

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

R E P O R T

**ON THE ACTIVITY OF
THE NATIONAL PREVENTIVE MECHANISM
AGAINST TORTURE**

(2013)

Baku – 2014

The report covers the activities carried out by the National Preventive Mechanism in 2013, as well as the relevant proposals and recommendations.

The report includes statistical data and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

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Foreword

The establishment of an institution to function as the National Preventive Mechanism for the prevention of torture and other cruel, inhuman or degrading treatment or punishment (NPM) was the continuation of the statehood process, and ensured support for the protection of human rights at the higher level. The incorporation of the requirements of the ratified document into the national legislation has resulted in the designation of the Institute of the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan as the NPM, by taking into consideration its primary experience and capacity in this field.

The elimination, in 2012, of the difficulties caused by the logistical deficiencies resulted in the organization of the NPM's work at a higher level in 2013 and its being considered an outstanding organisation among the relevant agencies of other countries.

The Commissioner's mutual relationships with state agencies, civil society representatives, mass media, international organizations, as well as foreign Ombudsmen have ensured the successful operation of the NPM from the outset and enabled the organization of constructive dialogues, necessary support, useful training sessions, and exchange of experiences.

During the term of its operation, the Azerbaijani NPM has established a distinctive reputation among the relevant specialized organizations and the general public due to its contributions to the improvement of the prevention of torture in the country from both the legislative and institutional perspectives.

The current report, which covers the activity carried out by the Azerbaijani NPM in 2013, comprises the measures undertaken for the improvement of the NPM's operation, cases revealed during preventive visits, presented recommendations and suggestions and the state of their implementation, as well as other activities undertaken by the NPM and proposals and recommendations derived from the conducted analyses.

We would highly appreciate any comments regarding the report.

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Definitions and Abbreviations Used in the Text

AIDS – acquired immunodeficiency syndrome

Commissioner – the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan

Constitutional Law – the Constitutional Law of the Republic of Azerbaijan on the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan

Convention – the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

CPO – a city police office

CPT – Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment

CC – the Criminal Code of the Republic of Azerbaijan

Department – Department for the Prevention of Torture of the Office of the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan

Deprivation of liberty – any form of detention or imprisonment or the placement of a person in a public or private custodial setting, which that person is not permitted to leave at will by order of any judicial, administrative or other authority

Detainee – a person deprived of his/her liberty

DPD – a district police department

DPO – a district police office

EPC – the Execution of the Punishment Code of the Republic of Azerbaijan

HIV – Human immunodeficiency virus

IDR – the Internal Disciplinary Rules of Penitentiary Institutions approved by Decision No. 7 of 29 December 2011 of the Plenary Board of the Ministry of Justice

MD – the Ministry of Defense of the Republic of Azerbaijan

ME – the Ministry of Education of the Republic of Azerbaijan

MH – the Ministry of Health of the Republic of Azerbaijan

MI – the Medical Institution of the Penitentiary Service of the Ministry of Justice of the Republic of Azerbaijan

MIA – the Ministry of Internal Affairs of the Republic of Azerbaijan

MJ – the Ministry of Justice of the Republic of Azerbaijan

MLSPP – the Ministry of Labor and Social Protection of Population of the Republic of Azerbaijan

MNS – the Ministry of National Security of the Republic of Azerbaijan

MSU – a medical sanitary unit

NPG – the National Preventive Group for the Prevention of Torture under the Office of the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan

NPM – the national preventive mechanism provided for by the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

OMP – the Office of the Military Prosecutor of the Republic of Azerbaijan

Office – the Office of the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan

OPCAT – the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

OSCE – the Organization for Security and Co-operation in Europe

PCS – a penal colony settlement of the Penitentiary Service of the Ministry of Justice of the Republic of Azerbaijan

PI – a penitentiary institution

Place of detention – any place where a person is detained or may be detained without permission to leave at will

PS – the Penitentiary Service of the Ministry of Justice of the Republic of Azerbaijan

PU – a police unit

Subcommittee – A Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of the Committee against Torture

TDP – a temporary detention place

Torture – torture and other cruel, inhuman or degrading treatment or punishment

UN – the United Nations

CHAPTER 1. MANDATE AND ACTIVITY OF THE NPM

1.1. Requirements of the OPCAT and National Legislation

The main requirement of the OPCAT¹ is to establish a system of regular visits undertaken by independent international and national bodies to places of detention² in order to prevent torture. The OPCAT emphasizes the importance of a constructive dialogue, and specifies that not an approach based on reaction, but a preventive approach shall be applied to the regulated relations. The innovativeness of the OPCAT also appears in envisaging no new rights or restoration of infringed rights but the prevention of the violation of the existing standard - the right to not be subjected to torture.

The principle idea of the mentioned document is to establish, as an effective tool for the prevention of torture, a system of independent and regular visits to be carried out with the purpose of monitoring the detention conditions and treatment of persons kept in places of detention. In accordance with the OPCAT, international and national bodies with a torture prevention mandate – the Subcommittee and NPMs – are set up. The Subcommittee established at the international level, being a subcommittee of the UN Committee against Torture, is a new generation treaty body of the UN.

Pursuant to Article 17 of the OPCAT, each State Party shall maintain, designate or establish, at the latest one year after its entry into force or of its ratification or accession, one or several independent national preventive mechanisms for the prevention of torture at the domestic level. The NPM's mandate consists of at the very least the following:

- to regularly examine the treatment of the persons deprived of their liberty in places of detention;
- to make recommendations to the relevant authorities with the aim of improving the treatment and the conditions of the persons deprived of their liberty and to prevent torture, taking into consideration the relevant norms of the United Nations;
- to submit proposals and observations concerning existing and draft legislation.³

¹ Which was adopted with the UN General Assembly Resolution No 57/199 of 18 December 2002, and entered into force after 20 States ratified it on 22 June 2006.

² Pursuant to Para 2 of Article 4 of the OPCAT, for the purposes of the present Protocol, deprivation of liberty means any form of detention or imprisonment or the placement of a person in a public or private custodial setting which that person is not permitted to leave at will by order of any judicial, administrative or other authority.

³ OPCAT, Article 19

In order to enable the national preventive mechanisms to fulfill their mandate, the State Parties shall guarantee the functional independence of the national preventive mechanisms as well as the independence of their personnel.⁴

The OPCAT also recognizes the following rights for the NPMs:

- Access to all information concerning the number of persons deprived of their liberty in places of detention, the treatment of those persons, their condition of detention, the number of places of detention and their location;
- Access to all places of detention;
- The opportunity to have private interviews with the persons deprived of their liberty without witnesses, as well as with any other person who may supply relevant information;
- The liberty to choose the places they want to visit and the persons they want to interview;
- The right to have contacts with the Subcommittee on Prevention, to send information and to meet with its representatives.⁵

The OPCAT was acceded by the Republic of Azerbaijan on 15 September 2005 and ratified by the Law of 2 December 2008.⁶ The OPCAT entered into force in the Republic of Azerbaijan by the publication of the aforementioned law on 15 January 2009. On the same date the President of the Republic of Azerbaijan issued a Decree designating the Commissioner as the institution to perform the functions of the National Preventive Mechanism.⁷

The Commissioner's special attention to the prevention of and combat against torture, organization of preventive measures, as well as awareness raising activities has served as the foundation for the NPM's work, and this institute's reputation of being independent, impartial and an "A" category national human rights institute in accordance with the "Paris Principles" was one of the factors grounding its designation as the NPM.

The new and quite serious responsibilities of the Commissioner required more efficient and higher quality activities which resulted in the expansion of her mandate, as well as her staff's competence.

With the additions and amendments made to the Constitutional Law⁸ the Commissioner's powers, as well as her independence have been adjusted to the

⁴ OPCAT, Article 18(1)

⁵ OPCAT, Article 20

⁶ The Law of the Republic of Azerbaijan on Approval of the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (02.12.2008, № 724-IIIQD)

⁷ The Law of the Republic of Azerbaijan on Ensuring the Implementation of the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (13.01.2009, № 112)

⁸ The Constitutional Law of the Republic of Azerbaijan on the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan, (24.06.2011, № 163-IVKQD)

level of the authority of the NPM as provided for by the OPCAT. Also in order to ensure the Commissioner's activities as the NPM, based on the principles of transparency, an NPG has been created and the obligations, rights and guarantees of the members of the NPG have been enacted.

According to the Constitutional Law, the Commissioner and the National Preventive Group have the right to have access, at anytime, without hindrance and prior notification, to police stations, temporary detention facilities, investigation isolators, penitentiary institutions, military detention places, psychiatric institutions and other places where detainees are not permitted to leave at will, meet and interview detained persons, as well as any other persons who may provide relevant information, in private or when deemed necessary with participation of a specialist or interpreter; get acquainted with and obtain copies of all documents confirming the lawfulness of detention, as well as relating to treatment of detainees or detention conditions; draw up acts, and minutes to document the flow and results of undertaken actions.⁹ The Commissioner's right to make recommendations to relevant authorities and receive responses to those recommendations within the specified time limit has also been stipulated in the aforementioned law.¹⁰

It should be noted that in order to ensure the NPM's smooth operation, other legislative acts have been amended too. Thus, the provisions specifying the Commissioner's and NPG's aforementioned powers have been incorporated into the relevant normative legal acts.¹¹

It should also be noted that the suggestions, applications and complaints the inmates address to the NPG are not subject to censorship; and are submitted

⁹ Constitutional Law, Article 12.2.1; 18-1.2.1

¹⁰ Constitutional Law, Article 12.2.1

¹¹ The Law of the Republic of Azerbaijan on Making Amendments to the Execution Punishment Code (20.04.2012, № 324-IVQD); the Law of the Republic of Azerbaijan on Making amendments to the Law on Psychiatric Care (20.04.2012, № 325-IVQD); The Law on Making Amendments to Annex 4 of the Regulations of the Garrisons and Guard Services of the Armed Forces of the Republic of Azerbaijan which was confirmed by Law No 886 of 23 September 1994. (20.04.2012); № 326-IVQD); The Decision of the Cabinet of Ministers of the Republic of Azerbaijan on Making Amendments to "the Sample Regulations of Open and Closed Special Correctional Institutions approved by Decision No 65 of the Cabinet of Ministers dated 13 May 2003" (04.07.2012, № 148); The Decision of the Plenary Board of the Ministry of Justice of the Republic of Azerbaijan on "Making Amendments to the Internal Disciplinary Rules of Penitentiary Institutions approved by Decision No. 7 of 29 December 2011 of the Plenary Board of the Ministry of Justice" (13.07.2012, № 3-N); The Law of the Republic of Azerbaijan on the rights and freedoms of individuals kept in detention facilities (22.05.2012, № 352-IVQ); The Decision of the Ministry of Internal Affairs on "the Rules for Safeguarding and Escorting Persons Detained in Temporary Detention Places of Police Bodies" (14.01.2013, № Q1-001-13)

within one day.¹² Such applications of detainees who do not have sufficient financial means are submitted at the expense of the relevant PI.¹³

1.2. Organizational Issues

Currently the functions of the NPM are performed by the Department on Prevention of Torture established within the Office¹⁴ in 2012, after the allocation of the respective funds.¹⁵ The Department comprising of ten staff units consists of two divisions:

- Visits Division
- Legal Analysis and Reports Division

The employees of the Department are members of the NPG.¹⁶

The main operational directions of the Department, which adheres to the principles of respect for human rights and freedoms, publicity, transparency, legality, justice, impartiality, humanism and confidentiality, are the following:¹⁷

- To organize the Commissioner's work as the NPM;
- To ensure the improvement of torture prevention activities;
- To promote the prevention of torture.¹⁸

1.3. Directions of Activity

The Azerbaijani NPM performs its activities in the following four directions:

- Preventive visits – regular, scheduled or ad-hoc, unannounced visits to places of detention;
- Legal analysis – the theoretical and practical analysis of the performed activities, as well as information collected during the course of such activities, relevant proposals and recommendations received, and effective or draft, and compilation of conclusions and preparation of corresponding proposals;

¹² EPC, Article 83.5; IDR, para 28.6

¹³ IDR, para 28.11

¹⁴ The Decree of the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan on Improvement of the Structure of the Human Rights Commissioner's (Ombudsman's) Office and of the regional centers" (14.09.2012, № 247)

¹⁵ In accordance with Para 8 of Article 119 of the Constitution of the Republic of Azerbaijan issuance of the Decree by the Cabinet of Ministers of the Republic of Azerbaijan on the Implementation of Presidential Decree No1674 of 8 August 2011 on "Application of the Law on Making Amendments to Constitutional Law of the Republic of Azerbaijan, No 163-IVKQD of 24 June 2011 on "the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan" (11.09.2012, № 244s).

¹⁶ Regulations of the Department for the Prevention of Torture of the Office of the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan was approved with the Decree of the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan on Improvement of the Structure of the Human Rights Commissioner's (Ombudsman's) Office and of the regional centers" (14.09.2012, № 247)Para. 1.9

¹⁷ *Ibid*, para 1.3

¹⁸ *Ibid*, para 2

- Legal education work – with the purpose of promoting the prevention of torture, the organization of legal awareness work for the staff of the Office, members of the NPG, personnel of detention places, as well as persons detained in those places, students of relevant educational institutions and academies, and preparation and distribution of related manuals;

- Public relations and international cooperation – the arrangement of exchange of information with local, regional and international organizations and foreign NPMs, mutual participation at events and organization of joint events, and the dissemination of information on the NPM's activity in the mass media.

Along with the abovementioned, it should be noted that the NPM's activity has been interlinked with the Commissioner's mandate to receive applications. Thus, information collected during the examination of the applications received by the Commissioner and the special weight of complaints by each agency and entity were used as a driving force in the planning of preventive visits.

The results of the Commissioner's activities in the mentioned spheres, achievements reached, and proposals and recommendations made are reflected in the Commissioner's special reports. The reports of the previous years were translated into English and published in both the Azerbaijani and English languages with the support of the OSCE Office in Baku. More than a hundred proposals and recommendations aimed at improving the current legislation, as well as institutional issues have been enumerated in the reports submitted so far.

CHAPTER 2. PREVENTIVE VISITS

2.1. Organization of Preventive Visits

As is commonly known, to conduct regular preventive visits to places where people are deprived of their liberty¹⁹ is the key direction of the NPM's activity. Defining its priorities on performing duties the Azerbaijani NPM also considers the OPCAT objectives.²⁰ Then visits are conducted in the establishments, the list of which is drawn up based on the information submitted by the relevant bodies about the places of detention in their jurisdiction in response to the motions sent to them. For reasons of necessity, these lists are renewed at the end of year verifying their accuracy with the relevant bodies.

All preventive visits undertaken by the NPG are conducted without making prior notification and such visits can be divided into two groups: *scheduled visits* and *ad-hoc visits*.

2.1.1. *Scheduled visits*

Scheduled visits are conducted according to the annual schedule approved by the Commissioner. At the end of each year a draft of the annual schedule for the next year is discussed at the meeting attended by the NPG members and an accepted schedule is submitted to the Commissioner for approval. The non-disclosure of the schedule is vital in terms of the effectiveness of the visits. Thus its confidentiality is ensured by the NPG.

The decision upon the sequence of this or another establishment included in the visit, as well as on revisiting is made by taking into account such factors as the specifications of the given establishment, prior cases reported on the detention conditions and treatment in the mentioned establishment in previous years, its location, as well as the information submitted to the NPG as a result of an analysis of the complaints addressed to the Commissioner.

The time allocated for a visit varies depending on the establishment's size and specifications, the number of persons kept there, as well as the number of NPG members involved in that particular visit. The visits mainly last up to three workdays.

2.1.2. *Ad-hoc visits*

The ad-hoc visits are mainly undertaken for checking the state of the implementation of the recommendations given at previous visits, preventing prosecution against the persons who have communicated some information to the NPM in this or another form, as well as investigating information given by interviewed detainees about the establishments they were previously held at and the information submitted to the NPG from the analysis of complaints addressed

¹⁹ OPCAT, Article 4(2)

²⁰ OPCAT, Article 20

to the Commissioner, checking on the spot the information reported by mass media and that the NPG is interested in, and also on the Commissioner's own initiative.

2.2. Conducting Preventive Visits

Ensuring the effectiveness of visits requires encompassing the three main stages. Thus the visits of the Azerbaijani NPM are conducted through the following stages:

- preparation for the visit;
- conducting the visit;
- post-visit activities.

Preparation for the visit usually lasts up to two workdays and covers collecting necessary information, defining the purpose of the visit and establishment of a visiting group.

During the *collection of necessary information* the information obtained at the previous visits, as well as the information received from other sources, complaints addressed to the Commissioner, as well as the information obtained from mass media are analysed, and the legal framework regulating the operation of the establishment, and the relevant international standards are reviewed.

The purposes of the visit are defined encompassing such issues as a general assessment of the condition and treatment, investigation of certain issues on condition and treatment (for example, execution of disciplinary punishments, medical treatment), checking the cases revealed during the previous visits, the state of implementation of presented recommendations and suggestions, defining the issues to be paid special attention and other activities.

During the *establishment of a visiting group* the composition of the group is formed considering number, profession, gender etc. The questionnaires for visit and interviews, templates for taking minutes of conversations with convicts, surveys etc. are prepared.

Undertaking the visit encompasses a number of stages:

First, there is held a preliminary talk with the management of the establishment. During such a conversation the group members introduce themselves and provide information on the purpose of the visit, and later get general information about the establishment.

After the preliminary talk with the management, the buildings of the establishment are visited. During this the material condition of the establishment – the size, capacity and state of cells and rooms, actual placement, light, ventilation, furniture supply, personal hygiene and sanitary conditions, and food – is assessed, along with an investigation of medical treatment etc.

After that, the documents are reviewed and detainees are individually and confidentially interviewed (such talks can be held in groups as well, it is decided by the NPG itself).

Talks with the staff of the establishment are also one of the necessary issues of a visit. In order to assess the treatment of persons responsible for the detainees, the NPG members organise interviews with the personnel. In some cases special surveys are used for prison staff together with the mentioned talks.

At the end of the visit there is held a final talk with the management of the establishment and information provided on the findings of the NPG. By providing recommendations their attention is driven to the issues that can possibly be solved immediately. At the same time it is informed that the senior management of this body will be notified regarding the findings.

From the point of view of the Azerbaijani NPM, the *post-visit activities stage* is more important than the visit itself. As the objective of the NPM is not only conducting visits to places of deprivation of liberty, visits are a beginning of the process aimed at the improvement of the treatment of and conditions for the people deprived of their liberty.

Thus a report on the findings of the visit is prepared after undertaking the visit and recommendations to ameliorate the treatment and conditions are prepared and submitted to the relevant ministries.

Aside from this, follow-up visits are undertaken to check the post-visit situation and the provided recommendations.

In 2013, the NPG conducted 383 visits, out of which 294 were scheduled and 89 were ad-hoc visits. Out of the mentioned visits, 284 visits were carried out on the establishments of the MIA, 62 to the establishments of the MJ, 4 to the establishments of the MNS, 5 to the establishments of the MD, 2 to the establishments of the SMS, 9 to the establishments of the MH, 5 to the establishments of the MLSPP, 10 to the establishments of the ME, and 2 to the establishments of local executive authorities.²¹

During the visits, private talks were conducted with 959 detainees kept in temporary detention places, 786 detainees kept in investigation isolators and penitentiary institutions, and up to 80 persons kept in other establishments.

As in previous years, in order to eliminate the deficiencies and shortcomings revealed during the 2013 visits and to improve detention conditions relevant proposals and recommendations were submitted to the administrations of the establishments concerned and to the relevant ministries. The Commissioner was informed about the appropriate measures taken by the state bodies with regard to each recommendation.

