received 536 applications on protection of the right to health. Along with treatment and examination at state expense, assistance in provision with medications, the applications also reflected other aspects of protection of the right to health. Applicants mostly were from law-income families. Each application was promptly responded, investigations were carried out and in most cases they were solved in cooperation with the Ministry of Health.

Following the Ombudsman's appeal to the Ministry of Health regarding applications of citizens for the assistance in check up and treatment at the state expenses due to the lack of financial resources, relevant health care bodies, including leading and specialized clinics, as well as Baku City Health Department, city healthcare departments and central district hospitals were given appropriate instructions and measures were taken for the examination and treatment of these patients.

Hemodialysis treatment of people suffering from chronic renal (kidney) failure, one of the most challenging problems healthcare faces, has already been resolved. More than 3,400 patients are provided with free of charge hemodialysis sessions and necessary medications at 43 centers in cities and districts of the country.

People with diabetes are provided with state-funded insulin and other sugar-reducing medications, as well as glucometrics. However, the lack of proper medications can not meet the needs of persons who are registered at the dispensary.

Documents about a number of patients were sent to the Commission on Sending Citizens to Outside of the Republic for Treatment at the Ministry of Health in order to give relevant feedback, and 44 persons with disabilities were sent for treatment.

Considering the appeals of some citizens, their medical records were submitted to relevant commissions for the treatment of diseases, including urology, cardiovascular and hepatitis.

It is necessary to take urgent measures for prevention of cases that negatively affects human thinking and healthy lifestyle, damages teenagers' and youth's brain, are addictive, affects them morally and psychologically, leads to emerging and spread of many serious diseases and leads to the disintegration of families, moreover for strengthening the control in this field by conducting regular rather than campaign character monitoring in pharmacies and the fight against revealed cases.

There is a need to expand the list of medicines determined for appropriate diseases, as well as including the addition of rare co-occurring diseases into the to the "List of Free of Charge Drug Prescriptions" approved by the Ministry of Health and reflected in the 2<sup>nd</sup> paragraph of the Decision No.38 of the Cabinet of Ministers dated 7 March, 2015. Moreover, reconstruction and capital repair of psychiatrists' facilities, their provision with appropriate equipment and medications, also strengthening social security of persons working there are also necessary.

Electronic references sent by medical institutions to MSECs on determining the degree of disability are not fully filled out in the manner prescribed by the legislation, which results in the refusal of the relevant references by those commissions.

Investigations were also conducted on the appeals received by the Commissioner regarding the negligence of doctors. According to official information from the Ministry of Health, in general, 66 healthcare workers were brought to disciplinary responsibility in 2017.

Some applications reflected cases of serious violations in the treatment and the examination at private medical facilities, high prices and ineffectiveness of the treatment.

The adoption of new legislative acts to ensure the serious approach to the doctor-patient relations, as well as the rights of patients suffering from a doctor's treatment also the transition to a contractual system that identifies mutual responsibilities in the treatment process is crucial.

As a result of measures taken in the field of public health policy, medical care for hemophilia and thalassemia patients was improved, extension of their lives and improvement of the quality of life was achieved, disability and deaths from illnesses decreased, protection of these persons' rights and improvement of their social status were kept in the spotlight.

Implementation of measures taken by the state has enabled these patients to fully meet the needs of donor blood and iron-decreasing medications and improve their health.

As a result of the establishment of the Republican Thalassemia Center initiated by Mehriban Aliyeva, the First Vice President of the Republic of Azerbaijan, President of the Heydar Aliyev Foundation the treatment of these patients at a modern level became possible. Thalassemia mortality rate dropped five times in the last 10 years due to the organization of treatment of thalassemia patients at the center and consequently ensuring normal life.

It is important to educate people about blood diseases, as well as thalassemia, hemophilia, investigate the causes of the illness, detect those who suffer from this disease earlier and ensure their treatment. As a result of the Commissioner's cooperation with governmental agencies and NGOs, as well as her recommendations and proposals addressed to the relevant bodies, a number of problems of people suffering from blood diseases have been solved.

In order to conduct DNA testing in Azerbaijan for ensuring early diagnosis and treatment of blood diseases, there is a need to establish Medical-Genetic Laboratory.

For providing children with autism syndrome, with preschool, elementary and secondary education this is important to create specialized rehabilitation development and training centers considering the lack of the relevant educational institutions, modern rehabilitation and development centers, skilled and professional staff which causes serious challenges in organization of training, education and rehabilitation work. Promotion of rules of behavior with such children and learning international experience with regard to their rehabilitation is crucial in solution of their not only medical, but also social and psychological problems.

Considering that the promotion of healthy lifestyles in the current economic situation is a top priority, the representatives of different agencies, organizations, numerous young people and secondary school children participated in awareness raising events held under the mottos "Right to health" "Life without Drugs" within the framework of Human Rights Month-Long Campaign conducted at the initiative of the Commissioner each year.

The Commissioner proposed to strengthen measures to ensure food security in the context of issues such as health protection. From this point of view, the establishment of the Food Safety Agency will increase the hopes for ensuring food security, providing citizens with safe and of high quality food products, and strengthening control over the safety of food products.

Considering the invaluable importance of drinking water for human health, attention to conducting regular monitoring of water purifying installations should also be increased.

***The right to education.*** Reforms in the education system, structural changes meeting modern challenges, preparation and implementation of new projects in this area have contributed to the development of education in recent years.

The measures based on "The State Strategy for the Development of Education in the Republic of Azerbaijan" are displaying themselves in establishing an advanced education-based infrastructure of knowledge and skills for talented teachers and education managers that has a leading position among world countries for quality outcomes and coverage in our country.



The State Strategy for the Development of Education in the Republic of Azerbaijan is reflected in the creation of an advanced infrastructure-based education system, talented teachers and education managers, who have leading positions in the world in terms of quality outcomes and coverage.

Developing curricula for all levels of education, creation of inclusive training methodology, ensuring the quality of education, establishment of new information and reporting systems for ensuring and management of quality education, creation of educational centers, consultation service centers, establishment of modernized vocational training centers and complexes, building campuses, improving education financing mechanisms, and supporting paid education services promotes the development of education at all stages.

The precise definition of the priorities required for the development of education, consideration of modern challenges in management of education facilities in all levels, application of electronic movement of students from one university to another, building the teaching process on a new basis, personnel selection and purification measures, including the recruitment and relocation of secondary school teachers from one place to other place, electronic identification of the candidates for the post of director of the school, improving the relationship between schools and parents, electronic admission to first-graders, introduction of a new assessment mechanism at all levels of education, the activity of “Sabah” (“Tomorrow”) Group, transforming knowledge into the core criteria at all levels, electronization of diplomas’ nostrification, preventing cases of corruption and bribery in such ways, expansion of use of information and communication technologies, application of innovations, decisive steps towards replacing quantity with quality, reconstruction of vocational education were among the most important innovations in the field of education.

346 appeals related to the right to education were received, appeals were sent to the Ministry of Education and related institutions, investigations were carried out, if necessary monitoring was carried out, and in case of violations their restoration was ensured.

It is important to establish a pre-school education system at a modern level, which should ensure the intellectual, physical and psychological development of children from the early age, the preparation to school, to explore the talent and abilities, moral upbringing, the sensitive approach to nature and the people. However, insufficient number of such facilities (kindergartens) causes part of preschool children to be out of preschool education and upbringing.

Examination of appeals in the field of pre-school education once again demonstrated that the number of child-friendly places in kindergartens should be adjusted to the number of pre-school children living in the area.

Sometimes local executive authorities didn’t properly assessed the need for pre-school education, instead of creating conditions for the involvement of preschool children by providing kindergartens with material and technical equipment and teaching aids, as well as qualified staff, they liquidate these institutions that are in great need.

The Commissioner considers it necessary to return preschool educational institutions to the subordination of the Ministry of Education, as mentioned in her previous annual reports.

During recent years, a number of important steps have been taken to harmonize the quality of general education with modern international standards, information and communication technologies have become widely used in educational institutions.

An important step in the current field was the increase by the relevant decree of the country President of the loads and salaries of teachers who work in state general education facilities and undergo diagnostic assessment of knowledge and skills.

According to the guidelines set by the Ministry of Education, consideration of the results of teachers' diagnostic assessment while distributing work load in schools will undoubtedly show itself in the quality of education in the future.

Complaints regarding the organization of training and education in the secondary schools, the failure of the school administration to perform its duties were examined, the revealed shortcomings and deficiencies were eliminated, the guilty persons were punished. On some complaints investigations were conducted on spot with participation of the administration of the school, teachers and parents, conflict parties were given consultations on their rights and duties, necessary explanatory work was carried out for solution of the problem and reconciliation was achieved.

The issues like violation in the process and rules of admission of children to the first grade, weak control over the class attendance and withdrawal of children with poor knowledge from schools cause concerns.

In general, the control over the education process should be strengthened, the quality of textbooks should be bettered, lessons and exam loads, as well as the number of summative assessment should be decreased, in order to reduce psychological tension of students, the responsibility for physical and moral violence against children should be intensified, and the activity of psychologists should be strengthened. There is great need in a regular monitoring of teacher-student relations.

Based on the results of the investigation conducted by the Commissioner, who pays close attention to the issue of organizing inclusive education, the lack of special- and general-purpose state, municipal and private educational institutions, specialized rehabilitation and development centers, qualified and professional staff for pre-school and secondary education of children with disabilities in the regions creates serious difficulties in the organization of training and rehabilitation work.

Considering the fact that avoiding children with limited functional capacities of school leads to limitation of rights to access to information, to apply, to participate in public management, there is a need to address existing problems in rehabilitation, inclusive education and integration of these children.

The Heydar Aliyev Foundation has undertaken efforts to strengthen the material-technical base and educational-social base of facilities where children with limited health capacities, deprived of parental care, orphan children study; boarding schools and special schools for children with limited health capacities were repaired or reconstructed and supplied with inventory and equipment that meet modern requirements.

For ensuring integration of children with weak development due to autism syndrome, hearing impairment etc but with some rehabilitation potential into the society, it is important to involve them in a comprehensive rehabilitation and create conditions for inclusive education with other peers at general education institutions. The Commissioner proposed to establish rehabilitation facilities with various profile, surdologic and

logopaedic centers, inclusive education institutions for these children, train psychopedagogical and other employees to work there, conduct training and seminars for supporting inclusive education opportunities, take planned measures for enhancing their rehabilitation and inclusive education opportunities.

In this regard, with the aim of attracting children with disabilities to education (inclusive education) with other children, adoption of the “State Program on inclusive education for persons with disabilities in the Republic of Azerbaijan for 2018-2024” by the Decree of the President of the Republic of Azerbaijan dated December 14, 2017, is praiseworthy.

Appeals addressed to the Commissioner on various issues in the field of higher education were also approached with special sensitivity, necessary measures were taken.

Like previous years, in 2017/2018 academic year, the Presidential scholarships given to the number of students having the highest results on specialty groups in the admission exams to higher education institutions of the republic according to the relevant Presidential Decree, assumes great importance in promoting higher education.

Nevertheless, determination and reduction of the amount of fee for paid education in public higher education institutions taking into account the real situation of the population, including the most vulnerable layers of the population, as well as consideration of discounts on paying tuition fees to students from low-income families, can have an crucial impact on development of education and training of qualified professionals.

The Commissioner has prepared and submitted to the Ministry of Economy proposals on admission of students to Bachelor’s and Master’s degrees of universities on different specialties for the formation of the state order.

***The right to housing.*** In recent years, meeting citizens’ housing needs has become one of the priority directions of the state.

Prices in the housing market do not correspond to the capacities of the vast majority of people in need, especially for low-income families. The demand for high salaries by banks as a prerequisite for the issuance of mortgages does not correspond to the financial situation of low-income families in need of housing. The main principle of mortgage policy should be that people in greater need of social protection benefit from these funds.

In the previous annual reports, as well as in the appeals of to the competent authorities, the Commissioner made proposals on the application of mortgage loans, ensuring its accessibility for people, improvement terms of its issuing, harmonizing the maximum amount of mortgage loans given to citizens, both discounted and general, to the real demand of the housing market and increasing the initial payment.

Currently, the maximum amount of mortgages currently under privileged payment is 100,000, annual percentage 4%, maximum duration 30 years, minimum initial payment amount is 10% of total value, and in general payment it is 150,000, 8% and 15% respectively.

In the early years of her activity, the Commissioner proposed mortgage lending, as well as the possibility of construction of apartments, corresponding to the capacities of vulnerable populations, at affordable prices, as a viable option for provision of people with housing. Furthermore it was considered necessary to establish Social Housing Foundation as one of the main directions of provision with housing at the state level.

In this regard, as the first project of the State Agency for Housing Construction under the President, construction of “Yasamal Residential Complex” in the ecologically clean and favorable part of the city and the foundation of “Hovsan Residential Complex” are praiseworthy.

This would be purposeful to set the right to use a privileged mortgage loan for civil service providers, including those serving a particular type of civil service, for at least 5 or 7 years instead of 15 in the rules of issuing mortgage, including privileged mortgage, at the expense of the “Azerbaijan Mortgage Fund” Open Joint Stock Company.

