

## RECOMMENDATIONS PROVIDED IN THE 2023 REPORT ON THE NATIONAL PREVENTIVE MECHANISM ACTIVITIES AGAINST TORTURE:

Based on the results of the activities carried out by the Ombudsman in 2023 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 amend Article 228.2 of the Criminal Procedure Code of the Republic of Azerbaijan in order to ensure reliable protection of children's rights - a new version of the Article shall be revised as follows: "*Interrogation of a minor witness shall be conducted with the participation of a psychologist, and where necessary, a teacher, another appropriately qualified specialist and the minor's legal representative.*"
2. To remove wording "under 16 years of age and with signs of mental disability" from Article 432.5 of the Criminal Procedure Code of the Republic of Azerbaijan (when conducting investigative actions involving a minor under 16 years of age and showing signs of mental disability, the investigator shall ensure the participation of a teacher or psychologist) in order to reliably protect children's rights;
3. To increase the number of "night nanny" and "psychologist" positions in the "Standard Staffing Structure of Management, Administrative and Economic, Teaching Assistant and Service Staff of General Boarding Schools, Integrated Boarding Schools, Boarding Sanatorium Schools, Boarding Lyceums and Boarding Gymnasiums," approved by Decision No. 157 of the Cabinet of Ministers' dated June 23, 2006, in order to ensure the right of children to live in a healthy, safe and developing environment in relevant child-care institutions;
4. To include positions of "social worker" to the table of "Standard Staffing of Management, Pedagogical, Administrative-Economic, Teaching Assistant and Service Staff of Orphanages," approved by Decision No. 172 of the Cabinet of Ministers dated July 13, 2006;
5. To amend to Decision No. 61 of the Cabinet of Ministers dated May 29, 1996 "On the Model Staff of Budget-Financed Preschool Educational Institutions," in order to establish positions of "child psychologist" and "early development specialist" in nurseries and kindergartens;
6. To allocate funds to ensure that institutions where people cannot leave at their own free will accessible to persons with disabilities;
7. To amend the penal legislation and other relevant laws to allow prisoners aged 18-24, who do not pose a particular risk to public safety and have committed less serious crimes, to serve their sentences under a different regime, and establish a special penitentiary institution for such prisoners;
8. To develop an appropriate mechanism, including online platforms, to ensure that convicted persons can exercise their right to education, continue their secondary or higher education, and enhance their knowledge and skills;
9. To amend and make additions to Article 15-2 of the Law of the Republic of Azerbaijan "On Medical Insurance" to ensure the provision of medical services, including treatment and medical examination for persons under arrest, and those serving fixed-term and life sentences in the institutions of the Penitentiary Service of the Ministry of Justice, when such services cannot be provided in other medical institutions, at the expense of compulsory medical insurance, in order to effectively ensure their right to health;

10. To increase the number of "nurses", "night nanny" and "psychologist" positions in the "Standard Staffing Structure of Management, Administrative, Teaching Assistant and Service Staff of Boarding-Type Special General Education Schools for Children with Mental and Physical Development Disorders," approved by Decision No. 6 of the Cabinet of Ministers dated January 9, 1992, to improve the quality of services provided to children in these institutions;

11. To bring the "Nutrition Norms for Children in Nurseries, Kindergartens and Orphanages" (Appendix No. 3), approved by Decision No. 103 of the Cabinet of Ministers dated March 9, 1994, "On the application of nutritional norms for citizens in educational institutions, hospitals and other public institutions of the social sphere," into conformity with modern standards in order to increase the efficiency in ensuring the right to health protection of children in nurseries, kindergartens and orphanages;

12. To ensure that long-distance telephone calls of prisoners and accused persons held in pre-trial detention centers are funded by the state budget in cases where their accounts do not have sufficient funds;

13. To establish telephone booths in all temporary detention places, repair non-functioning telephones, and strengthen oversight of the comprehensive registration of phone calls, to guarantee the right to telephone communication, which is one of the primary guarantees of detainees;

14. To align the requirements for organizing outdoor exercise areas in institutions where individuals cannot leave at their own free will with international standard, in the legislation on the execution of sentences and in the internal disciplinary rules of places of deprivation of liberty;