2.2.1. Establishments of the Ministry of Internal Affairs

The measures undertaken for improving the detention conditions in compliance with international standards in the places where detainees are not permitted to leave at will, including the TDPs of the internal affairs bodies, and

²¹ See: Appendix 1

for efficient provision of human rights in these facilities, were continued from the previous year.

With the appropriate measures carried out for modernization of infrastructure, renewing of material-technical basis, as well as elimination of delinquencies and reasons that caused them, and improvement of TDPs, the control over the TDPs was strengthened.

In 2013, 284 scheduled and ad-hoc visits were undertaken to the establishments under the Ministry of Internal Affairs (MIA). During these visits private conversations were held with 959 detainees, their detention conditions were evaluated, the state of their subjection or not to ill-treatment during detention and/or arrest was investigated.

The possibility of subjection to ill-treatment of persons brought to the police bodies in this or other manner was also a matter of evaluation.

During the year 2 visits were carried out to the **Main Organized Crime Department**. During the visits it was found out that the TDP was repaired at the beginning of the year and fully meets the modern standards.

During the conversations held with detainees no complaints on the detention conditions or treatment were made, and it was found that each of the detainees is provided with a state lawyer or personal lawyer.

During the visits carried out to **the Department on Struggle against Trafficking in Human Beings** and the asylum under this department there were no detainees in the TDP. However, the documents confirming the lawfulness of detention and registration documents were investigated and detention conditions evaluated.

All cells of TDP were repaired; the medical room for rendering medical treatment to detainees was equipped with necessary stock and medicine.

During the visit to the asylum, there was no detainee either. However, all rooms of the asylum were visited and their condition was evaluated. This facility was repaired and high-level conditions were created for persons detained there.

During the visits carried out in the **Deportation Research Center of the Struggle Against Illegal Migration Division of the Main Passport, Registration and Migration Department**, the detainees' detention conditions and treatment of them were investigated; it was found out that many of the recommendations given during the previous year's visit of the NPG were implemented.

During the visit the NPG members conducted private meetings with foreigners detained in the facility, held confidential conversations with them. Their rights were explained to them.

During the visits carried out to the **detention station for the administratively arrested persons of Baku City Head Police Department**, the treatment of detainees and detention conditions were investigated and the documents confirming the lawfulness of detention reviewed.

During the conversations with detainees it was discovered that the hair of some of them was cut and they were not given the opportunity to use the bathroom or have phone calls with relatives and parcels were not accepted.

The members of the NPG visited the station that previously functioned as a detention station for the administratively arrested persons of Baku City Head Police Department and was officially closed at present.

During the visit it was found out that the facility was actually functioning, and there were idlers and beggars detained in conditions inadequate to standards and sanitarian-hygienic requirements. During the review of the registration book of persons brought to the facility, it was revealed that on that day 22 persons were sent to their living places.

In response to the Commissioner's appeal on these two issues to the MIA it was noted that in the frames of measures aimed at struggle against idlers and beggars in the capital, while being brought to the district police body, until identification of and undertaking measures pursuant to the law regarding this category of people in compliance with administrative legislation demands, the former building of the detention station for the administratively arrested persons of Baku City Head Police Department in the Khatai district was in use. For allowing the delinquencies the Chief of the detention station for the administratively arrested persons of BChPD N. Najafov was excluded from the internal affairs bodies, chief deputy J. Gasimov was severely reprimanded; duty officers Sh. Jaliyev and A. Gouliyev were brought to administrative responsibility with reprimand.

During the next visit several persons said that they were confined by the management of the facility to sleep and lay in the beds in the cells where they were detained above the 8 hours for sleep as provided in the norms. After the conversation with the management of the facility that limitation was eliminated.

An appeal was made to the MIA and several proposals including making additions and amendments to the Statute regulating detention conditions of administratively arrested persons and functioning of the station were put forward:

Assignment of a worship room for provision of freedom of conscience of persons detained in the station; improvement of detention conditions (such as increasing the numbers of showers, assignment of meeting rooms and others) considering prolongation of administrative arrest period from 15 days to 3 months; conducting of measures regarding the need to repair the station building; conducting of additional measures (installation of TV sets) for efficient organization of leisure time; switching off of electric bulbs at night-time and installation of night lights; provision of detainees with daily press (newspapers); provision with hygienic means on the state account.

It should be noted that, despite such measures as involvement of persons detained in the TDPs of police bodies to manual labor, hygienic measures on the body of detainees against their will, prohibition of smoking in cells, the

application of special means and others are not considered regarding suspected and accused persons in the “Statute on the stations of the police bodies for administratively arrested persons” affirmed by the MIA order No. 480 from October 30, 2010; these are applicable for administratively arrested persons.

A proposal was made on investigation of the mentioned issues and carrying out of appropriate measures, as well as on preparation in the frames of joint partnership of the special draft law regulating the rules of detention of administratively arrested persons, their rights and obligations.

Considering the Commissioner’s proposals, allocation of financial means for repairing the station is planned in order to further improve the detention conditions.

The Commissioner’s proposal on the preparation of a new draft law regulating rules of detention of the administratively arrested persons was considered as satisfactory.

Several shortcomings were revealed during the visits conducted to ***Binagadi DPO TDP***.

In none of the cells were there daily regime rules, in 3 cells due to a malfunctioning tap, water was always flowing, as well as dirty pillows and bed-clothes; reviewing the “registration book of detainees in the TPD” it was found out that during the last 6 months of 2013, 13 persons were kept in the facility longer than necessary and contrary to the Law on “Ensuring the Rights and Freedoms of Persons Held in Places of Detention”; there was no medical book to make notes about detainees of the facility according to the requirements of paragraph 2.1 of the Cabinet of Ministers Decision No. 67 from April 18, 2013, and the facility staff was unaware of the existence of such a book.

To bring to the attention the recommendations on elimination of the mentioned problems, the NPG members tried to meet with the Chief of the TDP; however, despite being in the facility he didn’t receive them, behaved unethically and left the facility displaying indifference to the conducted visit.

After the appeal to the MIA on the results of the visit, it was informed that considering the fact that the Chief of the TDP was in this position for a short period of time he was given a strong notification for failing to eliminate the mentioned shortcomings and deficiencies and for unethical behavior towards the NPG members during the visit, and he would be subjected to administrative measures in the case of similar actions in the future. Furthermore, for failing to provide transfer of detainees of the TDP to the Investigatory Isolator as provided by the legislation the TDP officers on-duty A. Turabov and I. Hajiyev, as well as acting Chief of the TDP, the Head inspector of the public security department, a police major M. Mammadov were all reprimanded, bringing to disciplinary responsibility the Head of that department colonel – lieutenant E. Seyidov who was temporarily absent due to illness.

It was also noted that water taps in the Binagadi DPO TDP's cells were repaired, the bedding clothes were changed and the city and district police bodies were given appropriate tasks on strengthening the legality, provision of detainees' rights and improving detention conditions.

During the visit to **Khachmaz DPD TDP** several shortcomings were revealed and concerning recommendations were sent to the MIA.

In the response letter regarding implementation of recommendations it was informed that the sanitary facilities in cell No. 1 of Khachmaz DPD TDP were repaired, cells No. 3 and No. 4 were provided with additional stools, lighting of cells were improved and sanitarian facilities were equipped with doors.

During the return visit it was discovered that additional stools were installed in the cells, however other shortcomings were not eliminated.

Considering these, Commissioners urged the Minister of Internal Affairs to investigate the mentioned facts and undertake measures for adjusting the detention conditions in Khachmaz DPD TDP to modern standards.

In the response from the MIA it was stated that additional financial means from the MIA's budgetary spending for 2013 for repairing TDPs were allocated also for Khachmaz DPD and appropriate measures in improving detention conditions in that TDP were undertaken.

During the visits to **TDPs of Hajigabul, Imishli, Beylagan, Agjabedi, Barda, Terter, Yevlakh, Ujar, Zardab DPDs, as well as to Kurdamir and Agdam DPDs** it was found out that the majority of TDPs met the standards.

During the review of rooms in **Kurdamir DPD** where detained persons could be, it was found that a person suspected of having committed a crime was kept for a night in the Criminal Investigation Department officers' service room, and reviewing the registration book of persons brought to the department it was found that notes were not taken regarding the detention of that person.

During the investigations conducted on **Beylagan and Imishli DPDs TDPs**, it was discovered that the period provided by the legislation for transferring of detainees in both of these TDPs was infringed, and some of the cells failed to meet standards; in Imishli DPD TDP, despite empty cells, the previously convicted persons were kept in the same cell as not-convicted persons and sanitarian facilities had no doors; review of the registration book of persons brought to the department showed that the notes were incomplete.

In the MIA's response to the letter regarding the results of the visits it was noted that the officers on-duty at the Kurdamir and Imishli DPDs were subjected to disciplinary punishment for allowing shortcomings in registration (severe reprimand, reprimand). It was also noted that financial means from the MIA's budgetary spending were allocated for the acquisition of land for new administrative building construction of Beylagan DPD and TDP, as well as for conducting major repairs in Imishli DPD TDP.

During the visit to **Samukh DPD** it was found out that the conditions met standards and the detainees were kept in a condition allowing provision of their rights and freedoms.

However, the Head of the CID did not create conditions for meetings in private with NPG members and the selected administratively arrested persons, and made direct interventions in answering the questions.

After the appeal to the MIA regarding the results of the visit, the Head of the CID was given strong notification for making impediments when conducting private meetings of representatives of the Commissioner with detainees thus violating the provisions concerning legal norms.

The Commissioner is of the opinion that for eliminating such cases in future, the MIA should carry out necessary measures. The normative documents regulating the activity of the TDPs do not consider entering of the CID staff unnecessarily to the detention place. At the same time, a person administratively arrested for five days in a TDP, coming to him the Chief of CID and testifying when he is there, is a matter of concern.

During the visit several shortcomings were revealed in **Salyan DPD TDP**, including deficiencies in documentation. It was found that in none of the cells in Salyan DPD TDP were there daily regime rules; the medical book wasn't filled in regarding two persons, the notes in the registration book of persons brought to the TDP were incomplete, and persons were not transferred to the Investigatory Isolator despite the existence of the decision on arresting the accused persons.

After the appeal to the MIA regarding the results of the visit, the officer on duty and Chief of the TDP were given reprimands, deputy Chief on Service and Chief of the Public Security Division were given notification for failing to transfer the accused persons to Investigatory Isolator within the period provided in the Code of Criminal Procedure of the Republic of Azerbaijan, and it was mentioned that in the case of allowing similar shortcomings strong administrative measures will be conducted towards them. The heads of the city and district police bodies were given appropriate tasks on strengthening the legality in TDPs, improving the situation with provision of detainees' rights and detention conditions.

During the visit to **Narimanov DPO, Police Stations No. 16 and No. 18 and the TDP of that Office** the detention conditions and treatment of detainees were considered satisfactory and recommendations were given on further improving the detention conditions.

During the visit to **Nizami DPO, police Stations No. 23 and No. 25, as well as the TDP of that Office** the detention conditions and treatment of detainees were considered satisfactory and recommendations were given on further improving the detention conditions. Considering that TDP was newly put into operation, the abilities of the staff here were reviewed and it was revealed that there was a need to conduct additional awareness measures for them.

During the visit to ***Sabunchu DPO, Police Stations No. 12 and No. 13 and the TDP of that Office*** the detention conditions and treatment of detainees were considered as satisfactory and recommendations were given on further improving the detention conditions.

During the conversation with accused persons conducted in Baku Investigatory Isolator of the PS, some of them said that while being arrested by the Sabunchu DPO staff members, they were subjected to pressure and violence with participation of the Chief of CID to confess (get testimonies). The Commissioner asked the Prosecutor General and the MIA regarding the case for forensic medical expertise and punishment if the facts were confirmed. The response letter stated that a comprehensive investigation of the case was carried out and the mentioned facts were not confirmed.

During the visit to ***Khazar DPO, Police Stations No. 1 and No. 2 and the TDP of that Office*** confidential conversations were conducted with the detainees; it was revealed that they have no complaints on detention conditions and treatment. The result of the visit was evaluated as satisfactory and recommendations were given on further improving the detention conditions.

It should be noted that Police Station No. 3 of this Office was given to Pirallahi District and the Pirallahi DPO was established.

During the visit to ***Khatai DPO, Police Stations No. 34, 35, 36 and 37 and the TDP of that Office*** the detention conditions and treatment of detainees and reviewing of documentation of registration of detainees were the object of investigation.

During the visit it was found that heating systems in two cells were not functioning properly, while reviewing the documents showed that there was not a doctor aside from emergency cases. The management of the facility was given recommendations on elimination of the mentioned shortcomings, and the repeat visit to the facility showed that the recommendations were implemented.

During the visit to ***Nasimi DPO TDP*** one of the detainees of the facility said that he was beaten by the staff members of this detention place, and no opportunities were created for meeting with his lawyer.

That detainee did not permit an examination of his body. Reviewing the documents confirming the lawfulness of detention, it was found that in the Act compiled by the Chief of the TDP and other staff members the mentioned detainee inflicted self injury in the cell where he was kept. During the acquaintance with the documentation, it was also revealed that the doctor was invited to the facility and he examined the mentioned person. At the same time, during the private conversation with other detainees kept in the same cell as him, they also confirmed that he inflicted self-injury.

Besides this, the Commissioner urged the Prosecutor Office to investigate the complaints of detainees of that facility on subjection to violence during preliminary detention and an investigation was conducted.

Thus, R.I. appealed to the Commissioner stating that his son S.R. was arrested by the *Nasimi DPO's Police Station No. 22* staff members and had been illegally kept for a day in the facility, was beaten after being put in handcuffs and subjected to inhumane treatment. A similar appeal was made by his lawyer as well.

The Commissioner urged the Prosecutor General to appoint a forensic medical expert and conduct an investigation of the case.

In the response letter it was noted that the investigation of the mentioned facts was carried out by the *Nasimi District Prosecutor Office*, the expressions of S.R. upon the case were taken, the forensic medical expert was appointed and the investigation was controlled by the Office of the Prosecutor General. A complete and comprehensive investigation would be carried out and from its results a lawful decision would be adopted.

From the information of the MIA it was mentioned that for allowing rude behavior towards S.R. and his groundless detention the police inspector M. Babayev, responsible officer B. Abbasov, and inspector of the CID Z. Hamidov were discharged; for allowing other shortcomings the chief operational inspector E. Nouriyev, operational inspector E. Aslanov, officer on duty Y. Mahmudov and inspector N. Hasanov were brought to disciplinary responsibility.

During the visit to *Sumgayit City Police Department TDP* conversations were made with detainees and documents confirming the lawfulness of detention and the registration book were reviewed.

The cells of the institution were repaired at a high level, the medical room for rendering medical service to detainees was provided with the necessary equipment and medicine.

It should be noted that as the administrative building of Sumgayit CPD TDP was newly put into operation it fully met the modern standards.

Besides these, appropriate visits were conducted on *Police Stations No. 1, 2, 3, and 4*.

During the visits to *Absheron DPO TDP* private conversations were held with detainees and no problems regarding their detention conditions and treatment were revealed.

The members of the NPG gave concerning recommendations to the heads of the mentioned facilities.

Several shortcomings were revealed as a result of the visit to *Gadabay DPD TDP*.

Thus, despite the existence of enough clean sheets in the room of the Chief of the TDP, the detainee in cell No. 1 was not provided with clean sheets to use and the last note in the sanitarian – hygienic journal on cleaning works was made four months previous. This case was evaluated as low-level of control over cleanness, and such issues as detention of persons with human dignity, following

sanitarian – hygienic requirements and the [necessity of] elimination of the mentioned shortcomings were brought to the attention of the Chief of TDP.

Along with the mentioned facts, it should be noted that during the public hearings on April-June, 2013, in 58 cities and districts of the country in connection with monitoring of implementation and promotion of the National Action Program, the Commissioner carried out visits to each city and district police body, and gave recommendations on the management of those institutions.

In the information given by the MIA regarding the results of the NAP it was noted that in order to prevent possible overcrowding of TDP police offices placed in the areas of courts of Appeal, Grave Crimes, military courts, prosecutor's offices, administrative-economical courts, additional cells were being built in TDPs of Shirvan and Terter city district police bodies, as well as the detention threshold increased in new TDPs in Ganja, Sumgayit, Lankaran city and district police bodies.

The Azerbaijani NPM continued cooperation with the MIA in 2013 as the previous years. In the frames of cooperation, the NPM report from 2012 was sent to the MIA for reference and provided the MIA with relevant information on measures for the elimination of noted shortcomings and implementation of proposals and recommendations. Regarding relevant proposals and recommendations enshrined in the NPM report, the following was sent:

On paragraph 10 (Ensure that the MIA increases control over and exactingness with regard to the registration of relevant information on persons brought to police bodies, and observance of the detention threshold) –

New “Rules for Safeguarding and Escorting Persons Detained in Temporary Detention Places of Police Bodies” were compiled and affirmed by the collegiate decision of the MIA No. Q1-001-13 from 14.01.2013 regarding the solution to the issues following the Law of the Republic of Azerbaijan on “Ensuring the Rights and Freedoms of Persons Held in Places of Detention”.

The appropriate program was worked out regarding the electronic registration of persons brought to the TDPs of police bodies and currently its installation is carried out by the MIA Head Information and Communications Department.

According to the demands of the MIA Order No. 80 from 04.03.2000, the MIA staff members on official missions learn the situation with provision of rights of persons brought, arrested, detained in the TDPs of police bodies, and in the case of delinquencies ensure objective internal investigation despite the existence or not of the suffered person's appeal.

On paragraph 11 (Ensure that the MIA enhances control over the replacement of expired medicine with replacements in the relevant establishments) –

The “Rules on rendering of medical and psychological care to detained or arrested persons, as well as on their detention in medical facilities” affirmed by

Decision No. 67 of the Cabinet of Ministers of the Republic of Azerbaijan from 18.04.2013 were announced in the internal affairs bodies according to the MIA Order No. Ə319-001-13, dated 03.05.2013, and necessary measures were carried out following from it, such as preparation of the “medical book of detained persons”, determination of medical personnel in state medical facilities for preliminary medical examination of detainees in TDPs, provision of cleaning works at least once a month, disinfection of cells of detainees suffering from contagious diseases and solution of other measures provided by the Decision.

Appropriate conditions were created in TDPs for each police body of the republic and the storage of medicines and their usage dates put under serious control.

On paragraph 12 (Ensure that the MIA continues the installation of modern surveillance devices in TDPs to prevent suicides, self-injuries and other incidents) –

Given that video, electronic and other technology supplies can be used for carrying out control according to Article 36.2 of the Law on “Ensuring the Rights and Freedoms of Persons Held in Places of Detention” 65 TDPs were provided with modern alarm systems, 63 detention places with modern video surveillance equipment, as well as installation of new alarms– security signalization and video surveillance devices are planned in newly constructed TDPs to prevent illegal actions towards detainees and to improve the security systems in general.

Within nine months of the current year the alarm, security and video surveillance systems in Biladjary DPO TDP were renewed, as well as MIA Head Information and Communications Department eliminating malfunctions in the alarm – security and video surveillance systems in the TDPs of police bodies in Khatai, Sabunchu, Yasamal, Sabail district of Baku city, and the TDPs of police bodies in Absheron, Saatli, Sabirabad, Jalilabad, Bilasuvar, Guba, Khachmaz districts of country. A proposal to add to the video surveillance equipment a digital memory device to the “Norms on provision of police bodies of the Republic of Azerbaijan with special equipped buildings” was put forward.