The Commissioner once more draws the attention of competent governmental bodies to take measures for inventory of houses built both during the Soviet period and the early years of independence, as well as the ones were built unwarrantedly but not officially registered in various parts of Baku since the time the municipalities began to operate, the development of a legal mechanism for the solution of the problem of registration of rights on these buildings, as well as prevention of continuation of such construction in Baku and Absheron. The solution of the problem will end the difficulties of thousands of people suffering from the problem, and will enable them to effectively ensure some of their rights.

In order to address the issue of relocation of citizens residing in old and emergency condition apartments, the Commissioner noted that there was a great need for the preparation and implementation of the relevant state program in her previous annual reports and appeals to the competent state authorities. From this point of view, allocation of necessary funds at various times for the construction or major repair of new residential buildings in the shortest terms instead of buildings in an emergency condition in order to improve the housing and living conditions of numerous families in some urban and regional centers, according to relevant Orders of the country President is noteworthy.

The Commissioner recommends once more working out and accelerating the adoption process of Procedure for Registration of Citizens as the Need of Living Space reflected in the Housing Code.

In the village of Jabrayil rayon - Jojuq Marjanli liberated from the Armenian occupation by the Azerbaijani army in April 2016, as a result of the successful counter-attack military operation, according to the relevant decrees of the country President in the initial stage, 10 hectares of land were reconstructed and landscaped, 50 private houses, secondary school, mosque, electrical substation, hydro-meteorological station were built, gas, electricity, drinking water lines and highways were constructed, 100 private houses, kindergarten for 50 beds, administrative building, medical center and club center, post office and other necessary infrastructure facilities were built after safe living of people was ensured.

Attending the “Victory march”, dedicated to the anniversary of the April victory and held in Horadiz city of Fuzuli rayon, the Commissioner also visited the same village on the Day of State Flag, met with people, including teachers, students and parents in a village school, said the construction work in the village was a start of Great Repatriation (Great Return) Program which became an indicator of the hope that state flag would be flown in the occupied territories.

In 2017, the Commissioner received 587 appeals related to the right to housing. These applications reflected issues such as provision with housing, failure in replying by local executive bodies to the appeals related to construction of private houses, groundless

rejections and procrastination, restoration of registration for and turnover of housing, giving a new home instead of an apartment in an emergency condition, urging for support for elimination of damages as a result of natural disasters, allocation of land areas for construction of private houses, assistance for repair of living areas, providing assistance in covering damage to houses due to constructional works carried out nearby. As a result of the Ombudsman's intervention and appeals, some of these complaints were resolved.

Referring to the analysis of the appeals, the Commissioner considers that according to the relevant resolution of the Cabinet of Ministers in order to improve the living conditions of residents living in buildings in an emergency in the territory of Surakhani, Nasimi, Khatai, Narimanov, Nizami, Yasamal, Sabail, Pirallahi and Khazar districts of Baku, the rights of citizens shouldn't be violated, the requirements of the legislation should be strictly observed in their temporary settlement, in the process of known relocations in connection with the demolition of these buildings and reconstruction of new ones.

The seizure of property, houses and flats, as well as ordered apartments by IDPs in 1992-1998, resulted in violation of the rights of many citizens, and the problem still remains unsolved. Thus, for the execution of court rulings on the removal of IDPS from the occupied apartments, as well as for restoration of the violated rights of the owners of apartments it is necessary to move those IDPs to new buildings.

At the initiative of Mehriban Aliyeva, the First Vice-President of the Republic of Azerbaijan the foundation of a modern residential complex consisting of 1,026 apartments and 11 residential buildings for IDPs in Lokbatan settlement was laid, she participated in the ceremony of presenting new apartments provided with the necessary equipment in the Masazir settlement and got acquainted with the new building built in Ramana settlement.

Sale of the apartment in modern multi-storey residential buildings built and put into operation or being built by some construction companies, at least, to two or three persons in Baku caused violation of the rights of numerous families. The Commissioner appealed to the law enforcement agencies to investigate the cases reflected in these complaints and take the necessary measures.

Some appeals were about determination of utility norms by housing and construction cooperatives, contrary to the requirements of the Tariff (price) Council, non-observance of the terms of the agreement signed with residents and their deception.

It is expedient to conduct joint monitoring of the Ministries of Economy and Taxes, as well as Anti-Corruption General Directorate with the Prosecutor General in housing and construction cooperatives and take action within the framework of the Law for revealing and prevention of violations.

For social security of persons who are in a difficult situation, remained homeless for various reasons, are wandering without a living place, and in need of urgent state assistance, there is need to expand the network of social shelters ensuring their temporary residence.

*Efficient service, as well as construction and landscaping work carried out by utility services are of great importance in ensuring the leisure and comfort of the population.* Major measures were taken to improve the living conditions of the population and to eliminate the problems that concern them. In many places, new automobile and neighborhood roads were constructed or repaired, communication infrastructure was reconstructed.

In addition to the abovementioned, 572 appeals were received by the Commissioner in connection with utilities, including natural gas, electricity, elevator, water supply and discharge, heating, domestic waste services, as well as transportation and postal services.

As a result of the Commissioner's efforts, a number of problems faced by people in the field of utility services were solved and the violated rights were restored.

Many modern multi-storey residential buildings are inhabited by residents, equipped with energy and water; gas lines are constructed in many buildings and counters are set, but not provided with gas yet. Solution of this problem, in accordance with Article 24.3 of the National Action Plan on Combating Corruption for 2012-2015, approved by the Presidential Decree of September 5, 2012, would enable ensuring the rights of numerous citizens.

***Business and Human Rights.*** The Commissioner continued cooperation with relevant state bodies, CSOs including Confederation of Trade Unions of Azerbaijan and National Confederation of Entrepreneurs (Employers) Organizations for elimination as well as prevent deficiencies and shortcomings occurred in entrepreneurial activities.

The Working Group on Business and Human Rights set up in the initiative of the Commissioner who pays close attention to deepening of mutual relations between human rights and business as well as the priority of protection of human rights in business management, continued its activity, held discussions with the representatives of relevant state bodies CSOs, summarized the proposals and sent to respective governmental bodies.

At the Working Group meeting on "Protection of Consumers' Rights in the Context of Business and Human Rights" the Commissioner noted that ensuring decent living conditions is the supreme goal of the state, highlighted the important role of NAP "Azerbaijan 2020: Look into the Future" Development Concept also strategic road maps in national economy and the main sectors of the economy in protection of human rights, as well as the rights of entrepreneurs and consumers and of continuous development of business environment.

The Commissioner made proposals on implementation of international documents and development of national legislation on consumers' rights, drafting proposals and recommendations on conduction of awareness raising events with participation of entrepreneurs in the center and regions, involving volunteers to this work, building cooperation as a network and organizing specialized groups and regular monitoring. Relevant recommendations were prepared with regard the amendments and additions to the Law of the Republic of Azerbaijan on Protection of the Rights of Consumers" within the framework of the Working Group.

During a next event on "*Implementation of Sustainable development Goals (SDGs) in the context of business and human rights*", the Commissioner said implementation of SDGs requires complex approach from the political and institutional point of view. Thus, the formation of an effective national enforcement mechanism is of particular importance for sustainable, comprehensive and diverse development of economy and provision of balanced development of social spheres. She added that creation of National Coordination Council on SDGs by the country president and submission of first report on implementation of SDGs to UN voluntarily are the important steps taken in this regard.

The Commissioner noted that Corporate Social Responsibility (CSR) as an important element of implementation of SDGs plays special role in ensuring human rights and freedoms and envisages the commitment of business entities to fulfill the social, economic and other responsibilities set out in the legislation, the moral responsibility of entrepreneurs in this area, voluntary participation in the payment of social needs. She highlighted the importance of cooperation of state bodies and NGOs and noted that particular attention should be paid to CSR, these issues should be included into state programs, practice of foreign countries should be learned and provisions of international documents should be taken into consideration in this regard.

During the event participants shared views on the role of governmental bodies and NGOs in implementation of SDGs, the importance of participation of entrepreneurs in this process, the promotion of corporate social responsibility in the context of business and human rights, consideration of requirements of SDGs while developing and applying new economic models, ensuring gender equality and decent working conditions in entities, and other issues covered by those goals, discussed the perspectives of future cooperation and provided proposals and recommendations in this regard.

As part of the ongoing measures, it is important to increase attention to corporate social responsibility and encourage entrepreneurs who are more effective in protecting the rights of the population in need of care.

It is purposeful to prepare a NAP in this area, to include it as a separate section to relevant state program, considering provisions of UN Business And Human Rights Guidelines and other relevant international instruments.

This is planned to build cooperation with Food Safety Agency and other new agencies set up within the framework of implementation of relevant strategic road maps and with newly established Female Entrepreneurs Association within the activity of Working Group.

The above mentioned gives a ground to say that the complex measures should be continued to develop consistent state-entrepreneurial relations, improve legislation on business environment and administrative procedures, expand state support mechanisms for entrepreneurship, conduct enlightenment work, develop business relations with entrepreneurs and provide various types of services.

### **1.3. Protection of the rights of the groups of population**

*Protection of the rights of refugees, internally displaced persons and migrants.* As a result of the Armenian aggression against the Republic of Azerbaijan, all fundamental human rights and freedoms recognized by international law of more than one million people have been violated and still being violated.

The protection of the rights of refugees, IDPs and migrants who are from more vulnerable groups of population was at the focus of attention during the meetings of the Commissioner with representatives of international organizations, as well as at the international and national events. Thus, guiding with the requirements of paragraph 2.1 of the National Program for Action, the Commissioner and her staff members have made presentations at numerous international events and brought these issues to the attention of international organizations and the international community at a high level.

During the official visits of the Commissioner and her staff members to foreign countries, numerous publications and CDs reflecting these tragedies faced by our people were distributed and the Commissioner's statements were spread at all international events.

The statements of the Commissioner in connection with the 25<sup>th</sup> anniversary of the genocide committed in Khojaly city and the occupation of Shusha, as well as the violence committed by the Armenian armed forces against the Azerbaijanis in Nagorno-Karabakh and its adjacent rayons, also with regard killing by the Armenian armed forces civilians living in Alkhanli village of Fuzuli region and firing of civilian objects on July 5, 2017, were addressed to the Secretary-General of the United Nations, United Nations High Commissioner for Human Rights, UN High Commissioner for Refugees, Council of Europe, OSCE, International and European Ombudsman Institutes, Asian Ombudsman Association, Organization of Islamic Cooperation and Ombudsmen-members States of these organizations, embassies of the Republic of Azerbaijan abroad, as well as the foreign embassies in Azerbaijan and organizations of the Azerbaijani Diaspora organizations functioning in particular countries.

In 2017, 778 appeals have been received by the Commissioner with regard the refugees, IDPs and migrants. These appeals include such issues as education, health, employment, obtaining preferential loans for entrepreneurial activity, allocation of land for sowing, water, gas and electricity supply, migration registration of foreigners and stateless persons, freedom of movement, ensuring of the right to residence in the country and choose of settlement and the other rights. As a result of the Commissioner's intervention, some problems have been solved.

In addition to the Ministry of Internal Affairs, the State Migration Service, the State Border Service, as well as other government agencies, the Commissioner's Office attaches special importance to cooperation with the representatives of the UN High Commissioner for Refugees (UNHCR), the International Organization for Migration in Azerbaijan, as well as the International Center for Migration Policy Development. Within the framework of this cooperation, regular joint explanatory and awareness-raising events were held in border-crossing points throughout the country, including the Nakhchivan Autonomous Republic, and joint trainings were organized for civil servants working in this field, and legal editions of different foreign languages were prepared and disseminated.

The cooperation with the UNHCR has been expanded and a Memorandum of Understanding has been signed for February - December period of 2017. The purpose of the memorandum was to support coordinated efforts to promote gender equality and empowerment of women through the implementation of the "Women's Empowerment at Displacement" Project. Within the framework of this project, leaflets and brochures entitled "Let's prevent domestic violence", as well as information on the "protection order", were published in 3,000 copies for each and more than 3000 IDPs were involved in the trainings held basing on them in IDP settlements in Baku, Ganja, Goranboy and Mingachevir.

Within the framework of this project, during November, series of trainings were conducted for the heads of local executive authorities, judicial, law enforcement, health, education, youth and sports departments, general education and training institutions of those rayons, as well as for he members of municipalities in connection with "16 days-activity against gender-based violence". The Commissioner's Special Advisor on the protection of the rights of refugees, IDPs and migrants and the heads of the Commissioner's



Regional Centers also participated as trainers at the events. At the international conference entitled “Equal Opportunities for Equal Rights: Participation and Partnership” dedicated to the 10<sup>th</sup> of December – the International Human Rights Day, held by the Commissioner together with the UNHCR and UNICEF representatives in Azerbaijan, the results of that project were brought to the attention of the public.

As a result of the analysis of complaints received from migrants, a number of proposals and recommendations have been sent to relevant agencies on improvement of the legislation in the field. Taking into account the Commissioner’s proposals the addenda have been made to the “Rules for the review of Application for Refugee Status”.

Measures were realized in the direction to extend the access of migrants to social, medical and other services, to ensuring the rights to access to education, to migrant registration of foreigners and stateless persons, to move freely, to stay in the country, to choose a place of residence and the other rights.