15. To ensure the proper implementation of national legislation and international norms regarding the separate detention of different categories of persons in temporary detention places;

16. To enhance the provision of material and hygienic supplies, at the state's expense, to persons detained in temporary detention places, in accordance with national legislation;

17. To improve the maintenance of relevant registry journals and documentation in police stations, departments, units and temporary detention places, address existing deficiencies, and strengthen oversight of documentation and the initial arrest process;

18. To strengthen measures to prevent the storage and use of expired medications in temporary detention places and to carry out regular monitoring;

19. To strengthen measures to address the current overcrowding in pre-trial detention facilities and penitentiary institutions of the Penitentiary Service, and to accelerate the relocation of pre-trial detention centers No. 2 and 3 to new premises;

20. To accelerate the construction of penitentiary institutions currently under development, and to take appropriate measures in facilities that requiring repair;

21. To improve the rehabilitation (correctional) process by implementing comprehensive measures to reduce the occurrence of regime violations by prisoners and to ensure the successful reintegration of these individuals into society in the future;

22. To adopt a program on "Rehabilitation and Adaptation of Prisoners Serving Sentences in Penitentiary Institutions" aimed at promoting personal development, reform, and to reintegrate into society after release;

23. To apply alternative, more lenient administrative disciplinary measures (such as warnings, reprimands) proportionate to the severity of the offense, instead of transferring prisoners to a penal detention center for regime violations, in accordance with the legislation and international best practices within the framework of correctional work;

24. To ensure the widespread establishment of social adaptation and rehabilitation institutions for persons released from penitentiary institutions across the country;

25. To implement comprehensive rehabilitation and social adaptation programs for persons released from penitentiary institutions, and to strengthen the development of social services;

26. To ensure the provision of adequate and high-quality psychological assistance to persons detained in penitentiary institutions and whose mental health may be at risk, in accordance with the Law of the Republic of Azerbaijan "On Psychological Assistance";

27. To address staff shortages in order to ensure that individuals receiving treatment in psychiatric institutions can participate in therapy in a timely manner;

28. To ensure that treatment in psychiatric institutions is not limited to pharmacotherapy, to align psychosocial rehabilitation measures with modern standards, to support patient participation in developing treatment plans, and to develop an individual treatment plan for each patient, reflecting treatment goals, therapy methods, and the names of the staff responsible for care;

29. To ensure the application of modern methods for the treatment and rehabilitation for persons with drug dependence, increase the number of narcologists and clinical psychologists, expand the capacity of drug treatment facilities, and establish specialized rehabilitation centers;

30. To establish separate departments within specialized medical institutions for the treatment of minors with drug dependence;

31. To carry out the necessary repair and restoration works and expedite the completion of the construction of the Ganja Nursery, which has been closed for renovation since 2021;

32. To develop a state education program, as well as appropriate textbooks and teaching materials for persons with disabilities, and to expedite their provision, taking into account that, with the exception of primary school students, other students in private boarding schools are not supplied with adequate teaching materials;

33. To update and approve the regulations governing the activities of general education boarding schools in accordance with national legislation, including the requirements arising from international treaties to which the country is a party, as well as in line with contemporary challenges;

34. To ensure the reorganization of the conditions of detention at the Guba Special Vocational School, which is currently in an emergency state, in order to bring it into compliance with the requirements established by the legislation of the Republic of Azerbaijan, including the "Model Regulations on Open and Closed Special Educational Institutions" approved by Decision No. 65 of the Cabinet of Ministers dated May 13, 2003;

35. To introduce specialized training programs for "penitentiary psychologists" within higher education institutions that provide psychology education, in order to enhance the provision of psychological assistance in penitentiary institutions and address the need for qualified psychologists capable of working with persons deprived of liberty;

36. To ensure the regular participation of psychologists working in institutions under the Ministry of Science and Education in continuous training and professional development programs;

37. To ensure that heating in institutions under the Ministry of Science and Education, particularly in boarding schools where children stay overnight, is provided in according to the prevailing weather conditions rather than predetermined calendar dates;

38. To develop a mechanism for transferring patients who have completed their treatment in psychiatric hospitals and drug treatment dispensaries (centers), but do not have a place to live, to social service institutions, as well as to increase the quota (number of places) in social service institutions.