In compliance with the requirements of “Rules for Safeguarding and Escorting Persons Detained in Temporary Detention Places of Police Bodies affirmed by MIA Decision No. Q1-001-13 from 14.01.2013, the MIA is investigating the cases causing death in the TDPs, and cases of escape from detention places or from escort.

Besides this, official investigation of violation of internal discipline rules by the detainees in the TDPs is to be conducted within 10 days by the deputy head of the police department on service (in the case of his absence, by the head of the public security service), copy of the reference (order) of the head of the police body after ending the investigation is sent to the Chief Public Security Department of the MIA within 5 days.

On paragraph 13 (Ensure that the MIA continues the improvement of the financial condition of the relevant establishments, as well as the construction of new buildings where necessary) –

The measures for improving conditions in the TDPs of police bodies meeting international norms and standards, the construction of new TDPs of Ganja City Head Police Office, Gazakh, Zaqatala, Zardab, Kurdamir DPDs, as well as reconstruction in TDPs of the Head Organized Crime Department and Biladjary Line Police Office of Head Police Department in Transport have been continued, as well as repairs in TDPs of Agstafa, Sabirabad, Imishli, Agsu, Bilasuvar, Shamkir, Saatli, Ujar DPDs concluded during the concerning period of 2013.

Today, the construction of TDPs in Garadagh, Surakhani, Binagadi DPOs of Baku city, as well as of TDPs of Ismayilli, Yardimli, Masalli, Gadabay and Beylagan DPDs is being carried out and construction in 2014 of new TDPs of other police bodies is also planned by the MIA Construction and Engineering Department.

TDPs of all police bodies of the republic were provided with bedding, bedsteads and furniture, appropriate conditions were created for ensuring the rights of detainees and rendering medical care to them, as well as each TDP being provided with special cars for transferring accused persons.

The persons detained in the TDPs are provided with food on account of the MIA estimates allocated for this aim according to Decision No. 154 of the Cabinet of Ministers of the Republic of Azerbaijan “On Approval of Nutrition and Material-Living Norms for Detainees” of 25 September 2001. The preparing of nutrition for detainees is carried out based on the agreement between the relevant police body concerning public catering facilities and each person is provided with a hot meal (entree), bread, tea and other products in compliance with the daily norms.

In the draft of the “Internal Disciplinary Rules in Penitentiary Institutions” on the eve of affirmation there are provisions that are enshrined in the Law on “Ensuring the Rights and Freedoms of Persons Held in Places of Detention”, including provisions on giving information by phone by the detained or arrested persons immediately after being brought to the TDP to their relatives or other persons of legitimate interest, buying things on their own account for writing, literature, newspapers, journals, foodstuffs from the markets, receiving parcels, presents and wrappers, participation in civil, family law relations, enjoying notary services, being examined by the specialists of the medical facility of their own accord and others.

On paragraph 14 (Ensure that the MIA carries on education work conducted in the relevant fields and closely involves the NPM in such activities) –

Persons taken into police custody and detained there have an opportunity to be informed of their rights and freedoms enshrined in the Constitution of the

Republic of Azerbaijan, and of the rights and obligations derived from international standards and the normative legal acts regulating the activity of the MIA in this field through the boards placed in the administrative buildings of police bodies; the extracts from relevant orders of the MIA having been translated into the Russian and English languages, have been posted on the walls of TDPs, and there are banners also showing the list and numbers of lawyers in the visible places of administrative buildings of district police bodies.

In order to improve the professional capacities of the staff members of the TDPs, on-line (virtual) training on “The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment” and “The legislation of the Republic of Azerbaijan on ensuring the rights of detained or arrested persons” has been conducted; besides, the measures aimed at comprehensive learning of the Law on “Ensuring the Rights and Freedoms of Persons Held in Places of Detention” and international documents have been carried out.

The staff members of security services of police bodies and chiefs of the TDPs of Salyan, Neftchala, Bilasuvar, Jalilabad, Masalli, Lankaran, Yardimli, Lerik, Astara, Mingachevir, Sheki, Agdash, Balaken, Goychay, Ismayilli, Gakh, Gabala, Oguz and Yevlax city DPDs were invited to participate in specialized training on the “Treatment of suspected and accused persons held in detention facilities” conducted from the initiative of the OSCE Baku Office in Lankaran and Sheki.

It was also emphasized that the proposals and recommendations put forward in the report on the activities of the Commissioner as a National Preventive Mechanism against torture during 2012 are approached with great attention and necessary organizational measures will be conducted for their implementation in practical activities.

2.2.2. Establishments of the Ministry of Justice

In 2013, the NPG continued its activity in the provision of rights of arrested and persons detained in prisons. During the reporting year, 62 scheduled and ad-hoc visits were made to the establishments under the Ministry of Justice.

During these visits confidential conversations were held with 786 detainees and the focus was such issues as protection of their honor and dignity, not to be subjected to torture, protection of health, and realization of the right to appeal and receive legal aid and of other rights enshrined in the law and international norms.

The measures aimed at rebuilding penitentiary institutions for adjusting them to modern standards, improving the detention conditions, efficient provision of rights of persons detained in these facilities and to continue rehabilitating prisoners this year as well.

As a result of the measures and implemented innovations, regular work was carried out for the elimination of delinquencies and their reasons, and strengthening discipline; the control over the activity of detention places and penitentiary institutions was increased.

In the frames of the realized reforms, in 2013, regular measures were undertaken to improve the penitentiary system, protect the rights of prisoners and detainees, adjust the detention conditions to international standards and work towards modernizing the penitentiary infrastructure, and improving material-technical bases.

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

Sheki Penitentiary Complex consists of different regime corps, investigatory isolator, administrative building, building for long-term meetings of prisoners and detainees with their families, medical unit with modern medical equipment and others; sport sites are organized for involving prisoners in useful labor and efficient organization of their leisure time.

The kitchen provided with modern equipment was built to ensure quality nutrition of persons detained in the facility, and new equipment in the laundry, transformer substations and generators, water depots and pumping station was constructed to provide the complex with constant and sustainable electrical energy.

The Commissioner participated in the opening ceremony of the newly built facility.

During the visit to PI No. 2 the aim was an evaluation of detention conditions and living areas for detained persons in the institution.

During the visit to the Specialized Medical Facility No. 3 (detainees suffering from tuberculosis are kept here) the NPG members observed wards, penal isolator, lavatories and other rooms of the institution. It was found that the facility was repaired to a high standard and was provided with modern equipment.

During the preliminary conversation with the Chief of the institution, he informed the NPG members about the high level of provision at the facility with medicine and noticeable increase of the recovering percentage among patients.

During the next visit the aim was to observe the detention conditions and treatment and cure of convicted persons.

For this aim all establishments of the facility were investigated, the reception of inmates in private was carried out; documents and registration books were reviewed in compliance with the OPCAT requirements.

Several positive changes were observed during the monitoring. Thus, the appeals regarding ill-treatment were not confirmed and application of special means (handcuffs) against only three persons during one year was evaluated positively. Significant decrease of deaths in comparison with previous years, high level of provision with medicine and foodstuffs, provision of the PI with modern laboratory equipment, opening of international training center in the institution, as well as sharing experience with different countries are the results of care in this field. Beside the mentioned positive cases, during monitoring several minor

shortcomings were observed and were immediately eliminated by the institution management.

Alongside these, the appeal was made to the MJ regarding cessation of gas supply to the facility and as a result it was noted that measures directed at the restoration of the gas supply of the facility were carried out.

During the visit to PI No. 4 all establishments of the facility (dormitories, punishment isolator, quarantine zone, short-term and long-term meeting rooms, MSU, mother and child room, telephone room, beauty saloon and others) were monitored, and detention conditions in the penitentiary were evaluated.

In comparison with previous visits *to PI No. 4* considerable positive works were observed. Private conversations were held with 40 women inmates serving their sentence in this facility; the detention conditions and treatment of inmates by the staff members of the facility were evaluated. Issues raised by several inmates were solved on site and recommendations regarding the results of the visit were sent to the MJ.

In these recommendations it was noted that the number of lavatories, showers and telephones were not proportionate to the number of inmates; there was no kitchen in the mother and child room or conditions for washing; there was no kitchen in the MSU.

Considering the proposals the child room was moved to a new large room and conditions were created for a lavatory, bath and storage of things. Additional telephone line was allocated for use by inmates. It was noted that given the financial means other recommendations would be realized; at the same time the creation of appropriate conditions in the child house and MSU and a draft estimate of a new penitentiary for women in the Zabrat district of Baku city.

Along with these, the Commissioner conducted a repeat visit to this institution and met with woman inmates detained there. The Commissioner also met with inmate G. and her 8-month old baby staying with her, and learned of their detention and health conditions.

The meeting with all inmates detained there was conducted in the hall of the facility, and their appeals were heard and legal advice was given to them. Such issues as their pardoning, being sent to a Medical Institution of the PS, dissatisfaction with the court decision regarding their cases and others were among the raised issues.

The Commissioner conducted a meeting in private with 57 female inmates, their appeals were heard and the provisions of corresponding legislation were explained to them.

After the visit the appeal was sent to the Main Medical Department of MJ and as a result several female inmates underwent examinations from doctors of different specializations (therapeutic, neuropathist, gynecologist, psychiatrist, cardiologist, sonologist), as well as USI, ECG and roentgen examinations and consultations. During the examinations no diseases requiring stationary treatment

were detected, and short-term ambulatory treatment of existing chronic processes was carried out.

The Commissioner recommended the MJ to make a representation from the PS on court review to grant parole to inmates who had served two thirds of their sentence, sincerely repented for committing their crime, were rehabilitated and assumed to be no threat to the society and 18 women older than 60 years, as well as women having more than 8 children.

It should be noted that corresponding appeals of several inmates were reviewed by Khatai District Court, and the decision on their early parole was adopted.

During the visit to PI No. 5 there were observed noticeable works carried out in this institution considering several recommendations forwarded during the visit conducted the previous year.

Necessary conditions were created for the efficient organization of leisure time for inmates with the gym hall and club repaired and put into operation; besides these, the new mosque was built and heating system was installed in all dormitories and meeting rooms; punishment isolators were repaired and some of the dormitory floors were replaced with wooden covers.

It was also determined that despite the MSU building of 20 beds being in an emergency condition and clothes not meeting hygienic requirements the inmates were being kept here, and no work from the period of the previous visit had been carried out here.

It was also found out that despite the dental room having only an old dental chair and no water supply the doctor had given stomatology aid to 339 inmates registered within 10 months of 2013.

During the conversations with inmates some of them noted that the level of rendered medical care was low.

At the time of the investigation it was also found out that the relevant dates of diseases of inmates were not noted in their medical books, the medicine given to inmates detained in the punishment isolator was open (on the match box), the medicine was distributed among the inmates by unrelated inmates according to the instruction of the doctor, and the medicine to be kept in the refrigerator (for example essential ampoule) was kept at room temperature.

An appeal was sent to the MJ regarding the results of the visit. The response informed that as the MSU of the mentioned facility was too old and its reconstruction was impossible, the construction of a new medical-sanitarian unit by means of state investment for 2013 was raised before the Financial and Planning Department of the MJ and appropriate drafts were prepared. The recommendations on allocation of financial means from state investment expenditure of the state budget were made to the Ministry of Economic Development.

In order to determine the reasons and results of other issues revealed during the visit, a special commission was established by the Chief Medical Department of MJ; the activity of the MSU was investigated, the results of the investigation were planned to be discussed in the near future at the Medical Council of the Chief Medical Department, and additional information on the results of the discussion would be given afterwards.

Though the Commissioner repeatedly urged the MJ on the situation and revealed violations in this institution, no changes took place here and this is a matter of concern.

During the visit to PCS No. 11 conversations were held with detainees and no appeals on treatment were received.

On the day of the visit 85 inmates were registered in this institution for 150 inmates, and 6 persons were given the right to stay at home; amnesty was applied and implemented towards 114 of the inmates according to the last act of amnesty.

The Chief of the PCS informed the NPG members that the building of the facility was not in the MJ balance, the rent treaty would expire on January 1, 2014, and the owner of the building did not wish to prolong the agreement and so this issue is under MJ control.

During the visit to PI No. 12 punishment isolator, zone of quarantine, production area, MSU and other places were monitored, registration journals were reviewed; at the same time, the collective and private conversations were held with approximately 60 inmates and the existing situation with their detention conditions, treatment, as well as construction of a medical unit for 20 persons in that institution were evaluated positively by NPG members.

The results of the visit were sent with recommendations to the MJ. Carrying out appropriate measures for eliminating the overcrowding in this facility, changing the asphalt covering of the yard, solutions to malfunctions of communication (repairing the telephone lines), increasing the telephone numbers given the total number of inmates, as well as inmates raising the problem that the investigation upon the materials regarding their cases sent to these structures was not conducted for a long time by appropriate bodies and appropriate decisions not adopted were among them.

Considering the mentioned recommendations, the appeal was made by the PS to the Baku Telephone Communication Production Association for repairing the communication lines; the measures were realized on allocation of four additional telephone numbers for usage by inmates, the asphalt cover in the yard of the institution was repaired, the appeals were sent to relevant investigation structures to facilitate the adoption of the decision regarding the inmates for whom there were materials to be inspected; also it was noted that the matter of provision of inmates with living space in compliance with the legislation will be solved after putting into operation modern penitentiary institutions under construction in the country districts.

During the visit to PSC No. 13 all establishments of the institution were observed, the reconstruction works carried out there were evaluated positively, several recommendations on further improving detention conditions were given to the institution management.

The received inmates made no complaints on detention conditions and treatment by institution staff members.

During the visit to PI No. 14 it was found out that several positive works were carried out after conducted reforms in personnel, thus, the number of telephone lines for phone conversations of inmates with their families was increased from 2 up to 4, the club for short-term meetings and for efficient organization of leisure time was repaired, drinking water lines were renewed and repairing works in the administrative building were concluded.

It should be noted that during the previous visit to this facility, many cases of violation were revealed regarding the treatment, detention conditions, and organization of leisure time and groundless disciplinary punishments of inmates. During the monitoring conducted in 2012, the cases of self-injuring among inmates were more here than in other penitentiary institutions. During the recent visits, it was found out that such cases were eliminated, necessary conditions were created for them and these were evaluated positively by inmates themselves.

The Commissioner is also concerned regarding the fact that the institution is situated as a relief between rock quarries and this is a threat to the health both of the inmates serving their sentences here and of staff members of the institution (especially on windy days). Despite the appeals to different relevant structures, the problem has not been solved positively yet.

During the visit to PI No. 16 the purpose was an evaluation of detention conditions, treatment, and rendering of medical care to inmates.

All establishments of the institution– dormitories, punishment isolators, zone of quarantine, rooms for short and long-term meetings, canteen, kitchen, MSU, were observed; collective and private conversations were held with approximately 40 inmates serving their sentences here (8 of them were foreigners); the current situation with detention conditions and treatment of inmates was evaluated.

The appeal was sent to the MJ regarding the results of the visit mentioning that the punishment isolator failed to meet standards, and as a construction of a new facility is not planned in the near future there is a need to expand the isolator; also considering that the chief of the MSU works in two facilities at the same time, there are problems in carrying out proper general administration and rendering quality medical care to inmates. Carrying out management directly by one doctor was considered as expedient.

Considering the Commissioner's recommendations, a bed that was beyond the norms was taken from one cell of the punishment isolator and two additional

large cells were built and given to inmates. In order to appoint a chief of the MSU, PS made a representation before the MJ and a new chief was appointed there.

In order to investigate the information about self-injuring by several inmates in the *PI No. 17*, NPG conducted an ad-hoc visit there. With the purpose of achieving general information about the reasons and development of the incident, a conversation was conducted with inmates detained in the punishment isolator as well as the other inmates.

The inmates that injured themselves stated that they injured themselves with razors in the punishment isolator and the reason was unjust penalty against them.

Other inmates made no complaints regarding the treatment by the institution management or staff members.

During the conversation with the Chief of the MSU he stated that when the inmates self-injured they were given necessary medical aid, corresponding documentation was conducted and the Chief Medical Department of the MJ was informed. The NPG members got acquainted with all relevant documents and recommended the medical personnel of the unit to keep under control the health status of those inmates.

After the appeal was sent to the PS it was found that the inmates were placed in the punishment isolator in compliance with the legislation as they committed a violation of the regime. The institution management carried out an investigation before application of penalty measures and the mentioned inmates admitted that they committed (allowed) a violation. However, later on in order to avoid serving penalty measures the inmates self-injured and tried to pressurise the institution management.

The Commissioner is of the opinion that changes in the administrative staff of the facility several times within the last two years can't have a positive impact on institution management. For the very reason PS's operational group conducted general searching and investigation measures in the mentioned institution.

During the year numerous short-term visits were carried out to the *penitentiary institutions No. 1, 6, 7, 8, 9, 10 and No. 13*; private meetings were held with the inmates detained there, and positive changes in the conditions were observed in comparison with previous years. At the same time, the management of the facilities was given recommendations in compliance with international standards and national legislation.

During the visit to the Prison all establishments of the facility were monitored, including corps, punishment isolator, meetings rooms, and private meetings were conducted with approximately 70 inmates detained there; their documents were reviewed and their rights were explained to them.

During the visit it was discovered that several previously given recommendations were implemented. Thus, no cases of application of special means except escort against inmates were noted; odd beds were taken away from

the punishment isolator, the number of telephone lines for intercity calls was increased from 3 to 6, the walking site was covered to protect from rain and sun, and conditions in several cells were improved.

During the visit to the MSU with 44 bed-places and 11 cells there were 24 inmates. Provision of the dental room with modern equipment was evaluated positively. The inmates noted their satisfaction with the attitude of the medical-sanitarian unit, medical personnel, and supply of necessary medicine.

The institution management was given recommendations regarding solutions to the issues raised by inmates, and further improvement of the detention conditions. Several recommendations were implemented on site, and it was stated that further measures will be carried out to solve the other issues.

It should be mentioned that an appeal was sent to the MJ regarding the results of the visit to the Prison and such shortcomings as the same walking sites for quarantine, problems with displacement of inmates due to overcrowding in the institution, partition in short-term room not according to standards, a need to improve conditions in several cells of some of the corps, absence of medical worker on night duty, were noted. As a result, despite in the legislation the walking site for the quarantine building was not provided, the right to walk inmates detained there on the site considered for the punishment isolator, as well as improving the conditions in the regime corps No. 1 and No. 2 and bringing the partition of the short-term meeting room in compliance with standards were included in the list of repairing works. The recommendations on improving detention conditions of inmates were considered in the new prison draft under construction in Umbaki settlement and will be implemented.

The NPG members conducted regular short-term visits to the ***Baku Investigatory Isolator and investigatory isolators No. 2 and No. 3.***

Meetings were conducted with more that 200 accused persons within a year in the Baku Investigatory Isolator. During the visit to the punishment isolator of the investigatory isolator several shortcomings were revealed and these issues were solved after relevant conversation with the head of the isolator.

Due to the fact that the building of ***Investigatory Isolator No. 2*** is old there were several difficulties in the provision of detainees with conditions in compliance with modern standards. As a response to the revealed matters it was noted that the mentioned shortcomings would be considered in the new facility to be put into operation in the near future.

During the visit to the ***Investigation Isolator No. 3*** no complaints regarding treatment were observed. With the building of the facility being old some repairs to the cells were done, and they were provided with heaters. Besides these, in order to continue the treatment of ill inmates, reconstruction works have been realized.