***Protection of the rights of persons kept in the places of arrest and convicted persons.*** The protection of the rights and legitimate interests of these persons was kept in the focus of attention, and 2 011 appeals were received to the Commissioner with regard them. These appeals include such cases as detention conditions and treatment, assistance in pardoning, changing penitentiary facilities, extradition, examination and treatment, determining pensions or disability degree and in access to legal assistance.

As every year, in 2017, the Commissioner works closely with the Ministry of Justice. The members of the Public Committee under the Ministry of Justice closely participated in the NPM’s work and carried out visits, and at the same time, the head of the NPG continued to function as a member of the Election Commission of the mentioned committee. Measures on rebuilding investigation isolators and penitentiary institutions in order to meet modern standards, improving detention conditions, ensuring human rights in these institutions and on rehabilitating prisoners were continued.

There have been carried out consistent measures to eliminate the causes of the law violations and the reasons for them, to strengthen discipline, and to strengthen oversight of the work of detention places and penitentiary institutions.

The Decree of February 10, 2017 became a new stage of legal reform in criminal prosecution and penal execution.

The issues of examination and treatment of persons with disabilities in the medical and sanitary units with their registration, provision with prosthetics, retirement and healthcare issues have been maintained. During the past period, 63 convicted persons were given a disability category, 12 prisoners were provided with orthopedic care and with appropriate dentures.

The involvement of convicted persons in penitentiary institutions to labour may serve to their rehabilitation, improvement of professional training and management at institutions, and subsequent adaptation to the society after the termination of conviction of a prisoner. From this standpoint, the Commissioner considering these purposeful the investigation of the issues of establishing new production sites in order to solve the problem of unemployment in penitentiary institutions and to attract major part of prisoners to socially useful labour, for this aim to carry out joint actions with involvement of businessmen and entrepreneurs, thereby improving the rehabilitation of prisoners by directing their physical

force to healthy labour, has already submitted her proposals to the relevant authorities with this regard. Taking into account the Commissioner's proposals, with the aim of rehabilitation of production facilities in the penitentiary institutions, involvement of convicted persons to employing, in addition to the existing production areas, during 2017, in 14 facilities, means in Sheki Penitentiary Institution, in penitentiary institutions No. 1, 7, 10, 13, 15, 17 and in the Treatment Facility there were established a total of 25 workshops, 15 greenhouses and 1 livestock breeding farm and 202 work places were opened. 171 convicted persons were sent to short-term vocational training courses on various occupations and 144 people have successfully completed their courses and were awarded with appropriate certificates in penitentiary institutions. At the same time, 1180 convicted persons were involved in vocational training in eight vocational schools functioning in penitentiary institutions, 9 vocational branches and groups on 17 specialties in 59 groups and this process should also be applied to other facilities.

Taking into consideration the importance of the rehabilitation of prisoners by directing their physical force to healthy labour, this is purposeful involvement of persons deprived of their liberty in publicly useful labour, to this end, rehabilitation of existing production facilities and establishment of new jobs at the penitentiary institutions, application of tax and other privileges in order to stimulate the interest and participation of entrepreneurs in the forwarding of produced items at the domestic and foreign markets.

Part of the convicted persons appealed to the Commissioner for assistance in extradition. The inquiries were sent to the relevant authorities on these appeals and relevant investigations were carried out. In 2017, measures were taken on execution of bilateral agreements to ensure the rights and freedoms of each citizen of the Republic of Azerbaijan abroad, with regard to the legal assistance on criminal cases, the transfer of prisoners and on other fields. During this period 53 arrested and convicted persons, who were citizens of the Republic of Azerbaijan, were extradited from foreign countries, 81 arrested and convicted persons were handed over to foreign states.

This is the result of realized the state policy based on the principles of humanism and justice, laid down by the national leader of the Azerbaijani people Heydar Aliyev and successfully continued by the President Ilham Aliyev, as well as of the respect and respect for human and civil rights and freedoms that in a short period of time 11 acts of amnesty were adopted in our country, 63 pardoning decrees and orders were signed, resulting in the release of thousands of people and their rejoining to the society and families.

In 2017, 899 applications for amnesty have been received from convicted and their family members. Upon 350 applications the solicitation has been filed to the Pardoning Commission under the President of the Republic of Azerbaijan. At the solicitation of the Commissioner, 566 prisoners were pardoned in total and with 48 prisoners in 2017.

Taking into account the importance of the release from punishment, the socialization of the released people to society and their returning to normal way of life, basing on the Article 1.8 of the Constitutional Law, the Commissioner proposes to the Milli Mejlis of the Republic of Azerbaijan to make a decision on declaring the amnesty in connection with the 100<sup>th</sup> anniversary of the foundation of Azerbaijan Democratic Republic, the 95<sup>th</sup> anniversary of national leader Heydar Aliyev and the 25<sup>th</sup> anniversary of his return to power, as well as on the occasion of the 70<sup>th</sup> anniversary of the adoption of the UN Universal Declaration of Human Rights.

This compassionate step will once again demonstrate to the whole world that the country, embarked on the next stage of its socio-economic development, committed to the humanistic traditions, democratic principles, protection of human rights and freedoms, and civil society development, will bring great happiness to the people to be subjected to the amnesty and to their families, and will further strengthen the people's confidence in the state.

***Protection of the rights of military servants.*** Significant increase in expenditures in the recent years from the state budget to the military field, in particular, to the efficient protection and provision of the rights of military servants played an important role in improving the quality of food and stuff supply of the personnel, further improving the living conditions of the military units, installation of module-type barracks on the contact line in compliance with modern standards for personnel, the complete avoiding of military servants and cadets from their household works, in preventing out of statutory relations between military servants and in more effective use of time spent on combat training, as well as in quality of prepared foods and observing sanitary-hygienic requirements.

The Commissioner expressed her objection to the human losses and destructions as a result of violation of the ceasefire and firing at the frontline settlements of civilian population from large-scale weapons and heavy artillery by the Armenian armed forces during the April clashes.

Assessing the murdering of the civilian population living in the Alkhanli village of Fuzuli rayon and firing of civilian objects by the occupant forces as a crime against humanity, the Commissioner has issued a statement condemning the violation of the right to life.

In the appeals received by the Commissioner, who keeps the protection of the rights of military servicemen under the focus of her attention, there were such problems as failure in paying insurance payment as prescribed by legislation to legal heirs of military servants lost their lives or get missing and to former military servants injured, before the Law of the Azerbaijan Republic of May 20, 1997 "On State Compulsory Personal Insurance of Military Servicemen" came into force, but did not received their insurance payments, as well as failure to execute court decisions, non-timely provision of money compensation to military servants in reserve and retired ones for unused leave during service, the cases of procrastination in issuing relevant certificates from the Central Archive of the Ministry of Defense, as well as problems with determining the health status of the conscripts.

For the purpose of providing insurance payments to war invalids and legal heirs of martyrs, the Commissioner appealed to the Milli Mejlis, and at the same time, during the discussion of the draft state budget for 2018, the acceleration of this problem was brought to the attention.

The involvement of some conscripts having health problems resulted in a sharp aggravation of their health and treatment of these persons at the military budget expenses.

Failure to respond to appeals addressed to the Central Archive of the Ministry of Defense by military servants, also by persons in reserve and retired ones, delay of the respond, procrastination cases have not allowed the realization or sufficient use of a number of citizens' rights. As a result of investigations on such applications, the applicants' requests were mainly provided.

Problems, existing in provision of compensation as considered by the legislation for subsequent vacations not used during military service, led to justified dissatisfaction of many military servants in reserve and resigned. Despite the completion of the compensation payment to military servants in active military service, there are still problems with the payment of these compensations to military servants in reserve and retired.

The Decision No. 549 of December 11, 2017, adopted by the Cabinet of Ministers according to the Commissioner's proposal, has created a legal basis for providing certain compensation to a number of military servicemen.

There is a need to increase the amount of money compensation for military servants for temporary estate rent in accordance with real prices.

Each year, according to the Action Plan jointly approved by the Commissioner, the Minister of Defense, the Commanders of the Internal Troops of the Ministry of Internal Affairs and the Civil Protection Troops of the Ministry of Emergency Situations, the Commissioner's Specialized Adviser for military affairs and other staff members of the Office, together with the authorized representatives of these bodies, visited the military units and facilities under their jurisdiction and conducted legal awareness activities addressed to the staff.

In accordance with the Action Plan, the Commissioner and the staff of the Office carried out events in 19 military units of the Ministry of Defense, including the Higher Military School named after Heydar Aliyev and the Military High School named after Nakhchivansky, in four military units including the High Military School of the Internal Troops of the Ministry of Internal Affairs, in 3 military units of the Ministry of Emergency Situations Civil Defense Troops. Within the framework of the events, the existing appeals were investigated on site and the questions of the military servants were answered.

The Commissioner and the staff of the Office have delivered speeches at the military units before the personnel, including the front line, carried out monitoring, reviewed bedrooms, rest rooms, libraries, kitchens, baths, sanitary units, in particular, familiarized with the places of residence of military servants, who are in term service, interested in their service and social-housing conditions, health and nutrition, the level of organization of medical care at the medical units, and the quality of food in the canteen, as well as met with the parents came to visit soldiers, conducted the necessary awareness work.

During the monitoring, the work carried out in the living conditions of personnel, the condition of food and supplies, the quality of food, the organization of treatment, the leisure time, sanitary and hygienic conditions, the work with the personnel in field of patriotism and training in general, were positively appraised.

The experience shows that the regular holding of such events was important in terms of protecting the rights of military servants and strengthening the ideological, legal awareness and training work in the Armed Forces, as well as in the persistence of the combat spirit, psychological state, and faithfulness to Motherland and patriotism feelings in personnel.

These measures will be continued taking into account the importance of the work carried out jointly with the Commissioner in the field of effective protection of the rights of the personnel in military units and special purpose educational facilities of the Ministry of Defense, strengthening social protection of the military servants, protection of their rights and prevention of their infringement.

***Protection of women's rights and ensuring gender equality.*** This is impossible to achieve real democratic development without protecting the women's rights, representing more than half of the country's population and without applying gender methods in national politics. Gender equality is a collection of socio-cultural norms, values, development models in society, and it is one of the key tools to achieve democracy.

The 5<sup>th</sup> Goal of the UN's Sustainable Development Goals for 2016-2030 is very to achieve gender equality and empower all women and girls. The basis of the state gender policy in our Republic was laid by the great leader Heydar Aliyev and is successfully continued by President Ilham Aliyev. Since then, the legislative framework has been further strengthened.

In recent years, the importance of participation of women in governmental structures, in all levels and forms of decision-making processes, including in all intergovernmental, governmental and non-governmental sectors, is being further increased. The great contributions of the First Vice-President of the country, the President of the Heydar Aliyev Foundation Mehriban Aliyeva should be especially emphasized in the formation of women's movement in Azerbaijan, protection of their rights.

The particular attention is paid to the successful implementation of women's policy in Azerbaijan, active involvement of women in social life and their involvement in governance. At the same time, support for benefiting from women's potential in society, their creativity and initiative should be further strengthened.

Protection and promotion of women's rights, gender equality and the restoration of women's violated rights are always under the Commission's attention.

The Commissioner is carrying out her activities on 12 key areas of the Beijing Platform for Action, which includes women's rights and is one of the major international instruments. The conceptual approach here is that, a different, sometimes individual approach to the protection of their rights is applied from standpoint of the characteristics of different groups of women.

The Commissioner also closely cooperates with such international organizations as the UN Committee on Human Rights (ICCPR), the UN Human Rights Council, the Committee on Economic, Social and Cultural Rights (ECOSOC), the OSCE, the Council of Europe and the European Union and others in the field of women's rights alongside the other fields as well and strives for implementation of the ratified international conventions, pacts and agreements in this field.

The Commissioner and her staff participated in numerous human rights events, scientific and practical conferences throughout the country and abroad, made effective proposals to address relevant problems, including women's problems.

This is important to provide financial, moral and psychological assistance to the families subjected to violence, create regional shelters for victims of violence, to carry out awareness-raising activities in the regions, establish community-level initiative groups for solving problems, to learn international experience in combating domestic violence, realize measures to prevent girls from being avoided of education and preventing early marriages, to ratify the Council of Europe Convention on the Prevention and Punishment of Violence against Women and Domestic Violence, to accelerate adoption of the law on reproductive health.

The Commissioner held meetings with international experts on gender issues and gave recommendations on the application of a gender-sensitive approach.

Within the framework of the “16 day activity against gender-based violence” campaign launched on November 25<sup>th</sup> and ending on December 10<sup>th</sup> - International Day of Human Rights, various activities have been conducted and awareness-raising activities have been carried out to promote violence against women as a gross violation of human rights. Also, the Commissioner is cooperating with specialized UN agencies in different fields in the direction of determination of new strategies based on international experience on prevention of violence and increasing cooperation opportunities for this purpose and joint projects are being implemented.

