

## **RECOMMENDATIONS PROVIDED IN THE 2020 REPORT ON THE NATIONAL PREVENTIVE MECHANISM ACTIVITIES AGAINST TORTURE:**

Based on the results of the activities carried out by the Ombudsman in 2020 in its capacity as the National Preventive Mechanism (NPM), the following recommendations are made to ensure the effective protection of the rights of detainees:

1. To introduce a provision into the Code of Execution of Punishments of the Republic of Azerbaijan, providing for the organization of video meetings for persons who are unable to attend short-term visits;
2. To clarify a specific provision concerning the refusal of food by detained or arrested and convicted persons, (convict - under the Code) in Article 42 of the Law "On Ensuring the Rights and Freedoms of Persons Kept in Places of Detention" and the Code of Execution of Punishments of Republic of Azerbaijan;
3. To develop a mechanism ensuring the participation of persons serving sentences in penitentiary institutions in university entrance exams and, therefore, to introduce a corresponding addition to the Code of Execution of Punishments of the Republic of Azerbaijan, taking into account the requirements of the UN Standard Minimum Rules for the Treatment of Prisoners, particularly the provision on facilitating further education for prisoners capable of benefiting from it, as well as to ensure appropriate conditions for the participation of detainees held in the Correctional Facility of the Penitentiary Service in final exams;
4. To develop an effective mechanism for the appropriate placement of individuals suffering from mental disorders or experiencing significant deterioration in their mental health during their sentencing, and accordingly, to revise and re-adopt the "Rules for the Medical Certification of Prisoners Suffering from Severe Illnesses Preventing Serving of Sentences," approved by Decision No. 4-N of the Collegium of the Ministry of Justice dated 29 November 2011;
5. To adopt a program on "Rehabilitation and Adaptation of Prisoners Serving Sentences in Penitentiary Institutions" aimed at promoting personal development, rehabilitate, and to reintegrate into society after release;
6. To expedite the adoption of the draft law "On the Protection of Patients' Rights" with a view to ensuring the effective protection of patients' rights;
7. To adopt a new strategic document in the field of human rights, in accordance with the contemporary requirements, taking into account the expiration of a number of measures under the "National Program for Action To Raise Effectiveness of Protection of Human Rights and Freedoms in the Republic of Azerbaijan" approved by the Presidential Decree dated December 27, 2011;
8. To amend Article 2.31.3 of the Internal Disciplinary Rules of Temporary Detention Places by replacing the phrase "first-time offenders (persons who committed a crime for the first time)" with the phrase "persons suspected of having committed a crime for the first time";

9. To amend Article 5.11.3 of the Internal Disciplinary Rules of Pretrial Detention Places by replacing the phrase "first-time offenders (persons who committed a crime for the first time)" to the phrase "persons accused of committing a crime for the first time (first-time accused persons)";
10. To take measures to eliminate obstacles encountered in practice concerning the right of persons taken into police custody to meet with their lawyers (defense counsel), including through awareness-raising activities and strengthened oversight;
11. To strengthen oversight the unified and comprehensive system of registration, documentation, and record-keeping;
12. To ensure that detainees are duly informed of their rights and to strengthen oversight of the exercise of their right to communicate with family members;
13. To take serious measures to prevent police custody beyond the time limits specified in legislation;
14. To prohibit the use of solitary confinement, as it is incompatible with contemporary human rights requirements and standards;
15. To conduct comprehensive analytical work by the Ministry of Justice on impacts of pandemics and quarantine regimes; to study relevant international experience, and to develop a roadmap at addressing identified challenges;
16. To introduce new approaches to strengthening public oversight and to increase the number of members of the public control commission and to engage experts in various fields to the work of these commissions;
17. To take measures to ensure the presence of medical doctors during night shifts in penitentiary institutions, at least for the duration of the pandemic;
18. To take comprehensive measures to expand vaccination coverage among prisoners;
19. To take measures to address the overcrowding in penitentiary institutions and expedite the completion of the institutions under construction;
20. To ensure effective measures to minimize the use of placement in punishment cells in penitentiary facilities;
21. To strengthen oversight to ensure separation of different categories of detainees;
22. To discontinue the practice of requiring detainees to submit an application addressed to the head of the institution in order to formalize a refusal of food, where such a requirement is not provided by the legislation;
23. To ensure that the use of special tools is minimized in the institutions of the Penitentiary Service;
24. To take measures with a view to phasing out the use of seclusion (isolation) rooms in mental health institutions;
25. To take measures to eliminate the practice of applying special means (restraint measures) to patients in psychiatric institutions;
26. To take measures to address issues related to the duration of hospitalization and discharge procedures of patients in psychiatric institutions depending on diagnosis, and to develop standards governing these matters;

27. To improve inter-agency coordination mechanisms concerning the transfer of patients detained in psychiatric hospitals whose treatment period has ended but who are not accepted by their family members and relatives and therefore, remain in psychiatric institutions, to social service institutions under the Ministry of Labor and Social Protection of the Population;
28. To take measures to improve the living and treatment conditions at the Psychiatric Hospital No.2;
29. To increase the capacity (quota) of social service institutions to accommodate patients who have completed their treatment in psychiatric hospitals, but are not accepted by their family members and relatives, and therefore, continue to remain in psychiatric institutions.