The TV sets were installed in the cells of all 3 isolators in compliance with the new legislation requirements.

Considering the specificity of the *Medical Institution*, 7 visits were conducted here within a year. The main purpose during the visits was evaluation of detention condition, the level of medical care rendered to ill inmates, and treatment of inmates.

At the same time, an ad-hoc visit was conducted there in order to learn the situation in this facility after a fire took place and was extinguished by the staff of the Ministry of Emergency Situation.

During the visit it was found out that the fire occurred in a three storey building of the facility where only the second and third floors were in use, in the corps functioning as narcological and therapy departments. The inmates detained there were immediately evacuated and their lives and health did not suffer any harm.

Those inmates underwent medical examination and they were moved to other departments of the MI or to the penitentiary institutions where they served their sentence.

The Commissioner made an appeal to the MJ with recommendation on building a new facility for MI considering that the existing buildings are old and some of them are unsuitable for use.

The report of NPM for 2012 was sent to the MI for reference, providing the MJ with relevant information on measures conducted on the elimination of the mentioned shortcomings and implementation of proposals and recommendations. Regarding the concerning proposals and recommendations enshrined in the NPM report, the following was the appropriate information sent as a response from the MJ:

Besides the works carried out from the recommendations on improvement of material – living conditions given by the NPM during the visits to the penitentiary institutions in 2012, other measures were also implemented in 2013:

Negotiations were conducted with several international and local non-governmental organizations on translating into the Russian and English languages and publishing the IDR; the investigation of isolators to be confirmed by the Cabinet of Ministers of the Republic of Azerbaijan and preliminary agreements in this direction were achieved.

The floors in the dormitory and punishment isolator of PI No. 1 were covered with wood and a heating system was installed.

Repairing the bathroom, quarantine room, club and punishment isolator and expanding the walking sites of the PI No. 2 are in the list of conducted measures.

Covering the floors in the dormitory buildings of PI No. 5 with wood was continued and a heating system was installed.

The floors in the punishment isolator of PI No. 6 were covered with wood, the bathroom and lavatory sites were repaired, the number of washstands was increased.

A worship room of 25 square meters was organized for some inmates belonging to Christianity.

The floors in two three-storey dormitory buildings of PI No. 7, in the dormitory of the 7th group were covered with wood during the repair works. Regarding determination of the disability degrees of the needy inmates in the institution, relevant work was jointly carried out with corresponding authorities and as a result the disability status of 54 inmates was determined. On 3rd October 2013, a visit was made by Baku city Medico-social Experts Commission No. 2 in order to determine the disability status of 4 inmates.

A new bathroom and lavatory was built and put into operation in the PI No. 9.

The floors in two rooms of the dormitory in the PI No. 10 were covered with wood and repairs were carried out and heating systems were renewed. Covering with wood of the other 10 rooms of the dormitory was included in the list of repair works to be carried out in 2014.

The matter of moving the inmates detained in the PI No. 14 to the institutions with more convenient detention conditions will be reviewed depending on the step-by step commissioning of new penitentiaries in the districts.

Hung ceilings were constructed in the dormitory buildings in the PI No. 17, the punishment isolator was repaired and floors were covered with wood. In order to organize leisure time efficiently the club was repaired, gym hall provided with necessary equipment, a library, TV watching rooms put in each of the corps, different table-games made available to inmates. Different contests are held among inmates and opportunities for public union are given.

In terms of repair work, the flooring of short and long-term meeting rooms, as well as construction of additional lavatories in dormitories, increasing the number of water taps, repairing of roofs and wooden flooring will be realized with allocation of financial means.

Application of special means and physical force in compliance with legislation in penitentiary institutions, including PI No. 17, application of unnecessary force and investigation of such actions are under the constant control of the PS management. Thus, the PS management received a decreasing number of appeals on the mentioned cases – 31 appeals in 2009, 16 – in 2010, 12 appeals in 2011, 8 appeals in 2012, and 6 appeals in 2013. During the conducted investigations the mentioned cases and peculiarities were not confirmed.

The dormitory of inmates detained in the Prison was repaired and floors were covered with wood for production and living service. Repairing of punishment isolator and improving conditions in the cells were included in the list of repairing works to be conducted in 2014. The cases of inmates inclined to suicide and self-injuring was monitored; during the current year 113 inmates were explained their rights to achieve psychological aid by the psychologist of the

facility and 88 inmates, including 16 inmates inclined to suicide and self-injuring, received psychological aid. Besides these, the group of psychologists of the Department on organization of correction work of the PS visit 4 times a year (January 30, March 15, May 17, and July 10), firstly to the life-sentenced inmates, and render psychological aid to them. Currently there are no inmates in the “group of risk” in the facility and 4 inmates are involved in psychological examinations. The telephone numbers in use for inmates were increased to 7, and this meets their needs.

Existing shortcomings in the detention conditions of inmates in the prison and more efficient organization of their leisure time will be considered in the draft of the new prison complex to be constructed in Umbaki settlement of Baku city.

For improvement of the detention conditions in the PCS No. 5 of the Ministry of Justice Penitentiary Service a new punishment isolator of 12 square meters with necessary conditions was constructed, the kitchen and lavatory repaired, floors in the dormitory No. 1 covered with wood, and repair works continued in the bathroom. The territory of the facility was fenced and iron gates were installed; all service rooms of the administrative building were repaired and the roof of the building was changed.

On paragraph 6 of the NPM report for 2012 (*Amend Clause 30.2 of the IDR to allow close relatives serving their sentences in different penitentiary institutions to meet with each other*):

Failure in provision in the legislative of the clause *to allow close relatives serving their sentences in different penitentiary institutions to meet with each other* is linked first of all with existing challenges in the organization of such meetings. Thus, a positive solution to the problem is connected with safe organization of these meetings. The problem will be solved after adoption of the recommendation from such a meeting using a video connection.

Regarding paragraph 7 of the report (*Repeal Clause 35.3 of the IDR that determines the time of meetings through dividing the number of meetings of the same type granted to an inmate within a year by twelve months*):

According to Clause 35.3 of the IDR the time of presentation of meetings to inmates after the first meeting is determined by dividing the number of meetings of the same type granted to an inmate within a year by twelve months. Repeal of this rule can cause difficulties in the conditions of granting more meetings to inmates in the direction of humanization of the legislation on execution of the punishment in recent years, as well as in the proper organization of conditions in meeting rooms of penitentiary institutions and the activity of those facilities. However, in the conditions of putting into operation new penitentiary institutions in the future and significant increasing of opportunities to organize meetings here, the issue of repeal of the proposed clause can be reviewed.

Regarding paragraph 8 of the report (*Remove Clause 33.1 of the IDR that allows an inmate to talk only to one telephone subscriber within the period provided for by law*):

Connecting with several subscribers during one telephone conversation granted to an inmate by the legislation (15 minutes) causes a waste of time and work loading and also does not fit the technical capacities of the rooms for telephone conversation in the penitentiary institutions. For solving this problem payphone type devices were installed as a pilot project in PIs No. 2 and No. 6 and this work is continuing today. By using these devices with cards the limitation on call duration for inmates and number of dialed subscribers will be eliminated. If successful, the issue of implementation of the project in all institutions and making corresponding changes to the IDR regarding the change to the existing rule is planned for review in the future.

On paragraph 15 (*Ensure that the MJ supervises that the disciplinary conditions under which inmates are kept in the relevant establishments, types of the applied disciplinary measures, their adequacy, including the adequacy of the applied physical force and special means, are regularly analyzed, and individual correctional and preventive measures are taken*):

The situation with discipline of inmates in PIs and disciplinary measures applied against them is regularly supervised by educational structures, existing shortcomings and deficiencies are determined and complex measures are carried out for their elimination. During the application of safety measures against inmates and arrested persons the provisions of Article 78 of the EPC (safety measures in the penitentiary institutions) are strictly followed and official investigation of the cases of use of unnecessary force and punishment of guilty staff members is ensured. During the concerning period of 2013, 6 appeals regarding application of unnecessary force was received by the PS management, and an appropriate investigation didn't confirm the facts enshrined in the appeals.

On paragraph 16 (*Ensure that the MJ applies stricter measures of bringing to responsibility with regard to the revealed breaches of law in this or another establishment in order to prevent reoccurrence of such negative cases*):

The MJ, as well as PS management ensure serious investigation of information about illegal actions allowed by the staff members in the facilities against detained and arrested persons and bringing the guilty persons to disciplinary responsibility.

On paragraph 17 (*Ensure that the MJ enhances supervision over the organization of medical examination and treatment of inmates in the relevant establishments, and takes necessary actions to strengthen mutual cooperation with the MLSPP with regard to granting disability status*):

Overall medical-diagnostics and sanitarian – prophylactic services for inmates and arrested persons detained in the penitentiary institutions are provided by two medical institutions of different profiles with 1450 bed funds, as well as by

MSUs of a total 465 stationary bed funds functioning in 18 PIs and three investigation isolators. Special attention is paid to organization of examination and treatment works, current and major repair works and supply of modern medical devices. As a result of the range of measures, the mass examination of inmates detained in PIs was organized within 10 months of 2013, and 14565 inmates in total were examined; diagnosis was issued and appropriate treatment depending on the results was made.

During 10 months of 2013, 507 inmates were examined for determination of disability status; appeals were made to district Medico-Social Experts Commissions on granting initial disability status for 105 inmates and repeated disability status for 402 inmates. The works in this direction are continuing.

On paragraph 18 (*Ensure that the MJ continues improvement of the conditions under which persons with disabilities and persons suffering from HIV/AIDS, hepatitis, drug addiction, tuberculosis, diabetes and other serious diseases are detained, examination and treatment of such persons, and other measures taken in respect of such persons*):

The health condition of inmates suffering from chronic diseases, including HIV/AIDS, hepatitis, drug addiction, tuberculosis, diabetics is under the control of the medical personnel of penitentiary institutions where they serve their sentence. These persons are in dispensary registration in the MSUs of the institutions in which they serve their sentence; they undergo regular examinations and in necessary cases are involved in treatment. After conducting major repair and reconstruction work, the MI laboratory was supplied with necessary medical equipment. Necessary conditions were created here for blood-borne diseases detection, including HIV and for conducting required laboratory analysis for dynamic control over the health status of HIV – infected patients. Unlike previous years, the survey regarding HIV has been carried out not by the State Center on HIV/AIDS but the Medical Institution. The Doctoral Concilium Commission that is directly involved in the treatment of HIV-infected inmates was established at the Chief Medical Department of the MJ and such measures as involvement of those inmates to antiretroviral treatment, changing of treatment scheme and others were ensured. In the MSUs of 6 penitentiary institutions “health rooms” were established in the current year and today they are functioning in 10 penitentiary institutions.

In these rooms the staff members of the “The youth for development” public union conduct psychological care to HIV/AIDS infected inmates. In the frames of the HIV/AIDS project of the Global Fund, the MJ was accepted as a sub-recipient that created opportunities in 2013 for more comprehensive and efficient realization of treatment and medical prophylactic measures of HIV/AIDS infected inmates.

The work on transferring of information to the unique electronic database created in the Chief Medical Department was continued in order to promote

access to information about narcological patients receiving obligatory treatment in the PIs and information about approximately 6000 narcological patients has been collected. To carry out efficient treatment to these inmates the 2nd narcological department in the MI was overhauled and put into operation.

In 2013, the measures to fight tuberculosis in PIS continued. Thus, primarily, the fluorography examination (x-ray screenings) of thorax organs of all persons brought to investigation isolators has been organized. Mobile laboratories are also widely used for revealing infection by tuberculosis among the inmates in the penitentiary institutions. The opportunities in Training Centers established in specialized medical institutions in order to organize awareness events for the staff on the fight with tuberculosis are efficiently used.

On paragraph 19 (*Ensure that the MJ strengthens control over the persons inclined to commit suicide or inflict a self-injury and enhances preventive and psychological impact measures taken in respect of such persons*):

The work with inmates inclined to commit suicide and inflict self-injury was kept under attention. First of all, all persons brought to the institution must pass preliminary medical examination, the information regarding injuries revealed or obtained in the institution are investigated and these inmates are under special orders of psychologists. The persons from this category are examined by the doctor-psychiatrists of MSUs and they undergo medical measures in the psychiatric department of the MI if necessary.

On paragraph 20 (*Ensure that the MJ intensifies control over the provision of inmates with the opportunity to correspond as specified by law*):

Posting of correspondence of inmates is strictly ensured by the PI management following the provisions on application of censorship in exceptional cases. Appropriate journals were issued for registration of letters sent by inmates and received on their addresses, and they are given or received after signing. The appeals addressed to the bodies controlling the activity of institutions, as well as to the Commissioner and NPG are sent immediately without subjection to any censorship.

On paragraph 21 (*Ensure that the MJ enhances supervision over the timely provision of the MSUs with quality medicine*):

The control over provision of penitentiary institutions with quality medicine was enhanced. For this, the needs of MSUs are satisfied and monthly and corresponding measures are undertaken. Special attention is paid to storage of medical productions. Thus, an international expert from the World Health Organization visited the warehouse of Medical Provision Base, the drugstores of MI and Specialized medical institution on September 2013 and got acquainted with planning, ordering, reception, transportation and storage of medicine, and gave recommendations.

On paragraph 22 (*Ensure that the MJ recruits relevant personnel for currently vacant positions in MSUs*):

Recruiting the MSUs is realized through the Contest Commission functioning at the Chief Medical Department. To ensure transparency while recruiting, the announcement is placed in mass media sources. During 10 months of 2013, 7 meetings of Contest Commission were held, 57 persons were accepted to medical service. 29 of them were appointed as doctors, 25 as low-grade medical workers, three persons were appointed in non-medical profile technical positions. The process of reinforcement of vacancies in MSUs with trained staff members obtaining appropriate medical knowledge continues.

On paragraph 23 (*Ensure that the MJ provides the MSU of PI No. 5 with a building suitable for use*):

Building of a new MSU in PI No. 5 is included in the list of new drafts to be constructed from the State budget.

On paragraphs 24 and 27 (*Ensure that the MJ takes necessary actions to eliminate overcrowding in the relevant establishments; ensure that the MJ speeds up the construction of new establishments*):

In order to adjust the detention conditions in PIs to international standards, as well as not allow overcrowding in these institutions, attention was paid to building new penitentiary institutions in the country regions, and Sheki PI was put into operation in July, 2013. Today, the construction of a complex of penitentiary institutions in Ganja and Lankaran cities, PI for women, Correctional Institution for juveniles are continued on the account of yearly financial means from state allocations. Preparation of draft – estimate documents of the penitentiary institution to be built in Kurdamir district has been concluded and corresponding works on concordance are being carried out.

On paragraph 25 (*Ensure that the MJ continues to improve financial conditions in the relevant establishments, bring the number of the telephone lines and sanitary facilities used by inmates in conformity with the number of inmates, and cover floors with wood*):

The measures on further improving detention conditions of arrested persons and inmates detained in the penitentiary institutions are under constant control of the PS management and for this aim realization of complex repair and reconstruction works is continued in 2013 as well.

Roofs and floors of the gym hall, professional school and warehouse of PI No. 4 were changed; the floors in the dormitories and water pipes in the PI No. 12 were changed. The floors were changed in the dormitory of inmates detained in the Prison for production and housing services, the roof covering of the correctional institution was changed as well and plastic windows were installed, and repair work was carried out in the club.

Repair works were carried out in the bathroom of the PI No. 1, heating systems in punishment isolators of PI No. 5 and No. 6, in canteen building and telephone – call room of the PI No. 8, roof coverings of dormitories, classroom and housing rooms in the PI No. 9, roofs of the dormitory building and housing

rooms in the PI No. 10, meeting rooms in the MI, telephone call and meeting rooms, walking sites in the Investigation Isolator No. 2 and No. 3, meeting rooms, heating systems in dormitory of inmates detained in the Prison for production and housing services and punishment isolator of the Investigations Isolator No. 3 were repaired. Asphalt covering of internal squares in the PI No. 7, 8 and 12 was changed. And the measures on further improving the detention conditions in the penitentiary isolators continue.

In 2013 an additional 114 telephone sets were given for use of inmates and the number of telephone call rooms was increased in order to create appropriate conditions, to increase the number of intrastate telephones for inmates, as well as more efficient provision of their rights to telephone conversations.

On paragraph 28 (*Ensure that the MJ enhances control over the PCSs and improves the state of treatment of inmates in these establishments, as well as the practices of registration and execution of punishment*):

Despite the appeals concerning authorities regarding allocation of financial means for organization of detention conditions in penal colony settlements in compliance with changes made to the legislation on execution, the problem was not solved positively. At the same time, the MJ urged the Administration of the President of the Republic of Azerbaijan on making appropriate changes to the EPC regarding annulment in the rule on changing the type of penitentiary institution for transferring inmates from penitentiary isolators to penal colony settlements.

On paragraph 29 (*Ensure that the MJ creates permanent work places for inmates, stimulates engagement in individual labor activity and continues work on the effective organization of their leisure time*):

Up to October 1, 2013, in PIs 4,237 inmates were involved in socially useful work (during the corresponding period in the previous year this number was 4.219): 1.765 were involved in production and housing works (1.729 in previous year), 753 of them were involved in individual works (639 in previous year), 239 of them were involved in works in production spheres (185 – in previous year), and 1480 (1666 in previous year) were involved in works in out-organizations. The care paid to involvement of inmates to labor and especially to individual labor has increased. Despite some inmates involved in labor being released according to the Decision on Amnesty adopted by the Milli Majlis of the Republic of Azerbaijan from May 7, 2013, the positive dynamics in involvement in labor was maintained.

Regarding paragraph 30 (*Ensure that the MJ carries on education work conducted in the relevant fields and closely involves the NPM in such activities*):

In order to strengthen the legal education work among inmates and arrested persons detained in the PIs, 5000 copies of legislation on execution of punishment, 3000 copies of EPC with scientific – practical comments prepared in the frames of the Program “Support to Juvenile reforms” were published and

distributed among subordinate institutions and were given for use by inmates. At the same time, NGOs, as well as members of the Public Committee at the Minister of Justice are closely involved in education work in penitentiary institutions.

2.2.3. Temporary Detention Place and Investigatory Isolator of the Ministry of National Security

During the current year, 4 visits were carried out to the TDP and investigation isolator of the Ministry of National Security. The mentioned authority created appropriate conditions for efficient visits for the Commissioner and NPG.

The Commissioner participated personally at the first and the last of these visits.

Unlike previous years, during the visits conducted in the current year with participation of a medical doctor, member of the NPG, medical provision of the institution was more deeply investigated. During the investigation, supply to the medical – sanitary room with modern equipment and functioning of the doctor for 24 hours was observed. Detained persons are provided with quality food three times a day and two hours for walks in compliance with the legislation.

It should be noted that all detained and arrested persons when brought to the TDP undergo examination without delay by members of the medical – sanitary care service of the Isolator. However, the functions of the medical – sanitary care service of the Isolator are not limited to the treatment of patients. They also carry out social and prophylactic measures. If medical examination and treatment of an arrested person is needed, all specialists of the MNS polyclinic and stationary medical institutions of MJ are used. Also, necessary measures are realized for further improving measures in this direction and free of charge provision of patients with medicine.

From the visits, the situation with regard to material conditions, nutrition, organization of medical care, treatment of detainees in the institution was evaluated as meeting the standards.

The NPM report on 2012 was sent to the MNS for reference and for providing the MNS with the relevant information on measures conducted in the direction of elimination of the mentioned shortcomings, in implementation of proposals and recommendations.