The protection of the rights of convicted persons, including women prisoners, takes an important space in the Commissioner’s activities. The Commissioner together with the members of the NPG carried out regular visits to the Ministry of Justice Penitentiary Service Penitentiary Institution No. 4 for female convicts. At that institution the Commissioner received the convicted women during “Open Doors” reception, some appeals were provided on site, appeals on pardoning were sent to the Commission on Pardoning under the President of the Republic of Azerbaijan.

Considering the appeals of the Commissioner, there were convicted women among released under amnesty. The Commissioner advised them to join their families and society, to have a healthy lifestyle, to be faithful to statehood, and to engage in useful labor.

This should be mentioned that the Commissioner regularly visits the settlements of IDPs and is interested in the problems of refugees and internally displaced persons. The measures were undertaken to ensure the proper provision of nutrition, clean water, sanitation, shelter, education, social and health services, including reproductive health, maternal and child care services, and community-level awareness raising activities were realized as well.

In 2017 1,764 appeals were addressed to the Commissioner with regard the women’s rights. These appeals were mainly related to pensions and targeted social aid, labor dispute, work provision, disability degree determination, also dissatisfaction with the court decision or failure of its execution, domestic violence. The most of these appeals approached with particular sensitivity to have been resolved as a result of the Commissioner’s intervention.

At the initiative of the Commissioner, the Law and other faculties of the Baku State University have been teaching subjects for several years on “Human Rights” and “Introduction to Gender”, and lectures on both subjects have been continued. New “Introduction to Gender” textbook was prepared and presented to students.

Alongside with strengthening of the legislative framework for protection of women’s rights and achieving gender equality in the country, as well as eliminating existing barriers, a number of measures have been carried out by the Commissioner in the direction to extend micro-loans and other financial means to women with the aim of reducing their economic dependency, to organize their income-generating activities, to provide them with job opportunities, to extend their economic opportunities and to expand their access to education and medical services, the competent authorities were appealed to in order to address the problems of women involved in entrepreneurship and as a result the troubles of the entrepreneur women were eliminated. Incidentally, the establishment of the Association of Entrepreneurial Women is another success.

A range of consistent and systematic awareness-raising activities is being carried out in order to increase attention women's activity in regions and to gender policy and their involvement in decision-making processes, active participation in elections, promotion in positions, strengthening of struggle against stereotypes, preparation of publications on women's rights, proper understanding of existing laws.

***Protection of the rights of the child.*** In 2017, 442 appeals on the rights of the child have been addressed to the Commissioner. Prompt measures were taken on these appeals, as well as on-site investigations, where necessary, were carried out with regard the information received from the press.

Among the appeals the majority of applications was related to the treatment of children, and upon the Commissioner's request free of charge examination and treatment of children was organized at the state expenses for children living in different cities and rayons and almost all appeals were provided.

In 2017, in accordance with the Commissioner's instruction, planned visits were paid to the Ministry of Labor and Social Protection of Population Social Services facilities for Children with Limited physical capacities No.1, that is located in Shaghan settlement of Khazar district, and No. 2, located in Saray district of Absheron district, to the Integrated Training Boarding School Gymnasium in Lankaran, Sheki, Mingechevir, Ganja cities, Govlar city of Tovuz region, to Ganja City Special School for Children with Intellectual and Physically Disabilities No.45, to Lankaran city Mixed Type Children's home named after O.Mirzayev, also to Orphanage located in Ganja, the Football oriented Boarding-School Type Gymnasium, Orphanage, Guba city Secondary type Boarding School for children deprived of parental care, to Siyazan city General Secondary Type Boarding School, to Khinalig Secondary Boarding School named after Rufat Kalibiyev, as well as to the Baku Investigation Isolator of the Ministry of Justice Penitentiary Service, and Investigation Isolator No.2, Child Correction Institution, to Guba Special Vocational School; relevant recommendations were given to eliminate the identified shortcomings.

As a result of shooting by the Armenian armed forces on July 4, 2017, of settlements of numerous civil population and civil objects located in the Alkhanli village of Fuzuli rayon, Allahverdiyeva Sahiba and her 2 years old granddaughter Guliyeva Zahra were shot to death and on this regard the Commissioner sent the statement to influential international organizations, including UNICEF Executing Director Anthony Lake. In the letter from the Director Assistant of that organization Cornelius Williams addressed to the Commissioner there were expressed thanks for the Statement and it was stated that in any community no family should suffer from child loss as a result of armed conflict. The letter points out that, as noted by the UN Secretary General, the UN supports calls to all parties to refrain from any actions that can undermine the cease-fire agreement and to show the resolute to resolve the Nagorno-Karabakh conflict peacefully and UNICEF hopes that all children affected by the conflict will be provided with all kinds of protection at time when efforts are continued to achieve this kind of solution.

It was brought to the attention that the UNICEF country representative will continue to further fulfill its role in assisting children and young people in the pursuit of the best and safest initiatives.

Members of the Azerbaijan Child and Youth Peace Network (ACYPN), the

Commissioner's Resource Center on Child Rights, held a campaign on July 4, and holding photos of two-years-old Zahra Guliyeva, nine-years-old Fariz Badalov and thirteen-years-old Aygun Shahmaliyeva, murdered by the Armenian armed forces, they called on the world community to prevent the aggression against all the children suffering from the armed conflict.

On behalf of the children and youth of Azerbaijan, especially those settled on the frontline, the ACYPN sent Appeal to the UN Secretary General, the Special Representative of the UN Secretary-General for Children and Armed Conflict, UNICEF's Executive Director with regard murdering Zahra Guliyeva together with her grandmother.

As a result of the next provocations by the Armenian armed forces on August 7, 2017, from the occupied territories of Azerbaijan, the Garalar village, bordering with Tovuz rayon, firing from heavy weapons with the aim of deliberately destroying the civilian population, 13-years-old Yusifov Ramin, resident of the village, born in 2004, suffered from a scratch injury, in this connection the Commissioner addressing appeals to influential international organizations, called on to take massive efforts to end long-term Armenian aggression against Azerbaijan, killings of civil population and to mass violations of human rights.

Within the framework of the Hierarchic Education on Child Rights implemented in 2009-2010 years in cooperation with the Ministry of Education, as one of the initiatives of the Commissioner, during 2016-2017 academic years, in 20 schools in total - one school in each of the districts of Baku and in Gakh, Zagatala, Goygol, Dashkasan, Siyazan, Gusar, Neftchala and Astara districts, with a hierarchic education on child rights was carried out.

Within the framework of the Human Rights Month-long Campaign, the events were organized in these schools; 1,231 distinguished students were awarded with certificates, 20 principals and 62 teachers were given a certificate of gratitude.

In general, more than 150 schools in the country have been involved in the child rights hierarchic education program, more than 8,700 students distinguished in this process have been awarded certificates by the Commissioner, more than 700 teachers and directors were given certificates of gratitude.

In order to increase the attention paid to children, the Commissioner, in 2017, as every year, on the eve of the adoption of the UN Convention on the Rights of the Child, initiated the holding of "Child Rights Month" in our republic from October 20 to November 20. During the month-long campaign, the references to the works done by the Ombudsman, the central and local executive authorities were analyzed and summarized, and the active realization of the action plan was observed in every city and rayon of our republic.

Measures have been taken to ensure the right of education for children from low-income families.

Alongside with the abovementioned, this is necessary to provide necessary human and technical resources to commissions on the work with juveniles and protection of their rights under the local executive power bodies taking into account the recommendations of the UN Committee on the Rights of the Child, at the same time, also to increase the level of financial resources allocated to social services for children in compliance at least with the average level of the Economic Cooperation and Development Organization's member-states taking into consideration the next reporting of the Government to the UN Committee on the Rights of the Child in 2018, as well as the recommendation of that Committee to



member states.

The Commissioner appealed to the Cabinet of Ministers, taking into consideration the fact that the secondary school No. 8 in the village Gayidish of Fuzuli was in danger of destruction, that the weather was severe in winter, and that it was not possible to continue education and teaching under these conditions, and there is a necessity to take urgent measures to repair and reconstruction of the school building.

On the occasion of the State Flag Day, the Commissioner visited the village of Jojuq Marjanli of Jabrayil rayon and visited the Jojuq Marjanli village secondary school named after Novruz Aslanov, met with teachers, pupils, parents and villagers; the educational literature prepared by the institution was donated to the school library and to the students.

The Commissioner in collaboration with the UNICEF, Academy of Justice and Police Academy, conducted trainings for employees of the courts, prosecutor offices, police, judicial structures and local executive power bodies of Khazar, Surakhani, Pirallahi and other rayons. The ratification of the Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse, adoption of Laws on Juvenile Justice, On Protection of Children from Information Harmful to Their Health and Development, Protection of Children from Corporal Punishment, and On Reproductive Health are purposeful.

Trainings based on the provisions of the Convention on the Rights of the Child, educational activities in the spirit of patriotism were conducted on a regular basis with the participation of children ACYPN and its "Leadership School", their problems were discussed, the workshops were organized at the network, and members of the network carried out trips to the "Shahin (Falcon)" military-patriotic summer camp, to the museums and historical sites in order to organize effectively their leisure time.

The opening ceremony of the 17<sup>th</sup> academic year of the ACYPN Leadership School was held with participation of the Commissioner, the Deputy Director of UNICEF's country representative, also of the responsible representatives of the Ministry of Education, the State Committee for Family, Women and Children Affairs, the Baku City Education Department, of the Sabail District Executive Power, more than 150 children and young people, including new members and previous graduates, as well as parents and teachers. Since 2009, the Leadership School members have participated actively at traditionally organized Republican Forum of the Azerbaijani Children as presenters of the forum, group moderators and participants. Members of the Leadership School actively participated at the 4<sup>th</sup> Republican Forum of the Azerbaijani Children organized by the State Committee for Family, Women and Children Affairs, the Heydar Aliyev Foundation and UNICEF, with the aim of protection and promotion of children's rights. An event was organized at the Leadership School with the participation of the Commissioner to convey the results of that forum to the children.

Within the Twinning project frames, the Commissioner's staff members have been in Poland for a week-long official trip for exchange of the experiences in the field of protection the rights of children, the persons with disabilities and the elderly. Within the framework of the visit, a meeting was held in Poland with the Ombudsman for Children and the staff, exchanged experiences, and the staff of the Office visited several facilities in Poland, including visits to the elementary school where inclusive education was applied and learned their activity.

According to the Joint Action Plan signed with UNICEF, together with the staff members of the UNICEF visits were paid to the state childcare facilities, the conditions of detention of children living in the facilities and the treatment by the staff, as well as the situation with the provision of the rights of children were reviewed.

In 2017, together with the UNHCR, a range of the awareness-raising events was held to increase the knowledge of population on combating domestic violence and gender-based violence. As a member of the European Network Ombudsman for Children (ENOC) the institution joined and actively involved in the European Network of Youth Advisors (ENYA) project implemented by this organization.

The participation of ACYPN members was provided in the project entitled “the Path to Respect, Information and Thoughts – Learning the Youth Identity and their empowerment”. Two project participants, together with the Commissioner’s Specialized Advisor, presented their work on project implementation and children’s proposals in June at a meeting in Paris, France and were awarded by the ENOC certificate. Proposals made by children were taken into account in the declaration adopted at the ENOC 21<sup>st</sup> Annual Conference.

***Protection of the rights of the elderly.*** As in previous years, this year the Commissioner has continued working closely with government agencies, international organizations, non-governmental organizations and mass media in the direction of investigating complaints received on the violation of the rights of elderly people, restoration of their rights, conduction investigations with the purpose of raising awareness and advocacy in the field of the rights of elderly people, learning the condition of the elderly, improving the legislation in this area and preparing proposals aimed at improving the welfare of the elderly people.

The Commissioner, as well as her Specialized Adviser on the Rights of the Elderly, participated in various events and roundtables organized by relevant government agencies, international and non-governmental organizations in the country and abroad to put forward the proposals on elimination of existing problems in this area.

Proposals made by the Commissioner in her appeals to relevant government agencies, including her annual reports, including increase the attention to the elderly, supporting respect for their dignity, achieving gradual delivery of pensions to minimum living standards, depending on the development of the economy in order to ensure a decent living standard for the elderly, improving the quality of home-based care for single elderly, those with limited mobility capacities, allocation of special places in each city and rayon for the creation of daytime service places, the efficient organization of their leisure, providing citizens of this category with free catering at least once a day from public catering facilities closely located to their place of residence, arranging gerontological service in the district and city healthcare institutions, preparation of specialized professionals in this field, providing citizens with sanatorium-resort transfers or their sending to centers for rehabilitation centers (other rehabilitation facilities) for recovering and etc., were positively approached by those governmental bodies and necessary measures are being undertaken.

In her annual reports the Commissioner made a number of proposals aimed at the effective protection of the rights of the elderly. Thus, these proposals include promoting a healthy lifestyle (treatment sporting, healthy nutrition, rejection of abusing habits) among

the elderly, conducting of researches on socio-economic, ecological and physiological factors leading to the emergence of diseases and disability of the elderly, considering increasing number of the elderly people living in boarding houses and pensions, the working out of alternative care services mechanisms (day care centers, small group homes) to prevent this process in the future, implementation of awareness raising, enlightening events, implementation of measures aimed at eliminating discrimination and violence against the elderly, as well as aimed at educating young people in the spirit of patriotic, pure-minded, healthy, active spirit building with the slogan “Building bridges between generations” through using existing opportunities of the elderly citizens; involvement of the elderly who wish to work to relevant social work in accordance with their knowledge and skills, also holding scientific-practical conferences, seminars, round tables, publication of materials in order to protect and promote the rights of the elderly citizens, to raise the attention of society to their problems, propagandizing through mass media of our national-moral values as respect, respect for the elderly, establishment of resource centers within municipalities with the purpose of organization of efficient leisure of these people, establishing trade union rewards to encourage elderly people with special achievements in education, science, arts, sports and community activities and etc.