In the response to the appeal regarding paragraph 32 of the report (*Ensure that the MNS carries on education work conducted in the relevant fields and closely involves the NPM in such activities*) it was noted that during the corresponding period of 2013, education work on studying the OPCAT and other relevant normative documents carried on through teaching in bodies and organizations, district and city stations within the MNS system, as well as in the Academy of the Ministry of National Security named after Heydar Aliyev in the frames of “Human Rights” subject, and afterwards, through examination on staff

members, listeners and students' results assessment, was in compliance with the subject plan for studies of educational extra-schools affirmed by the management.

Besides this, the MNS staff members participated in numerous domestic and foreign seminars, conferences, and training-courses organized by the UN, COE, OSCE, as well as by the Commissioner.

Measures on further improving the detention regime in TDP and investigation isolator of the MNS, material, social – housing, medical sanitary provision of arrested persons, and practical measures on protection of their rights continued regularly during the corresponding period in 2013. According to Decision No. 22 of the Cabinet of Ministers of the Republic of Azerbaijan on “Approval of nutrition and material – sanitary norms of detained and arrested persons” dated February 18, 2013, as well as to the Decree of the Minister of National Security on provision of that Decision, there were set tasks for relevant structural divisions of MNS on guiding the provision of that document in official service and the realization of the provided obligations.

2.2.4. Establishments of the Ministry of Defense

In 2013, visits were made to 5 out of 11 institutions under the Ministry of Defense (MD); the situation with elimination of insufficiencies and shortcomings revealed during previous visits was investigated.

During the visit to the Disciplinary Military Unit for convicted military servants, their living conditions, organization of their leisure time, health care, their nutrition and other cases were investigated. Thus, it was observed that the relations towards convicted servants, natural lighting and cleanness in dormitories were in normal condition in compliance with custody regime; beds, bedding, bathroom and lavatories in use by convicted persons were clean and adequate to their number. Corresponding conditions were created for efficient leisure time of convicted persons.

Several shortcomings were also revealed alongside the mentioned facts. Thus, during the investigation of living conditions of convicted persons it was found that due to the absence of gas line in the dormitories for convicted military servants, these dormitories are heated by diesel stoves which can threaten the lives of the detained persons. At the same time, it was discovered that in this facility there is not a guardroom and a one – person camera as provided in Article 149 of the Code on Execution of Punishments of the Republic of Azerbaijan. An appeal was made to the MD on measures towards the elimination of the revealed shortcomings.

At the same time the publications of the Ombudsman Office were presented to the library of the Military Unit for its enrichment.

During the visit to the Barda Guardroom of the Military Police of Baku Garrison it was found out that the facility has been newly repaired and necessary conditions are created here for detained persons.

All establishments of the Guardroom, including cells for sergeants and students, as well as soldiers, administrative rooms, kitchen, bathroom were visited. The meeting was conducted with 13 detainees and the documents confirming lawfulness of their custody were reviewed. During the conducted conversations none of the detained persons expressed dissatisfaction with detention conditions or treatment and medical service rendered to them. During the meeting with the institution management the issue of further improvement of statute regulating the institution activity was discussed and several recommendations were given in this regard.

It should be noted that the military servicemen who should be kept in the ***Sumgayit Guardroom*** that stopped functioning after the recommendation of the NPM are also detained in this institution.

During the visit to the ***Military Unit in Gusar*** the situation with service conditions, nutrition, acquiring military knowledge of personnel were investigated; the building of a new headquarters and corps for military unit, in close areas for officers was observed, the management of the military unit was given recommendations considering the importance of protection of rights of military servants. Besides this, a visit was made to the newly built guardroom of the Gusar Garrison meeting the standards, including cells for officers and soldiers.

A visit was made to the ***Guardroom of the Military Police of the Lankaran Garrison***. The purpose of the visit was investigation of existence or not of detainees in the institutions that stopped their activity.

It should be noted that the activity of this institution was stopped two years ago by the NPG recommendation as it failed to meet standards and the construction of the new one was started. During the visit it was found that the construction works were concluded and the guardroom meeting modern standards will be ready in the near future. The Chief of the Military Police was given recommendations.

2.2.5. Establishments of the State Migration Service

During the visit made to the ***Baku city Detention Center for Illegal Migrants*** in 2013, all areas and establishments of the institution, including detention isolator and detention places, administrative rooms, canteen, bathroom were investigated, meetings were conducted with nine detainees kept there and the documents confirming lawfulness of their detention were reviewed. The management of the new establishment was given several recommendations. The proposal of paragraph 10 was compiled as a result of the visit and addressed to the State Migration Service management. At the same time, considering that this establishment is a new one, there was also a proposal made on training for the staff.

These recommendations were reviewed by the State Migration Service and changes were made. On May 25, 2013, training was conducted for the staff of the State Migration Service Baku city Detention Center for Illegal Migrants.

During the next visit, a meeting was conducted with citizen of Moldova Daniela Grozavu detained here. During the private conversation with her it was found out that D. Grozavu unofficially married a citizen of Azerbaijan in 2009 and had a girl child from this marriage. D. Grozavu stated that she gained permission for temporary living in the territory of the Republic of Azerbaijan (with its prolongation every time) and lived with her husband and daughter in Baku city, Khatai district. As a result of conflict with living problems in their family, D. Grozavu left her house with her daughter when her husband was abroad and urged the International Organization of Migration for asylum; later on she was placed with her daughter at the Baku city Detention Center for Illegal Migrants of the State Migration Service of the Republic of Azerbaijan. After the conversation with Daniela Grozavu her husband was invited to the Center and jointly with the staff of the State Migration Service a conversation was carried out with this family. As a result it was discovered that this woman was not subjected to any physical or psychological pressure by her husband, the latter financially provides his family completely and no cases causing concern except living problems took place in their family. After concluding a truce between parties they expressed in writing their gratitude to the State Migration Service and to the Commissioner and were sent off together to go home.

During the meeting D. Grozavu expressed her satisfaction with detention conditions in the mentioned facility, as well as with relations to her and her child during the detention period.

During the visit, meetings were held also with six other migrants detained there (4 from China, one from Turkey, and one from Guinea); no shortcomings were observed regarding detention or treatment of detainees.

In the information given by the State Migration Service regarding the measures carried out in the Baku city Detention Center for Illegal Migrants it was noted that in 2012 Detention Centers for Illegal Migrants of the State Migration Service built in conformity with international standards for voluntary placement or detention of foreigners or stateless persons were put into operation in Baku and Yevlakh cities; the construction and commission of detention centers for illegal migrants in other regions are planned as well. Additionally, in order to ensure a high level of rights and liberties of foreigners and stateless persons received at centers considering international standards, a draft law of the Republic of Azerbaijan on “Rules of placement and detention of foreigners and stateless persons” was prepared by the State Migration Service; organizational issues alongside measures taken in the frames of the legislation regarding the activity of the centers are kept under control. In order to increase the level of service in the centers, the number of staff in the Baku city Detention Center for Illegal Migrants’ was increased to 30; with up to 21 staff members in the Yevlakh city detention center for illegal migrants.

2.2.6. Establishments of the Ministry of Health

There are 19 places under the MH and in the jurisdiction of NPM which detainees are not permitted to leave at will. During 2013 NPM carried out visits to 8 of these establishments. Necessary conditions in compliance with requirements of legislation were created for these visits.

During the visits to the stationary and ambulatory departments of the **Expertise Center for Forensic Psychiatry** the status of risk from subjection to ill – treatment, condition, examination of treatment, wards and cells, virtual surveillance over them, their nutrition and organization and safety were investigated. The visit was conducted to the stationary and ambulatory department and isolators; a meeting was held with 15 detainees kept here and the detention conditions were observed. Corresponding recommendations were given to the management of the establishment and proposals according to the results of the visit were sent to the MH.

As a result, walking was organized for persons detained in the center each day of the week except Tuesdays and Fridays (in connection with scheduled expertise of persons); shelves were ordered for personal use of each detainee adequate to number of beds in the stationary department of the center, the detainees who didn't have toothpaste and toothbrushes were provided with them and a rest room provided with a TV set was being organized for the leisure time of detainees.

Visits were made to the **Republic Psychiatric Hospital No. 1 and Sumgayit city Psycho-Neurological Dispensary**.

During the visits comprehensive investigations were carried out on all departments of the establishment, including wards, manipulation rooms, kitchen, refrigerator, the production and expiry dates of the food and medicine kept there; conversations were conducted with doctors and nurses and their attitude towards patients was investigated as well.

During the investigation no violations regarding treatment were observed; however, several shortcomings in provision and conditions were discovered. Alongside this, it should be mentioned that the implementation of many recommendations given during the previous visits to these establishments was observed. At the end of the visit several new recommendations were given to the Chief of the institution and many of them were implemented; existing shortcomings were eliminated.

An appeal was sent to the MH regarding the results of the visit, to eliminate overcrowding of patients in the Gerontological Department of the Republic Psychiatric Hospital No. 1, and joint keeping of male and female patients; working out general rules considering international experience, complete inaptitude of the seventh Department of the hospital; the necessity to organize the movement of approximately 350 persons detained in the Republic Psychiatric Hospital No. 1 who are in no need of stationary treatment and have been staying

for a long time was emphasised in order for them not to lose social connections to appropriate social institutions under the jurisdiction of the MLSPP considering their health status.

Such issues as keeping by the doctor for a long time the IDs of persons released from the *Sumgayit Psycho-Neurological Dispensary*; incomplete registration of presents and parcels brought or presented to patients; failure in electronic registration of patients due to lack of computers; insufficiency of medicine necessary for efficient treatment (as doctors noted); failure in provision of patients with hygienic means (hygienic packs for women, toothpaste and toothbrushes and others for patients and others) were noted in the appeal sent to the MH.

As a result of the recommendations it was noted that the construction of a new building in the territory of Republic Psychiatric Hospital No. 1 during 2014-2015 is planned in order to eliminate density in the Gerontology Department of the Hospital; the 7th department for men would be moved to a building that has been started recently; journals on placing the patients in the isolation room, tying and binding rules and notes about them were prepared in mind of international experience; the patients were provided with hygienic means (hygienic packs for women, toothpaste, toothbrushes and others) and 3 new departments were opened with 50 beds in each of them for elimination of density of patients in other departments.

The cases of holding the patients' IDs by doctors in *Sumgayit Psycho-Neurological Dispensary* were eliminated; the registration book of parcels brought and presented to patients was put in order; the dispensary was provided with 5 computers in order to conduct electronically the common registration of patients; the institution was provided with medicine for stationary and ambulatory patients, especially with specific psychotropic medicine, as well as medical equipment, and the patients were provided with hygienic means (hygienic pack for women, toothpaste and toothbrushes and others).

During the visit to *Salyan Inter-district (Interregional) Psychiatric Hospital* all departments of the institution were observed, including wards, manipulation rooms, kitchen, refrigerators, the production and expiry dates of food, medicine kept there was reviewed; conversations were carried out with doctors, nurses and hospital attendants.

During the investigation several shortcomings were observed.

Despite a visit to *Salyan Inter-district (Interregional) Psychiatric Hospital* at 3 PM, no one from the institution management was there. It was also discovered that the bread is unloaded in anti-sanitary conditions, to the concrete floor; also the soup prepared for dinner didn't contain any meat as stated in the rules and menu.

During the conversation with the Executive Chief Physician, it was discovered that in 5-6 years no prophylactic measures against infectious diseases

(tuberculosis and others) had been conducted. Despite the conscripted patients registered and kept in the institution, it was found that they were not in there during the visit, the windows in some of the wards were broken; generally, the majority of the wards were dirty and the patients were detained in anti-sanitary conditions. The hospital attendants made evident barriers to conversations between NPG members and the patients. At the same time, the construction of a new building for the hospital was evaluated positively.

During the visit it was observed that numerous homeless dogs and cats freely walk around in the yard of the hospital, and no measures are carried out against this fact. Considering that homeless animals in the same place as patients threatens the lives of people detained there and can provoke other diseases, an appeal was made to the Hygiene and Epidemiology Center of the MH for a solution to the problem.

After the appeal based on the proposals of the Salyan District Hygienic and Epidemiology Center, and the measures carried out by representatives of the Shorsulu Village area and local municipality management, homeless animals in the hospital yard were rendered harmless.

During the visit to the ***Lankaran Inter-district (Interregional) Psychiatric Hospital*** first of all it was observed that there is no TV set in the Department for women, some wards are not provided with heating systems, and as a nurse noted despite application of confinement measures regarding some patients, these cases are not registered. It was also discovered that the menu on the visit day consisted of bread only; there was no sign of the chef taking over the menu, and in other cases, despite the menu containing butter, the patients were not provided with it; the assortment of nutrition was very poor. Besides, it was revealed that not all patients are provided with walking facilities, parcels brought to them were not registered, and the postal box for correspondence of patients with relatives was full of garbage.

During the conversation with doctors they mentioned the insufficient medicine supply.

During monitoring of the room of the doctor's assistant B.M., it was discovered that some medicine was taken from boxes and kept in dirty conditions and with no relation to the medicine in other boxes; 2 used syringes were found and it was also discovered that he makes no registration of rendered medical service.

An appeal was made to the MH regarding the revealed violations in both of the institutions.

The response informed that corresponding measures were to be taken for elimination of shortcomings discovered during the NPG visits.

On November, 2013, Salyan Inter-district (Interregional) Psychiatric Hospital was moved to a newly constructed building. The departments of the hospital are provided with modern medical equipment, beds and bedding, clothes

for patients, soft inventory and TV sets; the quality of nutrition was increased. Examination of conscripted patients is under the special control of Salyan District Central Hospital management.

According to the appeal of the MH for construction of new building for Lankaran Inter-district (Interregional) Psychiatric Hospital, the Cabinet of Ministers allocated means and in 2014 the construction of new buildings will start.

Alongside these the departments of the hospital were provided with beds, bedding, clothes for patients, soft inventory and TV sets; the quality of daily nutrition of patients was also increased.

Such unpleasant cases as confinement of patients and others were eliminated in both of the psychiatric hospitals; prophylactic measures against infectious diseases were carried out; the medicine supply was improved as well.

During the visit to the ***Gazakh Inter-district (Interregional) Psychiatric Hospital*** the building of the hospital, its yard, boiling house, canteen, kitchen, food storehouse were observed. During the visit it was discovered that the yard of the hospital was cobbled, two new wards on the first floor were fully repaired and provided with new beds and bedding, doors in all wards on both of the floors were replaced with new ones, and repair work on the second floor was being continued. It should be noted that during the previous visits lack of condition was observed on the second floor of the hospital. From this standpoint, major repair to the second floor of the hospital was evaluated as a measure towards improving the detention conditions. According to the information given by the chief physician the conclusion of these repair works are planned for February, 2014.

During the visit the wards for patients were observed; it was found out that the detention conditions as well as heating are normal, the patients are provided with clean bed-sheets and blankets; collective and individual conversations were conducted with patients for evaluation of treatment to them by hospital staff.

During the conversation with the Chief physician of the hospital it was noted that the main problems of the institution are regarding low – level provision of patients with medicine and repairs.

2.2.7. Establishments of the Ministry of Education

During the visit to the ***specialized boarding school for children with limited physical capacities of the Lankaran Educational Department*** the situation of treatment and detention conditions was investigated. It was found out that there is a doctor and nurse for children, and necessary conditions for children in the institution have been created. During the conversation with teachers their attitude towards the children was investigated. It was revealed that many of those children come to school from home every day and all children are released home during holidays.

The general condition and treatment of children in the institution was evaluated by the NPG as satisfactory.

A visit was made to *the Guba Specialized Professional school*; the condition there, the situation with education of children, their nutrition, medical service rendered to them, as well as organization of leisure time were kept under attention.

It should be noted that as a building of the institution is old detention conditions fail to meet standards. However, there were satisfactory conditions as far as possible for the 13 juveniles detained there.

During the investigation it was discovered that there are not any problems regarding nutrition or medical care of these persons.

It was also found out that two persons escaped from this institution and they were found and brought back. The investigation was conducted towards these persons and during a private conversation it was found out that they were not subjected to pressure or ill-treatment after being returned to the institution.

During the investigation, alongside other problems such as existing difficulties in finding asylums by juveniles after leaving the institution, procrastination in restoring lost documents, registering living place and other issues were discovered.

During the investigation of absence of some of the children in the institution it was found out that they were involved in renovation works in Guba city.

The NPG gave corresponding recommendations to the head of the professional school and it was brought to his attention that the situation with implementation of these recommendations would be investigated during the next visit.

2.2.8. Establishments of the Ministry of Labor and Social Protection of Population

There are 8 places under the MLSPP that are in the NPM jurisdiction and in 2013 visits were carried out to three of them.

During the visits to *Boarding House No.3 for Mentally Handicapped Children* it was discovered that many of the recommendations given during previous visits were implemented. All necessary conditions were created for children and there are special rooms for music and sport for children, for celebrating their birthdays, as well as efficient organization of their leisure time. It should be noted that rendering medical service is organized at a high level, the rooms allocated to the medical unit are provided with necessary inventory and several modern diagnostic and physiotherapeutic equipment.

Besides these, the institution closely cooperates with representatives of the Organization of Joint Aid to Azerbaijan of Norway; as a result the rehabilitation of children with limited physical capacities is supported by modern methods.

It also should be noted that while conducting conversations with them the staff workers of the facility stated that their wages are low. The investigations and observations revealed no violations in the treatment of children.

At the same time it was observed that some of the children regularly beat their heads to the wall. During the conversation with nurses it was found out that that was impossible to prevent. They were recommended to learn international experience in this field.

The purpose of the visit conducted in the reporting year to ***Boarding House for Persons with Psycho-neurological diseases, disabilities and the elderly*** was investigation of the situation of treatment and detention conditions. All establishments of the institution were comprehensively observed, including kitchen, refrigerator, production and expiry dates of food kept there.

It was found out that necessary conditions were created for persons detained here. At the end of the visit the management of the institution was informed about several deficiencies and given recommendations. It was brought to the attention of the management the importance of elimination of the mentioned shortcomings considering that the conducted visit was for the first time and there was to be a repeat visit to this institution.

During the visit to the ***Treatment Boarding House for War Veterans*** conversations were conducted with several persons treated there and with medical personnel of the facility. In the current year the Commissioner paid a visit to this institution and held meetings with persons detained there. Their conditions, nutrition and health status were observed. Inhabitants of the institution expressed satisfaction with the conditions.

At the same time, in the frames of reconstruction works in the boarding house a 7 hectare area was renovated, a new building of more than 10 thousand square meters in aggregate area for 170 persons was constructed.

During the visit to the ***Bilgah Boarding House for the Elderly*** treatment of persons detained there, their detention conditions, nutrition, organization of their leisure time, medical provision and other issues were investigated. It was discovered that due to repair works at the Treatment Boarding House for War Veterans its inhabitants were temporarily moved to this institution. During the investigation it was found out that there was a conflict among some young persons with disabilities moved here because of repair works and the elderly persons. They have even beaten each other. After intervention of the management of the institution and personnel this conflict was resolved.

The Commissioner is of the opinion that the management should carry out measures for preventing such cases, and hold conversations with both parties with involvement of psychologists.

2.2.9. Establishments of local executive powers

During the visit held in the ***Baku city Executive Power's Surakhani District Boarding school No.2*** the treatment and detention conditions were investigated. All establishments of the institution were widely observed. It was found out that 4 manats and 4 qepiqs were allocated for the daily nutrition of each child. During the private conversations held with children they expressed their

satisfaction with the medical service. Confidential conversations were conducted with six children and each taken separately expressed no dissatisfaction with conditions, treatment or nutrition.