Taking into consideration the need for lifelong learning, the Commissioner has recommended again discussing the draft law On the Elderly Education, its improving and adoption.

In accordance with Article 7.3 of the “Azerbaijan 2020: Look Into the Future” Development Concept, in order to ensure increase of the state and society focusing on the elderly, with the initiative and under the guidance of the Commissioner, the draft of the “State Program on Strengthening Social Protection of the Elderly Citizens” was prepared and submitted to the Ministry of Labor and Social Protection of the Population, after the amendments and addenda were adjusted by the Ministry, the discussions were widely conducted both in the Office and the relevant Ministry at the events held with participation of international experts.

As envisaged in the “State Program on the Protection of the Rights of the Elderly” prepared by the Commissioner, it was planned to conduct monitoring with the Ministry of Labor and Social Protection of Population for learning the status of the elderly living at state provisions.

The Commissioner and staff members of the Office regularly visited boarding houses for persons with disabilities of war and labor in Bilgah settlement, learned the situation of residents and gave recommendations on the issues related to the provision of their living conditions, social problems and health rights.

In order to promote the healthy lifestyle and convey legal information to the elderly may benefit in their everyday life, the manual “Towards Decent Elderly” was developed and distributed at the Commissioner’s recommendation and under her guidance.

As a result of effective cooperation of the Commissioner’s Resource Center for the Elderly with the “Health Care Polyclinic” of the Ministry of Health “Open Doors” Month – Long Campaign is conducted, the consultations of clinicians of different specialization are organized and elderly are undergoing regular doctor check-ups and receive necessary treatment. Here, alongside with the diagnosis of diseases, treatment with natural and traditional methods, rehabilitation and recovering after illnesses is carried out as well.

The events held on the 1<sup>st</sup> of October - the International Day of the Elderly grounded the basis for holding the discussion over such issues as the formation of relevant strategies and programs for the country's development in this direction, carrying out necessary measures for their implementation, regulations mechanisms, population growth and age structure change, measurement of age structure and changes in that age, assessment of the aging process, also as the elderly and changing traditional family institute, aging action strategy, implementation of "Madrid International Action Plan for Aging", national potential in this area and other issues.

***Protection of the rights of persons with disabilities.*** The Commissioner has always maintained the protection of the rights of such persons. 903 appeals have been addressed to the Commissioner in connection with these persons. These appeals contain issues such as the determination of disability degree, organization of examination and treatment, providing pensions or benefits, providing wheelchair, car and housing.

As a result of the Commissioner's intervention, persons with disabilities were provided with sending to medical and rehabilitation centers, with the necessary medications of those in need of free treatment and treatment, with sanatorium vacations, were also provided with prosthetic-orthopedic products, rehabilitation means, wheelchairs, technical and other rehabilitation means and war invalids at the same time were provided with flats and vehicles on a queue basis, also these kind of persons, as well as the elderly were provided with medical, social and psychological services.

The Commissioner appealed to the Ministry of Health, as well as to the Ministry of Labor and Social Protection of Population in order to assist in the proper assessment of the disability and limited health capacities of persons sent to the MSECs after being examined by the medical-prophylactic institutions with compiling their e-sending forms and in many cases the restoration of their rights was achieved.

In 2017, the Commissioner and the staff members of the Office carried out monitoring in education, health, penitentiary and social services facilities, interested with the situation of persons with disabilities and they gave their proposals and recommendations to authorities for solution of the issues related to provision of their living conditions, social problems, health and other rights. At the same time, necessary measures have been taken in the direction to raise the legal awareness of these persons, to eliminate any discrimination, inhuman treatment and other offenses against them.

The Commissioner's requests for support the treatment of people suffering from heart failure, hearing impairment, including the operation by local and foreign specialists of children at home and abroad at the state funds expenses, provision with hemodialysis sessions and medications of people suffering from chronic renal failure, including and diabetes mellitus and other hypoglycemic medicaments, were also resolved positively.

For the operation of children with severe cardiac insufficiency and severe hearing impairment, allocation of 4 million manats at the expense of the state budget of 2018 at the initiative of the President of the country is noteworthy.

By the letter of the Head of the Presidential Administration of the Republic of Azerbaijan, dated May 14, 2011, No. 2/387, the Commissioner has been recommended to take appropriate measures to implement the functions of the independent monitoring mechanism set up under the Article 33.2 of the UN Convention on the Rights of Persons

with Disabilities.

The draft law on amendments to the Constitutional Law was submitted to the Milli Mejlis in 2016, with regard to the definition of the Commissioner as an independent national human rights institution, which provides for the promotion, protection and monitoring mechanism of the implementation of this convention envisaged in the relevant article of the Convention, but has not yet been put to the discussion. Nevertheless, the Ombudsman continues her activities in this field within the framework of existing opportunities.

Taking into account that the next report of the Government of Azerbaijan on the work carried out in the Convention provisions' implementation will be submitted to the UN Committee on the Rights of Persons with Disabilities in 2019, the adoption of the proposed amendments to the relevant Constitutional Act, as well as the implementation of the recommendations of the Committee on the initial report of the Government of Azerbaijan in 2014 would be purposeful.

The Commissioner, considering it expedient the ratification of the World Intellectual Property Organization's Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled, adopted in Marrakesh on June 27, 2013, submitted positive comments and proposals to the Copyright Agency on the basis of the letter sent by the Cabinet of Ministers of the Republic of Azerbaijan. The Commissioner considers this important to accelerate the domestic procedures in this regard and joining soon to the said Agreement.

Approval by our country of Article 15 of the European Social Charter (Revised) "On the right of persons with disabilities to independence, social integration and the right to life of society" is one of the topical issues.

The adoption of the draft law "On the rights of persons with disabilities", prepared in accordance with the UN Convention on the Rights of Persons with Disabilities and the "Azerbaijan 2020: Look Into the Future" Development Concept taking into account the vast majority of proposals of the Commissioner, as well as speeding of the approval of the "National Action Program for the Protection of the Rights of Persons with Disabilities", "The State Program in the Field of Population and Demographic Development in the Republic of Azerbaijan", "Rules for Creating Conditions of Employment Required for Persons with Disabilities in Design of Buildings and Facilities" are important as well.

Taking into consideration the numerous appeals submitted by parents, other legitimate representatives of children with autism, and specialized civil society institutions in this area, the Commissioner once again proposes to formulate a legislative framework for state care for persons with autism, including the adoption of a special law and state program in this area.

The Commissioner has kept under her focus of attention the issue of organizing inclusive education, envisaging involvement of children, with disabilities in the same classroom with their peers at schools, regardless of their physical, mental and intellectual and other characteristics, as one of the serious problems in ensuring effective provision of the right to education for persons with disabilities, including children. And for this purpose, the Commissioner suggested acceleration the approval process of the relevant state program prepared in previous period, the creation of various profile rehabilitation facilities for children of this kind, surdologic and logopaedic service centers, education institutions with

inclusive component and training of psycho-pedagogical and other employees working there.

From the standpoint of the above mentioned, the Decree of the President of the Republic of Azerbaijan dated December 14, 2017, "Approval of the State Program for the Development of Inclusive Education for Persons with Disabilities in the Republic of Azerbaijan for 2018-2024" should be highly appreciated.

Lack of special and general-purpose state, municipal and private educational institutions, specialized rehabilitation centers for pre-school and secondary education of children with disabilities in regions of the republic, also of skilled and professional staff creates serious difficulties in the organization of training and rehabilitation work.

The Commissioner considers that it is necessary to implement measures in the direction of the allocation of sufficient financial and human resources for the inclusive education of persons with disabilities, preparation of children with limited health capacities to inclusive education from early ages, training of specialists in charge with them (psychologist, trainer on correcting work, surdologic pedagogue, logopaedic specialist, oligophrenic pedagogue, typhlopedagog, etc), doctors (psychiatrist, neuropathologist, otolaryngologist, surdologist, audiologist and others), teachers-educators (trainers of individual and group training programs), social workers and etc, as well as the co-education of parents of children with and without disabilities, eliminating other existing social and psychological problems.

## **II CHAPTER**

### **LEGAL AWARENESS, SCIENTIFIC AND ANALYTICAL WORK AND ACTIVITIES IN THE FIELD OF INTERNATIONAL AND PUBLIC RELATIONS, COOPERATION WITH MASS MEDIA**

#### **2.1. Human rights awareness**

Legal and awareness-raising activities aimed at developing the idea of the population are being improved on the basis of international and national experience.

On the initiative of the Commissioner, traditionally, all relevant central and local executive authorities, NGOs and media have been appealed regarding the month-long campaign held on human rights protection and promotion, the work carried out was analyzed, the results were reflected in the article of the Ombudsman published in the official newspaper and posted on the official website of the institution.

Ganja, Shaki, Guba and Jalilabad regional centers of the Commissioner regularly conducted extensive legal awareness-raising events targeting at different groups of the population in 35 towns and rayons, including settlements and villages.

At the initiative of the Commissioner, upon the relevant actions plan the staff of the Office and the regional centers conducted a series of legal awareness raising activities on the eve “1 December - World Day Against AIDS”, “December 3 - International Day of Persons with Disabilities”, as well as on the other significant national and international days focusing on global problems in the field of human rights.

On the occasion of “Islamic Solidarity Year”, the events on “Islamic solidarity and human rights” topics were conducted by the institution and interesting discussions held.

in the events organized by Ganja, Sheki, Guba and Jalilabad regional centers at the initiative of the Commissioner on the occasion of the 94<sup>th</sup> anniversary of national leader Heydar Aliyev, these were brought to the attention that the Constitution of independent Azerbaijan was worked out under the leadership of the national leader and was adopted in a democratic environment by referendum on November 12, 1995, that all of the provisions of Chapter 3 of this document were written in the spirit of respect for human rights and that human rights and freedoms were defined as high values.

The Commissioner and upon her instructions the staff members of the regional centers organized events in Baku and in rayons with the participation of government agencies, municipalities, youth organizations, NGO and media representatives as well as teachers and pupils dedicated to January 20 - the 27<sup>th</sup> anniversary of the National Day of Mourning, to the 25<sup>th</sup> anniversary of Khojaly Genocide and occupation of Shusha, March 31 - Day of Genocide of the Azerbaijanis.

The Commissioner and the staff members of the Office continued to participate in the trainings of cadres on human rights at the bachelor’s and master’s degrees at the UNESCO Department of “Human Rights and Information Law” at the Baku State University. From this standpoint, successful continuation of university-level teaching as independent subjects on “Human Rights”, as well as “Introduction to Gender” at the initiative of the Commissioner, as well as the publication of a collection of lectures entitled “Human Rights” in the previous years under the general editorial of the Commissioner and of a book

titled “Introduction to Gender” a manual-collection of lectures in 2017 and their presenting to readers assume high importance.

The Commissioner announcing the UN’s “Stand up for Human Rights Today” campaign in our country invited all government agencies, international organizations and civil society institutions to work together.

311 students and graduates in total and 39 in 2017, from the Academy of Public Administration under the President of the Republic of Azerbaijan, Baku State University, Azerbaijan University of Languages, Azerbaijan State Economic University as well as the Kiev State University have been undergone scientific-research practice at the Office.

The Commissioner and her staff members delivered lectures on legal awareness in the Academy of Public Administration under the President, the Academy of Labor and Social Affairs, the Police Academy, the Academy of Justice, the Training Center of the Prosecutor’s Office and the military education institutions, respectively, to students, professionals involved to specialization, judges, lawyers, civil servants.

The attention was paid to rendering trainings on human rights to women and the elderly at different workshops, the Resource Center for the Elderly that regularly enabling the legal awareness process and numerous people benefit from, as well as to growing up of young people, of “Young Heydarists” with human rights background at the “Leadership School”, which functions under the Commissioner’s Azerbaijan Child and Youth Peace Network, a resource center for children’s rights.

It has contributed in children and young people to learn their rights, to transmit this knowledge to their peers, instill a sense of patriotism, and shaping leadership skills.

In 2017, awareness-raising seminars and trainings were held for women living in regions, remote areas and villages, on gender equality, domestic violence, trafficking in persons, early marriages and other issues, as a result of the intensive awareness-raising work, hundreds of women were informed about their rights and they were provided with free of charge legal advice on the basis of their appeals. In such events, regular participation of representatives of the state bodies, international organizations, NGOs and mass media was ensured; protection of women’s rights was highlighted.

As part of the project “Organizing awareness raising activities on reproductive health and family planning in the regions” by the Azerbaijan Women and Development Center, awareness raising events were held in Kurdamir, Ujar, Guba and Khachmaz.

The legal awareness-raising campaign on HIV/AIDS and drug addiction was continued in Baku and in the regions of the country.

Each year on the even of the International Memorial Day of People Who Died from AIDS commemorated on the third Sunday of May, World AIDS Day on December 1, upon the plan of actions, conducting a range of events in the capital and the regions, and with participation of the institution’s representatives in such events organized by other bodies, the focus was directed at this global problem.

In the Leadership School and the Resource Center for the Elderly there were hosted events dedicated to December 1 - World AIDS Day with the participation of staff of the institution, specialists from the AIDS Center, children and youth, parents, and elderly people.

During the period of functioning of the institute, items in 190 titles were published, more than 23 foreign literatures on human rights and good governance were translated into



the Azerbaijani language, including 53 manuals in Azerbaijani have been translated into English and 40 - into Russian and distributed among a wide range of readers, were distributed to libraries in cities and rayons, as well as the Ombudsman institutions of foreign countries, human rights institutions and national libraries.

The Commissioner's publications have been exhibited and provoke high interest at the national and international exhibitions, including at the V Baku International Book Exhibition Fair, at the International Book Fair held in Frankfurt, with the support of the Ministry of Culture and Tourism.

This should be noted to the point that the Memorandum of Understanding between the Commissioner and the Central Scientific Library of the Azerbaijan National Academy of Sciences was signed with regard the inclusion of the publications of the institution into the collection and national digital memory database, the electronic catalog, as well as exchange of experiences and organization of seminars.

## **2.2. The Commissioner's activities in the scientific- analytical area**

One of the main directions of the Commissioner's multidirectional activity is the organization of scientific and analytical work. By summarizing it is possible to show the following directions of this activity: implementation, monitoring and coordination of existing strategies, concepts, state programs, national action plans and programs related to human rights protection, elaboration of references and proposals on draft laws on improving legislative acts, Cooperation with the Constitutional Court, working out and submitting relevant proposals on joining our country to a number of international legal acts.

The information about the work carried out by state agencies responsible for the implementation of the National Program for Action has been submitted to the Commissioner upon years, they were analyzed by the Commissioner and final reference was prepared and presented to the President of the country.

The status of implementation of the measures envisaged by the NAP is regularly reviewed, summarized and annually published in the form of a book. At the same time, the electronic version of this book is posted on the official website ([www.ombudsman.gov.az](http://www.ombudsman.gov.az)).

It was proposed to develop and approve for the upcoming years the Action Plan for the struggle with diseases of Human Immunodeficiency Virus, the Program of Activities for the Protection of Mother and Child Health and the Program of measures on provision of oncological patients with antitumor preparations.

Monitoring of legislative acts was carried out related to the Criminal, Criminal Procedural, Civil, Civil Procedural, Administrative Procedural Codes, the Codes of Administrative Offenses, Labor, Family, Housing, Tax and others, including legislation on disability, pensions and social allowances, social services and penitentiary and other areas.

The draft law of the Republic of Azerbaijan "On Psychological Assistance" was reviewed once again and proposals were summarized and presented respectively.

There were also considered the draft laws received from the Ministry of Justice On Protection of the Health of the Population, on Making Amendments to the Criminal Code of the Republic of Azerbaijan, On Amending the Code of Criminal Procedure of the Republic of Azerbaijan, on Making Amendments to the Code of Criminal Procedure of the Republic of Azerbaijan, On Making Amendments to the Code of Criminal Execution of the

Republic of Azerbaijan, On Making Amendments to the Code of Administrative Offenses of the Republic of Azerbaijan, On Making Amendments to the Civil Procedure Code of the Republic of Azerbaijan and the other appeals and taking into account our experience in protecting human rights, relevant proposals have been prepared upon them and respectively addressed.

Numerous proposals of the Commissioner were taken into account in the Law of the Republic of Azerbaijan On making the Amendments to the Criminal Code of the Republic of Azerbaijan dated October 20, 2017.

With regard the request of the Commissioner to the Constitutional Court of the Republic of Azerbaijan to examine the conformity of Article 27.3 of the Law of the Republic of Azerbaijan “On Deposit Insurance” with a number of provisions of the Constitution of the Republic of Azerbaijan, the Plenum of the Constitutional Court made a decision on July 6, 2017, and the request for verification of the conformity of the Articles 157 and 158 of the Civil Procedure Code to the relevant norms of the Constitution of the Republic of Azerbaijan was accepted to execution to the Constitutional Court Chamber.

Decisions and resolutions, assuming both theoretical and practical importance, adopted upon Commissioner’s inquiries are important for the correct understanding, proper practical application and maintenance of the human and civil rights and freedoms set forth in the constitution and other normative legal acts.

The Commissioner’s and her staff members participation in international, regional and local events, their numerous considerations, opinions, proposals, statements and speeches directed at more effective protection of human and civil rights and freedoms have played an important role in improving the legislation.

### **2.3. Public relations and cooperation with the media**

*Public relations and cooperation with the non-governmental organizations.* Efficient cooperation of the Commissioner with government agencies and civil society institutions for the effective protection of human rights was continued in 2017 as well.

The Council of independent Experts, functioning under the Commissioner, attaches great importance to the analysis of the situation in the country in the field of human rights, improvement of national legislation, preparation of proposals for the implementation of international legal instruments, the joint event were carried out.

The presence of a staff member within the Public Committee under the Ministry of Justice, where the deputies of Milli Mejlis, representatives of state bodies and non-governmental organizations are represented, was also important as another form of cooperation.

During the year with the initiative and organization of the Commissioner, with participation of representatives of governmental, non-governmental organizations, communities, public figures and experts there were held various events devoted to priority directions in human rights, including XIV Baku International Conference of Ombudsmen entitled “Basic Principles of Sustainable Development Goals: Legal Equality, National Priorities and Cooperation”, roundtable devoted to the 27<sup>th</sup> anniversary of January 20 tragedy, the 25<sup>th</sup> anniversary of the Khojaly Genocide and the occupation of Shusha, the “March 31<sup>st</sup> - the Day of the Genocide of the Azerbaijanis”, the public discussions on the

execution of the Decree dated February 10, 2017, also the events on “Protection of Consumer Rights in the Context of Business and Human Rights” and “Implementation of Sustainable Development Goals in the Context of Business and Human Rights”, as well as the international conference entitled “Equal Opportunities for Equal Rights: Participation and Partnership” dedicated to “December 10 - International Human Rights Day”, ideas and experiences were exchanged, proposals and recommendations were put forward.

During her term in office, the Commissioner was awarded a number of state and public awards for her extensive activities in the field of human rights protection, as well as for effective cooperation with civil society institutions.

In 2017, the Commissioner was honored with the Order of Honor for her active participation in the protection of human rights and in the socio-political life of the country.

The Commissioner has been awarded the “Thanksgiving” certificate of the “Gayghi (Care) – in the name of healthy generation” Public Union for care and support paid to the Center for Rehabilitation of Persons with Down Syndrome, was also awarded the Honorary Diploma of the Republican Association of persons with Hemophilia for the effective work in the field of medical and social problems of persons with hemophilia in the country, as well as with the with the Diploma of the Public Union “Autism Defectology and Psychological Assistance Center” for effective cooperation, achieving re-discussion of the law on autism and positive changes.

At the initiative of the Commissioner, more than 30 children were awarded with certificates by the results of the Children’s Painting Contest held on the topic “Me and My Rights” on the occasion of the “December 10 - International Human Rights Day”, and the student of the Jojuq Merjanli village secondary school was among the winners.

***Cooperation with Mass Media.*** Press releases on the Commissioner’s goals and objectives, new ideas and initiatives, key directions of activity and events organized in the environment of effective cooperation with the press are prepared and operatively sent to news agencies, different newspapers and journals, TV and radio channels and e-news portals.

The Commissioner has build her work in close cooperation with the National Television and Radio Council, the Fund of the State Support for Development of Mass Media under President of the Republic of Azerbaijan, the Press Council, as well as the journalist organizations.

As an important tool in bringing the organization’s activities to the broader population, the collaborations were continued AzerTAG and other agencies, with editorials of leading newspapers published in the capital and regions, with the TV and radio broadcasts, and the official website of the Commissioner was further upgraded.

About 11,475, in total, articles and information were published in media, including 825 in 2017. During her term in office, the Commissioner’s Press Service has prepared 4,151 press releases, 283 of them in 2017. These press releases have been translated into English and sent to the Council of Europe and other international organizations. 156 issues of monthly information bulletins, including 12 of them in 2017 were prepared.

From the beginning of her term in Office, 122 statements, including the statements in 2017 on the occasion of the 27<sup>th</sup> anniversary of the 20 January tragedy, 25<sup>th</sup> anniversary of Khojaly Genocide and occupation of Shusha, March 31 - Day of Genocide of the

Azerbaijanis, on murder of civilians and attack of civilian entities in Alkhanli village of Fizuli rayon of Azerbaijan by Armenian Military Forces, about injuring of a resident of Garalar village - 13 years old Yusifov Ramin with multiple debris as a result of the next provocation committed by those occupant forces on August 7, 2017, with the aim of deliberate destruction of the civilians by firing the Garalar village of Tovuz region bordering with Armenia, were addressed to influential international organizations - to the Secretary-General of the United Nations, United Nations Security Council, United Nations High Commissioner for Human Rights, UNICEF, OIC, European Union, Council of Europe, OSCE, International Ombudsman Institute, European Ombudsman Institute, Asian Ombudsman Association, International Peace Bureau, ombudspersons of different countries, embassies of the Republic of Azerbaijan abroad, as well as the foreign embassies in Azerbaijan, and organizations of the Azerbaijani Diaspora; the text of the statements was published in periodicals, broadcasted on television and radio.

The winners of the traditional journalistic essay contest on the topic “Rights for All!” in connection with the “December 10 - International Human Rights Day” were awarded.

The events organized by the Commissioner were attended by numerous media representatives, information and articles were published in press, interviews were given to TV and radio programs.

#### **2.4. The international relations**

The Commissioner continued his cooperation with influential international organizations, including the UN and its specialized bodies, UNESCO, European Union (EU), Council of Europe (CoE), Organization for Security and Co-operation in Europe (OSCE), Global Alliance of National Human Rights Institutions (GANHRI), the European Network of National Human Rights Institutions (ENNHRI), the European Committee for the Prevention of Torture (CPT), the International Committee of the Red Cross (ICRC), the European Network of Ombudsmen for Children (ENOC), the International Ombudsman Institution (IOI), the European Ombudsman Institution (EOI), the Asian Ombudsmen Association (AOA), Organization of Ombudsmen of the Organization of Islamic Cooperation.

During the activity of the Commissioner the representatives of the Office participated at 463 international events in total with 18 of them in 2017. In general, 77 and in 2017, 28 staff members participated in these events, they provided detailed information on human rights provision in our country, the Commissioner’s activities, proposals and recommendations, and these speeches were included in the official documents of the relevant events.

At the initiative of the Commissioner and the support of the National Commission of Azerbaijan for UNESCO The 14<sup>th</sup> International Baku Conference of Ombudsmen entitled “Basic Principles of Sustainable Development Goals: legal Equality, National Priorities and Cooperation” was held from 16-17 June, with participation of representatives of the Republic of Turkey, ombudsmen of several subjects of the Russian Federation, representatives of Uzbek and Serbian ombudsman institutions, government officials,

deputies of the Milli Mejlis, diplomatic corps accredited in our country and civil society institutions and, at final, the Baku Declaration was adopted.

By the way, on the eve of the “18 June - Human Rights Day” in 2018 with the support of the National Commission of Azerbaijan for UNESCO, on the occasion of the 100th anniversary of the foundation of the Azerbaijan Democratic Republic, 95<sup>th</sup> anniversary of national leader Heydar Aliyev’s birthday and 25<sup>th</sup> anniversary of his return to power, the 70<sup>th</sup> anniversary of the adoption of the Universal Declaration of Human Rights, it is considered to launch the next Baku International Conference of Ombudsmen.

The Commissioner received the delegation of the Council of Europe (CoE) headed by Alexander Gessel, the Head of the Policy Affairs Directorate, who were on business mission in the country in order to learn the situation of the fulfillment of international obligations undertaken by Azerbaijan after being accepted to the membership to this organization in 2001, and provided extensive information on the establishment of the Ombudsman institution as one of the human rights obligations and commitments in the country, as well as multidirectional activities, including international relations.

The Commissioner received the newly appointed head of the EU Delegation to Azerbaijan, Kestutis Jankauskas, and the head of the COE Office in Azerbaijan, Zoltan Hernyes, and exchanged views on cooperation.

At different times the COE representatives Ivan Koedzhikov, Ildiko Nemets-Salacz, John MakGakin and Katerin Krimer, co-rapporteur of PACE Monitoring Committee for Azerbaijan Cesar Florin Preda were received.

The Commissioner has received a delegation led by Mikola Gnatovski, the President of the CPT, and gave comprehensive information about the designation of the Ombudsman Office as an institution fulfilling the functions the National Preventive Mechanism (NPM) as an institution after joining the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as the activities of the National Preventive Group, its composition, the format of visits and other issues.

The Head of the Office took part in the annual seminar of the European Commission on Racial Discrimination in Strasbourg, in his speech at the relevant sessions he noted that an effective legislative basis was established in our country in the fight against discrimination, and that the Constitution guarantees equality of rights and freedoms.