During the final conversation carried out with nurses they were given recommendations on some prophylactic measures and correctly putting notes in the medical documents. During the private conversations with 5 teachers-educators, their attitude to children was investigated; cases of subjection of children to inhuman treatment or punishment by them were not revealed.

It should be noted that many of the recommendations given during the previous visits of the Commissioner and NPG to this institution were implemented and major repair in the institution continued.

During the visit to *the Baku city Executive Power Khatai District Boarding House for Children* all establishments of the institution were observed, and wide investigations were carried out. During the private conversations with 4 teachers-educators, their attitude to children was investigated and cases of subjection of children to inhuman treatment or punishment by them were not revealed. Confidential conversations were held with 12 children detained there, each of them in particular made no complaints on conditions, treatment or nutrition.

However it was found out that due to the fact that there is no allocation on the state account of means to cover transport expenses for the students studying in the college, several problems appeared.

During the review of medical service rendered to children in the institution, untidiness was observed in the room of the doctor of the medical unit and isolation room which was inside the other. There were empty medicine boxes in the medicine closet, shoes and other clothing were in the closets of the isolation room, and no bedding was on the beds there.

During the conversation with the doctor and nurses they accepted these shortcomings and linked them with the forthcoming major repair work. The shortcomings were eliminated immediately and they said that they would be more attentive to such issues in the future. During the investigation it was found that when there is a need for the overall examination and treatment of children, the polyclinic and private medical institution nearby are used effectively. It was also noted that the mobile dental cabinet was functioning as well. During the final conversation with doctors they were given several recommendations on timely conduction of prophylactic measures and timely and correct making of medical notes.

CHAPTER 3. LEGAL ANALYSIS

As a part of the activities aimed at the prevention of torture the legal analysis work and its effective organisation were determined as one of the important targets by the Azerbaijani NPM. As a result of application of knowledge gained from the legal analysis work it is possible to achieve the advancement of the legal framework and the improvement in the field of prevention of torture. This also encompasses the analysis of the work styles of NPMs of different countries, and events aimed at application of international practice in the work of NPM.

There are proposals and recommendations in the framework of the mentioned process that are regularly sent to the relevant state agencies by the Commissioner, and efforts made for their implementation.

As in previous years in 2013 there were worked out proposals and recommendations for the improvement of the current legal framework with the purpose of better ensuring the prevention of torture.

The draft of the decision of the Cabinet of Ministers of the Republic of Azerbaijan on “Adoption of the Internal Disciplinary Rules of Places of Detention”, as well as the drafts of the “Internal Disciplinary Rules of Pre-trial Isolators” and “Internal Disciplinary Rules of Temporary Detention Facilities” to be adopted with the mentioned Decision, which were addressed to the Commissioner, were reviewed and 11 proposals consisting of additions and amendments were prepared by the NPG and sent to the Cabinet of Ministers.

Besides, there were proposals submitted consisting of 17 clauses by the NPG members in the framework of the collaboration with other divisions of the Office on the Draft Law of the Republic of Azerbaijan on “The Rules of Placement and Holding of Foreigners and Stateless Persons” prepared by the State Migration Service of the Republic of Azerbaijan.

It must regrettably be noted that Annex 4 of the “Regulations of Garrison and Guard Services of the Armed Forces”, regulating custody in guardhouses, which was mentioned in the NPM Report for 2011 during the legal analysis, that is not in compliance with the modern standards, is still in force. Thus, according to that Annex,

Clause 17: Soldiers (sailors) and sergeants arrested on a disciplinary ground sleep in mass or solitary cells and on empty wooden beds.

Clause 19: Soldiers (sailors) detained on a disciplinary ground in mass cells in guardrooms are involved in labour for 10 hours per day.

Clause 21: Arrested officers and warrant officers (midshipmen) are allowed to keep their military books (Clause 31 of the Annex), money, writing and toilet belongings in cells. Officers and warrant officers (midshipmen) are provided with

bedding (a blanket, two sheets, pillow, pillow cover, and mattress) before going to bed.

As seen, Clauses 17 and 21 of the Annex provide for discrimination between soldiers and officers. It is understood from the respective provisions that soldiers (sailors) have to sleep on wood, without being provided with bedding, but officers and warrant officers, unlike them, are provided with mattresses and other bedding items.

As to Clause 19 of the Annex, this norm, which provides for the involving soldiers (sailors) detained on a disciplinary ground in mass cells in guardrooms in labour for 10 hours per day, is not in conformity with the relevant standards on detention.

It must be noted that although these rules are not applied, the normative act is in force.

It was revealed during the analysis that there exists only the “Regulations of the Police Detention Stations for the Administratively Arrested Persons” approved by the MIA with the order number 480, dated on 30 October 2010, regulating the rights and duties, as well as the custody of administratively arrested persons held in police detention facilities, and that legal document does not comply with the modern standards. For instance, according to the mentioned document, the rights of such persons are limited compared to the suspected or accused persons (while a detained or arrested person enjoys the right to smoke in their cell, an administratively arrested person cannot). It can be stated that this issue will be a matter of concern, taking into account that the length of administrative arrest had been extended up to three months by the amendments to the Code of Administrative Offences.

Thus, the Commissioner considers that there should be a new law adopted on the protection of the rights and freedoms, as well as the regulation of custody of administratively arrested persons.

As a result of the conducted visits it was revealed that there are video-surveillance installations in the cells of most of TDPs for the surveillance of the motion of detained or arrested persons. The police officers explained that video-surveillance was held in order to ensure the security of detained persons or to prevent a potential incident.

The Commissioner considers that there must be installed warning boards for the detained persons to be informed about the existence of such equipment in cells. There must also be relevant regulating norms. Such a situation can be considered a violation of privacy. There must be provisions provided on the use of such installations, application guidelines, as well as prevention of disclosure of recordings in the norms to be adopted.

On 27 December 2013 the Milli Mejlis (Parliament – legislative body) approved the drafts of amendments to the laws “On the Police”, “On the Operative – Search Activity” and the CC. According to the amendments it must

be ensured that an arrestee can immediately after being brought to the detention facility inform his/her relatives or other persons in his/her legal interest about his/her detention or arrest and the place he/she is held by phone or other means. If a detainee or arrestee is a foreigner or a stateless person, the diplomatic representation or consulate of the state he/she is a national of or permanently lives in, or the national or international organisation performing as trustee for this person must immediately be informed.

According to the amendments to the CC, deliberate illegal holding of a person in detention is punishable with a deprivation of liberty not exceeding four years.

It can be noted that the mentioned amendments will also serve to reduce the likelihood of a person being subjected to torture while being detained. Thus, this amendment will guarantee an opportunity for persons from the moment of detention to be provided with a lawyer, as well as with a medical check-up. Such a check-up also will assist the prevention of groundless torture allegations in the future.

CHAPTER 4. LEGAL EDUCATION

As mentioned in the OPCAT, effective prevention of torture and other cruel, inhuman or degrading treatment or punishment requires also educational activities.²² Considering its significant importance in increasing the efficiency of the NPM activity, as well as in the prevention of torture and ill-treatment, the organisation of legal education was defined as one of the main directions of the operation of the Azerbaijani NPM.

As in previous years, in 2013 the legal education work was conducted in several directions and was organised for the NPG members, staff of detention places, as well as persons held in such places.

As already mentioned, there has always been attention paid to the education of the NPG members. It is very important for the improvement of work of NPM and increasing skills of the NPG members to organise relevant training and workshops involving influential experts. In this regard, the NPG made efforts to gain advantage from training and workshops.

Examples in this regard include the participation of the NPG members at the training of trainers on “International standards upon detention and arrest”, implementation of the law “on Ensuring the Rights and Freedoms of Persons Held in Places of Detention” and combating ill treatment, organised by the OSCE Office in Baku, Council of Europe and Confederation of Azerbaijani Lawyers.

The purpose of the training was to establish a National Expert Group on the implementation of the law of the Republic of Azerbaijan “on Ensuring the Rights and Freedoms of Persons Held in Places of Detention”. The National Expert Group consists of the staff members of the agencies implementing the law.

The training was also participated in by the staff members of Baku Grave Crime Court, Justice Academy, Study Centre of the PS, Prosecutor General's Office, and Ministry of Internal Affairs.

Besides, the NPG members became familiarised with the activity of the Commissioner of Slovenia as an NPM, as well as exchanged ideas and experience in the framework of the business trip to the capital of Slovenia, Ljubljana, organised by the OSCE Office in Baku with the purpose of sharing experience on treatment of suspects and accused persons held in detention places.

Considering the contribution of the legal education of staff members of law-enforcement bodies, as well as of the agencies dealing with the execution of punishments towards better protection of human rights, it was decided that such events and meetings should be organised constantly and to participate in such events.

²² OPCAT, Preamble

Delivering the lectures on the subject programme for the courses organised at the Justice Academy at different times for the candidates passing the interview stage in the recruitment to the service for the positions of mid-chief staff, candidates recruited by the Forensic Inquiry Centre of the MJ and staff members of the Head Medical Department, and candidates for the next recruitment to the agencies of justice was done by the NPG members.

There was a seminar-meeting organised for the TDP chiefs of the district-city police departments with the theme of “the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment” by the Head Department on Public Order of the MIA at the Police Academy. The head of the NPG delivered a speech at the event.

The seminar-meeting was attended by TDP chiefs of nine districts in the Garrison of Head Police Department of Baku City, TDP chiefs of the Head Transport Police Department, as well as up to thirty TDP chiefs via the virtual centres installed in eleven DPDs.

The head of the NPG delivered a detailed speech about the mentioned convention and the activity of the Commissioner on the matter of bringing the national legislation to conformity with the Convention. He drew attention to the designation of the Commissioner as an NPM by Presidential Decree with the purpose of implementation of the OPCAT. It was stressed that there had been adopted additions and amendments upon the regulation of the operation of Commissioner as an NPM to the Constitutional Law.

The NPG members conducted training together with the executive director of the “Young Lawyer Women for the Legal Reforms” Public Union for the police officers of the Khazar, Sabunchu, Nizami, Yasamal, Binagadi and Narimanov DPDs, as well as Shirvan, Lankaran, Gabala, Guba and Beylagan DPOs, also for the lawyers and public activists in those regions.

The purpose of the training was to educate police officers and public activists on the Law of the Republic of Azerbaijan “on Ensuring the Rights and Freedoms of Persons Held in Places of Detention”.

The NPG members in the framework of cooperation with the civil society, together with the representatives of the “World of Law” Public Union disseminated the relevant booklets and responded to questions at the educational events for convicts with the theme of Promotion and implementation of the Law of the Republic of Azerbaijan “on Social adaptation of the persons released from serving punishment in penitentiary institutions” held in PIs N 1, 2, 10, 12 and 14 of the PS.

On 25 May 2013, according to the agreement between the Commissioner and the Head of State Migration Service there was educational training held by the head of NPG V.Maharramov, a member of the NPG, A.Aliyev and a head of division at the Office T.Jahangirova, for the staff of the Baku City Detention Centre for Illegal Migrants of the State Migration Service.

The purpose of the seminar-meeting was to inform the staff of that institution about the basis of activity of the Commissioner and NPG, draw attention to international standards, considering the mentioned institution had been newly established.

The NPG representatives gave information about the Convention and activity of the Commissioner in the field of bringing the national legislation to conformity with the Convention. The designation of the Commissioner as an NPM by Presidential Decree with the purpose of implementation of the OPCAT was drawn attention to. Information was given about the provisions of the Constitutional Law.

It should be noted that the Commissioner held public hearings on the implementation, promotion and application of the “National Action Program for Increasing Effectiveness of Protection of Human Rights and Freedoms in the Republic of Azerbaijan” adopted by the Presidential Decree dated 27 December 2011 (NAP) in each rayon (administrative unit) of the Republic. The purpose of holding the public hearings was awareness-raising, promotion of the provisions of NAP, development of the legal intellect of the population and legal education.

The final public hearing held in Baku was attended by the senior staff of executive authorities, courts, public prosecutor offices, internal affairs agencies of twelve districts of the capital, as well as the representatives of municipalities, constituency election commissions, NGOs and mass media.

The Commissioner gave information about her activity in the field of human rights, as well as stressed that in order to perform functions of the NPM she and the NPG conduct regular visits to 244 facilities existing in the country, including penitentiary institutions, TDP, guardhouses, social facilities, boarding houses and guest houses for elderly people and disabled people, psychiatric hospitals, and during visits check the detention condition, treatment and documentation.

Apart from this, the head of NPG in the framework of the “Human rights month” delivered a lecture with the theme “The role of the Commissioner in prevention of torture” for the officers and private and civil staff of the Central Office of Head Security Department of the MIA.

The head of NPG in the framework of the report gave detailed information to the participants about the Convention, the role of the national legislation in this field and international standards and responded to their questions. The participants were also informed about the scheduled and ad-hoc visits of the NPG to the places of detention of police agencies and the recommendations provided during such visits.

It must be mentioned that the educational-methodological tool titled “Do you know these about the prevention of torture mechanisms?” was published, consisting of 100 questions-answers prepared by the NPG and the Police Academy of the MIA together. The tool encompasses such issues as the definition of torture, international and national legislation in this field, international, regional

and national entities carrying out visits to the places where persons are completely or partly deprived of their liberty, mandates of such entities and other necessary information.

The tool was distributed among the participants of the scientific-practical conference on the “Actual problems of protection of human rights in contemporary era” devoted to the 65th anniversary of the Universal Declaration of Human Rights and held in the Police Academy on 28 November 2013 by the Commissioner, Police Academy, UN High Commissioner on Human Rights, Confederation of Azerbaijani Lawyers, Scientific-Research Institute on Human Rights of the National Academy of Sciences of Azerbaijan.

The Commissioner delivering a speech mentioned the 65th anniversary of the Universal Declaration of Human Rights dated 10 December 1948, as well as the UN Convention for the Prevention and Punishment of the Crime of Genocide dated 9 December 1948 and stressed the importance of these documents. She said that the “UN Sustainable Development 10 years”, which assumes importance for our country as well, would be completed the following year.

The Commissioner mentioned the importance of the joint activity of state agencies, international organisations, NGOs and civil society in the field of human rights, and of broadening the legal education work.

The UN Resident Coordinator in Azerbaijan, Antonius Broek, Chief Counsellor of the Southern Caucasus Office of the UN High Commissioner for Human Rights, Vladimir Shkolnikov, and President of the Association of European Police Colleges, Helen Martini, positively evaluated the series of achievements gained in the country as a result of the activity aimed at efficient protection of human rights.

CHAPTER 5. PUBLIC RELATIONS

As it is known, pursuant to the Constitutional Law, the Commissioner, in line with the directions of her activity, cooperates with local, regional and international organizations and the organization of public relations and international cooperation is one of the directions of the Azerbaijani NPM's activity.

In 2013 as well, information exchange was continued with state and municipal bodies, local civil society organizations, mass media, regional and international organizations, and NPMs of foreign countries; mutual participation at the events was ensured and joint events were held.

During the past period both local and international communities were regularly informed about the Azerbaijani NPM's activity.

In 2013, alongside the reports delivered at this or another event, in total 130 press releases were disseminated to the media, 87 of them dealing with visits, 43 talking about awareness raising and other events.

Altogether, 551 press releases were disseminated during 2009-2013 out of which 343 were about visits and 208 about awareness raising and other events.

Press releases, reports on the NPM's activities, information on the composition of the NPG, as well as relevant normative legal acts have been posted in the Azerbaijan and English languages in a special section created on the Commissioner's website. The reports, along with being posted on the Commissioner's official website, were also sent to the relevant state bodies.

During the Novruz Holiday days the Commissioner visited the Correctional Facility of PS (facility of serving punishments for juveniles) and met juvenile convicts. The event was attended by the First Deputy to Head of Sabail District Executive Authority, Khalida Bayramova, representatives of NGOs and mass media, students of Azerbaijan State Economic University. Holiday gifts were given to juvenile convicts at the event that were appreciated.

There were events held by the execution divisions of Sabail and Sabunchu district courts on the fulfillment of the amnesty act covering 9 thousand persons, adopted by the Milli Majlis (National Assembly – legislative body) of the Republic of Azerbaijan on 7 May 2013 on the occasion of the 90th anniversary of national leader of the Azerbaijan people, Heydar Aliyev. The staff members of the Department and NPG members participated in those events. Such events were attended by the officials of other state agencies, representatives of NGOs and mass media.

It should be noted that the mentioned amnesty act encompassed 38 persons in Sabail District and 122 persons in Sabunchu district. The persons attending the event were given those orders.

On 15 October 2013 the Commissioner attending the events on the fulfilment of the pardoning decree in PI N 2, 9 and 17 of the PS met convicts. Those events were attended by the members of the Pardoning Commission of the President, officials of state agencies, some NGO and numerous mass media representatives.

The pardoned convicts, including several foreign convicts in these institutions were given the documents on their release, and once more best wishes were expressed to them and their families.

The Commissioner delivering a speech at the event congratulated the convicts on the occasion of Gurban Holiday (Eid) and 18 October – the State Independence Day and wished them all the best. She stressed the adoption of 10 amnesty and 55 pardoning acts within a short period of time, which subsequently resulted in rejoining hundreds of thousands of persons with their families and society. She advised that the convicts had been pardoned and released as corrected persons and avoid any breach of law, commission of crime, and return to their families and healthy lifestyle, and be involved in labour.

The Commissioner noted that, the legal acts in the relevant field had been liberalised, and there is observed an improvement in the treatment and conditions, as well as food, medical aid and correction process for the persons serving punishments in penitentiary institutions.

As already mentioned, the NPM continued its efficient collaboration in the field of prevention of torture with the state agencies, civil society, NGOs and mass media. Thus, feedback and responses were given to the questions about the NPM investigations submitted by the mass media.

CHAPTER 6.

INTERNATIONAL COOPERATION

During the reporting period the Commissioner as NPM paid special attention to international cooperation and improved existing partnership relations in this field. Enhancement by the Commissioner of relations with COE, OSCE, International Red Cross Committee, foreign colleagues and other organizations sharing the experience was useful for carrying out the activity as an NPM.

Organization of different meetings, conducting joint events in the field of prevention of torture, participation of the Commissioner and NPM Group members and mutual sharing of experience can be shown as an example of the direction of international relations of the Commissioner as NPM.

During the reporting period the NPG members participated in events conducted by international organizations and meetings with foreign colleagues.

The Head of the Ombudsman Office and the Head of the Department on Prevention of Torture received the visit of the delegation of PACE Group of Reporters on Democracy to our country. The main object of the trip of the Reporters Group was observance of the situation with fulfillment of obligations taken by our republic at joining this influential organization.

The numerous questions regarding human rights protection, including protection of rights of imprisoned persons, improving the legislation, protection of media rights, cooperation with international and regional human rights protection mechanisms and activities in other fields and other questions of quests were answered.

They were also informed about successful continuation of the Commissioner's activity as NPM, carrying out of regular visits to the places of penal institutions and places of restriction of liberty, as well as penitentiary institutions, TDPs, social objects, boarding houses for persons with disabilities, the elderly, care houses, psychiatric hospitals, keeping under control the situation of implementation of recommendations given during previous visits, giving preference to confidential and private meetings with detainees.

An international event jointly conducted by the Penal Reform International, the EU and Azerbaijan Medical Association was held in the frames of the EU Project "Strengthening institutions for fighting against torture and increasing the civil society potential in nine post-soviet countries". The aim of the event was presentation of the manual on monitoring of penal institutions jointly issued by PRI and APT in the frames of the global project of the institutions on human rights protection and health workers on prevention of torture, as well as discussion of the current situation, corresponding international standards on prevention of torture and its documentation.