The proposals of the Head of the National Preventive Group, who participated in the consultation meeting of MPM Coordinators in Europe and other regions held jointly by the CE and the OSCE Office for Democratic Institutions and Human Rights in Strasbourg, put forward during the discussion of the draft “European Rules on Migrants” were placed into the document and the new rules were recommended to the next stage within the Council of Europe.

Under the EU Twinning project “Supporting the Capacities for the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan” within the EU Neighborhood and Partnership Instrument with joint participation of the Germany and Poland, for two years, the head of the Office and 28 staff members participated in training visits to Germany, Poland, Greece and Portugal in connection with the implementation of the relevant components of that project.

The Commissioner received the Chair of the OSCE Parliamentary Assembly, Christine Muttonen, brought to the attention holding of joint trainings and workshops

within the framework of cooperation in the field of human rights in the OSCE, as well as regular participation of the representative of the Office in annual meetings of the OSCE Human Dimension, as well as the considering ineffectiveness of the activities of the OSCE Minsk Group and its recommendations, expediency of preparation of the new mechanisms.

The head of the office participating in the annual OSCE Human Dimension Meeting in Warsaw made a report at working sessions.

The head of the International Relations Unit of the Office made an oral statement at the 35th session of the UN Human Rights Council, providing detailed information on the activities of the Commissioner in the field of human rights education, ensuring the right to education without any discrimination.

Within the framework of the Commissioner's cooperation with ENNHRI, the head of the international relations sector participated at the general assembly of the Network held in Brussels, provided extensive information on the Commissioner's activities in the implementation of the Sustainable Development Goals, recommended the priority of projects and programs that ensure the participation of children and young people, and the inclusion of national institutions in this area as a key partner. It was stated that the proposals of the Commissioner within ENNHRI's action program would be taken into account.

The Commissioner and the Head of International Relations of the Office took part in the meeting of the EOI General Assembly in Bucharest, Romania. At that event, the Commissioner made a report on the implementation of Sustainable Development Goals and shared with the participants the Azerbaijan's experience.

As a result of the substantiated and insistent protests of the Commissioner, the report of the individual member of the EOI, the Armenian citizen Ruben Melikyan, who was presented at the event as the "Ombudsman" of the so-called "Nagorno-Karabakh Republic", was prevented and the truth was conveyed to the participants.

The Ombudsman participated in the International Ombudsmen Conference organized by the Ombudsman of Turkey in Istanbul and provided participants with extensive information about the organization's activities, shared positive experience in the field of human rights protection. During the visit, the Commissioner also participated in the meeting of the OICOA General Assembly, which was established under the Cooperation Council of the Organization of Islamic Cooperation, and made proposals to increase the effectiveness of the organization.

The Commissioner received the ICRC representative in Azerbaijan, Elena Ajmone Sessera, and during the meeting brought to the attention that Armenia's aggression against Azerbaijan, non-returning of our captives and hostages, including Dilgam Asgarov and Shahbaz Guliyev, did not comply with international law and emphasized the need for carrying out the concrete measures.

The Commissioner appealed with a letter to the ICRC President Peter Maurer in January 2017 on the return of the corps of the soldier of the Azerbaijani Armed Forces, Chingiz Gurbanov, who was killed by the Armenian Armed Forces on 29 December 2016.

The heads of international relations sector, as well as of the sector on refugees, IDPs and migrants' rights protection of the Office participated in the 4<sup>th</sup> International Symposium of Ombudsmen on the Rights of Migrants held in Ankara. Speaking at the event, the head of the international relations sector noted the occupation of Nagorno-Karabakh and seven

adjacent districts of Azerbaijan by Armenian armed forces, informed the participants that the Azerbaijanis living in those areas were forced to leave their native lands and that more than one million refugees and internally displaced persons were placed in Baku and the regions of the country. The text of the speech was reflected in a book specially prepared for the symposium with the support of the Republic of Turkey and the European Union.

The Commissioner issued a statement on the killing of civilians living in Alkhanli village of Fuzuli region and firing of civilian objects by Armenian armed forces. In the latest issue of Europe's leading "New Europe" newspaper, an article was published upon the Commissioner's statement.

## OUTCOMES AND RECOMMENDATIONS

As a result of the measures taken on the implementation of social programs serving to ensure the effective protection and safeguarding of human and civil rights and freedoms in the country, including the protection of the social welfare of the population, several problems causing concern have been eliminated, the issues have been resolved.

Development of the socially-oriented economy, strengthening the support for regional development and the deepening of reforms as a result of the implementation of the state program of socio-economic development of regions, focusing on the development of the non-oil sector, improvement of free entrepreneurship and business environment, the launch of new production sites and processing facilities, opening thousands of new jobs, the implementation of measures targeted at reducing unemployment and poverty gave a great push to the sustainability of socio-economic development.

Reconstruction or construction and putting into exploitation of education, health, cultural and social facilities, ensuring large-scale reconstruction, construction-building and renovation works served to improvement of social welfare of citizens.

The works have been continued in the direction of carrying out the measures envisaged in the programs aimed at the protection of the population in a whole and its particular groups and infrastructure projects, as well as the consistent and systematic improvement of human rights, including the establishment of new institutions and mechanisms meeting modern challenges.

The measures taken in the socio-economic field and the success achieved once again show that, the implementation of the measures enshrined in the strategic roadmaps on national economy and its key sectors and in the “Azerbaijan 2020: Look Into the Future” Development Concept, as well as obligations following from Sustainable Development Goals assume high importance in formation of diversified, productive and innovative oriented economy, provision of a tendency for advanced development in the social sphere.

The actions taken in the name of raising the welfare of the population and each citizen, his social protection and a decent living standard and their real results are noteworthy. There should be continued the measures serving to strengthening the fight against unfair competition and corruption should be continued in order to provide real guarantees for the development of free entrepreneurship with the aim of improving the social-oriented market economy and ensuring social security of the population.

This is also important to increase the attention paid to corporate responsibility and to carry out the encouragement measures towards entrepreneurs who are more effective in protecting the rights of the population in need of care.

The measures in the direction of ensuring the food security to provide the welfare of citizens, increasing transparency, strengthening the control over struggle with anti-monopoly and unfair competition, as well as over consumer prices and prevention of artificial price increases should also be intensifying and continuous.

The attention should be strengthened towards careful approach to citizens’ appeals to state bodies, putting an end to the abuse by officials of their authority, striving to take measures aimed at addressing people’s problems, observing the ethical conduct rules in relation to citizens.



The inquiries sent by the Commissioner to the relevant state bodies in order to verify the circumstances reflected in the complaint, in some cases, remained unanswered within the time and essence as provided by the Constitutional Law, which has resulted in continuing violations of the rights of citizens, as well as repeated complaints to the Commissioner and other central government agencies. Thus, each ranked person and official must work in accordance with modern challenges, new requirements and innovative approaches, all efforts should be targeted at the improvement of human welfare and the implementation of social programs. This requires the reception of citizens as prescribed by law, the patience in listening to their appeals, the study and solution of their problems.

This should be noted to the point that, for many years, although the Commissioner proposes liquidation of the housing-utilities structure that failed to function properly within the framework of structural reforms and in the field of public services provision, creating conditions for corruption and bribery, with absence of legal basis of functioning and carrying out unsystematic activity and transmitting of its powers to municipalities, the issue has not been yet resolved.

This is advisable to further widening the activity of ASAN Service centers, rendering more than 200 e-services, basing on mutual confidence in ensuring transparency, application of modern technologies, in formation of new thinking style of “state-citizen” relations, in citizens’ satisfaction with the execution process.

The abovementioned and current situation make this necessary to implementation of and expanding the public control institution in all spheres of socio-economic life for the purpose of more efficient ensuring and protection of human rights and freedoms, as well as strengthening the control by central government agencies over the work of the relevant local structural divisions.

Many proposals and recommendations of the Commissioner, aimed at the efficient provision of human rights, as well as at the complex solution of socio-economic problems of the vulnerable groups of the population in need of more care, have been resolved within the framework of relevant legislative acts and realized measures in the socio-economic sphere of the country.

Over the past 15 years, acting in cooperation with governmental bodies, civil society institutions and communities, as well as with international organizations and her colleagues abroad, the Commissioner has put forward a number of innovations and initiatives targeted at ensuring the efficient protection of human and civil rights and freedoms, including solution of the problems of various groups of people in need of care, and she has come out with numerous proposals and recommendations to the competent state authorities during her term in office.

Conducting the Baku International Conference of Ombudsmen every year, 14 times in total on various topics related to human rights, holding the “Human Rights Month-long Campaigns”, “Peace Month-long Campaigns”, “Child Rights Month-long Campaigns” throughout the country, as well as carrying out of competitions of children’s drawings on “Me and My Rights” topic, as well as of journalistic essays on the “Rights for Everyone!” topic devoted to “The 10th of December - International Human Rights Day”, also celebrating June 18 as “The Human Rights Day in the Republic of Azerbaijan”, declaration of 2009 as the Year of Children, the establishment of the Board of Trustees within the Children's Correctional Facility by the decision of the Cabinet of Ministers, organization of

Child Rights Clinic and Legal Clinics Network are among the initiatives of the Commissioner.

The Commissioner, being elected as a member of the International Ombudsman Institute, European Ombudsmen Institute, Asian Ombudsmen Association, European Network of National Human Rights Institutions, Association of Ombudsmen of Islamic Countries, and the European Network of Ombudsmen for Children, has participated at the events of these organizations delivering presentations and speeches with her proposals and initiatives.

The Independent Experts Council, Prompt Investigation Group on the on-site investigation of the Complaints, National Preventive Group Against Torture, Working Group on Business and Human Rights, Child Rights Center and Resource Center for the Elderly under the Commissioner, Leadership School under the Azerbaijan Child and Youth Peace Network were established by the Commissioner.

The Hot-Line Service to Prevent Torture and Child Hotline Service were created by the Commissioner carrying out the functions of the National Preventive Mechanism, the control over the fulfillment of the tasks arising from the requirements of the Law of the Republic of Azerbaijan “On Access to Information”, also the functions of the independent monitoring mechanism provided by in Article 33.2 of the UN Convention on the Rights of Persons with Disabilities.

The implementation of the program of hierarchic education on child rights at secondary schools, and teaching of human rights, as well as the “Introduction to the Gender” subjects at the Bachelor’s and Master’s degrees at the Baku State University are among the Commission’s initiatives.

According to the solicitations filed by the Commissioner at various times, in total 566 prisoners, including 43 in 2017 were pardoned.

Under the direct guidance and general editorship of the Commissioner 190 awareness publications (books, brochures, leaflets, textbooks, manuals) on various aspects of human rights have been published, have been distributed among the population and wide audience, state bodies, educational institutions and libraries. A Memorandum of Cooperation was signed with the Central Scientific Library of ANAS on the inclusion of the Office’s publications into the collection and national digital memory base.

Joint projects with international and regional organizations, including the European Union, have been implemented; within the framework of Twinning Project “Support to strengthening the capacities of the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan”, implemented successfully within 24 months with partners from Germany and Poland, the activity of the Commissioner was highly appreciated by international experts and some innovative initiatives have been adopted and recommended as positive experiences.

The exchange of experience was carried out in Germany, Poland, Greece and Portugal with the participation of 29 staff members of the Office, in order to improve the activity as the NPM and control mechanism over the implementation of the Law “On the Access to Information”, as well as for more efficient protection of the rights of children, persons with disabilities and elderly people, as a result, strategies and action plans for these activities were worked out.

The protection of the rights and freedoms of our peoples violated as a result of Armenia's aggression against Azerbaijan, was one of the main directions of activity of the Commissioner, there were issued 122 statements in total of the Commissioner on the important topics under the attention of the whole people, as well as the broad public.

The Order of the President of the Republic of Azerbaijan dated January 18, 2018, "On the centenary of the Genocide of the Azerbaijanis of 1918" set out important tasks in terms of bringing to the country and the world community the truth about the crimes committed by the Armenian-Bolshevik armed forces against the Azerbaijanis 100 years ago.

In 2018, the 100<sup>th</sup> anniversary of the establishment of the Azerbaijan Democratic Republic and the Genocide of the Azerbaijanis will also be commemorated.

The National Action Plan on the Protection of Human Rights in the Republic of Azerbaijan and the National Program for Action to Raise the Effectiveness of the Protection of Human Rights and Freedoms in the Republic of Azerbaijan have been adopted at the Commissioner's initiative and proposal; public hearings and other activities were continuously held in all cities and rayons of the republic with regard the monitoring of the realization, promotion and implementation of the measures envisaged in those documents.

Besides the abovementioned, taking into account the proposals of the Commissioner during her term in office, the International Labor Organization Convention No 156 concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities and Convention No. 183 concerning the revision of the Maternity Protection Convention (Revised) were ratified, the laws "On Consideration of Citizen' Appeals", "On Ensuring Rights and Freedoms of Individuals Kept in the Places of Detention", "On Combating Religious Extremism", "On Suspension of Inspection of Entrepreneurial Activities" were adopted; the Article 133 of the Criminal Code was brought in compliance with the Article 1 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Amendments and additions were made to the Laws of the Republic of Azerbaijan "On the place of residence stay", "On targeted state social aid", "On freedom of religious belief" and to the Labor, Crimes, Administrative Offenses Codes, the Committee on Family, Women and Children Affairs of the Milli Mejlis of the Republic of Azerbaijan was established.