The Commissioner, the Head of the Department on Prevention of Torture and doctor-members of the NPG participated in this event.

As it was noted, the trips organized in the frames of international cooperation assume high importance from the standpoint of sharing experience and achieving new knowledge and such trips were regularly carried out during the reporting period as well. The Commissioner and NPG members participated in the seminar on cooperation among the Commissioners of the Eastern Partnership countries held on September 3-5, 2013, in Kiev, the Ukraine. The delegation of Azerbaijan delivered speeches and held discussions on the issues included in the programs on the topic of the event. Delivering the speech, the Commissioner gave information about the activities realized as NPM, existing legislation in this field, Law of the Republic of Azerbaijan on “Ensuring the Rights and Freedoms of Persons Held in Places of Detention” and about the measures towards its implementation, as well as about the functioning of doctors within the NPG. The Commissioner highlighted the visits conducted with participation of doctors to penal institutions, including penitentiary institutions, TDPs, psychiatric hospitals, social objects, and also informed about the investigations during the visits, keeping in mind the imprisoned persons’ health status and the doctor’s experience in this field. She also answered questions.

At the conclusion of the seminar the Commissioner gave her proposals regarding determination of new priorities and perspectives during the next events in the EaP frames.

From December 2-3, 2013, an international conference titled “National Preventive Mechanisms and other ways of fighting torture: achievements and improvement perspectives” was organized by the Ukrainian Commissioner for Human Rights, COE, PRI, Independent Monitoring Association, as well as the Ukrainian Monitoring Association on ensuring human rights in the activity of law enforcement bodies, in Kiev, the Ukraine.

The Commissioner for Human rights, the Head of the Department of Prevention of Torture and the Head of the NPG, Vugar Maherramov, the Head of the Ganja Regional Center of the Commissioner, Sabuhi Abbasov, participated in the mentioned event.

Delivering speeches at the conference, well-known experts from international organizations, as well as Moldova, Georgia, the Russian Federation and the Ukraine informed about the works carried out in this direction and existing experience.

In his speech the Head of the NPG gave comprehensive information about measures undertaken by the Commissioner as NPM, existing legislation in this field, measures on implementation of law, as well as about conduction of visits. The Head of the Ganja Regional Center also informed the participants about visits carried out in the regions.

The Head of the Constitutional Researches Center, the members of the Public Committee at the Minister of Justice of the Republic of Azerbaijan, Alimammad Nuriyev, also participated at this event and gave information about

cooperation with NPG of the Commissioner and monitoring of Public Committee in PIs.

Adjusting detention conditions of imprisoned persons to international standards as a result of ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and OPCAT was evaluated positively. The event ended with efficient discussions and exchange of experience.

The regional forum on “Culture in Prisons – Norms and Reality in the South Caucasus”, as well as the regional round table on the topic “Imprisonment Standards for Women Prisoners in the Penitentiary Systems of the South Caucasus Countries” organized by PRI was held in Tbilisi, Georgia. The Head of the Commissioner’s NPG participated in the events.

Delivering speeches on the topics, the Head of the NPG informed the participants about the successful work of NPG, the functioning of the doctor, ensuring the gender balance, the rules on visits and monitoring in the country, reforms realized in the human rights sphere. The participants highly evaluated the reforms carried out by the government and mentioned experience and noted that they will also use this efficient experience in their own countries.

The members of the NPG were on an official trip to Ljubljana, Slovenia, with the organization of the OSCE Baku Office for sharing experience regarding treatment of suspected and accused in penal institutions. The delegation from staff members of law-enforcement structures of Azerbaijan and NGOs also participated in the events.

The meetings were conducted in the Ministry of Justice, Ministry of Internal Affairs, College of Barristers of Slovenia, as well as in the Commissioner’s Office; the legal system of the country, the local experience in execution of punishments mechanism and protection of human rights this time were learned.

Moreover, comprehensive discussions were conducted on prevention of torture, violence and ill-treatment in PIs and TDPs, as well as ensuring the rights and freedoms of persons detained in penal institutions and other topics. The delegation got acquainted with the penitentiary institution in Koper city and TDP of Moste Police Department of the Ljubljana city Police.

During the discussions the information about the law of the Republic of Azerbaijan on “Ensuring the Rights and Freedoms of Persons Held in Places of Detention” and the work carried out for its implementation was brought to the attention of Slovenian colleagues.

The Head of the NPG participated in the regional conference on the topic “Fight against ill-treatment and impunity, efficient investigation of ill-treatment cases by law-enforcement bodies” conducted by the EU and COE, in Strasbourg, France.

Representatives of law-enforcement bodies, judicial institutions and NHRIs of Azerbaijan, Moldova, Georgia, Ukraine and Armenia, as well as of the Council

of Europe, representatives of Manchester and Glasgow universities and international experts participated in the conference.

The representatives of Azerbaijan gave comprehensive information to the participants about the measures carried out by the state in fighting ill-treatment, improvement of legislation, activity of the Commissioner and NPG in this direction. The measures carried out by the government of Azerbaijan were positively evaluated and each participant-state was given recommendation on reinforcing the fight against ill-treatment and cooperation with international organizations.

The conference on the topic “Detention of Aliens and Stateless Persons in Europe: determination of common problems and improving the monitoring system” organized by the PACE and SPT, was held in Strasbourg, France. Representatives of NPM of COE member-states, SPT, as well as representatives of corresponding monitoring groups and international experts attended this conference.

The representative of the Commissioner’s Office who joined the event informed the participants of the conference about the corresponding activity of NPM of Azerbaijan, the gained experience, undertaken measures, the detention conditions; and emphasized adjusting existing detention conditions to modern standards, fighting against ill-treatment, learning by NPG members of normative documents regulating the activity of detention centers (places), putting forward recommendations and proposals during the conducted visits, as well as regularly holding training-seminars. The perspectives of further cooperation in fighting the ill-treatment were discussed at the event as well.

CHAPTER 7. PROPOSALS AND RECOMMENDATIONS

The analysis of the activity of the Commissioner as NPM during the reporting period gives ground to evaluate it as efficient. This also can be evaluated as a logical result of the work realized directly by the NPM – preventive visits, legal enlightening events, as well as of fundamental legal reforms carried out in the country.

Improving the legal culture of society stipulates increasing the level of provision of the right to not only not be subjected to torture and other cruel, inhuman or degrading treatment or punishment, but other rights as well.

During the reporting period, and as a result of putting forward the numerous recommendations and proposals, the attitude of law-enforcement, punishment execution bodies and high ranked officials on the essence and provision of human rights has changed positively; legal thinking has formed a new meaning, and steps have been taken for improving the administration.

The Commissioner emphasizes the importance of the involvement of the society in the reintegration process into the society of persons deprived of liberty (resocialization) in order to ensure its successful realization. The Commissioner believes in the necessity to strengthen the correction of imprisoned persons using labor, religious and educational means.

It should be noted that the recommendations reflected in previous reports on the activity of the Commissioner as NPM but still pending for their implementation were repeatedly mentioned among the proposals.

For efficient protection of persons fully or partially deprived of liberty the Commissioner puts forward for 2013 the following proposals:

To improve the legislation:

1. Specify responsibility in the Code of Administrative Offences of the Republic of Azerbaijan for the interference with the legitimate activities of the NPG;

2. Accelerate the approval by the Cabinet of Ministers of the “Internal Disciplinary Rules in Detention Facilities” developed by the MJ;

3. Prepare a new draft law regulating rules of detention of administratively arrested persons;

4. Adjust addition No.4 of “Regulations of the Garrisons and Guard Services of the Armed Forces of the Republic of Azerbaijan” to modern demands;

5. Adopt the normative document enshrining provisions on use of video surveillance devices installed in the TDPs of police bodies, rules of their application, prevention of dissemination of records;

To settle institutional issues:

1. Envisage alternative ways of punishment besides arrest;
2. Ensure that the MIA takes corresponding measures in transferring persons detained in TDPs and arrested persons to Investigatory Isolator within 24 hours as provided by legislation;
3. Ensure that the MIA enhances the control over undergoing the preliminary medical examination of detained and arrested persons by a specialized doctor in the TDP within 24 hours;
4. Ensure that the MIA improve registration in the journals of movement of relevant information regarding taking out and returning into cells of persons detained in the TDP;
5. Ensure that the MIA carries on education work on promotion of the Law of the Republic of Azerbaijan On Ensuring the Rights and Freedoms of Persons Held in Places of Detention among appropriate police staff;
6. Ensure that information and images about detained or arrested persons are prevented from dissemination in mass media before issuance of the court decision;
7. Ensure that the MIA carries out measures for organization of worship room for ensuring freedom of conscience of detainees in the Detention Station for administratively arrested persons;
8. Ensure that the MIA continues to improve the conditions in detention places for administratively arrested persons (increasing the number of showers, creation of meeting rooms and other measures) considering prolongation of period of administrative arrest from 15 days up to 3 months;
9. Ensure that the MIA carries out appropriate measures considering that the Detention Station for administratively arrested persons of the Baku city Head Police Office needs repairing;
10. Ensure that the MIA carries out additional measures for organization of efficient leisure time in the TDP and detention station for administratively arrested persons (installation of TV sets);
11. Ensure that the MIA carries out measures for switching off the electric bulbs at nighttime in the TDP and detention station for administratively arrested persons and installation there of night lighting;
12. Ensure that the MIA carries out measures for provision of daily newspapers for the persons detained in the TDP and detention station for administratively arrested persons;
13. Ensure that the MIA carries out measures for provision of hygienic means on the state account of the persons detained in the TDP and detention station for administratively arrested persons;
14. Ensure that the MJ takes necessary actions to eliminate overcrowding in some PIs;

15. Ensure that the MJ accelerates construction of a new prison complex (PI) for women in Zabrat settlement of Baku city;

16. Ensure that the MJ accelerates construction of Correctional institution for juveniles in Zabrat settlement of Baku city;

17. Ensure that the MJ accelerates construction of a new prison complex in Umbaki settlement;

18. Ensure that the MJ accelerates construction of mixed regime PI in Ganja;

19. Ensure that the MJ accelerates construction of new facilities as the buildings of the Medical Institution are old and some of them are in unusable condition;

20. Ensure that the MJ provides the MSU of PI No.5 with a building suitable for use;

21. Ensure that the MJ carries out measures for improving the activity of doctors in the MSU of PI No.5;

22. Ensure that the MJ enhances the control over the activity of PCS;

23. Ensure that the MJ carries out measures on organization of the wards for stationary treatment in the medical unit of the Investigatory Isolator No.3 of the PS;

24. Ensure that the MJ enhances the control over application of disciplinary measures and special means only if necessary and enhancing of control by the PS over strict documentation in these cases and taking explanation from a detainee without fail;

25. Ensure that the MJ carries out measures on improving the quality of rendered legal assistance particularly in districts out of the city, as well as on increasing numbers of legal advice offices and lawyers;

26. Ensure that the MJ carries out measures on renewing the relevant infrastructure considering overcrowding and insufficient conditions in coaches for detainee escort from PIs to TDPs (and the opposite direction);

27. Ensure that the MJ adjusts waiting rooms in some of the courts to modern requirements;

28. Ensure that the MJ puts proposals before the Cabinet of Ministers of the Republic of Azerbaijan on increasing the financial means considered for detention of inmates and detainees (including nutrition, medical service and medicine supply);

29. Ensure that the MJ establishes new production sites for involvement of convicted persons to socially useful work considering importance of inmates' rehabilitation through targeting their physical labor force to healthy work;

30. Ensure that the MNS carries on education work conducted in the relevant fields and closely involves the NPM in such activities;

31. Ensure that the MNS monitors the enjoyment of psychologist aid by detainees in the TDP and Investigatory Isolator;

32. Ensure that the MD makes efforts to establish more constructive cooperation with the NPM;
33. Ensure that the MD accelerates repair work in the institutions closed for not meeting existing standards;
34. Ensure that the MD starts building a guardroom and one-person cell in the Disciplinary Military Unit No.N as provided in Article 149 of the EPC;
35. Ensure that the MD carries out education work jointly with NPG for staff of the Disciplinary Military Unit No.N and Guardrooms;
36. Ensure that MH carries out measures on elimination of overcrowding in the Gerontology Department of the Republic Psychiatric Hospital No.1;
37. Ensure that the MH prepares general rules considering international experience;
38. Ensure that the MH carries out measures for movement of approximately 350 persons detained in the Republic Psychiatric Hospital No.1 who are in no need of stationary treatment and are staying for a long time to not lose social connections to appropriate social institutions under the jurisdiction of the MLSPP;
39. Ensure that the MH carries on education work for the staff of the Salyan Inter-district (Interregional) Psychiatric Hospital;
40. Ensure that the MH carries on the prophylactic measures against infectious diseases (tuberculosis and others) towards persons detained in the Salyan Inter-district (Interregional) Psychiatric Hospital;
41. Ensure that the MH takes preventive measures for elimination of deficiencies revealed by the NPG in Lankaran Inter-district (Interregional) Psychiatric Hospital and for prevention of their reoccurrence;
42. Ensure that the ME makes efforts to establish more constructive cooperation with the NPM;
43. Ensure that the ME prepared the precise list of places under its jurisdiction which detainees are not permitted to leave at will (in compliance with OPCAT requirements) and submit it to the NPM;
44. Ensure that the ME conducts investigation of the situation with improving material conditions in Guba Specialized Professional School and the cases mentioned in the corresponding part of the report;
45. Ensure that the ME carries out the measures jointly with appropriate authorities on provision of persons detained in Guba Specialized professional school with ID cards;
46. Ensure that the ME takes actions to increase the salaries of the personnel working in the relevant establishments;
47. Ensure that the MLSPP makes efforts to establish more constructive cooperation with the NPM;
48. Ensure that the MLSPP continues the improvement of the financial condition of the relevant establishments;

49. Ensure that the MLSPP works out the mechanism of establishing the asylums and resource centers for persons having served their sentences and released from penal institutions but having no permanent living place, as well as on the solution of their employment problems;

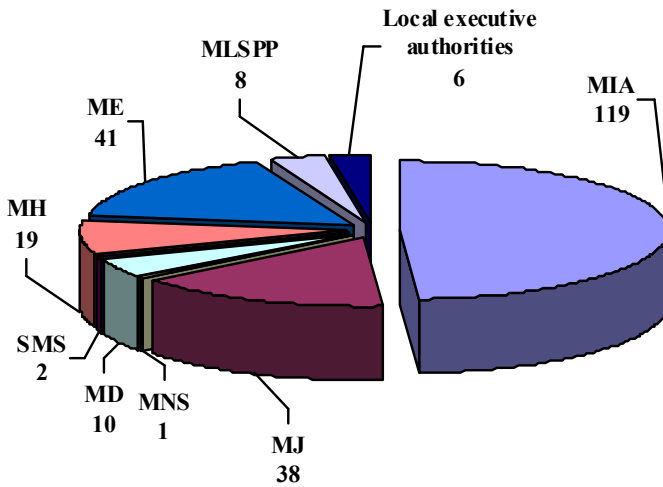
50. Ensure that MLSPP makes efforts for implementation of obligations of the ministry in compliance with the Law of the Republic of Azerbaijan on “Social Adaptation of persons released from penal institutions”;

51. Ensure that the MLSPP makes efforts for elimination of procrastinations and restrictions in the process of determination of disability status for inmates;

52. Ensure that the State Migration Service carries out joint education work for the staff of the newly commissioned Detention Center for Illegal Migrants in Yevlakh city.

Appendix 1.
Static Data

Diagram 1. Number of establishments visited by the NPM



*Diagram 3. Visits conducted by the NPM in 2013
(by establishments)*

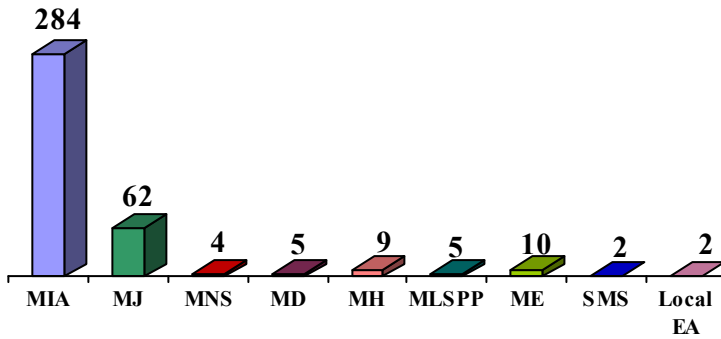


Diagram 2. Visits conducted by the NPM in 2013

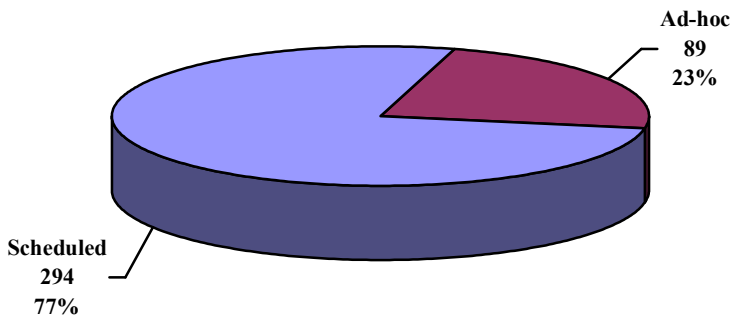


Diagram 4. Visits by the NPM (by years)

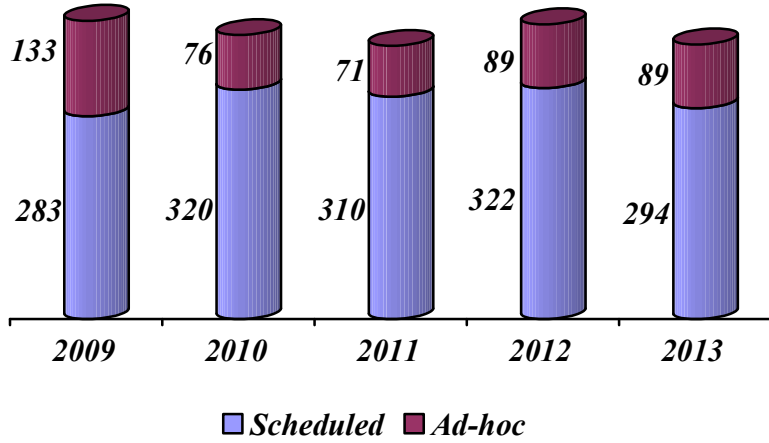
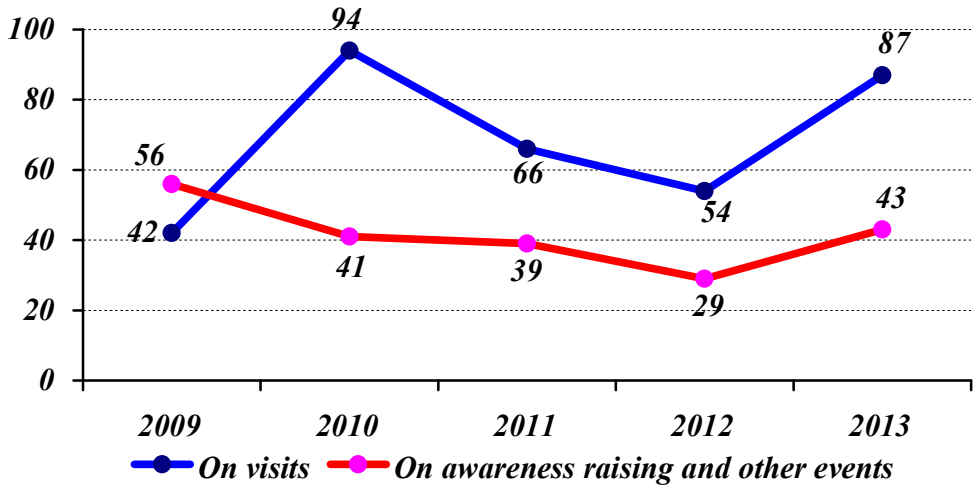


Diagram 5. Press-releases by the NPM (by years)



Appendix 2.

Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment

Adopted on 18 December 2002 at the fifty-seventh session of the General Assembly of the United Nations by resolution A/RES/57/199.

Entered into force on 22 June 2006

PREAMBLE

The States Parties to the present Protocol,

Reaffirming that torture and other cruel, inhuman or degrading treatment or punishment are prohibited and constitute serious violations of human rights,

Convinced that further measures are necessary to achieve the purposes of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (hereinafter referred to as the Convention) and to strengthen the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment,

Recalling that articles 2 and 16 of the Convention oblige each State Party to take effective measures to prevent acts of torture and other cruel, inhuman or degrading treatment or punishment in any territory under its jurisdiction,

Recognizing that States have the primary responsibility for implementing those articles, that strengthening the protection of people deprived of their liberty and the full respect for their human rights is a common responsibility shared by all and that international implementing bodies complement and strengthen national measures,

Recalling that the effective prevention of torture and other cruel, inhuman or degrading treatment or punishment requires education and a combination of various legislative, administrative, judicial and other measures,

Recalling also that the World Conference on Human Rights firmly declared that efforts to eradicate torture should first and foremost be concentrated on prevention and called for the adoption of an optional protocol to the Convention, intended to establish a preventive system of regular visits to places of detention,

Convinced that the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment can be strengthened by non-judicial means of a preventive nature, based on regular visits to places of detention, Have agreed as follows:

PART I

General principles

Article 1

The objective of the present Protocol is to establish a system of regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment.

Article 2

1. A Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of the Committee against Torture (hereinafter referred to as the Subcommittee on Prevention) shall be established and shall carry out the functions laid down in the present Protocol.

2. The Subcommittee on Prevention shall carry out its work within the framework of the Charter of the United Nations and shall be guided by the purposes and principles thereof, as well as the norms of the United Nations concerning the treatment of people deprived of their liberty.

3. Equally, the Subcommittee on Prevention shall be guided by the principles of confidentiality, impartiality, non-selectivity, universality and objectivity.

4. The Subcommittee on Prevention and the States Parties shall cooperate in the implementation of the present Protocol.

Article 3

Each State Party shall set up, designate or maintain at the domestic level one or several visiting bodies for the prevention of torture and other cruel, inhuman or degrading treatment or punishment (hereinafter referred to as the national preventive mechanism).

Article 4

1. Each State Party shall allow visits, in accordance with the present Protocol, by the mechanisms referred to in articles 2 and 3 to any place under its jurisdiction and control where persons are or may be deprived of their liberty, either by virtue of an order given by a public authority or at its instigation or with its consent or acquiescence (hereinafter referred to as places of detention). These visits shall be undertaken with a view to strengthening, if necessary, the protection of these persons against torture and other cruel, inhuman or degrading treatment or punishment.

2. For the purposes of the present Protocol, deprivation of liberty means any form of detention or imprisonment or the placement of a person in a public or private custodial setting which that person is not permitted to leave at will by order of any judicial, administrative or other authority.

PART II

Subcommittee on Prevention

Article 5

1. The Subcommittee on Prevention shall consist of ten members. After the fiftieth ratification of or accession to the present Protocol, the number of the members of the Subcommittee on Prevention shall increase to twenty-five.

2. The members of the Subcommittee on Prevention shall be chosen from among persons of high moral character, having proven professional experience in the field of the administration of justice, in particular criminal law, prison or

police administration, or in the various fields relevant to the treatment of persons deprived of their liberty.

3. In the composition of the Subcommittee on Prevention due consideration shall be given to equitable geographic distribution and to the representation of different forms of civilization and legal systems of the States Parties.

4. In this composition consideration shall also be given to balanced gender representation on the basis of the principles of equality and non-discrimination.

5. No two members of the Subcommittee on Prevention may be nationals of the same State.

6. The members of the Subcommittee on Prevention shall serve in their individual capacity, shall be independent and impartial and shall be available to serve the Subcommittee on Prevention efficiently.

Article 6

1. Each State Party may nominate, in accordance with paragraph 2 of the present article, up to two candidates possessing the qualifications and meeting the requirements set out in article 5, and in doing so shall provide detailed information on the qualifications of the nominees.

2.

(a) The nominees shall have the nationality of a State Party to the present Protocol;

(b) At least one of the two candidates shall have the nationality of the nominating State Party;

(c) No more than two nationals of a State Party shall be nominated;

(d) Before a State Party nominates a national of another State Party, it shall seek and obtain the consent of that State Party.

3. At least five months before the date of the meeting of the States Parties during which the elections will be held, the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within three months. The Secretary-General shall submit a list, in alphabetical order, of all persons thus nominated, indicating the States Parties that have nominated them.

Article 7

1. The members of the Subcommittee on Prevention shall be elected in the following manner:

(a) Primary consideration shall be given to the fulfilment of the requirements and criteria of article 5 of the present Protocol;

(b) The initial election shall be held no later than six months after the entry into force of the present Protocol;

(c) The States Parties shall elect the members of the Subcommittee on Prevention by secret ballot;

(d) Elections of the members of the Subcommittee on Prevention shall be held at biennial meetings of the States Parties convened by the Secretary-General

of the United Nations. At those meetings, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Subcommittee on Prevention shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of the States Parties present and voting.

2. If during the election process two nationals of a State Party have become eligible to serve as members of the Subcommittee on Prevention, the candidate receiving the higher number of votes shall serve as the member of the Subcommittee on Prevention. Where nationals have received the same number of votes, the following procedure applies:

(a) Where only one has been nominated by the State Party of which he or she is a national, that national shall serve as the member of the Subcommittee on Prevention;

(b) Where both candidates have been nominated by the State Party of which they are nationals, a separate vote by secret ballot shall be held to determine which national shall become the member;

(c) Where neither candidate has been nominated by the State Party of which he or she is a national, a separate vote by secret ballot shall be held to determine which candidate shall be the member.

Article 8

If a member of the Subcommittee on Prevention dies or resigns, or for any cause can no longer perform his or her duties, the State Party that nominated the member shall nominate another eligible person possessing the qualifications and meeting the requirements set out in article 5, taking into account the need for a proper balance among the various fields of competence, to serve until the next meeting of the States Parties, subject to the approval of the majority of the States Parties. The approval shall be considered given unless half or more of the States Parties respond negatively within six weeks after having been informed by the Secretary-General of the United Nations of the proposed appointment.

Article 9

The members of the Subcommittee on Prevention shall be elected for a term of four years. They shall be eligible for re-election once if renominated. The term of half the members elected at the first election shall expire at the end of two years; immediately after the first election the names of those members shall be chosen by lot by the Chairman of the meeting referred to in article 7, paragraph 1 (d).

Article 10

1. The Subcommittee on Prevention shall elect its officers for a term of two years. They may be re-elected.

2. The Subcommittee on Prevention shall establish its own rules of procedure. These rules shall provide, inter alia, that:

(a) Half the members plus one shall constitute a quorum;

(b) Decisions of the Subcommittee on Prevention shall be made by a majority vote of the members present;

(c) The Subcommittee on Prevention shall meet in camera.

3. The Secretary-General of the United Nations shall convene the initial meeting of the Subcommittee on Prevention. After its initial meeting, the Subcommittee on Prevention shall meet at such times as shall be provided by its rules of procedure. The Subcommittee on Prevention and the Committee against Torture shall hold their sessions simultaneously at least once a year.

PART III

Mandate of the Subcommittee on Prevention

Article 11

1. The Subcommittee on Prevention shall:

(a) Visit the places referred to in article 4 and make recommendations to States Parties concerning the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment;

(b) In regard to the national preventive mechanisms:

(i) Advise and assist States Parties, when necessary, in their establishment;

(ii) Maintain direct, and if necessary confidential, contact with the national preventive mechanisms and offer them training and technical assistance with a view to strengthening their capacities;

(iii) Advise and assist them in the evaluation of the needs and the means necessary to strengthen the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment;

(iv) Make recommendations and observations to the States Parties with a view to strengthening the capacity and the mandate of the national preventive mechanisms for the prevention of torture and other cruel, inhuman or degrading treatment or punishment;

(c) Cooperate, for the prevention of torture in general, with the relevant United Nations organs and mechanisms as well as with the international, regional and national institutions or organizations working towards the strengthening of the protection of all persons against torture and other cruel, inhuman or degrading treatment or punishment.

Article 12

In order to enable the Subcommittee on Prevention to comply with its mandate as laid down in article 11, the States Parties undertake:

(a) To receive the Subcommittee on Prevention in their territory and grant it access to the places of detention as defined in article 4 of the present Protocol;

(b) To provide all relevant information the Subcommittee on Prevention may request to evaluate the needs and measures that should be adopted to strengthen the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment;

(c) To encourage and facilitate contacts between the Subcommittee on Prevention and the national preventive mechanisms;

(d) To examine the recommendations of the Subcommittee on Prevention and enter into dialogue with it on possible implementation measures.

Article 13

1. The Subcommittee on Prevention shall establish, at first by lot, a programme of regular visits to the States Parties in order to fulfil its mandate as established in article 11.

2. After consultations, the Subcommittee on Prevention shall notify the States Parties of its programme in order that they may, without delay, make the necessary practical arrangements for the visits to be conducted.

3. The visits shall be conducted by at least two members of the Subcommittee on Prevention. These members may be accompanied, if needed, by experts of demonstrated professional experience and knowledge in the fields covered by the present Protocol who shall be selected from a roster of experts prepared on the basis of proposals made by the States Parties, the Office of the United Nations High Commissioner for Human Rights and the United Nations Centre for International Crime Prevention. In preparing the roster, the States Parties concerned shall propose no more than five national experts. The State Party concerned may oppose the inclusion of a specific expert in the visit, whereupon the Subcommittee on Prevention shall propose another expert.

4. If the Subcommittee on Prevention considers it appropriate, it may propose a short follow-up visit after a regular visit.

Article 14

1. In order to enable the Subcommittee on Prevention to fulfil its mandate, the States Parties to the present Protocol undertake to grant it:

(a) Unrestricted access to all information concerning the number of persons deprived of their liberty in places of detention as defined in article 4, as well as the number of places and their location;

(b) Unrestricted access to all information referring to the treatment of those persons as well as their conditions of detention;

(c) Subject to paragraph 2 below, unrestricted access to all places of detention and their installations and facilities;

(d) The opportunity to have private interviews with the persons deprived of their liberty without witnesses, either personally or with a translator if deemed necessary, as well as with any other person who the Subcommittee on Prevention believes may supply relevant information;

(e) The liberty to choose the places it wants to visit and the persons it wants to interview.

2. Objection to a visit to a particular place of detention may be made only on urgent and compelling grounds of national defence, public safety, natural disaster or serious disorder in the place to be visited that temporarily prevent the

carrying out of such a visit. The existence of a declared state of emergency as such shall not be invoked by a State Party as a reason to object to a visit.

Article 15

No authority or official shall order, apply, permit or tolerate any sanction against any person or organization for having communicated to the Subcommittee on Prevention or to its delegates any information, whether true or false, and no such person or organization shall be otherwise prejudiced in any way.

Article 16

1. The Subcommittee on Prevention shall communicate its recommendations and observations confidentially to the State Party and, if relevant, to the national preventive mechanism.

2. The Subcommittee on Prevention shall publish its report, together with any comments of the State Party concerned, whenever requested to do so by that State Party. If the State Party makes part of the report public, the Subcommittee on Prevention may publish the report in whole or in part. However, no personal data shall be published without the express consent of the person concerned.

3. The Subcommittee on Prevention shall present a public annual report on its activities to the Committee against Torture.

4. If the State Party refuses to cooperate with the Subcommittee on Prevention according to articles 12 and 14, or to take steps to improve the situation in the light of the recommendations of the Subcommittee on Prevention, the Committee against Torture may, at the request of the Subcommittee on Prevention, decide, by a majority of its members, after the State Party has had an opportunity to make its views known, to make a public statement on the matter or to publish the report of the Subcommittee on Prevention.

PART IV

National preventive mechanisms

Article 17

Each State Party shall maintain, designate or establish, at the latest one year after the entry into force of the present Protocol or of its ratification or accession, one or several independent national preventive mechanisms for the prevention of torture at the domestic level. Mechanisms established by decentralized units may be designated as national preventive mechanisms for the purposes of the present Protocol if they are in conformity with its provisions.

Article 18

1. The States Parties shall guarantee the functional independence of the national preventive mechanisms as well as the independence of their personnel.

2. The States Parties shall take the necessary measures to ensure that the experts of the national preventive mechanism have the required capabilities and professional knowledge. They shall strive for a gender balance and the adequate representation of ethnic and minority groups in the country.

3. The States Parties undertake to make available the necessary resources for the functioning of the national preventive mechanisms.

4. When establishing national preventive mechanisms, States Parties shall give due consideration to the Principles relating to the status of national institutions for the promotion and protection of human rights.

Article 19

The national preventive mechanisms shall be granted at a minimum the power:

(a) To regularly examine the treatment of the persons deprived of their liberty in places of detention as defined in article 4, with a view to strengthening, if necessary, their protection against torture and other cruel, inhuman or degrading treatment or punishment;

(b) To make recommendations to the relevant authorities with the aim of improving the treatment and the conditions of the persons deprived of their liberty and to prevent torture and other cruel, inhuman or degrading treatment or punishment, taking into consideration the relevant norms of the United Nations;

(c) To submit proposals and observations concerning existing or draft legislation.

Article 20

In order to enable the national preventive mechanisms to fulfil their mandate, the States Parties to the present Protocol undertake to grant them:

(a) Access to all information concerning the number of persons deprived of their liberty in places of detention as defined in article 4, as well as the number of places and their location;

(b) Access to all information referring to the treatment of those persons as well as their conditions of detention;

(c) Access to all places of detention and their installations and facilities;

(d) The opportunity to have private interviews with the persons deprived of their liberty without witnesses, either personally or with a translator if deemed necessary, as well as with any other person who the national preventive mechanism believes may supply relevant information;

(e) The liberty to choose the places they want to visit and the persons they want to interview;

(f) The right to have contacts with the Subcommittee on Prevention, to send it information and to meet with it.

Article 21

1. No authority or official shall order, apply, permit or tolerate any sanction against any person or organization for having communicated to the national preventive mechanism any information, whether true or false, and no such person or organization shall be otherwise prejudiced in any way.

2. Confidential information collected by the national preventive mechanism shall be privileged. No personal data shall be published without the express consent of the person concerned.

Article 22

The competent authorities of the State Party concerned shall examine the recommendations of the national preventive mechanism and enter into a dialogue with it on possible implementation measures.

Article 23

The States Parties to the present Protocol undertake to publish and disseminate the annual reports of the national preventive mechanisms.

PART V

Declaration

Article 24

1. Upon ratification, States Parties may make a declaration postponing the implementation of their obligations under either part III or part IV of the present Protocol.

2. This postponement shall be valid for a maximum of three years. After due representations made by the State Party and after consultation with the Subcommittee on Prevention, the Committee against Torture may extend that period for an additional two years.

PART VI

Financial provisions

Article 25

1. The expenditure incurred by the Subcommittee on Prevention in the implementation of the present Protocol shall be borne by the United Nations.

2. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Subcommittee on Prevention under the present Protocol.

Article 26

1. A Special Fund shall be set up in accordance with the relevant procedures of the General Assembly, to be administered in accordance with the financial regulations and rules of the United Nations, to help finance the implementation of the recommendations made by the Subcommittee on Prevention after a visit to a State Party, as well as education programmes of the national preventive mechanisms.

2. The Special Fund may be financed through voluntary contributions made by Governments, intergovernmental and non-governmental organizations and other private or public entities.

PART VII

Final provisions

Article 27

1. The present Protocol is open for signature by any State that has signed the Convention.

2. The present Protocol is subject to ratification by any State that has ratified or acceded to the Convention. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

3. The present Protocol shall be open to accession by any State that has ratified or acceded to the Convention.

4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

5. The Secretary-General of the United Nations shall inform all States that have signed the present Protocol or acceded to it of the deposit of each instrument of ratification or accession.

Article 28

1. The present Protocol shall enter into force on the thirtieth day after the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.

2. For each State ratifying the present Protocol or acceding to it after the deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession, the present Protocol shall enter into force on the thirtieth day after the date of deposit of its own instrument of ratification or accession.

Article 29

The provisions of the present Protocol shall extend to all parts of federal States without any limitations or exceptions.

Article 30

No reservations shall be made to the present Protocol.

Article 31

The provisions of the present Protocol shall not affect the obligations of States Parties under any regional convention instituting a system of visits to places of detention. The Subcommittee on Prevention and the bodies established under such regional conventions are encouraged to consult and cooperate with a view to avoiding duplication and promoting effectively the objectives of the present Protocol.

Article 32

The provisions of the present Protocol shall not affect the obligations of States Parties to the four Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 8 June 1977, nor the opportunity available to any State Party to authorize the International Committee of the Red Cross to visit places of detention in situations not covered by international humanitarian law.

Article 33

1. Any State Party may denounce the present Protocol at any time by written notification addressed to the Secretary-General of the United Nations, who shall

thereafter inform the other States Parties to the present Protocol and the Convention. Denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General.

2. Such a denunciation shall not have the effect of releasing the State Party from its obligations under the present Protocol in regard to any act or situation that may occur prior to the date on which the denunciation becomes effective, or to the actions that the Subcommittee on Prevention has decided or may decide to take with respect to the State Party concerned, nor shall denunciation prejudice in any way the continued consideration of any matter already under consideration by the Subcommittee on Prevention prior to the date on which the denunciation becomes effective.

3. Following the date on which the denunciation of the State Party becomes effective, the Subcommittee on Prevention shall not commence consideration of any new matter regarding that State.

Article 34

1. Any State Party to the present Protocol may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to the States Parties to the present Protocol with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposal. In the event that within four months from the date of such communication at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of two thirds of the States Parties present and voting at the conference shall be submitted by the Secretary-General of the United Nations to all States Parties for acceptance.

2. An amendment adopted in accordance with paragraph 1 of the present article shall come into force when it has been accepted by a two-thirds majority of the States Parties to the present Protocol in accordance with their respective constitutional processes.

3. When amendments come into force, they shall be binding on those States Parties that have accepted them, other States Parties still being bound by the provisions of the present Protocol and any earlier amendment that they have accepted.

Article 35

Members of the Subcommittee on Prevention and of the national preventive mechanisms shall be accorded such privileges and immunities as are necessary for the independent exercise of their functions. Members of the Subcommittee on Prevention shall be accorded the privileges and immunities specified in section 22 of the Convention on the Privileges and Immunities of the United Nations of 13 February 1946, subject to the provisions of section 23 of that Convention.

Article 36

When visiting a State Party, the members of the Subcommittee on Prevention shall, without prejudice to the provisions and purposes of the present Protocol and such privileges and immunities as they may enjoy:

- (a) Respect the laws and regulations of the visited State;
- (b) Refrain from any action or activity incompatible with the impartial and international nature of their duties.

Article 37

1. The present Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States.