A number of proposals and recommendations made by the Commissioner in his annual reports, as well as to relevant government agencies with the purpose of effective protection and effective protection of human and civil rights and freedoms, are, unfortunately, still waiting for their solution.

*Proposals* made by the Commissioner in their Annual Reports, as well as submitted to the authorized state bodies and put forward in order to increase the efficiency of protection of human rights and freedoms of the population, including the families with low income and its more vulnerable groups, are as follows:

*- Studying human rights issues and recommendations reflected in the Sustainable Development Goals (SDGs), "Azerbaijan 2020: Look Into the Future" Development Concept, National Program for Action to Raise the Effectiveness of the Protection of Human Rights and Freedoms in the Republic of Azerbaijan, and in other state programs, as*

*well as on Strategic Roadmaps; for this purpose to support the process of implementation through coordination the efforts of central and local executive authorities, civil society institutions and international organizations, organization of wide public awareness works; involvement of NGOs specialized in various sectors of the working groups on SDGs; continuation of joint monitoring and submission of proposals to the competent authorities on the obtained results;*

*- Speeding up ratification of the UN Convention for the Protection of All Persons from Enforced Disappearance, the Conventions of the Council of Europe on preventing and combating violence against women and domestic violence dated May 11, 2011, as well as On the Protection of Children against Sexual Exploitation and Sexual Abuse, of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, signed by our country; signing and ratification of the Third Optional Protocol to the CRC on a Communications Procedure, adoption of laws “On reproductive health”, “On protection of the rights of patients”, “On psychological aid”, “On Protection of Children from Information Harmful to Their Health and Development”, “On protection of children from corporal punishment”, “On juvenile justice”, “On protection of the rights of persons with disabilities”, accelerating the adoption of the decisions with regard to the Alimony Fund;*

*- Strengthening cooperation of state authorities with international organizations and NGOs in the relevant area, as well as conducting public discussions taking into account that the Republic of Azerbaijan will submit reports under the Universal Periodic Review, as well as to the UN treaty bodies, as well as submission of parallel reports by Commissioner and alternative reports – by civil society institutions;*

*- Gradual ratification of the following articles of the European Social Charter (Revised) of May 3, 1996, approved by the declaration of the Republic of Azerbaijan dated January 6, 2004: Article 2 (The right to just conditions of work); Article 3 (The right to safe and healthy working condition); Article 10 (The right to vocational training); Article 13 (The right to social and medical assistance); Article 15 (The right of persons with disabilities to independence, social integration and participation in the life of the community); Article 17 (The right of children and young persons to social, legal and economic protection); Article 19 (The right of migrant workers and their families to protection and assistance); Article 23 (The right of elderly persons to social protection); Article 30 (The right to protection against poverty and social exclusion) and Article 31 (The right to housing);*

*- Accelerating the process of drafting and approving the “Procedure for registration of citizens as a place of residence” as provided for in Article 51.7 of the Housing Code with the purpose of ensuring the housing needs of citizens in need of housing;*

*- Continuing legal reforms following from the Decree of the President of the Republic of Azerbaijan signed Executive Order “On improvement of operation of penitentiary, humanization of penal policies and extension of application of alternative sanctions and non-custodial procedural measures of restraint” dated February 10, 2017, conduction of*

*broad explanation and legal awareness work in this area;*

*- Expanding the activity of the Probation Service of the Ministry of Justice with the purpose of organization of effective application of measures of punishment that do not involve isolation from society, working out and implementation of the programs on rehabilitation and community adaptation of former prisoners, in addition to those who serve their punishment;*

*- More active involvement of social workers and psychologists into the preventive process carried out with the purpose of prevention of criminality;*

*- Ensuring continuity of awareness raising activities with the aim of non-admission, also prevention of violations that occur or may occur by the relevant state agencies that have the compulsory powers to protect the honor and dignity of citizens, the growing trust of the citizens the rule of law and in justice, increasing the confidence; improvement of legal regulation mechanisms in this field;*

*- Making appropriate changes in relevant acts with the purpose to bring 15 years-long of work experience, as defined in those legal acts related to obtaining the right to use a concessional loans for civil servants, including those serving a special type of civil service, in adaptation with the work experience of the other privileged professionals (decreasing at least to 5 or 7 years);*

*- Defining legal mechanism to address existing problems in the field of provision of court decisions on alimony claims in order to ensure the rights and legitimate interests of children, as well as single mothers who have grown them up;*

*- Providing advocacy services and increasing their numbers in each city and rayon, creation of regularly functioning legal advice offices;*

*- Increasing the amount specified in the paragraph 1 of the Resolution No. 31 of the Cabinet of Ministers of the Republic Azerbaijan dated February 1, 2001, "About the size of the amounts which are subject to payment to defenders, translators, specialists and experts";*

*- Reducing the social payment percentage payable by employers (enterprises) for their employees to prevent unofficial employment and employment without concluding a labor contract, as well as improvement of relevant legislative acts for application of discounts through one-time payments;*

*- Making amendments to the Law of the Republic of Azerbaijan "On Social Insurance" in order to ensure the effective provision of the social security rights of working pensioners and their exemption from payment of compulsory state social insurance payments;*

- Working out of a set of normative documents composed of acts of national and international legislation in the field of business and human rights, implementation of joint awareness raising activities with involvement of business structures as well, also the promotion of observing human rights, cooperation between businesses and civil society institutions;

- Strengthening and promoting the legal framework for Corporate Social Responsibility, preparation of the relevant state program, study and application of international experience by relevant government agencies and business structures (entrepreneurs);

- Forming and expanding network activity with involvement of the representatives of the State Committee for Work with Religious Organizations and other relevant state bodies, civil society institutions, religious communities and national-ethnic cultural centers with the purpose of developing a dialogue that promotes peace and reconciliation between religions and cultures, introducing the country's policy of tolerance in the world;

- Carrying out awareness raising activities at educational institutions at all levels with the participation of the religious researches and theologians, the preparation of various legal publications that promote the development of inter-religious dialogue, involvement of mass media into religious enlightenment in order to promote religious tolerance to children and young people;

- Adapting to the real situation of the "List of Medicines Available for Free upon Pharmaceutical Recipes" approved by the Ministry of Health as envisaged in the paragraph 2 of Decision No. 38 of the Cabinet of Ministers on March 7, 2005, increasing the variety of relevant medicines and their range;

- Strengthening the fight against illegal acts of persons involved in the illicit trafficking of strong substances, including medicines with drug components without the doctors' prescriptions, joint monitoring of representatives of relevant state bodies in order to prevent situations that have a negative impact on a healthy lifestyle, damaging the health and morality of teenagers and young people, creating psychological effects and addictions, destructing families;

- Strengthening the control over the private healthcare facilities to ensure health protection of the patient;

- Reconstructing or overhaul repairing of the premises of psycho-neurological facilities, their provision with appropriate equipment and medicines, continuing the measures for strengthening the social security of the staff there;

- Considering the concessions in payment tuition fees for students from low-income families in order to increase the attention of youth to education;

*- Providing with necessary human and technical resources of the commissions on the work of minors and protection of their rights under local executive authorities taking into account the recommendations of the United Nations Committee on the Rights of the Child;*

*- Addition of the sentence in a new content “As of the date of entry into force of this Charter, the graduated persons are admitted to the Institution by the Ministry of Labor and Social Protection of Population of the Republic of Azerbaijan.” to the paragraph 4.2 of the “The Charter of the Social Institution “Graduators’ Home” for deprived of parental care graduates of the state childcare facilities under the State Social Protection Fund at the Ministry of Labor and Social Protection of Population of the Republic of Azerbaijan”, approved by the Resolution No. 320 of the Cabinet of Ministers on October 7, 2015, as well as removal of the words “In the list submitted by the Ministry of Education of the Republic of Azerbaijan” from the paragraph 4.3;*

*- Providing social workers, especially newly established rehabilitation and social asylum-seekers, as well as orphanages with the necessary staff (social worker, psychologist, logopaedic, etc.) and increasing wages;*

*- Working out and approval of new legal mechanisms on “allocation of land plots and non-returnable targeted mortgages for individual home construction for children lost their parents and deprived of parental care, as well as persons from among them as prescribed by law” enshrined in the Article 7, paragraph 10, of the Law of the Republic of Azerbaijan “On Social Protection of Children who Have Lost Parents and do not have Parental Care”;*

*- Carrying out the regular awareness raising and enlightening activities by the offices of city and district executive authorities on administrative territorial units and municipalities, as well as by local medical institutions in order to apply for timely registration of marriage and birth giving in the regions of the Republic, especially in rural areas;*

*-Liquidation of housing-utilities structure that failed to function properly within the framework of structural reforms and in the field of public services provision, creating conditions for corruption and bribery, with absence of legal basis of functioning and carrying out unsystematic activity and transmitting of its powers to municipalities;*

*- Increasing the number of regional shelters for women who are victims of violence taking into account the latest recommendations of the UN Committee on the Elimination of Discrimination against Women to the Republic of Azerbaijan in 2015;*

*- Establishing a network of active women representing women politicians, entrepreneurs and various non-governmental organizations and organizing support for ensuring gender equality;*

*- Strengthening the work on building bridges between generations by benefiting from the experience of the elderly and the middle-aged persons, the innovative approach and knowledge of the younger generation;*

*- Improving the structure of the Commissioner's Office and making necessary additions and amendments to the Constitutional Law for this purpose taking into account that the functions of the independent monitoring mechanism as provided for in the Article 33.2 of the UN Convention on the Rights of Persons with Disabilities are implemented by the Commissioner;*

*- Continuing the measures in order to ensure accessibility of social infrastructure facilities, public transport and roads to persons with disabilities;*

*- Taking serious measures for preventing rejection the children under 18 who have serious health problems to determinate the health capacity limitation with showing the reason for not being 6 months from the application date;*

*- Developing a network of rehabilitation centers and relevant inclusive educational facilities for children with special needs and children with limited physical capacities in the regions;*

*- Rehabilitation of functioning of the existing production facilities in prisons, creation of new production facilities provided with modern equipment and continuation of measures to organize the sale of products with the aim to create conditions for correction of the prisoners, their vocational training, socialization, as well as for payment of their debts arising from their civil claims, including alimony, to provide financial support to their families, involvement of entrepreneurs in these processes;*

*- With a view to ensuring the ensuring of court decisions regarding the moving of internally displaced persons from the homes where they have settled, as well as from homes that are already in possession of the other persons and already provided with the order, as well as for the purpose of the use of social objects to accelerate their transfer taking into account available opportunities;*

*- Completing issuance of the compensation for unused vacations during actual military service period;*

*- Increasing the amount of money compensation for temporary rent of military servicemen in compliance with real prices;*

*- Speeding up the amendment to the relevant law by the Milli Mejlis for determination of terms and conditions of payment of insurance amount to family members of martyr' servicemen and those with disabilities;*

*- Continuing the activities, trainings and seminars aimed at raising professionalism of journalists, as well as training young journalists in a coordinated manner by relevant*



*authorized state bodies, the State Fund for the Support of Mass Media Development under the President of the Republic of Azerbaijan and the Press Council of Azerbaijan;*

*- Implementing the execution mechanisms for information-holder state agencies to ensure the duties, including information inquiries following from the Law of the Republic of Azerbaijan “On Access to Information”;*

*- Speeding up the creation of children’s television, as well as the preparation of programs educative character on TV channels targeted at development of children’s and youth’s development, publishing social advertising, identifying new legal mechanisms, as well as creation of internet portals promoting national and spiritual values;*

*- Encouraging the creation in the regions of a network of NGOs with positive experiences to develop their leadership skills;*

*- Improving the structure of the Ombudsman’s Office in order to carry out measures for strengthening the oversight capacities of the Commissioner over the fulfillment of the tasks arising from the demands of the Law of the Republic of Azerbaijan “On Access to Information” in 2016-2017 in the National Action Plan for 2016-2018 on Promotion of Open Government approved by the Decree of the President of the Republic of Azerbaijan on April 27, 2016;*

*- Applying the e-documentation at the Ombudsman Institution to achieve the goals set out in the Decree of the President of the Republic of Azerbaijan dated 5 February 2013, on Approval of Statute on the “E-Government Portal” and Measures to Extend Electronic Services and supporting the establishment of a modern electronic data-base in the apparatus to improve the Information Management System.*

In 2018 which is rich in important historical events, in connection with the 100<sup>th</sup> anniversary of the foundation of the Azerbaijan Democratic Republic, the 95<sup>th</sup> anniversary of birthday the national leader Heydar Aliyev and 25<sup>th</sup> anniversary of his return to power, as well as the 70<sup>th</sup> anniversary of the Universal Declaration of Human Rights, basing on the Paragraph 1.8 of the Constitutional Law of the Republic of Azerbaijan “On the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan”, the Commissioner proposes the Milli Mejlis of the Republic of Azerbaijan to adopt the amnesty act.